



LEGISLATIVE MONITORING REPORT
February 29, 2016

This document is intended to advise Trust Council about past or proposed external regulatory changes that could directly affect Islands Trust operations, local trust committee/island municipality bylaws or regulations or Strategic Plan projects. The chart is organized according to the following categories:

- Planned legislation
- Legislation in progress
- Legislation in effect
- Court decisions
- New resources
- Discussion/Planning/Trust Fund Board (TFB) related advocacy topics
- Environmental assessment processes in the Trust Area
- Legislative change requests

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

Planned legislation

PLANNED LEGISLATION	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTION - PAST	ISLANDS TRUST ACTION - FUTURE
Invasive Species Act (Provincial)	Planned.	The BC government is considering new legislation to coordinate the response to the introduction of non-native plants, animals and diseases. The existing Weed Control Act and regulations have been under internal study and that a scientific review of invasive plant species for regulation is nearing completion. This legislation could require the Islands Trust and Trust Fund Board to remove invasive species on their properties.	None.	Trust Area Services staff will monitor for any consultation opportunities and will advise Executive Committee.
Agricultural Waste Control Regulation (Provincial)	Comments on 2 nd policy paper accepted until Aug 31, 2015. 1st policy intentions paper released for public comment in 2012.	The Ministry of Environment is reviewing the Regulation in consultation with stakeholders. A proposed new agricultural environmental management policy framework will include: <ul style="list-style-type: none"> • Updated policy; • A revised regulation or code of practice that will be enacted under authority of the Environmental Management Act (EMA); and • Guidance documents (such as guidelines, fact sheets, beneficial management practices) and other non-regulatory approaches. 		Trust Area Services staff will monitor for any consultation opportunities and will advise Executive Committee.

LEGISLATION IN PROGRESS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTION - PAST	ISLANDS TRUST ACTION - FUTURE
Environmental Management Amendment Act, 2016 (Provincial)	First reading Feb 29, 2016	The proposed legislative requirements will establish new requirements for land-based spills preparedness, response and recovery, create new offences and penalties, enable the certification of a Preparedness and Response Organization, and increase transparency, participation and accountability. Regulations are still being designed and will come into effect in 2017. The new regime does not address marine spills but the Province has announced it has commissioned follow-up assessment of marine spill preparedness and response capabilities for B.C.'s coast as a way of supporting improvement to the federal marine oil spill regime.	The Chair sent a letter to the BC Minister of Environment in 2013 and 2014 expressing support for improvements to the provincial spill preparedness and response regime. In April 2012, the Islands Trust Chair presented at	None planned. Staff will contribute mapping to geographic response planning processes as requested.

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

LEGISLATION IN PROGRESS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTION - PAST	ISLANDS TRUST ACTION - FUTURE
			an Islands Trust organized "local government involvement in oil spill response workshop" at the AVICC convention, and submitted a UBCM resolution about the need for industry funding for BC oil spill prevention, preparedness.	

Legislation in Effect

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
Revised Local Government Act, RSBC 2015, c. 1 (Provincial)	Came into force, effective January 1, 2016.	The purpose of the revision is to improve the readability of the Act, by renumbering and eliminating gaps between repealed sections and decimal numbers. See attached table for previous/revised numbers for frequently used references. A FAQ sheet is available at: http://www.cscd.gov.bc.ca/lgd/policy_research/library/Revised_LGA_FAQs.pdf The Province also made consequential amendments to the Islands Trust Act.	Planning staff developed a Table of Frequent References (attached).	None.
<i>Riparian Areas Protection Act</i> (formerly <i>Fish Protection Act</i>) (Amended via Water Sustainability Act)	<i>Water Sustainability Act</i> granted Royal Assent May 29, 2014 Came into force on Feb. 29, 2016.	Amended to transfer most of the non-fish related stream protection measures to the new <i>Water Sustainability Act</i> , to rename the <i>Fish Protection Act</i> as the <i>Riparian Areas Protection Act</i> . Amendments enable the Minister to make any kind of directive (previously limited to policy directives) and provide more powers to the Minister to make regulations. Background: March 2014 Office of the British Columbia Ombudsperson Report- Striking a Balance: The Challenges of using a Professional Reliance Model in Environmental protection – British	The Ministry of Forest, Lands and Natural Resource Operations requested information on all local trust committees' official community plans, land/use bylaws, policies and procedures in relation to the implementation of the Riparian Areas Regulation in all local governments affected by the	OCP and LUB amendments in progress: <ul style="list-style-type: none"> Denman Gambier (all islands identified as LTCs continue

