



## REGULAR MEETING OF COUNCIL AGENDA

**Monday, January 22, 2024 at 7:00 p.m.**

**Council Chambers**

**325 Wallace Street, Hope, British Columbia**

For those in attendance at District of Hope Open Council Meetings and Public Hearings, please be advised that the Hope Ratepayers Association is recording these meetings and hearings. The District, in no way, has custody or control of the recordings. Therefore, all persons who do not want their presentation or themselves recorded, please approach the Clerk to declare same and the District will relay this to the Association so that you can freely speak.

### 1. CALL TO ORDER

Mayor to acknowledge that the meeting is being held on the traditional, ancestral and unceded territories of the Stó:lō people, particularly the Chawathil, Union Bar and Yale First Nations

### 2. APPROVAL OF AGENDA

Recommended Resolution:

THAT the January 22, 2024, Regular Council Meeting Agenda be adopted, as presented.

### 3. ADOPTION OF MINUTES

#### (a) Regular Council Meeting

**(1)**

Recommended Resolution:

THAT the Minutes of the Regular Council Meeting held January 8, 2024, be adopted, as presented.

### 4. DELEGATIONS

#### (a) Hope Pride Committee

**(5)**

Representatives from the Hope Pride Committee will be in attendance to present to Council regarding highlights from 2023 and to submit a request to display the Pride Flag for June 2024.

#### (b) Spuzzum First Nation

**(19)**

Spuzzum First Nation Chief James Hobart will be in attendance to present to Council regarding the proposed South Anderson Mountain Resort.

#### (c) Hope Mountain Centre

**(155)**

Representatives from the Hope Mountain Centre will be in attendance to present to Council regarding 2023 highlights, 2024 trail plans, and to submit a 2024 funding request.

**(d) District of Hope Fire Chief (190)**

The District of Hope Fire Chief will present to Council regarding item 5(a), Emergency Management Plan Update, and item 5(b), Emergency & Disaster Management Act.

**5. STAFF REPORTS****(a) Report dated January 9, 2024 from the Fire Chief  
Re: Emergency Management Plan Update (205)**Recommended Resolution:

THAT the report dated January 16, 2024 from the Fire Chief regarding the Emergency Management Plan update, be received for information.

**(b) Report dated January 12, 2024 from the Fire Chief  
Re: Emergency & Disaster Management Act (212)**Recommended Resolution:

THAT the report dated January 12, 2024 from the Fire Chief regarding the new *Emergency and Disaster Management Act*, be received for information.

**(c) Report dated January 8, 2024 from the Fire Chief  
Re: 2024 UBCM Community Emergency Preparedness Fund (387)**Recommended Resolution:

THAT Council supports the District of Hope application to the 2024 UBCM Community Emergency Preparedness Fund for grant funding up to the amount of \$30,000 to improve the efficiency of the District of Hope Emergency Support Services through the provision of equipment required for training and implementation of a new District of Hope Emergency Support Services Plan; and

FURTHER THAT Council commit the District of Hope to provide overall grant management.

**6. COMMITTEE REPORTS**

There are no Committee Reports.

**7. MAYOR AND COUNCIL REPORTS****8. PERMITS AND BYLAWS****(a) District of Hope 2024-2028 Financial Plan Bylaw No. 1570, 2023 (401)**Recommended Resolution:

THAT *District of Hope 2024-2028 Financial Plan Bylaw No. 1570, 2023* be adopted this 22<sup>nd</sup> day of January, 2024.

**9. FOR INFORMATION CORRESPONDENCE****(a) For Information Correspondence****(405)**Recommended Resolution:

THAT the For Information Correspondence List dated January 22, 2024, be received.

**10. OTHER PERTINENT BUSINESS****11. QUESTION PERIOD**

Call for questions from the public for items relevant to the agenda.

**12. NOTICE OF NEXT REGULAR MEETING**

Monday, February 12, 2024 at 7:00 p.m.

**13. RESOLUTION TO PROCEED TO CLOSED MEETING**Recommended Resolution:

THAT the meeting be closed to the public to consider matters pursuant to Section 90(1)(k) [negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public] and 90(1)(e) [the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality] of the *Community Charter* re: draft First Nation Protocol Agreement, land acquisition, and adopting closed meeting minutes.

**14. RETURN TO OPEN MEETING****15. ADJOURN REGULAR COUNCIL MEETING**

## MINUTES OF THE REGULAR COUNCIL MEETING

Monday, January 8, 2024  
Council Chambers, District of Hope Municipal Office  
325 Wallace Street, Hope, British Columbia

**Council Members Present:** Mayor Victor Smith  
Councillor Scott Medlock  
Councillor Angela Skoglund  
Councillor Pauline Newbigging  
Councillor Heather Stewin

**Council Members Absent:** Councillor Dusty Smith  
Councillor Zachary Wells

**Staff Present:** John Fortoloczky, Chief Administrative Officer  
Donna Bellingham, Director of Corporate Services  
Branden Morgan, Deputy Corporate Officer

**Others in attendance:** 1 member of the public and 1 media

**1. CALL TO ORDER**

Mayor Smith called the meeting to order at 7:00 p.m.

**2. APPROVAL OF AGENDA**

**Moved / Seconded**

THAT the January 8, 2024, Regular Council Meeting Agenda be adopted, as presented. **CARRIED.**

**3. ADOPTION OF MINUTES**

**(a) Regular Council Meeting**

**Moved / Seconded**

THAT the Minutes of the Regular Council Meeting held December 11, 2023 be adopted, as presented. **CARRIED.**

**4. DELEGATIONS**

There were no Delegations.

**5. STAFF REPORTS**

**(a) Report dated December 21, 2023 from the Chief Administrative Officer  
Re: Funding Request – Hope and District Arts Council (HDAC)**

Council inquired as to whether the HDAC applied for the most recent round of Cascade Lower Canyon Community Forest (CLCCF) disbursements. The CAO advised that he will look into this request and provide the information to Council. Council inquired as to whether there are other sponsors for the Concerts in the Park. The Director of Corporate Services advised that other local organizations also sponsor the event. Council inquired as to how many times the police have been contacted to deal with issues at the event in prior years. The CAO advised that one individual was mentioned specifically, with the police being contacted multiple times. He added that the HDAC is worried that the situation could get worse.

Council noted that this request falls outside of the normal process for applications to the CLCCF disbursements and added that they do not want to set a precedent for events and organizations to apply for funding outside of the regular process. As such, Council denied the request for funding and suggested that the HDAC look into alternative fundraising options in the short term.

## **6. COMMITTEE REPORTS**

There were no Committee Reports.

