



## LEGISLATIVE MONITORING REPORT

### May 2020

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 captures changes made in the last four months and is organized according to the following categories:

- **PLANNED LEGISLATION** – the intention to draft and pass new legislation is being developed and may be in a consultation or draft stage. No bill has been introduced to legislature/parliament yet.
- **LEGISLATION IN PROCESS** – a bill has been introduced to legislature/parliament and is awaiting Royal Assent, or Royal Assent has been issued but the new law or regulation has not come into force yet.
- **NEW LEGISLATION IN EFFECT** – legislation has received Royal Assent and any specified timeline for it to come in effect has occurred.
- **COURT DECISIONS** – a ruling from any level of court that affects the Islands Trust.
- **NEW RESOURCES** – publically available reports or websites that provide information relevant to Islands Trust work.
- **DISCUSSION, PLANNING, CONSERVANCY, and ADVOCACY TOPICS** – information related to topics of interest to Islands Trust.

PLANNED LEGISLATION	STATUS	BACKGROUND / KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<p><a href="#">Proposed Aquaculture Act and Regulations (Federal)</a></p>	<p>Public engagement ran Mar 1 – Dec 21, 2019.</p> <p>“What We Heard” report is expected in early 2020. (may be postponed due to COVID-19)</p> <p>Drafting of new bill expected in mid-to-late 2020</p> <p>Royal Assent expected in 2022.</p>	<p>The proposed <i>Aquaculture Act</i> is expected to:</p> <ul style="list-style-type: none"> <li>• define the term aquaculture in legislation</li> <li>• recognize the need for clarity and stability for responsible economic growth of the aquaculture sector</li> <li>• ensure environmental protections enshrined in the <i>Fisheries Act</i> are included and specific to aquaculture</li> <li>• develop enforcement mechanisms specific to aquaculture</li> <li>• respect provincial and territorial jurisdictions</li> <li>• respect roles and responsibilities articulated in treaties and other rights reconciliation arrangements</li> </ul> <p>Highlights from proposed <i>Aquaculture Act</i> outline:</p> <ul style="list-style-type: none"> <li>• Zoning section would provide the authority to designate areas for the culturing of aquatic organisms, such as finfish, shellfish, and other aquatic plants</li> <li>• Regulations section would provide the authority to incorporate standards into regulations</li> <li>• Leases, licenses and fees section would specify authorities, conditions and fees for issuing and cancelling leases and licences</li> <li>• Environmental management section would provide the authorities and prohibitions related to fish habitat protection and the deposit of deleterious substances, as well as the authorities to require plans from industry to better assess impact of proposals</li> <li>• Sections outlining aquaculture-specific offences, punishment and enforcement powers</li> </ul>	<p>Jan 2018 Chair <a href="#">letter</a> to Minister of DFO requesting ecosystem-based study of potential impacts of the Integrated Geoduck Management Framework 2017 on the health of the Salish Sea.</p> <p>2018 UBCM <a href="#">resolution</a> calling for DFO to conduct an ecosystem-based study of potential and cumulative impacts of increased geoduck clam aquaculture and consider increased monitoring and enforcement.</p> <p>Dec 2019 Chair letters to Ministers of <a href="#">DFO</a> and <a href="#">FLNRORD</a> requesting more resources for enforcement of shellfish regulations and tenure licenses.</p> <p>Trust Programs Committee co-sponsored a virtual Baynes Sound/Lambert Channel Ecosystems Forum in May 2020, together with the World Wildlife Fund.</p>	<p>The Province has responsibility for issuing tenures for aquaculture. Local governments have zoning authority. This generally does not include regulating anything covered through aquaculture licenses from DFO.</p> <p>Once the amendments are complete, a review should be undertaken to determine any necessary zoning amendments.</p>

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<p><a href="#"><u>Proposed changes to hunting regulations that affect the Gulf Islands.</u></a></p>	<p>Decision statement pending.</p> <p>Public consultation closed on January 19, 2020.</p>	<p><a href="#"><u>Closure of Salt Spring Island General Open Season for Ravens:</u></a> this proposed regulatory change would remove the opportunity to hunt raven on Salt Spring Island (private lands). Farmers could still apply for a nuisance permit in cases where there is a need to hunt raven for the protection of property/livestock.</p> <p><a href="#"><u>Change Mule Deer (antlerless and any buck) Seasons on Denman and Hornby Island:</u></a> this proposed regulatory change would add approximately one more month to the mule deer hunting season for both islands (from Oct 5 – Dec 10 to Sept 10 – Dec 10). The intention would be to increase hunting opportunities, reduce the need for early season deer kill permits, and reduce regulatory complexity. There are reportedly no conservation concerns for deer on these islands. Rather, a reduction in overabundant deer populations may help ecosystems to recover.</p> <p><a href="#"><u>Implement Mule Deer Bow Only Season on all islands in the Trust Area (excepting Bowen Island Municipality and Gambier Island Local Trust Area):</u></a> this proposed regulatory change would establish a bow only season for mule deer hunting from Aug 25 – Sept 9. As there was previously no bow only season in these areas, this change lengthens the hunting season on these islands.</p>	<p>N/A</p>	<p>Staff will continue to monitor the passage of the legislation and any impacts to Islands Trust.</p>