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
(Provincial)		<p>Columbia's Riparian Areas Regulation</p> <p>For more details see the June 2014 Trust Council briefing Riparian Areas Regulation Implementation Update (section 2.4)</p>	<p>Riparian Areas Regulation. The director of Local Planning Services provided that information to the Ministry in October 2014. The Director also provided the status of progress on those local trust area bylaws not in compliance with the Riparian Areas Regulation.</p>	<p>updating bylaws).</p>
<p>Water Sustainability Act</p> <p>(Provincial)</p>	<p>Royal Assent May 29, 2014</p> <p>The current <i>Water Act</i> will remain in force until the <i>Water Sustainability Act</i> is brought into effect in 2016. At that time, the <i>Water Act</i> will be repealed.</p>	<p>The 140-page <i>Water Sustainability Act</i> creates regulatory changes in seven key areas:</p> <ol style="list-style-type: none"> 1. Protect stream health and aquatic environments 2. Consider water in land use decisions 3. Regulate and protect groundwater 4. Regulate water use during times of scarcity 5. Improve security, water use efficiency and conservation 6. Measure and report large-scale water use 7. Provide for a range of governance approaches. <p>Under the new Act, government will manage surface and groundwater as one resource.</p> <p>The <i>Water Sustainability Act</i> enables a number of regulations to be developed. Due to the complexity of the new Act and the number of proposed regulations associated with Act, government is taking a phased approach to implementation. The initial priority is to update regulations related to core activities including authorizing water use, water fees and rentals and regulations needed to authorize and manage groundwater use.</p> <p>The details of the changes, and the extent of new responsibilities for local governments, will be revealed when the supporting regulations are developed (see groundwater regulations section above).</p> <p>An intent of the Act is for decision makers to have a broader suite of tools to help make more informed decisions</p>	<p>Many conversations and meetings between Islands Trust and Ministry of Environment staff 2008-present</p> <p>November 2013, Executive Committee submission</p> <p>October 2013, Chair requested extension to consultation deadline.</p> <p>February 2011, Executive Committee response to the provincial Policy Proposal.</p> <p>April 30, 2010 Islands Trust staff submission.</p> <p>January 2014: Gulf Islands Groundwater Protection A Regulatory Toolkit.</p>	<p>Trust Area Services Staff to continue to monitor for changes relevant to the Trust Area and advise Executive Committee.</p>

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
Groundwater protection regulation (Provincial)	Came into force Feb 29, 2016	<ul style="list-style-type: none"> The Groundwater Protection regulation protects groundwater quality and quantity by setting strict standards for the construction and maintenance of wells, establishing qualifications for well drillers and well pump installers, and requiring that most wells be constructed by qualified well drillers who are registered with the province. The GWPR also distinguishes between well related activities that may be carried out by the well owner or property owner, and those activities that must be performed by qualified well drillers, qualified well pump installers and professionals. 	In September 2015, the Chair wrote to the Minister of Environment to comment on proposed groundwater policies	None.
Local Government Act/Climate Charter (via Local Government (Green Communities) Statutes Amendment Act (Bill 27) (2008-16) (Provincial)	In-effect as of October 1, 2008.	<ul style="list-style-type: none"> Requires municipalities and local trust committees to include GHG emission targets, polices, and actions in their OCPs by May 21st 2010. Requires regional districts to include GHG emission targets, polices, and actions in their RGS by May 31st 2011 Expands local government Development Permit Area and zoning variance authority to promote energy and water conservation, the reductions of GHGs, and encourage alternative transportation options for off-street parking. Expands Regional District's Development Cost Charges authority to exempt small, energy efficient development. <p>LTCs and BIM¹ will be able to assess community progress towards emission reduction targets when the province updates Community Energy Emissions Inventories (2012 reports were expected in Fall 2015)</p>	<p>Islands Trust operations have been carbon neutral: 2012-2015.</p> <p>Eighteen OCPs amended.</p> <p>David Marlor, Director of Local Planning Services, is on the Capital Regional District's (CRD) Climate Change Action Group</p>	<p>OCP yet to be amended:</p> <ul style="list-style-type: none"> Piers Island <p>Ongoing routine efforts to address greenhouse gas reduction through local trust committee bylaws and evaluation of development applications.</p>

Court Decisions

COURT DECISIONS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTION - PAST	ISLANDS TRUST ACTION - FUTURE
Natura Developments Ltd. v Ladysmith (Town), 2015 BCSC 1673	Reasons for Judgment - September 17, 2015	In the case, Natura sought an order that a Section 219 covenant be cancelled under Section 35 of the Property Law Act . Despite four key objections, the Supreme Court of British Columbia concluded that a section 219 covenant was valid and enforceable. The case highlights the importance of Section 219 restrictive covenants and demonstrates the reluctance of courts to use Section 35 of the	TAS staff distributed the reasons for decision to Planning and TFB staff.	

¹ Bowen Island Municipality

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

COURT DECISIONS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTION - PAST	ISLANDS TRUST ACTION - FUTURE
		<i>Property Law Act</i> to render these covenants unenforceable.		