## **7. MAYOR AND COUNCIL REPORTS**

### **Mayor Smith Reported:**

- He noted that 2023 was a year of change on Council, with one Councillor stepping down and being replaced by Councillor Smith following the 2023 By-Election.
- He noted that the District is strengthening ties with local Indigenous communities, municipalities, and provincial ministries through a partnership in the ongoing Lower Coquihalla Flood Table.
- He noted that Council and major organizations in the District have met regarding the Downtown Revitalization Action Plan, and that Council is looking forward to 2024 as these projects start to take shape.
- He noted that Council and Staff worked together to move the budget ahead another two months, allowing it to be completed closer to the start of the year and enabling the District to reduce costs, timelines, and increase efficiency.
- He noted that Councillor Newbigging and Councillor Skoglund have begun working on the Accessibility Advisory Committee and associated plan to inform future District policies and development.
- He met with Minister Ma from the Ministry of Emergency Management and Climate Readiness to discuss gravel removal and installation of riprap to prevent erosion along the Coquihalla River.
- He noted that Councillor Medlock has been working hard on the Station House move, which will see the building sitting on Water Avenue. He thanked Councillor Medlock for his dedication to the project.
- He noted that Council and Staff are continuing to improve communication with the community with the addition of Gurvinder Sodhi as Communications and Systems Analysis Advisor.

### **Councillor Stewin Reported:**

- She wished everyone a Happy New Year.
- She announced that there will be a Hope Inclusion Project meeting on January 9<sup>th</sup>.
- She inquired as to where the public can see a copy of the Downtown Revitalization Plan. The CAO advised that he will confirm the availability of the document and pass it on to Councillor Stewin.

### **Councillor Newbigging Reported:**

- She took part in reading at the library on December 13<sup>th</sup>, noting that the kids enjoyed

the event and green screen pictures were taken and sent home by email. She added that the sword in the stone carving was also unveiled at the reading.

- She attended the Rotary Skate on December 24<sup>th</sup>, noting that Santa was unable to attend but there was a great turnout and lots of hot chocolate and candy canes.

**Councillor Medlock Reported:**

- He noted that the basement level of the Station House has been emptied in preparation for the move, with the moving company on site next week for further preparation.
- He announced that Richard Halbe has been hired as the Marketing Manager for AdvantageHOPE, and his work began on January 4<sup>th</sup>.
- He noted that he has received concerns regarding construction being done at 65741 Gardner Drive. He advised that this individual is concerned about the road that is being put in ending in gravel and not being paved. He noted that Staff, at the May 23, 2023 Public Hearing, assured residents that their concerns would be addressed before the development commenced. He asked that Staff investigate and respond to this individual's concerns.

**Councillor Skoglund Reported:**

- She noted that some applications have been received for the Accessibility Committee but more are needed before the deadline on January 31<sup>st</sup>. She added that they are looking for four people to support the committee in advocating for those with disabilities, and one additional Indigenous member.

**8. PERMITS AND BYLAWS**

**(a) Report dated January 2, 2024 from the Director of Finance  
Re: Five Year Financial Plan**

The CAO advised that an Integrated Official Community Plan Redesign and Housing Study grant was received late last year that has been blended into the 2024 budget. He added that as a result, the property tax increase has been reduced to 3.9% from the original 5.51%.

**Moved / Seconded**

THAT *District of Hope 2024-2028 Financial Plan Bylaw No. 1570, 2023* be read a first, second and third time this 8<sup>th</sup> day of January, 2024.

**9. FOR INFORMATION CORRESPONDENCE**

**(a) For Information Correspondence**

**Moved / Seconded**

THAT the For Information Correspondence List dated January 8, 2024 be received.  
**CARRIED.**

**10. OTHER PERTINENT BUSINESS**

There was no other Pertinent Business.

**11. QUESTION PERIOD**

There were no questions raised.

**12. NOTICE OF NEXT REGULAR MEETING**

Monday, January 22, 2023 at 7:00 p.m.

**13. ADJOURN REGULAR COUNCIL MEETING**

**Moved / Seconded**

THAT the Regular Council Meeting adjourn at 7:24 p.m.

**CARRIED.**

*Certified a true and correct copy of the Minutes of the Regular Meeting of Council held January 8, 2024 in Council Chambers, District of Hope, British Columbia.*

---

**Mayor**

---

**Director of Corporate Services**

**DRAFT**



**HOPE PRIDE**

**Marking One Year of  
Queer Joy in Hope**

# Our Land

We would like to acknowledge the traditional, ancestral, unceded shared territory of the Chawathil people of the Tiyt Tribe, on which we are learning, working and organizing daily. It's important to Hope Pride to acknowledge the land, not only because it's an intentional and mindful step towards Truth and Reconciliation, but also to acknowledge the history of 2-Spirit peoples who have long been celebrated and respected in Indigenous cultures. We thank Indigenous communities for leading the way in acceptance and inclusion of Queer peoples.

It is easier to deny Indigenous people their rights if we historicize their struggles and simply pretend they don't exist. As activists, we commit ourselves to the struggle against the systems of oppression that have dispossessed Indigenous people of their lands and denied their rights to self-determination, work that is essential to human rights work across the world.

# Pride 2023

6 events

370+ total attendees

20+ volunteers

Historic flag raising at Hope RCMP

165+ Pride Flags sold



# From Attendees

“The BarBQ was great & I enjoyed my yummy hotdog 🌭 Everybody looked to be having a great time on such a beautiful sunny day ☀️”

“My son and I had an awesome time at yesterday's BBQ! We got to dance and even chase some bubbles! Everyone was so nice! I hope there will be another one next year!”

“Was a great Time my grandson had a blast thank you Hope Pride”

“It was amazing & Queer As Funk was fabulous - so much fun 🎵🏳️‍🌈🎵”

“What an excellent event. Top marks for Hope Pride and Drag Queen Hailey Adler. We had a great time.”

“This was amazing!! We had so much fun! The stories were so good!” [Drag Queen Story Time]

“Had an amazing time today at Drag Queen Story time. What an amazing turn out. And despite all the Negative comments in the last few days there was no problems or issues and the lovely people at hope pride went a step above and had security there to make sure everyone had a good time without the hate. Thank you Everyone involved in today's event. My grandsons had a blast. Cain was so happy to get to meet Hailey Adler and get a picture together and an autograph ❤️❤️❤️❤️”

“A wonderful, inclusive service.” [Christ Church Pride Service]



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PRESS ARTS



HOPE & DISTRICT  
ARTS COUNCIL



**But the past year has not been easy for  
the Queer community**

# Across the nation, Queer Oppression is on the rise

- Since 2020, hate crimes targeting the Queer community have risen 64%
- Of the 423 reported hate crimes targeting the Queer community in 2021, 77% targeted people identifying as gay or lesbian, 2% targeted bisexuals, 11% targeted other orientations, and 10% had an unreported sexual orientation target
- Gender-based hate crimes still aren't recording accurate data for gender identities outside the binary
- Amnesty International has specifically called out the rise in hate towards Canada's 2SLGBTQIA+ community





bc-cb.rcmp-grc.gc.ca

Investigators were able to determine that the front window of the building was smashed out and the suspect(s) attempted to light a Pride flag hanging inside on fire. In addition to this, the recently painted Pride crosswalk in front of the building was defaced with homophobic slurs.