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<p><a href="#">Proposed amendment to Schedule 1 (List of Wildlife Species at Risk) under the Federal Species at Risk Act (SARA)</a></p>	<p>Public engagement OPEN.</p> <p>Environment and Climate Change Canada began consultations on terrestrial species in January 2020.</p> <p>It is expected that DFO will be starting its own consultations on aquatic species in the coming months.</p>	<p>In October 2019, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) submitted 56 assessments of species at risk to the federal Minister of the Environment.</p> <p>In January 2019, the Government of Canada posted its Ministerial Response Statements to the COSEWIC report and launched public consultations on the potential amendment of Schedule 1, the List of Wildlife Species at Risk under SARA. The complete set of statements and the consultation path (normal or extended) for each species are available <a href="#">here</a>.</p> <p>Environment and Climate Change Canada is currently seeking comments on the proposed amendment of Schedule 1 resulting from assessments of 17 terrestrial species. Fisheries and Oceans Canada will eventually conduct consultations for 17 aquatic species eligible for addition to the list.</p> <p>Of particular interest is the listing of several Chinook populations as endangered or threatened. Many of these Chinook species occupy the waters of the Islands Trust Area and are the favored food of the Southern Resident Killer Whale. At the same time, Chinook diets feed heavily on sandlance and surf smelt, two forage fish that spawn on Islands Trust beaches and whose habitat ITC has been working to map.</p>	<p>Oct 2019 Chair <a href="#">letter</a> to DFO Minister re call for moratorium on herring fishery (lists Chinook as critical to marine food web and SRKW).</p> <p>Nov 2016 Chair <a href="#">letter</a> to federal Ministry of Environment and Climate Change Canada providing comment on federal government policies on implementation of SARA.</p> <p>2016 Chair <a href="#">letter</a> to BC Ministry of Environment re provincial SAR measures.</p>	<p>ITC staff will provide input on the potential amendments listed in Schedule 1, particularly on listings of Chinook species.</p> <p><b>ITC and TAS staff recommend an advocacy letter from the Chair highlighting the importance of Chinook to marine food webs and SRKW in the Trust Area.</b></p>

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<p><a href="#">Provincial Species and Ecosystems at Risk Legislation</a></p>	<p>On hold.</p> <p><u>Anticipated 2020 SAR legislation is off the table,</u> confirmed by Ministry of Environment with no details as to why or when/if it will be reintroduced.</p>	<p>The Ministry of Environment and Climate Change had begun the process of developing legislation for protecting and recovering species at risk in BC and had begun an active consultation process until work was put on hold in 2019. BC staff working in this area are waiting for further direction. ITC staff are monitoring.</p> <p>A Species and Ecosystems at Risk (SEAR) Local Government Working Group (LGWG), established in Fall 2009, consisted of representatives from municipal, regional and provincial governments, and the Union of British Columbia Municipalities (UBCM). A jointly prepared discussion paper was completed in January 2011.</p> <p>In 2016, the Working Group struck a SEAR Charter Advisory Committee to help develop a SEAR Charter between the province and local governments to provide greater clarity on roles and responsibilities of both parties. The Charter was expected to compliment the anticipated provincial SAR legislation.</p> <p>Consultation with local governments on a draft Charter began in May 2018. If the process resumes, it is expected that local governments will be asked to sign on to the Charter.</p>	<p>Islands Trust Staff participate in the provincial Species and Ecosystems at Risk (SEAR) Local Government Working Group (LGWG).</p> <p>2016 Chair <a href="#">letter</a> to BC Ministry of Environment regarding provincial SAR measures.</p> <p>Staff attended 2020 Spring/Summer SEAR LGWG webinars on several topics of interest.</p>	<p>Staff will continue to monitor developments.</p>