New Resources

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
Draft Manual of Composting Toilet and Greywater Practice for British Columbia (Provincial)	Released Feb 2016. Feedback due by April 19, 2016.	The manual is for industry, government agencies, environmental health officers and the general public who wish to consider cost-effective, ecofriendly alternatives to conventional onsite sewerage systems within the scope of the Sewerage System Regulation. The draft for consultation has undergone a preliminary review by the Ministry of Environment, regional health authorities and the lead group responsible for the BC Building Code. A final manual is expected in summer 2016.	None.	Trust Area Services staff will review the draft manual as part of TPC water research project and recommend EC/staff responses, if appropriate.

Discussion/Planning/Trust Fund Board Related Advocacy Topics

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
BC Government Select Standing Committee on Finance and Government Services	Consultation expected in September.	Annually, the Province releases budget consultation papers in September. The Islands Trust is one of only a few local governments that participate in the consultation process.	October 15, 2015 Chair letter to the Committee October 3, 2014 Chair letter to the Committee October 15, 2013 Chair letter to the Committee	EC will consider whether to provide a response to future consultations.

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
Howe Sound Management and Cumulative Effects	Howe Sound Community Forum Meeting scheduled for April 29 th 2016 on Gambier Island, at which Provincial staff plan to give a Howe Sound Cumulative Effects project status update.	<p>As part of the province's phased implementation of the BC Cumulative Effects Framework, FLNR staff collaborated with local communities and initiated the Howe Sound Cumulative Effects Project in the Spring of 2015. This project will help develop a common understanding of the current and potential future condition of key environmental values in Howe Sound. Information from the project will help to inform future management and land use decisions.</p> <p>Provincial staff are now about to confirm the final scope of the project and develop some initial Current Condition Cumulative Effects (CE) assessments for four Provincial CE value components relevant to the Howe Sound area. In spring 2016, the Province plans to:</p> <ul style="list-style-type: none"> • Share draft Provincial CE Policy Documents externally • Share initial Provincial CE Assessment Products externally (for Watershed Condition, Old Growth, Forest Biodiversity and Grizzly Bear) • Confirm the final list of CE Value Components that the Project will be able to assess by April 2017 (7 of the project's 13 proposed CE value components have been confirmed to date) <ul style="list-style-type: none"> ○ 7 confirmed Value Components: <i>Watershed Condition, Old Growth, Forest Seral Stage, Grizzly Bear, Marbled Murrelet, Elk and Visual Quality</i> ○ 6 unconfirmed proposed Values/Components: <i>Air Quality, Watershed Water Quality, Marine Water Quality, Estuaries, Herring Spawn and Freshwater Runoff</i> 	<p>June 10, 2015 Executive Committee requested that Trust Area Services staff track the province's work in relation to Howe Sound as part of its legislative monitoring program.</p> <p>Staff monitored media re Howe Sound.</p>	<p>Staff will continue to monitor the Province's work regarding Howe Sound.</p> <p>Vice-Chair Susan Morrison, CAO, and Policy Advisor will attend April 29 forum with Gambier and Bowen trustees.</p>
Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP)	Partnership is active.	The CDFCP is a partnership of 40 organizations that have signed on to the CDFCP Statement of Collaboration. These members include Local Governments, Regional Governments, the Province of BC, the University of BC, several Environmental Non-Profit organizations and private landowners. To date Islands Trust signatories include: the Islands Trust, Trust Fund Board, Gambier Island LTC, Gabriola Island LTC and Hornby Island LTC.	<p>March 2013: Trust Council signed on to the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) Statement of Cooperation.</p> <p>June 2014: Trust Council session</p>	The Islands Trust Fund Ecosystem Protection Specialist will continue to be on the CDFCP Steering Committee.

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
		<p>In 2015, the CDFCP issued a Conservation Strategy that will begin to address a multi-variable approach to ecosystem conservation.</p>	<p>June 2015: Trust Council requested that staff work with the CDFCP to develop recommendations for Trust Council's consideration regarding local planning tools that local trust committees could use to protect Coastal Douglas-fir ecosystems.</p> <p>September 2015: The Islands Trust's CDFCP resolution passed at the UBCM convention.</p> <p>September 2015: Council received the CDFCP Conservation Strategy for information</p> <p>November 2015: Chair sent a letter to the CDFCP Steering Committee in support of the Conservation Strategy and indicating Trust Council's willingness to work with the CDFCP to implement the strategy as capacity allows.</p> <p>November 2015: Staff forwarded the CDFCP Conservation Strategy to local trust committees and Bowen Island Municipality as a potential resource.</p> <p>Gambier Island LTC has asked for CDFCP input into its OCP review .</p>	<p>Trust Area Services staff will monitor for the Provincial response to the successful 2015 UBCM resolution</p> <p>Gambier Island Planner will follow up with CDFCP Steering Committee regarding Gambier LTC resolution inviting input into OCP review.</p>

