



LEGISLATIVE MONITORING REPORT

August 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>Proposed Aquaculture Act and Regulations (Federal)</p>	<p>Fisheries and Oceans Canada led two initial rounds of engagement in 2017-18 and in 2019. An online consultation also took place from June - December 2019 along with in-person engagement in some regions. See "What We Heard Report".</p> <p>The next phase of public engagement is now OPEN until January 15, 2021.</p>	<p>The proposed <i>Aquaculture Act</i> is expected to:</p> <ul style="list-style-type: none"> • define the term aquaculture in legislation • recognize the need for clarity and stability for responsible economic growth of the aquaculture sector • ensure environmental protections enshrined in the <i>Fisheries Act</i> are included and specific to aquaculture • develop enforcement mechanisms specific to aquaculture • respect provincial and territorial jurisdictions • respect roles and responsibilities articulated in treaties and other rights reconciliation arrangements <p>On Aug 17, 2020, the Minister of Fisheries, Oceans, and the Canadian Coast Guard launched the next phase of the Government’s public engagement on the first-ever Aquaculture Act. A discussion paper providing background on aquaculture in Canada, rationale for the proposed legislation and an overview of the elements proposed for the new Act, is now available online with key questions to guide feedback to the Government on this important initiative. The public is invited to visit https://dfo-mpo.gc.ca/aquaculture/act-loi/consultations-eng.html, and will have until January 15, 2021 to participate in this round of consultation.</p>	<p>Jan 2018 Chair letter 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 resolution 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 DFO and FLNRORD 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> <p>Applications should include foreshore and underwater archaeological reviews to protect historical clam beds, fish weirs, and cultural heritage. Section 35 rights for access should be considered.</p>

PLANNED LEGISLATION	STATUS	BACKGROUND / KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<p>Proposed amendment to Schedule 1 (List of Wildlife Species at Risk) under the Federal Species at Risk Act (SARA)</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 here.</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 letter 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 letter to federal Ministry of Environment and Climate Change Canada providing comment on federal government policies on implementation of SARA.</p> <p>2016 Chair letter 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>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.</p> <p>Applications that impact species at risk or culturally significant species should have First Nations input.</p>

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<p>Provincial Species and Ecosystems at Risk Legislation</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 letter 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> <p>Care should be taken to ensure all processes are informed by UNDRIP.</p>

PLANNED LEGISLATION	STATUS	BACKGROUND / KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<p>Proposed new residential flexibility for Agricultural Land Reserve (ALR) landowners</p>	<p>The Ministry of Agriculture outlined its proposal in a policy intentions paper 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, Policy Directive L-26 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 Residential Flexibility Policy Intentions Paper. 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: ALR_ALCRevitalization@gov.bc.ca</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> <p>Applications and policy should ensure to lessen impacts or reduce all impacts to registered archaeological sites, and potential sites.</p>

LEGISLATION IN PROCESS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<p>Bill 15 - Agricultural Land Commission Amendment Act, 2019</p>	<p>Royal Assent given on May 30, 2019.</p> <p>On Mar 12, 2020, Order in Council 131/2020 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 Agricultural Land Reserve General Regulation (ALR General Regulation Reg. 57/2020) and renamed the existing Agricultural Land Reserve General Regulation B.C. Reg 171/2002 the Agricultural Land Reserve Transitional Regulation (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 here.</p> <p>The Agricultural Land Reserve Use Regulation B.C. Reg 30/2019 remains unchanged by the March 12, 2020 changes and identifies permitted uses in the ALR.</p> <p>In June, 2020, the ALR released information on more updates to ALC Act regulations. In August, 2020, ALC staff released a Frequently-Asked-Questions (FAQ) document, and an Exclusion Application Guide.</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 a result of Bill 15, on September 30, 2020, private landowners will no longer be able to make exclusion applications to the Agricultural Land Commission (ALC).</p> <p>Trust Council should develop a policy for LTCs on how exclusion applications will be handled. The LTCs will be responsible for the application cost of \$750.</p> <p>Operations should not impact culturally sensitive ecology (eg. cedar, streams) or culturally significant species (eg. salmon).</p>