PLANNED LEGISLATION	STATUS	BACKGROUND / KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<p><a href="#">Proposed new residential flexibility for Agricultural Land Reserve (ALR) landowners</a></p>	<p>The Ministry of Agriculture outlined its proposal in a <a href="#">policy intentions paper</a> released Jan 27, 2020.</p> <p>The technical review committee has completed consultations and is now preparing potential recommendations to government.</p> <p>Grandfathering period for manufactured homes in the ALR for immediate family members extended to Dec. 31, 2020.</p>	<p>In order to support farmers and non-farmers living in the Agricultural Land Reserve (ALR), the Ministry of Agriculture is considering a change to regulations that will enable landowners in the ALR to have both a principal residence and a small secondary residence on their property, provided they have approval from their local government. In other words, there would be no required application to the ALC. Further, the province would not impose restrictions to require this secondary residence be a manufactured home, or be for an immediate family member, or be part of a farming plan. The primary use of ALR land is, and will continue to be, for agriculture.</p> <p>In April 2020, <a href="#">Policy Directive L-26</a> was adopted. This policy outlines general guidelines for the ALC’s consideration of non-adhering residential use applications which request residential uses in excess of those residential uses permitted by the <i>Agricultural Land Commission Act</i> or its regulations. This includes applications for temporary farm worker housing, and other housing for farm labour, as well as applications to construct or alter a principal residence which will exceed 500m2 in total floor area. The Ministry of Agriculture is currently undertaking engagement on the proposed residential flexibility options outlined in its <a href="#">Residential Flexibility Policy Intentions Paper</a>. As such, there may be future regulatory changes to the permitted residential uses in the ALR.</p> <p>Individuals or associations who would like more information on this process, or who want to provide feedback for policy consideration, should contact: <a href="mailto:ALR_ALCRevitalization@gov.bc.ca">ALR_ALCRevitalization@gov.bc.ca</a></p>	<p>Currently, a second dwelling on ALR property is not permitted without Agricultural Land Commission (ALC) approval.</p>	<p>If adopted, this proposal would allow LTCs to zone for second dwellings, within the limits of the proposed legislative change, without needing to seek ALC approval.</p> <p>Trustees may wish to note that requirement for manufactured home registration has been extended to Dec. 31, 2020.</p>

LEGISLATION IN PROCESS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<p><a href="#">Bill 15 - Agricultural Land Commission Amendment Act, 2019</a></p>	<p>Royal Assent given on May 30, 2019.</p> <p><a href="#">On Mar 12, 2020, Order in Council 131/2020</a> brought into force and effect certain parts of Bill 15.</p> <p>Further topics will have force and effect in September 2020.</p>	<p>Bill 15 restores some legal protections for the BC Agricultural Land Reserve (ALR). It proposes to remove regional panels, giving a province-wide Agricultural Land Commission (ALC) the power to determine what happens on ALR lands for the first time since the early 2000s.</p> <p>As of March 12, 2020, the BC Government adopted a new <a href="#">Agricultural Land Reserve General Regulation</a> (ALR General Regulation Reg. 57/2020) and renamed the existing Agricultural Land Reserve General Regulation B.C. Reg 171/2002 the <a href="#">Agricultural Land Reserve Transitional Regulation</a> (ALR Transitional Regulation). Both of these regulations set out application procedures that have partial force and effect.</p> <p>The remaining portions of the new ALR General Regulation will be brought into force on September 30, 2020, and the ALR Transitional Regulation will be repealed. Order in Council 131/2020 sets out which sections of the new ALR General Regulation and the renamed ALR Transitional Regulation are currently in force and effect. Read OIC 131/2020 <a href="#">here</a>.</p> <p>The <a href="#">Agricultural Land Reserve Use Regulation</a> B.C. Reg 30/2019 remains unchanged by the March 12, 2020 changes and identifies permitted uses in the ALR.</p>	<p>Historically, a landowner had to make two separate applications to remove land from the ALR: one to the ALC, and one to the local government.</p> <p><u>Fees</u> Until March 12, 2020, Islands Trust charged \$1,500 for an exclusion request. The ALC kept \$1,200 and Islands Trust kept \$300. The ALC sets the fee structure, not Islands Trust.</p> <p>Islands Trust had one exclusion request in the last three years, on Salt Spring Island, which was not supported by the Local Trust Committee.</p>	<p>Staff will continue to monitor developments on Bill 15 regulations.</p> <p>As of March 12, 2020, Islands Trust will now be required to pay the \$1,200 fee for an exclusion request.</p>

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<a href="#">Bill 28 - Zero-Emission Vehicles Act</a>	<p>Royal Assent given on May 30, 2019.</p> <p>Pending development of regulations to come into force.</p>	<p>Bill 28 sets into law the zero-emission vehicle mandate that was announced in Fall 2018 as part of the Clean BC economic agenda. It further outlines a credit/debit system, similar to what exists in California, in that it will allow new vehicle car dealers to meet the provincial compliance targets. In particular, the bill legislates that:</p> <p>“(a) in 2025 and in each subsequent year, at least 10% of all new light-duty motor vehicles sold or leased in British Columbia must be zero-emission vehicles;</p> <p>(b) in 2030 and in each subsequent year, at least 30% of all new light-duty motor vehicles sold or leased in British Columbia must be zero-emission vehicles;</p> <p>(c) in 2040 and in each subsequent year, 100% of all new light-duty motor vehicles sold or leased in British Columbia must be zero-emission vehicles.”</p>	<p>N/A</p>	<p>LTCs and BIM could establish parking standards for uses, including requiring number and design of parking stalls for EVs.</p> <p>Update bylaws to specify number of parking stalls for EV’s.</p> <p>Trust Council could advocate to BC Ferries to designate electric car parking and charging facilities at terminals.</p>