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
			Gabriola Island LTC has added working with the CDFCP to its project list.	
Provincial Species and Ecosystems at Risk and Local Governments Working Group	Active since 2009.	<p>The Species and Ecosystems at Risk Local Government Working Group (SEAR LGWG) was established in the fall of 2009 in response to the Minister of Environment's interest in developing a collaborative, provincial vision for species and ecosystems at risk protection on private land.</p> <p>The SEAR LGWG consists of representatives from municipal, regional and provincial governments and the Union of British Columbia Municipalities (UBCM). A jointly prepared discussion paper Working Together to Protect Species at Risk: Strategies Recommended by Local Government to Improve Conservation on Municipal, Regional and Private Lands in British Columbia was completed in January 2011.</p> <p>The province surveyed local governments' progress on strategies from discussion paper, and is expected to report the results from the survey in 2016.</p>	Marnie Eggen, Planner 2, is a member of Species and Ecosystems at Risk (SEAR) Local Government Working Group (LGWG). Staff provided a response to the local government survey in 2014.	LPS staff will continue to participate in the working group.
Ministry of Forests, Lands and Natural Resource Operations 's engagement on Northern Goshawk and Marbled Murrelet (species at risk) implementation plans	<p>The province hosted engagement sessions in January and February, 2016 and will accept written feedback until March 31, 2016.</p> <p>FLNRO sent letter to CAO on Dec 23, 2015</p>	<p>The Ministry of Forests, Lands and Natural Resource Operations is developing Implementation plans for: Northern Goshawks, laingi sub-species and Marbled Murrelets.</p> <p>A portion of the proposed conservation regions for these species are located in the Islands Trust Area. Implementation plans are developed when existing management and protection does not meet species at risk recovery objectives and where meeting those recovery objectives may have significant socio-economic implications.</p> <p>Draft Implementation Plans will be complete by the end of 2016 and statutory decisions are expected in 2017.</p>	<p>Marnie Eggen and Kate Emmings attended January 2016 engagement session on behalf of the Islands Trust and the Islands Trust Fund, respectively.</p> <p>At its February 2016 meeting, the Trust Fund Board approved a letter of feedback to FLNRO. The letter was copied to the Executive Committee and the Local Planning Committee</p>	
Environmental Canada Consultation on Recovery Strategy for Little Brown	Consultation closed March 4, 2016.	Environment Canada consulted on the recovery strategy for Little Brown Myotis bat, the Northern Myotis bat, and Tri-colored Bat. The three species were emergency listed as Endangered in 2014 because of sudden and dramatic declines in population due to white-nose syndrome (WNS).	None .	

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
Myotis (Northern Myotis and Tri-colored Bat)				
Environment Canada seeking input on draft recovery documents for SARA listed species at risk in B.C.	Received February 4, 2016. No deadline for input.	Environment Canada is providing local governments with an advance opportunity to comment on draft recovery strategies for the Coastal Tailed Frog, Northern Red Legged Frog, Sharp-tailed Snake, Edwards Beach Moth, Western Toad.	None to date	Islands Trust Fund will likely provide input on Sharp-tailed Snake and Western Red-legged frog (time permitting).
Species at Risk Recovery planning <ul style="list-style-type: none"> • Great Blue Heron • Band-tailed Pigeon • Old-growth Specklebelly Lichen 	Consultation period open to April 17, 2016	<p>Environment Canada has invited local government input on a draft recovery strategy for Red Knot, a medium-sized shorebird, and on management plans for the following species at risk in the Islands Trust Area:</p> <ul style="list-style-type: none"> • Great Blue Heron • Band-tailed Pigeon • Old-growth Specklebelly Lichen <p>Environment Canada has provided a series of questions regarding the presence of species and associated landscape features and activities that could benefit or harm species, and has invited general comments about threats.</p> <p>Environment Canada is encouraging local governments to put in place protection mechanisms for Species at Risk.</p> <p>Environment Canada has also offered to do a presentation to Trust Council and a workshop with Islands Trust staff about Species at Risk.</p>	<p>On Feb 22, 2016, TFB approved a letter to Environment Canada re Great Blue Heron and Band-tailed Pigeon. There are no comments from the TFB regarding Specklebelly Lichen and Red Knot. (cc to EC for March 9 and LPC for Feb 23)</p> <p>TFB staff have also offered eelgrass and forage fish mapping to Environment Canada for use in the management planning</p> <p>Staff are considering options for response. The Trust Fund Board received information at its September 2015 meeting and Trust Fund staff will respond with relevant information for TFB-owned properties. Information was also forwarded to BIM staff.</p> <p>Staff have also requested that</p>	Staff will consider options for a response. Local trust committees may wish to implement protection mechanisms for species at risk