VANCOUVER

### Rainbow crosswalk vandalized, Pride flag set on fire in Hope, B.C.



Kraig Krause

Updated June 9, 2023 6:53 p.m. PDT  
Published June 9, 2023 6:25 p.m. PDT

CRIME

### Hope non-profit and Pride crosswalk damaged in act of 'hate': RCMP

By Simon Little • Global News  
Posted June 8, 2023 8:11 pm EST



RCMP are investigating after someone threw a rock through the window of the Hope community services building and tried to set fire to the Pride flag hanging in the window. And just hours after it was created, a rainbow crosswalk was spray-painted with offensive comments – Jun 8, 2023



First world problems

1h **Angry** Reply

To start, I strongly disavow vandalism or any illegal action to property. However, contrary to what you said to the press, your group is not "oppressed". In fact it's the most catered to group in western culture at the moment. I think if grown men stop dressing up as princesses and trying to get near children, a lot of this outrage you see will magically disappear ✨😏

“We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. The opposite of love is not hate, it’s indifference.” — Elie Wiesel

# Pride 2024

**June 22, 2024**

- Film
- Music
- Food
- Queer Market



# Raise the Flag

**Pride flags have been the target for the rise in Queer oppression, which is why flying them is more important than ever.**

## **Join these communities in 2024**

- Parliament Hill
- BC Legislature
- Surrey (2023)
- Coquitlam (2023)
- Ladysmith
- Gibsons
- Saanich
- New Westminster
- Nanaimo
- Langley City
- Dawson Creek
- Abbotsford (2015)
- White Rock
- Vernon
- Vancouver
- Powell River
- Prince George
- Duncan
- Victoria
- Richmond
- Castlegar
- Delta
- Burnaby
- Rossland



# **Hope Pride would be happy to donate a removable ceremonial flagpole to the District.**

- Truth & Reconciliation Day
  - Remembrance Day
  - Purple Lights Nights
- Communities in Bloom

May 17, 2023

**Bill Hunter, Director**  
**Mountain Resorts Branch**  
Ministry of Tourism, Arts, Culture and Sport  
510-175 2<sup>nd</sup> Ave, Kamloops, BC V2C 5W1

Dear Mr. Hunter

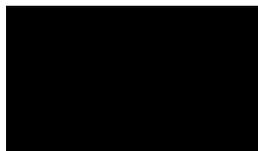
**Regarding the BC Mountain Resorts Branch Expression Of Interest Submission by the Spuzzum First Nation**

Further to our meeting a few months ago I am pleased to submit our application to the BCMRB for an Expression of Interest to develop an all-season resort for the South Anderson and Central Anderson Valleys in the Traditional Territory of the Spuzzum First Nation.

The Spuzzum First Nation submission is the conclusion of three years of feasibility and planning tasks resulting in our decision to proceed with the next planning stage for the project. The South Anderson Mountain Resort will be a crucial undertaking for the Spuzzum First Nation, area First Nations, and other communities in the Fraser Canyon. Moreover, we will help BC continue to achieve excellence in tourism infrastructure with an Indigenous foundation.

In the spirit of reconciliation, we invite British Columbia to join with the Spuzzum First Nation to develop the South Anderson Mountain Resort -- the first Indigenous driven comprehensive all-season mountain resort in BC.

Yours truly  
K<sup>w</sup>uk<sup>w</sup>stemc (*Thank you*)



Chief James Hobart  
Spuzzum First Nation



# A Proposed Mountain Resort for the South Anderson Valley of the BC Cascade Mountains

*Expression of Interest*

SUBMITTED TO



Tourism and Resort Development Division  
Government of British Columbia

PRESENTED BY

**Spuzzum First Nation**

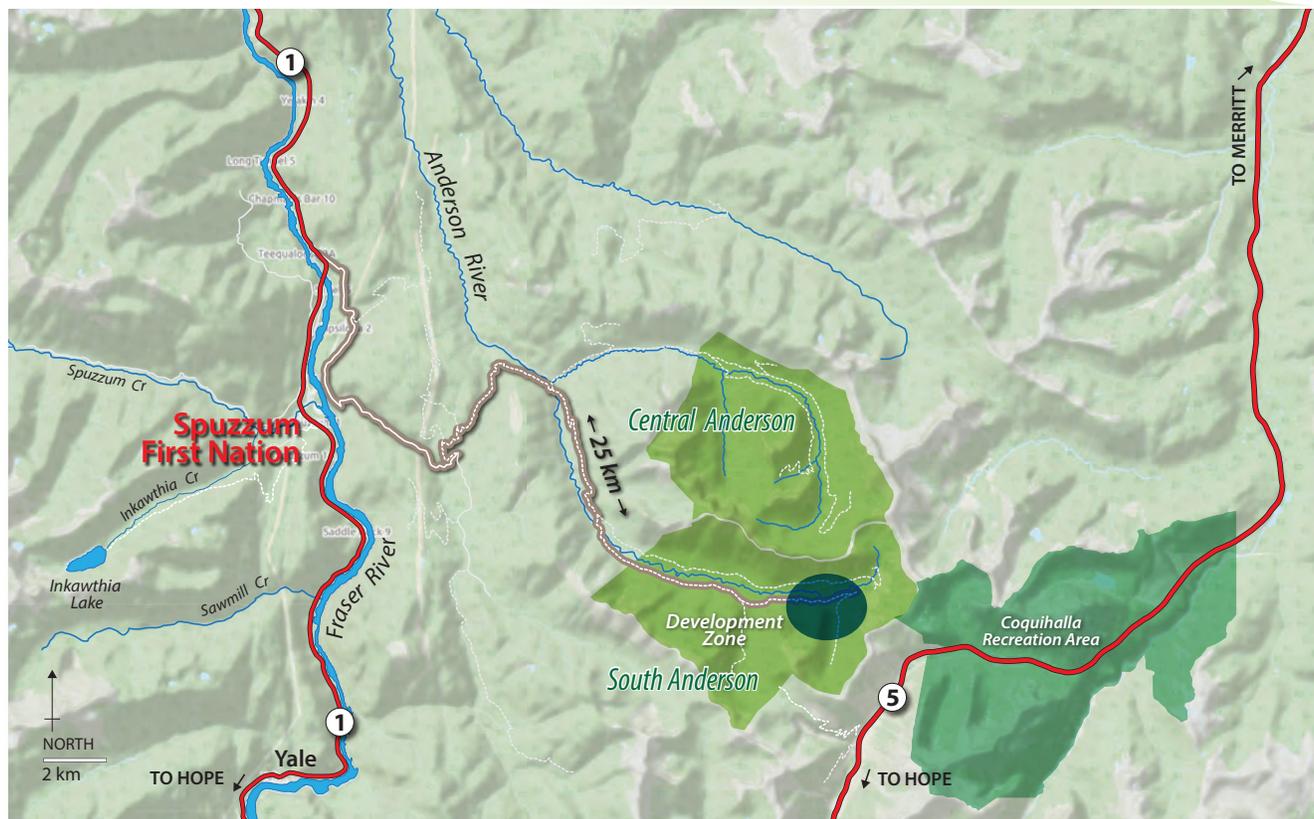
MAY 2023

A Proposed Resort for the South Anderson Valley

Regional Context



Proposed Resort Area Context



SPUZZUM FIRST NATION



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*(note the EOI follows the All Season Resort Guidelines Chapter II prepared for Mountain Resorts Branch 2009 format)*