LEGISLATION IN PROCESS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<a href="#">Bill 14 - Heritage Conservation Amendment Act, 2019</a>	<p>Royal assent given May 30, 2019.</p> <p>Pending development of regulations to come into force.</p>	<p>Amendments to the <i>Heritage Conservation Act</i>, mean greater protection for areas with heritage and archeological values in the province. Under the proposed changes:</p> <ul style="list-style-type: none"> <li>• people will be legally required to report discoveries of specified sites or objects with potential heritage value;</li> <li>• a person may be required to obtain and pay for a heritage inspection or investigation prior to obtaining a permit to alter a heritage site in some circumstances. For example, if a person wants to alter a site to develop land, but there is little or no information about the site, they may be required to complete archeological studies to gather required information;</li> <li>• the ministry will have enhanced powers to refuse, amend, suspend and cancel permits; and</li> <li>• compliance and enforcement tools will be improved.</li> </ul> <p>The amendments also bring BC’s heritage legislation into alignment with other jurisdictions. While changes to reporting requirements will come into effect through regulation, expected within the next year, the remainder of the changes came into effect when the bill received royal assent. Local governments and Islands Trust have separate powers for heritage protection under s.15 of the <i>Local Government Act</i>. S.15 is not impacted by the new legislation.</p>	<p>Does not affect local planning. Planning staff already advise landowners of the process if there is a potential archeological site in the area.</p> <p>In Feb 2020, the Galiano LTC and staff sponsored a screening and discussion of “DUST ‘N BONES”, a documentary examining the preservation and re-dedication of First Nations artifacts, burial sites, and remains. Filmmakers Leslie Bland and Harold Joe and members of Penelakut Tribe were present. Screenings planned on other islands were postponed due to COVID.</p>	<p>Future screenings of “DUST ‘N BONES” on other islands in the Trust Area will be scheduled, as possible, post COVID-19.</p>
<a href="#">Memorandum of Understanding between Canada, British Columbia and Wet’suwet’en 2020</a>	<p>MOU signed on May 14, 2020. Some directives took immediate effect. Others will come into effect over the coming year.</p>	<p>Wet’suwet’en Hereditary Chiefs and Wet’suwet’en community <a href="#">signed a Memorandum of Understanding</a> with Crown-Indigenous Relations and Northern Affairs Canada and Ministry of Indigenous Relations and Reconciliation BC on May 14, 2020. The <a href="#">MOU</a> will outline how to work together to negotiate agreements regarding outstanding rights and title concerns within the traditional territory. The MOU and negotiated agreements will align with Section 35 of the <i>Constitution Act</i> and the <i>Declaration on the Rights of Indigenous Peoples Act</i>.</p>	<p>In March 2019, Islands Trust Council unanimously passed the <a href="#">First Nations Reconciliation Declaration</a> and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan. Substantial <a href="#">advocacy</a> since 2011.</p>	<p>Staff will continue to monitor impacts on First Nations relations.</p>

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
<a href="#"><u>Bill 41 – Declaration on the Rights of Indigenous Peoples Act, 2019</u></a>	Royal Assent given Nov 26, 2019.	The legislation states that “the government must take all measures necessary to ensure the laws of British Columbia are consistent with” United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). To achieve this, it sets in place a requirement that the Province prepare and implement an action plan, in consultation and collaboration with Indigenous Peoples. To ensure progress and accountability, it also requires the Province to file an annual report outlining progress that has been made towards achieving the goals of the action plan.	In Mar 2019, Islands Trust Council passed a <a href="#"><u>First Nations Reconciliation Declaration</u></a> and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan and the <a href="#"><u>Reconciliation Action Plan</u></a> . In July 2019, the Islands Trust Conservancy Board passed a <a href="#"><u>First Nations Reconciliation Declaration</u></a> .	Staff will continue to monitor the legislation and any impacts to Islands Trust.
<a href="#"><u>Bill 38 – Climate Change Accountability Amendment Act, 2019</u></a>	Royal Assent given Nov 28, 2019	Amendments introduced intend to strengthen the Act by mandating annual reporting requirements on reduction of carbon emissions by the BC Government and public sector organizations (Crown corporations, school districts, health authorities, etc). Progress will be assessed by an independent body of experts (to be established by the Province). The government released its <a href="#"><u>2019 Climate Change Accountability Report for CleanBC</u></a> in Feb 2020, which details a range of actions over the past year to reduce emissions and build a cleaner economy.	Islands Trust is committed to the actions agreed to under the <a href="#"><u>BC Climate Action Charter</u></a> . The Islands Trust <a href="#"><u>reports</u></a> annually on its carbon emissions via the Climate Action Revenue Incentives Report and its Greenhouse Gas Emissions report.	Staff will continue to monitor.