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
			Environment Canada provide Species at Risk Critical Habitat mapping for potential planning use.	
Environment Canada consultation on proposed amendments to Schedule 1, the List of Wildlife Species at Risk under federal Species at Risk Act	Consultation period open to May 4, 2016 (October 4, 2016 for Red-necked Phalarope)	<p>The purpose of these consultations is to provide the Minister with a better understanding of the potential social and economic impacts of the proposed change to the List of Wildlife Species at Risk, and of the potential consequences of not adding a species to the List. Species listed as Endangered and Threatened may have critical habitat identified in the future.</p> <ul style="list-style-type: none"> • New listing: Endangered - Black Swift – a bird • New listing: Special Concern- Yellow-banded Bumble Bee – a bee; Cassin's Auklet – a bird; Red-necked Phalarope – a bird • Up-listing: From Threatened to Endangered -Phantom Orchid – a flower 	TFB staff have requested related Critical Habitat data for review	<p>Staff met with Canada Wildlife Service representatives on March 1 during LPS pro development day. Staff will ask about expectations for these consultations.</p> <p>Staff may recommend that EC/TFB provide comment.</p> <p>Ecosystem Protection Specialist and GIS Coordinator to follow up with Canadian Wildlife Service to ensure data delivery and review data upon receipt.</p> <p>Staff will provide briefing to Executive</p>

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
				Committee regarding potential data uses.
BC Climate Leadership Plan	Province to release final plan in March 2016.	<p>In 2015 the Province released a discussion paper on provincial priorities regarding climate action and invited Written submissions until Sept. 14, 2015.</p> <p>On December 9, 2015, the Province released the 32 recommendations from its Climate Leadership Team (CLT). Examples of policies with possible implications for the Trust Area:</p> <p>Recommendation 16: Update current forest and agriculture policy, regulation and protected areas strategies to account for climate change impacts.</p> <p>Recommendation 21: Undertake a collaborative review and update of the Climate Action Charter to align provincial and community goals.</p>	<p>On August 26, 2015, EC decided to wait and consider commenting on the more detailed draft plan expected to be released in December.</p> <p>On February 10, 2016, EC requested that staff distribute to trustees for individual responses. Staff distributed the information on February 26, 2016.</p>	None.
Minister's Bylaw Standards Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve	Discussion paper and Draft Minister's Bylaw Standards released Sept 14, 2015	<p>The Province consulted local governments on a draft minister's bylaw standard regarding agri-tourism in the Agricultural Land Reserve (ALR). The bylaw standard is intended to assist local government bylaw development regulating agri-tourism, accommodation and farm retail sales in the ALR.</p> <p>When the process is complete, the Ministry of Agriculture will review the feedback and submit a final draft for the minister's approval</p>	Director of LPS submitted written comments on behalf of the Islands Trust Chair on Dec 22, 2015.	
Proposed Gabriola Fixed Link	<p>In Sept. 2014, the BC gov't announced a Gabriola bridge feasibility study.</p> <p>On Jan. 25, 2016 BC gov't</p>	The Government of BC studied the costs and benefits of a fixed link to Gabriola Island and concluded that it would not proceed with a fixed link to the Island.	<p>On February 19, 2015 the Islands Trust Chair and Gabriola Island trustees, and staff met with MOTI staff.</p> <p>On January 25, 2015 MOTI provided the Islands Trust Chair and Gabriola Island trustees,</p>	

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
	announced it would not proceed with a fixed link.		and staff a confidential draft of the report a few hours prior to public release.	
Proposed Sunshine Coast Fixed Link	BC Gov't awarded contract on Feb 3, 2016 for feasibility study. Report due to BC Gov't in fall 2016.	The Government of B.C. is studying the costs and benefits of a possible highway link between the Sunshine Coast and Metro Vancouver. The link could include direct bridge connections across Howe Sound islands. The costs and benefits of each route will be assessed, and compared with ferry services. There will be consultation with local governments and community leaders on the Sunshine Coast and in the Sea to Sky to further gauge community interest in a highway link.		Staff will monitor for consultation opportunities.
BC Throne Speech and BC Budget	February 9, 2016 February 16, 2016	Key Throne Speech highlights of interest to the Islands Trust: <ul style="list-style-type: none"> • The BC Government will continue its work to increase provincial revenues in agrifoods and seafoods to \$15 billion a year by 2020. • The BC Government will increase financial support for the Agricultural Land Commission. • The BC Government will also work to give British Columbians a better opportunity to enter the housing market, and will encourage more housing supply. • The BC Government will continue to support five conditions for heavy oil pipelines (e.g. regulatory approvals, world-leading spill response, First Nations are participants,) BC Budget details of interest to Islands Trust include: Housing <ul style="list-style-type: none"> • \$355 million over five years to support the construction of 2000 affordable housing units. • Budget 2016 notes "Government is exploring ways to make the components of the cost of new housing more transparent to homebuyers, such as local government costs 		