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Bill 28 - Zero-Emission Vehicles Act	<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>

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<p>Bill 14 - Heritage Conservation Amendment Act, 2019</p>	<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 changes:</p> <ul style="list-style-type: none"> • people will be legally required to report discoveries of specified sites or objects with potential heritage value; • 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; • the ministry will have enhanced powers to refuse, amend, suspend and cancel permits; and • compliance and enforcement tools will be improved. <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> <p>Coordination and inter-agency cooperation on by-law enforcement and notification.</p>

LEGISLATION IN PROCESS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
<p><u>Memorandum of Understanding between Canada, British Columbia and Wet'suwet'en 2020</u></p>	<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 <u>signed a Memorandum of Understanding</u> with Crown-Indigenous Relations and Northern Affairs Canada and Ministry of Indigenous Relations and Reconciliation BC on May 14, 2020. The <u>MOU</u> 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>On August 13, 2020, Wet'suwet'en Hereditary Chiefs, Scott Fraser, B.C.'s Minister of Indigenous Relations and Reconciliation, and Carolyn Bennett, federal Minister of Crown-Indigenous Relations, issued <u>a joint statement</u> on the Wet'suwet'en memorandum of understanding (MOU), stating their aim to reach a negotiators' understanding by mid-October 2020 on an affirmation agreement for Wet'suwet'en rights and title that would also set the stage for further implementation negotiations. In addition, they launched a jointly developed external community engagement process to help ensure success in implementing Wet'suwet'en rights and title.</p>	<p>In March 2019, Islands Trust Council unanimously passed the <u>First Nations Reconciliation Declaration</u> and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan. Substantial <u>advocacy</u> 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
<u>Bill 41 – Declaration on the Rights of Indigenous Peoples Act, 2019</u>	Royal Assent given Nov 26, 2019.	<p>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.</p> <p>On June 30, 2020, the Province released the first <u>Annual Report (2019/20)</u> on the implementation of the Declaration on the Rights of Indigenous Peoples Act (DRIPA).</p>	<p>In Mar 2019, Islands Trust Council passed a <u>First Nations Reconciliation Declaration</u> and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan and the <u>Reconciliation Action Plan</u>. In July 2019, the Islands Trust Conservancy Board passed a <u>First Nations Reconciliation Declaration</u>.</p>	<p>Trust Programs Committee (TPC) has established a working group of staff and trustees who are looking at Reconciliation and the implementation of UNDRIP as it relates to the Islands Trust Policy Statement Amendment Project.</p>
<u>Bill 38 – Climate Change Accountability Amendment Act, 2019</u>	Royal Assent given Nov 28, 2019	<p>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 <u>2019 Climate Change Accountability Report for CleanBC</u> in Feb 2020, which details a range of actions over the past year to reduce emissions and build a cleaner economy.</p> <p>In August 2020, the Province released <u>British Columbia’s greenhouse gas emissions numbers for 2018</u> as part of its annual provincial inventory. The Climate Action Secretariat prepares and publishes the Provincial Inventory annually, with up to a two-year delay to allow time to assemble the information. The 1990-2018 Provincial Inventory was published in August 2020.</p>	<p>Islands Trust is committed to the actions agreed to under the <u>BC Climate Action Charter</u>. The Islands Trust <u>reports</u> annually on its carbon emissions via the Climate Action Revenue Incentives Report and its Greenhouse Gas Emissions report.</p>	<p>Staff will continue to monitor.</p>

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Bill 19 - COVID-19 Related Measures Act, 2020	Royal Assent given July 8, 2020	This Act addresses some shortcomings in emergency declarations through retroactive legislation. It also establishes the end date for emergency orders either at the time the emergency is declared over or, for some orders (including the ability for local governments to hold electronic meetings), 90 days after the emergency ends or the emergency order is repealed.	N/A	Limit scheduling of electronic meetings under the emergency order to 90 days ahead.
Province Supports Local Governments to Hold Public Hearings Electronically	In effect.	<p>Under the <i>Emergency Program Act</i>, 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 will continue to monitor the Emergency Program Act in anticipation of its eventual repeal.</p>