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<a href="#"><u>Interim Order for the Protection of the Killer Whale (Orcinus orca) in the Waters of Southern British Columbia, 2020</u></a>	Measures in effect as of June 1, 2020.	<p>On May 7, 2020, the federal Ministers of Transport, Fisheries Oceans and the Canadian Coast Guard, and Environment and Climate Change, announced protective measures to support the survival and recovery of the endangered Southern Resident Killer Whale (SRKW) for this year and beyond. This year’s measures are part of the Government of Canada’s 5-year, <a href="#"><u>\$167.4 million Whales Initiative</u></a> through the Oceans Protection Plan.</p> <p>Measures now in effect include:</p> <ul style="list-style-type: none"> <li>• Minimum 400m approach distance (year-round) in all southern BC coastal waters between Campbell River and just north of Ucluelet (exemptions for certain authorized whale watching/ecotourism companies to view from 200m)</li> <li>• Interim Sanctuary Zones (Jun 1 – Nov 30) off Pender Island, Saturna Island and at Swiftsure Bank. No vessel traffic and no fishing allowed in these areas, with some exceptions.</li> <li>• Area-based fishing closures in effect in the Juan de Fuca Strait and Southern Gulf Islands for recreational and commercial salmon fisheries through the summer and fall. No fishing within 1,000m of all killer whales.</li> <li>• Best practices to Be Whale Wise</li> <li>• <a href="#"><u>ECHO Program</u></a> large commercial vessel voluntary slowdowns (Jun 1 – Oct 31, based on whale presence)</li> <li>• Strait of Juan de Fuca voluntary inshore lateral displacement (Jun 1 – Oct 31)</li> </ul> <p>For more information:</p> <ul style="list-style-type: none"> <li>• <a href="#"><u>2020 Management Measures to protect Southern Resident Killer Whales (measures and maps)</u></a></li> <li>• <a href="#"><u>Interim Order FAQs</u></a></li> <li>• <a href="#"><u>Be Whale Wise</u></a></li> </ul>	<p>Saturna Island Trustees Middleton and Brent sit on the federal government’s SRKW Indigenous and Multi-Stakeholder Working Group, who were involved in drafting these new measures.</p> <p>Saturna, South Pender, North Pender and Galiano Island LTCs have passed resolutions in support of the interim sanctuary zones and vessel speed reduction initiatives and are considering further advocacy options.</p>	<p><b>Trust Council may wish to consider further advocacy from the Chair in response to the announcement of the 2020 measures.</b></p> <p>Trustees and Staff are exploring the possibility of a presentation by federal government officials to Trust Council on the topic of the SRKW recovery plan.</p>

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
<a href="#">Province Supports Local Governments to Hold Public Hearings Electronically</a>	In effect.	<p>Under the Emergency Program Act, the Province has repealed and replaced Ministerial Order M083 with M139 to expand the authorities given to local governments under M083. The new order will help local governments, improvement districts and the Islands Trust continue to make important decisions for their communities during the COVID-19 pandemic, including allowing local governments to hold public hearings electronically.</p> <p>The new order gives Islands Trust the authority to hold meetings electronically without in-person public participation, allows for bylaws to be read and adopted in a single day and allows the use of electronic options for its public hearings.</p> <p>The order is effective for as long as the Provincial state of emergency is in effect, or until otherwise repealed.</p>	Islands Trust bodies have been holding electronic meetings under the Act	<p>LTC and Trust Bodies may meet electronically without a public gathering location. LTCs may conduct public hearings electronically.</p> <p>Staff are planning for when the Emergency Program Act is repealed. On May 27, 2020 the Premier stated there is no likely end in sight for the state of emergency.</p>
<a href="#">Cannabis Policy Direction</a>	New licensing came into effect in March 2020.	<p>A new <a href="#">Policy Directive</a> from the BC Liquor and Cannabis Regulation Branch came into effect on March 20, 2020, allowing non-medical cannabis retail store licensees to offer reservations of non-medical cannabis products available in their store to customers via their website or by telephone. This is a permanent change, but will help in social distancing during the pandemic.</p> <p>In May 2020, UBCM announced it is seeking to appoint up to seven local government staff members to its Cannabis Policy Technical Working Group. The purpose of the Working Group is to provide a forum for local governments to raise issues and concerns related to non-medical cannabis, and engage with the provincial government regarding relevant policy issues.</p>	N/A	No action.