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

DISCUSSION/ PLANNING/TFB RELATED ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
		<p>and fees. The Province urges municipal leaders, and regional directors, who are responsible for planning, zoning and development regulation, to use the broader tools at their disposal to support the Province's efforts and further the creation of affordable housing."</p> <p>Economic Sustainability</p> <ul style="list-style-type: none"> • \$75 million over three years to the Rural Dividend Fund to help communities with populations under 25,000 to diversity their economies. The eligibility criteria and other program details will be finalized by March 2016. The application process will be fully operational starting 2016-17. • Additional investments in the Rural Connectivity Initiative. • An additional \$3 million for the Agricultural Land Commission. <p>First Nations</p> <ul style="list-style-type: none"> • \$19 million over three years to improve the Province's resource permitting and support work with First Nations to improve consultation 		
Proposed liquor policy changes	The deadline for feedback was February 19, 2016.	The Province requested feedback from local governments on three liquor policy issues: changes to the manufacturer's endorsements; the parallel process for liquor primary and similar applications; and, policy related to liquor primary clubs.	Director of Local Planning Services asked Regional Planning Managers for ideas for input. The Trust did not provide a submission.	

Environmental Assessments in/near the Islands Trust Area

ENVIRONMENTAL ASSESSMENT	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
Kinder Morgan's Trans Mountain Pipeline Expansion	On 16 December, 2013, Trans	The project will increase the number of oil tankers from 60/year to about 408/year. On April 2, 2014, the National Energy Board announced that the Islands Trust Council was accepted as one	On August 18, 2015, the Islands Trust Chair submitted a 13 page letter of comment with	Staff will monitor for further consultation

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

ENVIRONMENTAL ASSESSMENT	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
Project application to National Energy Board	<p>Mountain filed its project application to the National Energy Board.</p> <p>The NEB will make its final recommendation to Governor in Council by 20 May 2016.</p>	<p>of 1250 commenters.</p> <p>Oral summary arguments and final arguments concluded in February 2016.</p> <p>In January 2016 , the Minister of Environment and Climate Change announced plans to appoint a representative to engage communities, including Indigenous communities, potentially affected by the project, to seek their views and report back to the minister of natural resources.</p>	<p>pictures.</p>	<p>opportunities.</p>
BURNCO Aggregate Project environmental assessment process update	<p>Proponent submitted draft application Draft Application Information Requirements on September 9, 2013.</p> <p>Public comment period closed October 19, 2013.</p> <p>Proponent updated the design of the proposed Project in August, 2014.</p> <p>In December 2014, the EAO issued a joint response to public comments and approved Final Application</p>	<p>BURNCO Rock Products Ltd is proposing to construct and operate a sand and gravel mine within the Lower McNab Valley, approximately 22 kilometres (km) southwest of Squamish and 35 km northwest of Vancouver. The projected lifespan of the proposed Project is 16 years. The average estimated rate of sand and gravel production is 1,000,000 tonnes per year, with one barge (two transits) every other day.</p> <p>The Proponent is expected to submit their application in 2016. The BC EAO may hold open houses about the project in West Vancouver and Gibsons in March or April 2016.</p>	<p>Aleksandra Brzozowski, Island Planner, was a member of environmental assessment office working group until April 2015 and rejoined the working group on January 2016</p> <p>Trustee Stamford joined the working group on January 2016.</p> <p>October 2013 Chair letter to Environmental Assessment Office.</p>	<p>Staff will continue to monitor.</p>

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

ENVIRONMENTAL ASSESSMENT	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
	Information Requirements.			
Woodfibre LNG BC environmental assessment process update (substituted for federal process)	<p>On October 26, 2015: Province issued Environmental Assessment Certificate</p> <p>On behalf of the federal government, the BC EAO is accepting public comments on the analysis of upstream GHG emissions associated with the proposed Woodfibre LNG project until March 1, 2016.</p> <p>A federal decision is expected in 2016.</p>	<p>Woodfibre LNG Limited proposes to develop and operate a liquefied natural gas production facility and floating LNG storage at the former Woodfibre Pulp and Paper Mill site near Squamish, B.C.</p> <p>The Woodfibre LNG Project comprises construction and operation of a gas processing and liquefaction facility with export infrastructure and LNG production capacity of approximately 2.1 million metric tonnes per year, and storage capacity of 250,000 m3. The project would result in about 40 (80 transits) LNG tankers travelling to/from Howe Sound annually. The environmental assessment process is only looking at shipping impacts in Howe Sound.</p>	<p>Until August 2015, Clare Frater, Policy Advisor, was a member of environmental assessment office working group, looking only at the marine shipping aspects.</p> <p>December 2014: Policy Advisor reviewed the draft application as part of working group screening process</p> <p>February 2015: Policy Advisor provided comments on the marine shipping components of the application.</p> <p>March and April 2015: Policy Advisor attended two working group meeting in Vancouver regarding marine shipping components.</p> <p>July 2015: Policy Advisor provided comments on the draft referral materials re marine shipping components.</p> <p>Feb 2016: Chair wrote to federal Minister of Environment and Climate Change to raise concern with evaluation of marine shipping during environmental assessments and suggestions for improving public participation</p>	