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**D. Supporting Documentation**

1. South Anderson Mountain Resort Preliminary Planning

    a. South Anderson Study Area, Proposed CRA & Existing Tenures

    b. Aspect Analysis

    c. Elevation Analysis

    d. Mountain Slope Analysis

    e. Base Slope Analysis

    f. Solar Analysis 9 00 a.m.

    g. Solar Analysis 12 00 p.m.

    h. Solar Anaylsis 3 00 p.m.

    i. Solar Radiation Analysis

    j. Ski Terrain Capacity Analysis





# SPUZZUM FIRST NATION

*Our Land. Our Future. Our Success. Forward Focused Nation Building.*

36500 Main Road, Spuzzum, BC V0K 2S1  
Office: 604-863-2395 / Fax: 604-863-2218  
[www.spuzzumnation.com](http://www.spuzzumnation.com)

May 17, 2023

**Bill Hunter, Director**  
**Mountain Resorts Branch**  
Ministry of Tourism, Arts, Culture and Sport  
510-175 2<sup>nd</sup> Ave, Kamloops, BC V2C 5W1

Dear Mr. Hunter

**Regarding the BC Mountain Resorts Branch Expression Of Interest Submission by the Spuzzum First Nation**

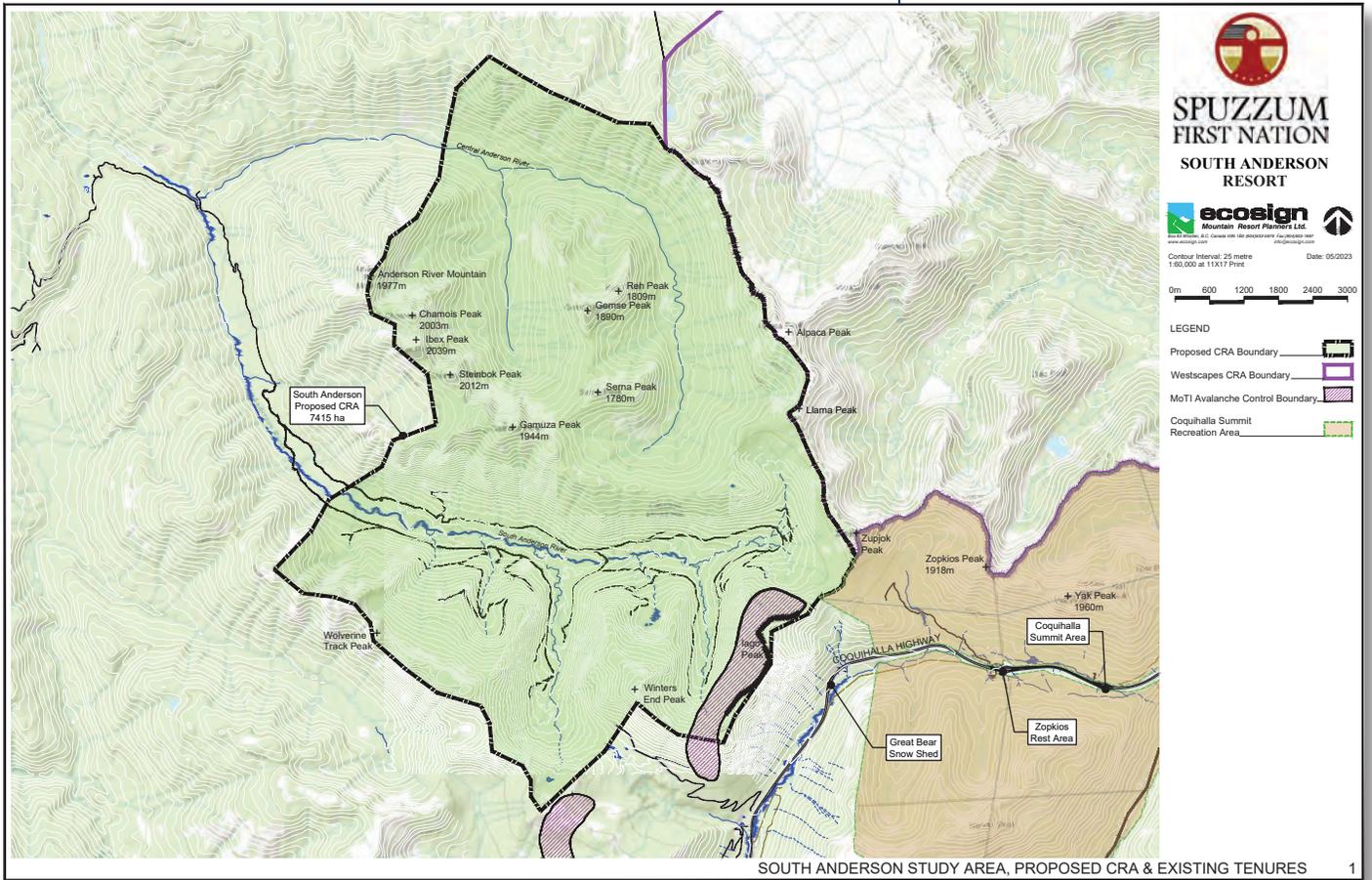
Further to our meeting a few months ago I am pleased to submit our application to the BCMRB for an Expression of Interest to develop an all-season resort for the South Anderson and Central Anderson Valleys in the Traditional Territory of the Spuzzum First Nation.

The Spuzzum First Nation submission is the conclusion of three years of feasibility and planning tasks resulting in our decision to proceed with the next planning stage for the project. The South Anderson Mountain Resort will be a crucial undertaking for the Spuzzum First Nation, area First Nations, and other communities in the Fraser Canyon. Moreover, we will help BC continue to achieve excellence in tourism infrastructure with an Indigenous foundation.

In the spirit of reconciliation, we invite British Columbia to join with the Spuzzum First Nation to develop the South Anderson Mountain Resort -- the first Indigenous driven comprehensive all-season mountain resort in BC.

Yours truly  
K<sup>w</sup>uk<sup>w</sup>stemc (*Thank you*)

Chief James Hobart  
Spuzzum First Nation





## II.2 Mountain Resort Planning: The Vision Stage (Expression Of Interest)

### II.2.1 A Summary

#### The Proponent

The Spuzzum First Nation, a BC Nlaka'pamux Indigenous community located 38 kilometers north of Hope BC has taken the initiative to plan the development for an all-season resort in its Traditional Territory. The Spuzzum First Nation has the support for the initial feasibility and planning stages from immediate area First Nations.