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<a href="#">BC Building Code Amendments - Changes to Design and Construction Requirements for Secondary Suites</a>	In effect. Applies to building permit applications on or after December 12, 2019.	Previous BC Building Code limited secondary suites to a floor area of not more than 90 square metres and a floor space of less than 40% of the habitable building space; suites also had to be located within a building of residential occupancy containing only one other dwelling unit and located in and part of a building which was considered a single real estate entity. The changes (effective Dec 12, 2019) redefine a secondary suite as a “self-contained dwelling unit located within a building or portion of a building”; the new codes remove the floor area limitations, allow for common spaces and require complete fire separation between units.	LTCs and BIM may have regulations regarding size of secondary suites. The proposed Act change will lift building code limitations, providing more freedom to LTCs/BIM to establish different sizes for secondary suites.	LTCs/BIM may wish to review their secondary suite regulations and amend as required.

COURT DECISIONS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<a href="#">Supreme Court to Consider Compensation Issue when First Nations Reserve Lands are Taken</a>	The schedule for the appeal has not been set, and timing may be delayed due to COVID-19.	In April 2020, the Supreme Court of Canada granted Lac Seul First Nation’s application for leave to appeal the Federal Court of Appeal’s decision in <a href="#">Southwind v. Canada</a> .  The Supreme Court is expected to clarify how equitable compensation is calculated in cases where a First Nation’s reserve lands have been taken or damaged by the Crown in the absence of a valid surrender or expropriation. The decision could directly affect First Nations across Canada dealing with claims related to the unlawful taking of their reserve lands.	In March 2019, Islands Trust Council unanimously passed the <a href="#">First Nations Reconciliation Declaration</a> and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan.  Substantial <a href="#">advocacy</a> since 2011.	Staff will continue to monitor impacts on First Nations relations.

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
<a href="#">Funding for Housing Needs Report Program</a>	<p>Due to COVID-19, the May 2020 intake has been postponed until further notice.</p> <p>Based on available funding, the next intake will likely be the final intake of this funding program.</p>	<p>Since April 2019, local governments have been required to develop housing needs reports on a regular basis. <a href="#">The Housing Needs Reports program</a> supports local governments in undertaking housing needs reports in order to meet provincial requirements. The reports will strengthen the ability of local governments to understand what kinds of housing are most needed in their communities, and help inform local plans, policies, and development decisions. The Ministry of Municipal Affairs &amp; Housing has provided \$5 million for this program.</p> <p>The program is structured to reflect the planning areas for which local governments are required to complete housing needs reports: municipalities, electoral areas, and local trust areas (within the Islands Trust). Funding is scaled based on the net population of each planning area. Up to \$15,000 is available for local trust areas.</p>	<p>Housing reports were completed for all LTCs. All but Salt Spring met the transition requirements of the legislation. Ballenas-Winchelsea is exempt by regulation.</p>	<p>The Salt Spring housing needs report is being undertaken as part of a larger project to undertake multiple assessments led by CRD.</p> <p>All other Housing reports are up to date, but will need renewing within 5 years of their creation.</p>
<a href="#">Funding to Improve Rural Internet Connectivity</a>	<p>Applications are now being accepted by Northern Development Initiative Trust.</p> <p>Internet service providers must complete their projects by June 30, 2020.</p>	<p>The \$50-million Connecting British Columbia program now includes a funding stream to help internet service providers with immediate network equipment upgrades to rapidly improve capacity and internet speeds in underserved communities throughout the province.</p> <p>Internet service providers throughout the province can apply for grants of up to \$50,000 for 90% of their expenses to cover the cost of equipment, including antennas, electronics or other types of devices that relate to the performance or range of their network.</p> <p><a href="#">Applications</a> are now being accepted by Northern Development Initiative Trust.</p>	<p>N/A</p>	<p>N/A</p>