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
<u>Interim Order for the Protection of the Killer Whale (Orcinus orca) in the Waters of Southern British Columbia, 2020</u>	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, <u>\$167.4 million Whales Initiative</u> through the Oceans Protection Plan.</p> <p>Measures now in effect include:</p> <ul style="list-style-type: none"> • 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) • 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. • 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. • Best practices to Be Whale Wise • <u>ECHO Program</u> large commercial vessel voluntary slowdowns (Jun 1 – Oct 31, based on whale presence) • Strait of Juan de Fuca voluntary inshore lateral displacement (Jun 1 – Oct 31) <p>For more information:</p> <ul style="list-style-type: none"> • <u>2020 Management Measures to protect Southern Resident Killer Whales (measures and maps)</u> • <u>Interim Order FAQs</u> • <u>Be Whale Wise</u> 	<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>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
Memorandum of Understanding between Coastal First Nations & BC Govt: Pathway to Reconciliation: Long-Term Economic, Social, Governance and Environmental Sustainability	MOU signed July 29, 2020	<p>On July 29, 2020, the B.C. government and Coastal First Nations, an alliance of eight First Nations on the north and central coast and Haida Gwaii, signed a memorandum of understanding (MOU) to continue and expand their work to protect the environment and boost the regional economy. The MOU builds on a Reconciliation Protocol, signed in 2009, to protect the Great Bear Rainforest and develop a sustainable economy. The new agreement outlines a long-term vision for B.C.'s mid- and northern coastal areas, guided by a shared belief in reconciliation, fiscal self-reliance and a collective responsibility to manage the natural environment in the face of climate change. This MOU provides a framework for continuing to protect the environment and increased economic development opportunities for Coastal First Nations communities.</p>	<p>In Mar 2019, Islands Trust Council passed a First Nations Reconciliation Declaration and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan and the Reconciliation Action Plan. In July 2019, the Islands Trust Conservancy Board passed a First Nations Reconciliation Declaration.</p>	Staff will continue to monitor.
Memorandum of Understanding between Pacheedaht First Nation and Canadian Coast Guard: Port Renfrew Multipurpose Marine Facility	MOU signed June 29, 2020	<p>On June 29, 2020, the Canadian Coast Guard and the Pacheedaht First Nation, as part of the Co-Developing Community Response initiative of the Trans-Mountain Expansion Project, announced the signing of a Memorandum of Understanding for the construction of a multipurpose marine facility in Port Renfrew, British Columbia. The MOU outlines a path forward for the Coast Guard and the Pacheedaht Nation to build a marine facility with the primary mission to provide marine search and rescue and environmental response services, as well as strengthen marine safety and response capacity in the Juan de Fuca Strait.</p>	<p>Islands Trust Council has expressed its disappointment that the Federal Government planned to continue with the Trans Mountain Pipeline expansion project.</p> <p>Oct. 2018 Chair submission re: Transport Canada's Strengthening Marine Environmental Protection and Response Potential Legislative Amendments Discussion Paper.</p>	N/A

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Hunting Regulations that affect BC Gulf Islands	<p>Public consultation closed on January 19, 2020.</p> <p>Regulations now in effect from July 1, 2020 until July 30, 2022.</p>	<p>Closure of Salt Spring Island General Open Season for Ravens: removes the opportunity to hunt raven on Salt Spring Island (private lands). Farmers could still apply for a nuisance permit.</p> <p>Change to Mule Deer Seasons on Denman and Hornby Island: adds approximately one more month to the mule deer hunting season for both islands (from Oct 5 – Dec 10 to Sept 10 – Dec 10).</p> <p>Mule Deer Bow Only Season on all islands in the Trust Area (excepting Bowen Island Municipality and Gambier Island Local Trust Area): establishes a bow only season for mule deer hunting from Aug 25 – Sept 9.</p> <p>All decisions have now been finalized and are reflected in the Hunting and Trapping Regulations Synopsis (2020-2022).</p>	N/A	<p>All regulations should comply with Section 35 rights for food and subsistence harvesting for First Nations, and be cognizant of culturally significant species protection (eg. ravens)</p>
Cannabis Policy Direction	<p>New licensing came into effect in March 2020.</p>	<p>A new Policy Directive 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	N/A

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BC Building Code Amendments - Changes to Design and Construction Requirements for Secondary Suites	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. Applications should reduce or eliminate impacts to registered archaeological sites or potential sites.