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

ENVIRONMENTAL ASSESSMENT	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
			<p>Feb 2016: BIM advised CEAA of concerns regarding the anticipated upstream greenhouse gas (GHG) emissions associated with the proposed Woodfibre LNG project,</p>	
<p>Roberts Bank Terminal 2 Canadian Environmental assessment</p>	<p>Public comment period on the Environmental Impact Statement (EIS) closed June 15, 2015.</p> <p>Public comment period on the Marine Shipping Addendum to the Environmental Impact Statement closed December 16, 2015.</p> <p>February 25, 2016, CEAA required that Port Metro Vancouver amend the Marine Shipping Addendum in many ways.</p>	<p>Port Metro Vancouver (PMV), proposes to build a new container terminal at Roberts Bank, Delta, B.C. consisting of a new three-berth marine container terminal located at Roberts Bank, Delta, B.C. The terminal could result in 520 additional vessel transits in the Salish Sea.</p> <p>In April 2015, CEAA issued the Roberts Bank Terminal 2 Project Review Panel Final Terms of Reference which stated that the environmental assessment must also take into account the environmental effects of marine shipping associated with the project which is beyond the care and control of the proponent (PMV) and within the 12 nautical mile limit of Canada's territorial sea. However, for the purposes of the Minister's decision on whether the project is likely to cause significant adverse environmental effects, the environmental effects of marine shipping are not considered environmental effects and will not be subject to conditions to the proponent in any decision statement issued by the Minister under CEAA 2012. CEAA has received correspondence from number First Nations, local governments, non-profits agencies and individuals criticizing this approach.</p>	<p>Chair letter December 6, 2013</p> <p>November 2015: Staff advised allies of the public comment period on the Marine Shipping Addendum to the Environmental Impact Statement</p>	<p>None planned.</p>

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

ENVIRONMENTAL ASSESSMENT	STATUS	SUMMARY	ISLANDS TRUST ACTIONS - PAST	ISLANDS TRUST ACTIONS - FUTURE
	<p>PMV is to ensure that it includes all reasonably foreseeable projects and activities that should be considered in the cumulative effects assessment for the marine shipping associated with the Project.</p>			
<p>Westpac Tilbury Marine Jetty Project BC environmental assessment process update (substituted for federal process)</p>	<p>In July 2015, the environmental assessment commenced. The Minister of the Environment approved the substitution of the federal environmental assessment process by that of the Government of British Columbia for this project</p>	<p>WesPac Midstream – Vancouver LLC (WesPac) proposes the construction and operation of a new marine terminal facility located on Tilbury Island, along the South Arm of the Fraser River in Delta, British Columbia. As proposed, the WesPac Tilbury Marine Jetty Project includes the loading of liquefied natural gas (LNG) onto LNG carriers and barges for export to local and global markets. The facility is expected to result in 244 annual LNG tanker transits for a minimum of 30 years.</p> <p>The substitution agreement limits assessment of the environmental effects of marine shipping activities associated with the Project along the designated shipping route within the South Arm of the Fraser River, from the Project's marine terminal to the mouth of the Fraser River.</p>	<p>None</p>	<p>None planned.</p>

ISLANDS TRUST REQUESTS TO THE PROVINCE OF BC FOR CHANGES TO ISLANDS TRUST LEGISLATION / REGULATION (DURING PAST 10 YEARS)

ISLANDS TRUST COUNCIL REQUEST	WHEN	METHOD	RESPONSE
-------------------------------	------	--------	----------

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

ISLANDS TRUST COUNCIL REQUEST	WHEN	METHOD	RESPONSE
1. Amendments to the <i>Islands Trust Act</i> that would cause four local trustees to be elected to sit on the Salt Spring Island Local Trust Committee and Trust Council.	July 20, 2007	Letter to Hon. Ida Chong, Minister of Community Services	May 2008 Minister Chong suggested Islands Trust hold a referendum in the Salt Spring Island LTA. If the referendum was successful, Minister Chong was willing to approve four local trustees for the SSILTC, but not to increase Salt Spring Island representation on Trust Council. Turned down by Salt Spring Island LTA referendum November 15, 2008.
2. Changes to the <i>Islands Trust Act</i> that would enable the Islands Trust Council to determine the size of its Executive Committee.	July 20, 2007	Letter to Hon. Ida Chong, Minister of Community Services	Not advanced by the Ministry. Never formally turned down.
	June 2008	Trust Council later requested a simpler amendment - that S. 20(3) of the Islands Trust Act be amended to increase the number of vice chairs from three to four.	
	June 2011	Raised during a meeting between the Executive Committee and the Hon. Ida Chong, Minister of Community Services	
3. The necessary changes to provincial / legislation and regulations to permit Islands Trust bodies to hold meetings through electronic or other communication facilities.	July 20, 2007	Letter to Hon. Ida Chong, Minister of Community Services	Achieved in 2009 through provincial creation of a new Islands Trust Regulation.
4. Changes to provincial/legislation and regulations be made, if necessary, to confirm that Islands Trust bodies may perform their duties and functions while outside of the Islands Trust Area.	July 20, 2007	Letter to Hon. Ida Chong, Minister of Community Services	This topic originally arose in response to a court case, where a bylaw was quashed because the public hearing was held outside the jurisdiction. Further evaluation determined that the relevant legislation had been amended and did not apply to local trust committees.
5. Natural Area Protection Tax Exemption Program (NAPTEP) – extension to Bowen Island Municipality	October 27, 2009	Meeting with Hon. Bill Bennett, Minister of Community and Rural Development	Achieved June 2010 through minor amendment to legislation.