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
<a href="#">Climate Ready BC - Climate Preparedness and Adaptation Strategy</a>	<p>Public engagement Nov 7, 2019 – Jan 10, 2020.</p> <p><a href="#">“What We Heard” report</a> released in May 2020.</p> <p>Phase 2 of engagement is ongoing.</p> <p>The BC Climate Preparedness and Adaptation Strategy is expected to be finalized in late 2020.</p>	<p>The Province is in the process of developing a Climate Preparedness and Adaptation Strategy to prepare for and respond to the impacts of climate change. In response to record wildfires, extreme weather, increased drought and more frequent flooding, BC is looking to develop policies and programs to support climate resilient communities.</p> <p>Due to COVID-19, the Province has adjusted its Phase 2 engagement plans and will now be seeking direct input from Indigenous governments, communities and organizations, local governments and key partner groups to help build the climate preparedness and adaptation strategy.</p> <p>The <a href="#">“What We Heard” report</a> from Phase 1 of Public Engagement was posted online in May 2020.</p>	<p>Islands Trust declared a climate emergency in March 2019 and identified climate change as a key pillar in its 2018-2022 Strategic Plan.</p> <p>Nov 2019 Chair <a href="#">letter</a> re request for greater support for solar energy in rural and remote communities.</p>	<p>Islands Trust adopted a climate action focussed budget for 2020/21 and will work to apply a climate lens to the Policy Statement Amendment Project, OCPs, and LUBs.</p>
<a href="#">Salt Spring Climate Action Plan 2.0</a>	<p>Public engagement OPEN.</p>	<p>A small group of volunteers has been working alongside CRD and Islands Trust elected officials and Transition Salt Spring to create the updated Salt Spring Climate Action Plan. The group is now starting a public engagement process. For more details and to participate in the engagement process, please visit: <a href="https://saltspringclimate.ethelo.net/page/climate-emergency-planning">https://saltspringclimate.ethelo.net/page/climate-emergency-planning</a></p>	<p>N/A</p>	<p>N/A</p>

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<a href="#">Oceans Protection Plan Winter 2020 Dialogue Forum Report</a>	The <a href="#">Report and copies of presentations</a> from the Forum were released in May 2020.	The Winter 2020 Oceans Protection Plan (OPP) Dialogue Forum was held on January 30, 2020. The Forums began in 2017 as an opportunity for invited Indigenous people and organizations, and stakeholders such as coastal communities, non-governmental organizations and industry, to get engaged in OPP and other marine initiatives. At this Forum, all four pillars of OPP were represented – improving marine safety systems, preserving and restoring marine ecosystems, partnering with Indigenous peoples, and building stronger evidence based systems.  <a href="#">More info on the OPP here.</a>	Staff and Trustees attended the Winter 2020 Dialogue Forum and delivered Trust Council’s advocacy messaging on anchorages in the Southern Gulf Islands. Latest <a href="#">advocacy letter</a> from Chair.	Staff will continue to monitor and consider opportunities for further advocacy on anchorages, SRKW, oil spill response, and other OPP topics relevant to the Trust Area.
<a href="#">Compensation for Ship-source Oil Spills</a>	Public consultations OPEN.  Public consultations began in March 2020 and will run until September 30, 2020.	Transport Canada recently made changes to the <i>Marine Liability Act</i> to make sure all eligible claims from any spill can be fully compensated. In this public consultation, TC is interested in learning about losses or damages that don’t have an easily identified economic impact – e.g. long-term impacts on the environment, resources or local culture.  To participate in the consultation, please visit: <a href="https://letstalktransportation.ca/cssos">https://letstalktransportation.ca/cssos</a> to answer a series of discussion questions. Deadline: September 30, 2020  Questions may be addressed to: <a href="mailto:MarineLiability-ResponsabiliteMaritime@tc.gc.ca">MarineLiability-ResponsabiliteMaritime@tc.gc.ca</a> .	Apr 2019 Chair <a href="#">submission</a> to Roberts Bank Terminal 2 Project Review Panel.  Oct. 2018 Chair <a href="#">submission</a> to Transport Canada re: Transport Canada’s Strengthening Marine Environmental Protection and Response Potential Legislative Amendments Discussion Paper.	Staff will continue to monitor.  Trustee Rogers sits on a Coast Guard led Oil Spill Response Plan Working Group for the Vancouver Harbour area. Work is currently on hold due to COVID-19.



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<a href="#">Roberts Bank Terminal 2 – Report of the Review Panel</a>	<p>The Report of the Review Panel was released on March 30, 2020.</p>	<p>The Review Panel established to conduct an environmental assessment of the proposed Roberts Bank Terminal 2 Project has submitted their report to the Minister of Environment and Climate Change Canada. The <a href="#">report</a> is a culmination of several years of extensive assessment, including public and indigenous consultation. The Panel concluded that the Project would result in numerous adverse residual and cumulative effects for ecosystems, First Nations and local populations. See the <a href="#">Summary of Findings</a>.</p> <p>The time limit for issuance of the Decision Statement has been extended by ninety days due to COVID-19.</p>	<p>Apr 2019 Chair <a href="#">submission</a> to Roberts Bank Terminal 2 Project Review Panel.</p> <p>Oct. 2018 Chair <a href="#">submission</a> to Transport Canada</p>	<p>Staff will continue to monitor.</p> <p><b>Trust Council may wish to consider further advocacy in response to the Review Panel’s Report.</b></p>
<a href="#">BC Coastal Ferry Vision Engagement</a>	<p>Public engagement open Feb 2 – Mar 20.</p> <p>Due to COVID-19, in-person public engagement meetings in coastal communities were cancelled.</p>	<p>The government intends to develop a broad provincial vision to ensure the right ferry services are in place in the future. The visioning process may include exploring additional ways of connecting coastal communities, such as: supplementing current services with passenger-only ferries; expanding transportation choices; and innovations to reduce greenhouse gas emissions.</p> <p>Between October and November 2019, the Province engaged with more than 130 stakeholders in seven communities throughout coastal BC. A <a href="#">Pre-Engagement Regional Forums Summary of Feedback report</a> was posted online in February 2020.</p>	<p>The Minister of Transportation and Infrastructure hosted five community meetings in early November 2019 to gather feedback on ferry services, which some Trustees attended.</p> <p>Jan 2020 Chair <a href="#">letter</a> re BC Ferries planning – active transportation and electrification.</p>	<p>Staff will continue to monitor.</p>