#### Location

The Spuzzum First Nation, as part of our economic strategy, is proposing to develop a year-round mountain resort in the South Anderson Valley within our Traditional Territory on lands east of Hwy #1 and west of Hwy #5 (see map). Existing access to the resort site is via Highway #1 at the Alexandra Bridge Provincial Park 44 kms north of Hope BC. The proposed resort location is a scenic 25 kilometer drive east on former logging roads to the upper valley watershed. In addition, lands in the Central Anderson River watershed to the north of the South Anderson Valley will form part of the CRA incorporating ecotourism and our traditional Indigenous use activities.

#### The Nature of the Resort

The focus of South Anderson Mountain Resort is to create an all-season contemporary, world-class mountain resort with an abundance of outdoor recreation amenities and a variety of tourist accommodation, real estate and day visitor facilities. Winter operations are focused on skiing and snowboarding for all abilities and outdoor hiking and mountain biking in the summer seasons. More formal activities such as golfing and Indigenous events/activities will complement the resort.



Typical South Anderson view

The proximity to the Greater Vancouver Area (GVA) will make it a popular day trip or weekend destination for this market. While the potential alpine ski terrain will cater to mainly to beginner and intermediate skiers, the scenic value of the site and proximity to YXX and YVR airports will likely attract Canadian visitors from outside of BC as well as some international visitors.

## Winter Snow

Historical weather data collected daily by the Ministry of Transportation at the weather station located on Iago Peak on the east end of the study area indicates favourable snowfall, wind and winter climate for mountain resort development. Detailed weather data for the past 10 years will be analyzed and presented as part of the formal proposal phase.

## The Market

Preliminary market research reflects significant demand for a resort development due to the site's close proximity to the Fraser Valley, the Metro Vancouver and Seattle areas. Winter skier visits are projected to increase from 150,000 in year one to 400,000 in year ten. Summer visits are expected to be similar in numbers.

## Resort Accessibility

Currently, the site is accessed by existing deactivated logging roads from Highway #1 starting near Alexandra Bridge Provincial Park. A new road will follow much of the current routing. The planned Village Center site is located approximately 27 km from Highway 1 largely on existing logging roads that extend up the north and south side of the South Anderson River Valley.

## Who Benefits

The development of a new BC First Nation driven all-season resort in the Cascade mountains of BC will create regional jobs, help meet the recreation needs of Metro Vancouver and Fraser Valley communities and be an additional attraction for international visitors to the Pacific Northwest. In addition, the South Anderson Mountain Resort will meet or exceed current environmental best practices .

The development will assist the province in meeting its goal to continue to develop British Columbia as a world-class, all-season resort destination as laid out in the *BC Spirit of 2010 BC Resort Strategy and Action Plan*. For the Province of BC, an authentic First Nations-led regional destination

mountain resort development will showcase the Province's and Spuzzum First Nation's path to reconciliation.

From the Spuzzum First Nation perspective, we will benefit from the South Anderson Mountain Resort Project through construction and operational job creation and sustainable cash flow the resort.



Spuzzum First Nation Traditional Territory

## II.2.2 Preliminary Project Overview

Spuzzum First Nation provided a draft outline of the South Anderson Mountain Resort Project to BCMRB in February 2023 and received a subsequent invitation to submit an Expression of Interest towards attaining a CRA designation for Spuzzum First Nation Traditional Territory lands.

The following detailed studies were undertaken and are attached. Others can be made available upon request.

- Environmental Overview Assessment - *attached*
- Traditional Use Study - in progress
- Ongoing Water Monitoring
- Archeology Overview - *attached*
- Preliminary Market / Financial Feasibility
- Road Access Engineering Feasibility
- Site Services Overview
- Preliminary Resort Concept (ski hill and village) - *attached*



*Some of the resort planning team including Spuzzum Council*

## II.2.3 Expression of Interest

As per the Commercial Alpine Skiing Policy (CASP), an Expression of Interest (EOI) to develop a mountain resort on Crown land is submitted to Tourism and Resort Development Division for consideration. The Expression of Interest describes our Vision for the proposed project supported by a variety of feasibility, research and planning tasks.

### II.2.3.1 Project Introduction

At this early stage of planning, all aspects of the project are described in a fashion that demonstrates a solid knowledge of the site and its application to the intended resort use. The preliminary overview introduces the Province to the proposed development.

## Our Vision for the proposed resort

The Spuzzum First Nation vision for the South Anderson Mountain Resort is two fold:

- First, to create vocations, societal and financial opportunities for our Nation's membership and
- Secondly, to create an exceptional all-season mountain resort that will allow visitors to experience the beauty and recreation opportunities in the Cascade Mountains in an environmentally responsible manner.

## What we intend to develop

Spuzzum First Nation is planning for an all-season resort with amenities typical of a mountain location. This will include winter activities such as downhill skiing, cross-country skiing, snowshoeing and backcountry skiing and skating coupled with summer activities such as hiking, sightseeing, golf, mountain biking, fishing, climbing and other ecotourism-related activities. Conference and meeting room facilities are expected to attract business during the spring and fall shoulder seasons. A modest Nlaka'pamux interpretive centre will compliment the resort through the presentation of Spuzzum history, culture and land.



Spuzzum youth chopping wood for Elders

## The size of the project

The size of the proposed CRA is 7,415 hectares incorporating the upper reaches of the South and Central Anderson Valleys. The lift concept for the South Anderson Resort has a buildout capacity of 9,000 Skiers Per day with 11 lift installations in three phases. The

first major phase of development on the mountain is planned with a capacity of 5,000 skiers per day and 5 lift installations. The village core, located at the base of the Phase 1 development zone includes 2,300 warm beds. The total potential overnight capacity of all types of accommodation is estimated at 12,000 bed units plus a small RV Park and employee housing.

## The project fit into the region and the province as a development project

The *2010 BC Resort Strategy and Action Plan* highlighted five Strategic Directions:

1. *Maintain and Enhance British Columbia's Competitive Edge in Resort Development.*
2. *Increase Resort Development.*
3. *Support Resort Communities.*
4. *Improve Transportation Infrastructure.*
5. *Build Indigenous Partnerships.*

The South Anderson Mountain Resort proposed by Spuzzum First Nation meets all the above objectives – including reinforcing the economies of the Fraser Canyon communities from Hope north on Highway #1 and providing a new and unique experience for BC's mountain resort offerings, reinforcing BC's place as a global destination for mountain resorts.

The Resort meets the threshold for an environmental assessment review under BC's *Environmental Assessment Act (2018)* in addition to the requirement for a Resort Master Plan review under BC's *Land Act*. It is anticipated that some or all parts of the provincial review processes can be done concurrently.