COURT DECISIONS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
Supreme Court to Consider Compensation Issue when First Nations Reserve Lands are Taken	The schedule for the appeal has not been set, and timing may be delayed due to COVID-19.	<p>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 Southwind v. Canada.</p> <p>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.</p>	<p>In March 2019, Islands Trust Council unanimously passed the First Nations Reconciliation Declaration and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan.</p> <p>Substantial advocacy since 2011.</p>	<p>Staff will continue to monitor impacts on First Nations relations.</p> <p>Land areas within the Islands Trust may be considered.</p>
BC Supreme Court decision regarding immunity from local bylaws under Interpretation Act	The decision was made in November 2019.	<p>In November 2019, a BC Supreme Court decision (Buechler v. Island Crisis Care Society, 2019) determined that if a third party is acting on behalf of the Province, then that third party is immune from local bylaws under s.14(2) of the Interpretation Act. This is the section that gives the Province immunity from local bylaws.</p> <p>See article from Young Anderson that discusses this case (starting at the bottom of Page 14 of the linked document): https://www.younganderson.ca/assets/seminar_papers/2019/CaseLaw-Update-and-Other-Legal-News.pdf</p>		

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
Funding for Clean Infrastructure Projects	Applications to the CleanBC Communities Fund (CCF) are now being accepted. Application deadline is November 12, 2020.	<p>On August 12, 2020, the Canadian and British Columbian governments committed up to \$47 million towards a second intake of the Green Infrastructure - CleanBC Communities Fund (CCF) to support cost-sharing of infrastructure projects in communities across the Province. This intake is designed to target projects starting in 2021 or 2022.</p> <p>The CleanBC Communities Fund is a collaboration between the Ministry of Municipal Affairs and Housing and the Ministry of Environment and Climate Change Strategy.</p>		
Funding for Abandoned Boats Program under Oceans Protection Plan	Applications now being accepted. All projects must be completed by March 31, 2022.	<p>On July 28, 2020, the federal Minister of Transport, launched the fifth call for proposals for assessment and removal projects to be funded through the Abandoned Boats Program under the Oceans Protection Plan. Up to \$1.6 million is available this year to help assess, remove or dispose of abandoned and wrecked small boats that pose a hazard in Canadian waters.</p>	<p>Trustee attendance at the Howe Sound Vessels of Concern / Marine Debris workshop led by Howe Sound BRI on Feb 28, 2020</p> <p>Feb 2020 - Chair letter to DFO expressing support for Dead Boats Disposal Society application for ghost gear funding.</p>	<p>Staff will continue to monitor.</p>

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
<p>Funding for Housing Needs Report Program</p>	<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. The Housing Needs Reports program 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 & 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 and Bowen Island Municipality.</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>Bowen Island's housing needs report was completed in March 2020.</p>	<p>The Salt Spring Island 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 five years of their creation.</p>
<p>Funding to Improve Rural Internet Connectivity</p>	<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>Applications are now being accepted by Northern Development Initiative Trust.</p>	<p>N/A</p>	<p>Applications should provide an archaeological assessment to determine impacts to culturally sensitive areas, registered archaeological sites, or potential sites.</p>