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<a href="#">BC Expert Panel on the Future of Housing Supply &amp; Affordability</a>	Public engagement OPEN from Jan 22 – June 26, 2020.	<p>The Expert Panel on the Future of Housing Supply and Affordability has been tasked with making recommendations to the Governments of B.C. and Canada. In light of the of the COVID-19 pandemic, the deadline for input was extended to June 26, 2020. Feedback may be provided via <a href="#">online form or as a written submission</a>. UBCM is preparing a submission based on policy set out in UBCM's <a href="#">housing strategy</a>.</p> <p>Local governments are also advised that FCM has partnered with Generation Squeeze to develop a toolkit to help local governments across Canada regulate short-term rentals. As part of this work, local governments are invited to participate in a short <a href="#">survey</a> on the regulation of short-term rentals and to identify resources to include in the toolkit. The survey will be available until June 5.</p> <p>BC Housing is offering a 2-hour <a href="#">webinar</a> on June 23, 2020 entitled <i>Building Knowledge and Capacity for Affordable Housing in B.C. Communities</i>. The webinar will offer perspectives on the unique issues and needs of small communities drawn from research and interviews with local governments, developers, builders and non-profit organizations.</p>	N/A	<p>Staff will continue to monitor.</p> <p>TPC will be reviewing the Islands Trust Policy Statement through the lens of affordable housing as part of this term's Policy Statement Amendment Project.</p>
<a href="#">Joint UBCM-Provincial Short Term Rental (STR) Committee</a>	Committee will run November 2019 to April 2020	A new provincial – UBCM advisory group will provide the province with policy options to strengthen the regulation of short-term rentals. The committee will outline key considerations and ideas for the Province and local governments for potential STR related policy options to support STR strategies.	Multiple LTCs and Bowen Island Municipality regulate short-term rentals.	Chair Luckham and Vice-Chair Rogers represent Islands Trust Council.

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<a href="#">Federal Court of Appeals Ruling on Trans Mountain Pipeline Expansion Project</a>	<p>On Feb 4, 2020, the Federal Court of Appeal rejected claims from several First Nations in BC that the Government of Canada failed to adequately consult First Nations on TMX expansion.</p>	<p>In a 3-0 decision, the Federal Court of Appeals rejected four challenges from First Nations in British Columbia who claimed that federal officials failed to adequately consult them on the proposed Trans Mountain Pipeline Expansion, removing the final major barrier hanging over the long-delayed project. The decision also sought to establish a firm line against Indigenous claims that they should have a veto over major natural resource projects deemed to be in the public interest. The judges ruled that “reconciliation does not dictate any particular substantive outcome” on a given resource project. They wrote that requiring a “perfect” level of consultation would in turn create a kind of de facto veto on major projects, and said First Nations “cannot tactically use the consultation process as a means to try to veto it.”</p>	<p>At its June 18, 2019 meeting on Galiano Island, the Islands Trust Council <a href="#">expressed</a> its disappointment on learning that the Federal Government planned to continue with the Trans Mountain Pipeline expansion project.</p> <p><a href="#">Reconciliation Declaration (2019)</a> and substantial <a href="#">advocacy</a> since 2011.</p>	<p>Staff will continue to monitor impacts on First Nations relations.</p>
<a href="#">BC Old Growth Strategic Review</a>	<p>Public engagement Oct 23, 2019 – Jan 31, 2020.</p> <p>The “What we Heard” report is expected to be released to the public by Fall 2020.</p>	<p>In July 2019, the Government of British Columbia announced that an independent, two-person panel had been appointed as part of an Old Growth Strategic Review, to undertake public engagement on old growth and provide a report to the Minister of Forests, Lands, Natural Resource Operations and Rural Development.</p> <p>Garry Merkel (professional forester, natural resource expert and member of the Tahltan Nation) and Al Gorley (professional forester and former chair of the Forest Practices Board) was asked to report back to government by April 30, 2020, with recommendations expected to inform a new approach to old-growth management in British Columbia.</p>	<p>N/A</p>	<p>N/A</p>