## The proponent

Spuzzum First Nation is the proponent (through a legal entity) for the proposed development. We are a Fraser Canyon based First Nation with Traditional lands east of Highway #5 and west to the mountain ridges overlooking Harrison Lake. We are a First Nation with an ambitious economic strategy to regain and develop our economy. As project planning unfolds and regulatory approvals are in place, partnerships with companies having expertise in resort and real estate development will be invited to participate with us.

We also highlight that support for our project comes from the three bands surrounding us – Boston Bar First Nation, Yale First Nation and Coldwater First Nation.



South Anderson valley looking east to the development site.

## The planned development location

The Spuzzum First Nation, as part of our economic strategy, is proposing to develop the year-round mountain resort in the South Anderson Valley within our Traditional Territory on lands east of Hwy #1 and west of Hwy #5 (see map). Existing access to the resort site is via Highway #1 at the Alexandra Bridge Provincial Park 44 kms north of Hope BC. The proposed resort location is a scenic 25 kilometer drive east on former logging roads to the upper valley watershed. In addition, lands in the Central Anderson River watershed to the north of the South Anderson Valley will form part of the CRA incorporating ecotourism activities.

An upgraded access road to Highways standard will be required to develop the South Anderson Resort and options to connect from Highway #1 to the west or Highway #5 to the east of the site are being explored.

## The resort focus

The focus for South Anderson Mountain Resort is to create a contemporary, world-class mountain resort with an abundance of outdoor recreation amenities and a variety of tourist accommodation, real estate and day visitor facilities. Winter operations are focused on skiing and snowboarding for all abilities and outdoor hiking and mountain biking in the summer seasons. More formal activities such as golfing and Indigenous events/ activities will complement the resort.

## The four season attributes

Preliminary feasibility work reflects the South Anderson as very suitable for the development of high quality alpine ski terrain and summer biking and hiking. In addition the extensive potential for summer and four-season recreation coupled with world-class scenic views of surrounding mountains make it a highly attractive site for a mountain resort.

## Snow to support winter facilities and sports

We believe the South Anderson watershed receives enough snow ensuring success for winter type activities. There are two nearby weather stations monitored by the BC Ministry of Environment: The weather station on top of Iago Peak (1660m) and the Coquihalla Summit weather station (1230m) located less than 10 km from the proposed base village site. Historical weather data collected daily by the Ministry of Transportation at these two

weather stations indicates favourable snowfall, wind and winter climate for mountain resort development. Detailed weather data for the past 10 years will be analyzed and presented as part of the formal proposal phase.

## The resort market

Preliminary market research reflects significant pent-up demand for a resort such as we are proposing. The majority of South Anderson Mountain Resort visitors will come from British Columbia and Washington State. Primary markets include Metro Vancouver (population 2.8 million), Metro Seattle (population 4 million) and the Fraser Valley (population 0.5 million). The population of these three markets is increasing by more than 100,000 people per year. Skier visits are projected to increase from 150,000 in year one to 400,000 in year ten. Summer visitations are expected to be similar in numbers but lower in per capita expenditures per visitor.

## Resort accessibility

Currently, the site can be accessed by existing deactivated logging roads from Highway #1 starting at the Alexandra Bridge Provincial Park. The Village Center site is located approximately 27 km from Highway 1 on existing logging roads that extend up the north and south side of the South Anderson River Valley. The resort site is much closer to Coquihalla Highway 5, however existing logging roads from this side of the study area do not extend beyond the height of land to reach the center of the proposed South Anderson Mountain Resort.

Access roads - to Highways standards - will be required to develop the South Anderson Resort and options to connect from Highway #1 to the west or Highway #5 to the east of the site are being explored.

## Benefits from the mountain resort development

The development of a new BC First Nation-driven all-season resort in the Cascade mountains of BC will create approximately 800 operational FTE jobs. Construction during infrastructure build-out will create an additional 200, plus help meet the recreation needs of Metro Vancouver and Fraser Valley communities and be an additional attraction for international visitors to the Pacific Northwest.

In addition, the South Anderson Mountain Resort will meet or exceed current environmental best practices and will implement best sustainability practices.

Moreover, the development will assist the province in meeting its goal to continue to develop British Columbia as a world-class, all-season resort destination as laid out in the *BC Spirit of 2010 BC Resort Strategy and Action Plan*. For the Province of BC, a First Nations-led regional destination mountain resort development will showcase the Province's and Spuzzum First Nation's path to reconciliation.

From the Spuzzum First Nation perspective, we will benefit from the South Anderson Mountain Resort Project through construction and operational job creation and sustainable cash flow from development and operations of the resort. Through the planning and development of the resort project, Spuzzum First Nation and our technical team, will build significant capacity within our (and other First Nations) communities through development planning phases (e.g. technical field studies, environmental assessment practices, planning principles).

A modest Spuzzum interpretive centre of approximately 500 SMs (5,000 sq) will be developed celebrating the story of our Nlaka'pamux history with the land and culture.

This Expression of Interest (EOI) submitted by Spuzzum First Nation to the Province is based on technical work completed by our team - over and above the provincial requirements for an EOI, and which would typically be commissioned in later project review phases. Spuzzum First Nation needed to prove to ourselves the feasibility of the South Anderson Mountain Resort Project, before beginning the mountain resort review process with the Province.

To meet Spuzzum First Nation objectives and comply with BC Mountain Resort Branch (BCMRB) requirements, we have undertaken a series of pre-development tasks to prove out our development goal to develop a major all-season resort with approximately 12,000 bed units.

Spuzzum First Nation and our team of professional expertise intends to progress with the project planning up to completion of the Formal Proposal stage at which time, corporate investors with proven development and resort operations experience will be invited to participate in the project. The Spuzzum First Nation will have a significant ongoing equity stake in the resort.



### II.2.3.2 Goals and Objectives

As mentioned in the submission introduction Spuzzum First Nation project Goals and Objectives are relatively simple, in that we wish to develop a high caliber all season resort in our traditional territory creating social and economic benefits for our community. To do so we have retained an experienced team of proven professionals to assist in the planning for the project. We also reiterate that in the near future, upon the allocation of the CRA, we intend to seek out development, operational and financing partnerships that will bring a high level of expertise and success for the South Anderson Mountain Resort.

### II.2.3.3 Study Area Mapping

A feasibility study and preliminary concept for the South Anderson Mountain Resort was carried out in 2021 utilizing 1:5000 satellite mapping. The results of this study proved favourable to proceed with a more detailed study at which point 1:1000 LiDAR mapping was produced in late 2022. The site analysis included in the EOI Report was reproduced using the new LiDAR mapping and some adjustments have been made to the Preliminary Concept to adapt to the more detailed mapping for the purpose of the EOI submission. More detailed design will be carried out for the Formal Proposal stage using detailed LiDAR contour mapping that provides optional detail for planning and design.