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

ISLANDS TRUST COUNCIL REQUEST	WHEN	METHOD	RESPONSE
6. Bylaw dispute adjudication system	October 27, 2009	Meeting with Hon. Bill Bennett, Minister of Community and Rural Development	Achieved in 2011
7. Trust Fund Board corporate status and name change	June 2011	Name change raised during a meeting with the Hon. Ida Chong, Minister of Community Services	Advised by Minister to explore other solutions first to determine if can resolve challenges in other ways. Trust Fund Board has asked Trust Council Chair to seek this change in writing. Several requests have been made
	June 2011	Staff met with Ministry staff	
	November 20, 2012	Letter to Hon. Bill Bennett, Minister of Community, Sport and Cultural Development	Response received Feb 2013. Minister Bennett stated that changing the corporate structure of the Trust Fund Board has broad implications that require careful consideration. He further noted that government often requires a compelling reason, such as a legislative barrier to operations, prior to considering such a legislative request. He suggested that Islands Trust staff contact the Assistant Deputy Minister to arrange for further evaluation of the proposal.
	Sept 2013 and Feb 2014	Letters to Hon. Coralee Oakes, Minister of Community, Sport and Cultural Development	Several contacts with Ministry staff have been made, most recently in May 2015. The Assistant Deputy Minister repeated earlier advice that that the ministry does not currently have the capacity to undertake this complex a legislative change, given other provincial priorities.
	May 12, 2015	Executive Committee and senior staff met with new Assistant Deputy Minister Jay Schlosar, who has since left government	
	September 2015	Letter to Hon. Peter Fassbender, Minister of Community, Sport and Cultural Development	At Executive Committee's Nov 2015 meeting with Minister Fassbender, he acknowledged the need for the name change and indicated that when there were other changes to the <i>Islands Trust Act</i> this will be included.
	November 2015	Executive Committee and CAO met with Hon. Peter Fassbender, Minister of Community, Sport and Cultural Development	
8. Support in principle amending the Islands Trust Act to add "First Nations" to the list of those with whom we work "in co-operation."	September 2015	Trust Council requested the Executive Committee to consider asking the Minister of Community, Sport and Cultural Development to make this amendment, at an appropriate time, with respect to available resources and the potential for the amendment to be achieved.	At Executive Committee's Nov 2015 meeting with Minister Fassbender, Ministry staff acknowledged the good work Local Planning Services was doing engaging First Nations.

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.

**Local Government Act Amendments
Frequently Used References**

<u>Previous Reference</u>	<u>Description</u>	<u>Current Reference</u>
Part 26	Planning and Land Use Management	Part 14
877	OCP Required Content	473
879	OCP consultation	475
892	Notice of Public Hearings requirements	466
894	Procedure after a Hearing	470
895	Development Procedures	460
898	Advisory Planning Commissions	461
899-902	Board of Variance	536-544
903	Zoning Bylaws (authority)	479-481
904	Amenity zoning and affordable housing	482
905	Housing Agreements	483
906	Parking requirements	525
908	Sign Regulation	526
909	Screening and Landscaping	527
910	Floodplain requirements	524
911(1-5)	Non-conforming uses	528
911 (9-10)	Non-conforming structures	529
911(6)	No increase in non-conformity	530
911(5) (11)	No structural alterations or additions	531
911(8) (11)	Restrictions on reconstruction (75% rule)	532
914	No compensation in relation to bylaws or permits	458
919.1	Designation of DPA	488
920	Development Permits	489-491
920.01, 920.1	Development Approval Information	484-487
920.2-921	Temporary Use Permits	493-496
922	Development Variance Permits	498-499
925	Requirement for security	502
926	Lapse of permits	504
927	Notice of permit on title	503
929	Withholding of permits	463
938	Subdivision servicing requirements	506
941	Provision of Parkland	510
944	Parcel frontage on a highway	512
946	Subdivision for a relative	514

Caveat: This chart is provided for convenience only and is not to be construed as a legal document or as legal advice.