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
Climate Ready BC - Climate Preparedness and Adaptation Strategy	<p>Public engagement Nov 7, 2019 – Jan 10, 2020.</p> <p>“What We Heard” report 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 “What We Heard” report 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>Jan 2020 Chair letter to Minister Heyman providing input to Phase 1 of engagement.</p> <p>On June 18, staff attended a virtual workshop for local governments of small, rural and remote communities as part of Phase 2 of the Province’s engagement on this strategy.</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>
Salt Spring Climate Action Plan 2.0	<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: https://saltspringclimate.ethelo.net/page/climate-emergency-planning</p>	<p>In July 2020, Islands Trust Staff and Trustees provided comments to Transition Salt Spring on the draft Salt Spring Climate Action Plan 2.0</p>	<p>Staff will continue to monitor.</p>

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
Compensation for Ship-source Oil Spills	<p>Public consultations OPEN.</p> <p>Public consultations began in March 2020 and will run until September 30, 2020.</p>	<p>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.</p> <p>To participate in the consultation, please visit: https://letstalktransportation.ca/cssos to answer a series of discussion questions. Deadline: September 30, 2020</p> <p>Questions may be addressed to: MarineLiability-ResponsabiliteMaritime@tc.gc.ca.</p>	<p>Apr 2019 Chair submission to Roberts Bank Terminal 2 Project Review Panel.</p> <p>Oct. 2018 Chair submission to Transport Canada re: Transport Canada's Strengthening Marine Environmental Protection and Response Potential Legislative Amendments Discussion Paper.</p>	<p>Staff will continue to monitor.</p> <p>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.</p>

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
<p>Roberts Bank Terminal 2 – Report of the Review Panel</p>	<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 report 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 Summary of Findings.</p> <p>On August 24, 2020, the Minister of Environment and Climate Change requested that the Vancouver Fraser Port Authority provide additional information in order to inform his decisions under the Canadian Environmental Assessment Act, 2012 for the Roberts Bank Terminal 2 Project. The federal timeline within which a decision must be made is paused as of August 24, 2020, and will resume once the information provided satisfies this information request. As result, the federal timeline for decision-making will be extended by virtue of this information request.</p>	<p>Apr 2019 Chair submission to Roberts Bank Terminal 2 Project Review Panel.</p> <p>Oct. 2018 Chair submission to Transport Canada</p>	<p>Staff will continue to monitor.</p> <p>Trust Council may wish to consider further advocacy in response to the Review Panel’s Report.</p>

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
Federal Court of Appeals Ruling on Trans Mountain Pipeline Expansion Project	<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 expressed its disappointment on learning that the Federal Government planned to continue with the Trans Mountain Pipeline expansion project.</p> <p>Reconciliation Declaration (2019) and substantial advocacy since 2011.</p>	<p>Staff will continue to monitor impacts on First Nations relations.</p>
BC Old Growth Strategic Review	<p>Public engagement Oct 23, 2019 – Jan 31, 2020.</p> <p>The “What we Heard” report is expected to be released to the public in 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>		

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
The Role of Water in Modernized Land Use Planning in British Columbia	Report released July 2020	In July 2020, the POLIS Water Sustainability Project released a new Directions Paper “ Towards Watershed Security – The role of water in modernized land use planning in British Columbia ”. The paper examines the past, present, and future of land and water in British Columbia. The research responds to the interlinked provincial government priorities of Reconciliation, rural economic recovery, and climate change response, and is specifically meant to inform the explicit commitment to modernize land use planning. A Decision-Maker’s Brief (summary) was also made available.	Islands Trust’s Senior Freshwater Specialist and Local Planning Services staff are leading efforts on the development of an Islands Trust Freshwater Sustainability Strategy	Staff will continue to monitor.
Local Government Action Guide: Healthy Natural Environment	Report released Aug 2020	In August 2020, PlanH released a Local Government Action Guide on Healthy Natural Environment . The guide includes: a definition of natural environments and other descriptors; information on the human and ecological health benefits of natural environments; guidance on incorporating equity in planning and improving natural environments; the role of local governments and provincial legislation in improving natural environments; and local government tools and examples of action from B.C. communities. Working together with health authorities, UBCM and the Ministry of Health, PlanH supports the Province’s health promotion strategy.		The report offers helpful considerations and definitions of terms for the Policy Statement Amendment Project.