### II.2.3.4 Preliminary Site Inventory and Analysis

The proposed South Anderson Mountain Resort Controlled Recreation Area (CRA) encompasses the South Anderson and Central Anderson river valleys and surrounding peaks with a total area of 7,415 hectares. The eastern boundary of the CRA borders the Coquihalla Pass Recreation Area for approximately 1-kilometer and the proposed Westscapes ( Coquihalla Pass Resort Project) CRA at the height of land on the Alpaca Peak and Llama Peak ridgeline. The commercial ski infrastructure is planned on north-facing slopes on the south side of the South Anderson River with base area development located around the base of the lifts and on south-facing slopes on the north side of the river. An 18-hole golf course is planned in the central part of the river valley integrated with real estate and recreation trails (see section II.2.3.6 Area Map)



Planning team at proposed resort location

**Note - refer to Ecosign Mountain Resort Planners South Anderson Resort Site Analysis and Preliminary Concept Report for a description of the existing site conditions and master plan concept.**

In summary the preliminary technical Site Inventory and Analysis assessment reflects excellent potential for a high quality alpine ski facility with balanced terrain, good vertical and summer sightseeing. The South Anderson River valley has an abundance of developable land for supporting commercial and accommodation facilities. The area has excellent opportunities for four season recreation along the South Anderson River and the ridgetops accessed by the lifts. The spectacular peaks on both sides of the river provide a landscape and views on par with larger destination resorts. The major constraint is that this is a greenfield site with no suitable existing road access or existing municipal infrastructure (power, water, sewer). However, this constraint means that a resort can be developed using the best available environmental practices. A summary of the opportunities and constraints is presented in Table 7.



Typical South Anderson view



Lift 3 upper ski terrain

## Eco-tourism Opportunities for the Central Anderson

The Central Anderson watershed which adjoins the South Anderson watershed is to be protected, preserved and managed for ecotourism opportunities and Indigenous traditional uses. As part of this resort planning process, we intend to do a comprehensive evaluation of potential low impact opportunities including types of ecofriendly businesses and environmental sensitivities. Moreover, the lands are currently used by Spuzzum First Nation community members for hunting, fishing and other cultural practises and the intention with our planning process is to integrate these cultural uses into our planning. These lands have been extensively logged and will require a period of time to rejuvenate to a healthy, biodiverse landscape.

Some of the key Ecotourism principles that the Spuzzum First Nation (and other participating Indigenous groups) will adhere to are:

- Focus upon the immediate natural area—gives visitors the opportunity to personally and directly experience nature.
- Wilderness interpretation —includes a learning experience that provides opportunities to experience nature in ways that provide a greater understanding, respect and enjoyment.
- Nlaka’pamux cultural respect —is sensitive to, interprets and involves the Indigenous culture existing in the area visited.

- Ecological sustainability practice –represents best practices for environmentally sustainable tourism, requiring the minimal “foot print” in the Central Anderson watershed.
- Contribution to conservation – contributes directly to the conservation of Central Anderson wilderness areas and biodiversity.
- Benefiting local communities –helps sustain the livelihoods of local people by providing ongoing vocational and entrepreneurial contributions to the local communities – particularly for Indigenous people.
- Respectful action –involves environmental considerate actions on the part of visitors.
- Client satisfaction –consistently meets guest expectations, including truthful marketing so that realistic expectations are formed. And
- Human-scale delivery – delivered primarily to smaller groups by small-scale entrepreneurs.

Some possible First Nation eco-tourism enterprise opportunities within the Central Anderson are:

- Ecology / cultural information centre
- Hut to Hut trails- X-country skiing/ Hiking
- Wilderness campsites
- Low impact day campsites
- Guided back country tours
- Back country skiing and snow shoeing
- Wilderness survival training
- Horseback riding
- Fishing
- Interpretive talks, walks and day programs
- Mountain climbing



Specifically, the next task will include review of existing reference materials, analysis of existing ecotourism and cultural opportunities in the greater area, meet with selected representatives of Spuzzum and other local First Nations to review ecotourism opportunities. Further, we will look at these opportunities in the context of our First Nation entrepreneurs that may be able to accommodate such businesses.

## Environmental Overview Assessment Summary

The initial environmental components examined for the South Anderson Mountain Resort project in the recent EAO represent modest constraints to development. The anticipated impacts are expected to require rigorous but standard investigation of baseline values and development of mitigations to address the likely environmental impacts to wildlife, ecology, land uses, and hydrological and geohazard related physical characteristics. The scope of environmental impact assessment in BC is, however, participant driven. As such an objective evaluation such as conducted in this EOA may not be fully reflective of the issues that are eventually raised by commentators during the engagement processes.

Participation in BC's environmental assessment process is broad, frequent and of long duration, and considering the involvement of government regulators, Indigenous nations, stakeholders, and the public there will be many opinions and issues raised that will need to be addressed. The regulatory approval processes, especially that conducted under the *Environmental Assessment Act 2018* require early engagement such that the breadth and depth of issues that will need to be addressed are known very early in the process, allowing for effective planning and management.

Only one environmental component evaluated in the Environmental Overview Assessment is considered to represent a substantial constraint to development, and will likely be a focal area during impact assessment processes. The designation of the **lower** South and Central Anderson River catchments as a Wildlife Habitat Area for Spotted Owl represents a high environmental value. The forest harvesting restrictions that are designed to provide current or future recovery habitat for this endangered species suggest that more than standard mitigations will need to be identified to meet Federal and Provincial objectives for Spotted Owl; although it is known that the species is currently absent from the development area.

Recent approval of BC Hydro's Interior to Lower Mainland transmission line project suggests that approval of projects that have habitat level impacts in this area are possible if the additional effort is expended.

As a note the proposed westerly boundary for the CRA is above elevations considered typical for Spotted Owl habitat. While geohazards within the CRA were identified that could impact the project areas as delineated in the project layout, these features can be managed. A more detailed geohazard investigation needs to be performed to identify the magnitude of the risks to infrastructure and potential mitigation measure or modifying infrastructure layout as not to be impacted by any significant geohazards.



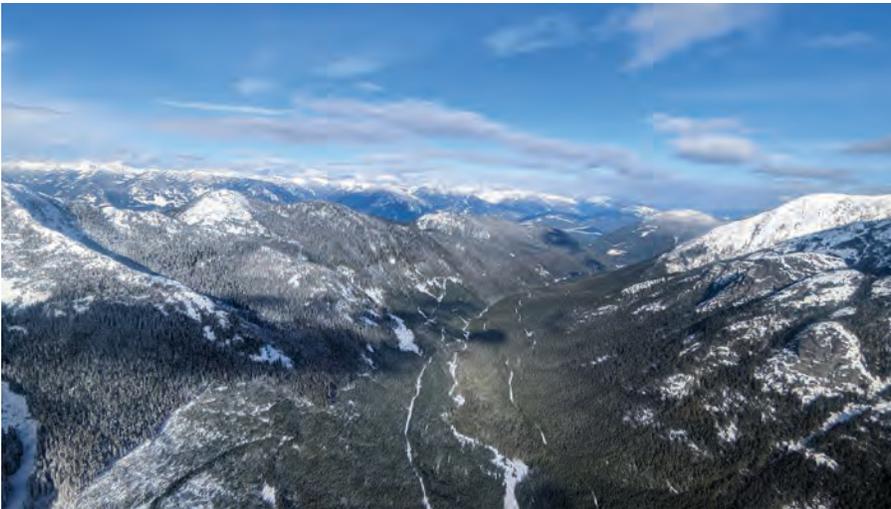
Spotted Owl

## Environmental and Archeological Considerations

As a decision to proceed with the project has been made by Spuzzum First Nation, there will be additional environmental study requirements in association with Spuzzum First Nation, provincial and other regulatory approval processes and to inform design planning.

Given the level of technical assessment conducted by Spuzzum First Nation to date, future studies will not proceed until there is more certainty on the resort project design, including most importantly the road access routes. Further studies include detailed field-based investigations, the expense of which is not recommended until there is certainty that the areas being studied accurately reflect the project that will be advanced through approval processes. Additionally, the scope and methods for studies to support the effects assessment approval process is determined through a collaborative process that involves regulators, neighbouring Indigenous nations and other participants.

*Pictographs up the South Anderson River Valley*



*South Anderson access looking west*



*The one rough access section of road from Highway #1*

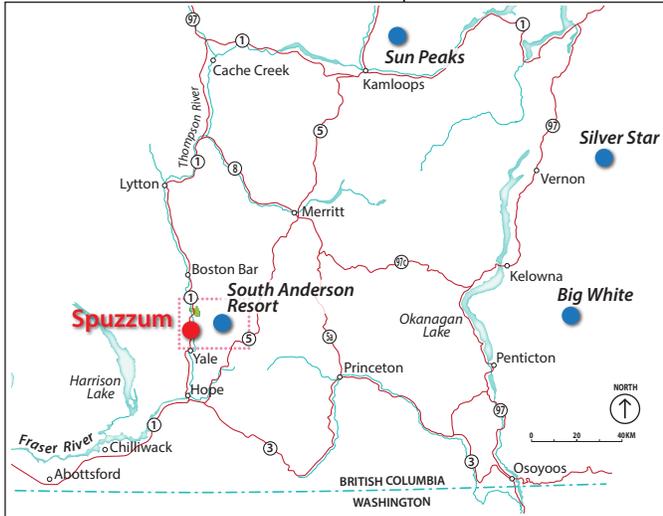
SPUZZUM FIRST NATION

## Comparative Analysis

The South Anderson Mountain Resort has the potential recreation assets and real estate development opportunities comparable with Silver Star, Sun Peaks and Big White in BC's Interior. South Anderson Mountain Resort has a significant attribute in being

located within a 3-hour drive from the Greater Vancouver Area with a population of 2.8 million and two international airports. Surrounded by dramatic granite spires, the site has exceptional scenic values and opportunities for four season recreation, as well as abundant developable land in the valley floor suitable for real estate, parking, golf course and village development. The comparative analysis below provides a summary of high-level resort statistics with comparable resorts in British Columbia.

Location of area Ski Hills



### South Anderson Resort

### Silverstar

### Sun Peaks

### Big White

	South Anderson Resort	Silverstar	Sun Peaks	Big White
<b>Mountain Infrastructure</b>				
Total Vertical m.	700	760	882	776
Number of Lifts	11	12	13	15
Hourly Capacity pph	18,200	14,000	14,000	28,000
Base Elevation m.	1,005	1,155	1,255	1,508
Top Elevation m.	1,730	1,915	2,152	2,318
<b>Location</b>				
Closest city	Abbotsford/GVA	Vernon/Kelowna	Kamloops	Kelowna
Closest airport	Abbotsford	Kelowna	Kamloops	Kelowna
Distance to airport km	160	65	65	60
Population within 300km	3,078,660	470,475	423,100	470,475
<b>Base Area</b>				
Commercial Village	yes	yes	yes	yes
<b>Summer</b>				
Bike Park	yes	yes	yes	yes
Golf Course	yes	no	yes	no

## Site Services

The development of the Resort will include all amenities associated with a resort setting. The village will host businesses such as hotels, restaurants, rental shops, retail, staff lodging, and an 18-hole golf course. Much of the outer perimeter of the development will become residential development with various forms of accommodation, such as townhouses, low rise condominium apartments and single-family homes. It is estimated that over 3300 dwellings will be available within the Resort area which will meet BCMRB balanced resort capacity guidelines for accommodation in the Base Area.

Initial environmental and archaeological findings and constraints have been considered within the development of the conceptual site services layout. Further investigation of the site will be coordinated, as required, as design of the Resort area progresses.

As such, utilities such as potable water, fire protection, sanitary sewers, stormwater collection, drainage, electrical and communications will be necessary for the Resort development zones, along with adequate waste water treatment facilities. Providing utilities in this area will require special consideration. Areas of steeper slopes and higher elevations pose a unique and challenging environment, with significant engineering constraints and concerns.

Initial desktop reviews estimate that acceptable groundwater sources are available in the region based on the surrounding basin area and observed South Anderson River flows. A groundwater investigation will be conducted in the following phases of the project by technical experts in the field. Once a groundwater source and well locations are confirmed, a potable water network including water mains, booster pump stations, reservoirs, and treatment facilities will be designed, capable of accommodating all residential and commercial needs as well as fire protection. Water quality shall be in accordance with all Municipal and Provincial regulations and standards.

Preliminary sanitary considerations estimated that an on-site Wastewater Treatment Plant (WWTP) will require a Municipal Wastewater Regulation, issued by the Ministry of Environment (MOE). A specialist engineering firm has been contracted to investigate the Resort area for feasible drainage and WWTP recommendations. Any WWTP shall be built to MOE standards and satisfy all relevant specifications. Based on the site's observed soil conditions, the area is expected to be suitable for groundwater disposal. Further site investigation, soil analysis and infiltration



*Typical South Anderson views*

testing will be completed in subsequent phases of the project, prior to detailed design.

Rainwater collection/detention requirements for the Resort will follow the development of a Stormwater Management Plan (SWMP). Upon finalization of the Resort layout, a SWMP will be created to assess the hydrological effects of the proposed development on the surrounding area. Both upper and lower Areas are expected to manage their stormwater flows with methods individually suited to the layout and topography.

The potential for a hydro-electric feed to the area has been investigated and summarized in the report, “South Anderson Electrical Servicing Analysis”, dated November 1, 2021. The report provided three options which take advantage of local transmission lines to satisfy the electrical requirements of the Resort.

Communication providers will need to be approached for the Resort. Satellite or wired services are potentially viable via electrical transmission line to the resort site. The nature of mobile phone access is to be determined.

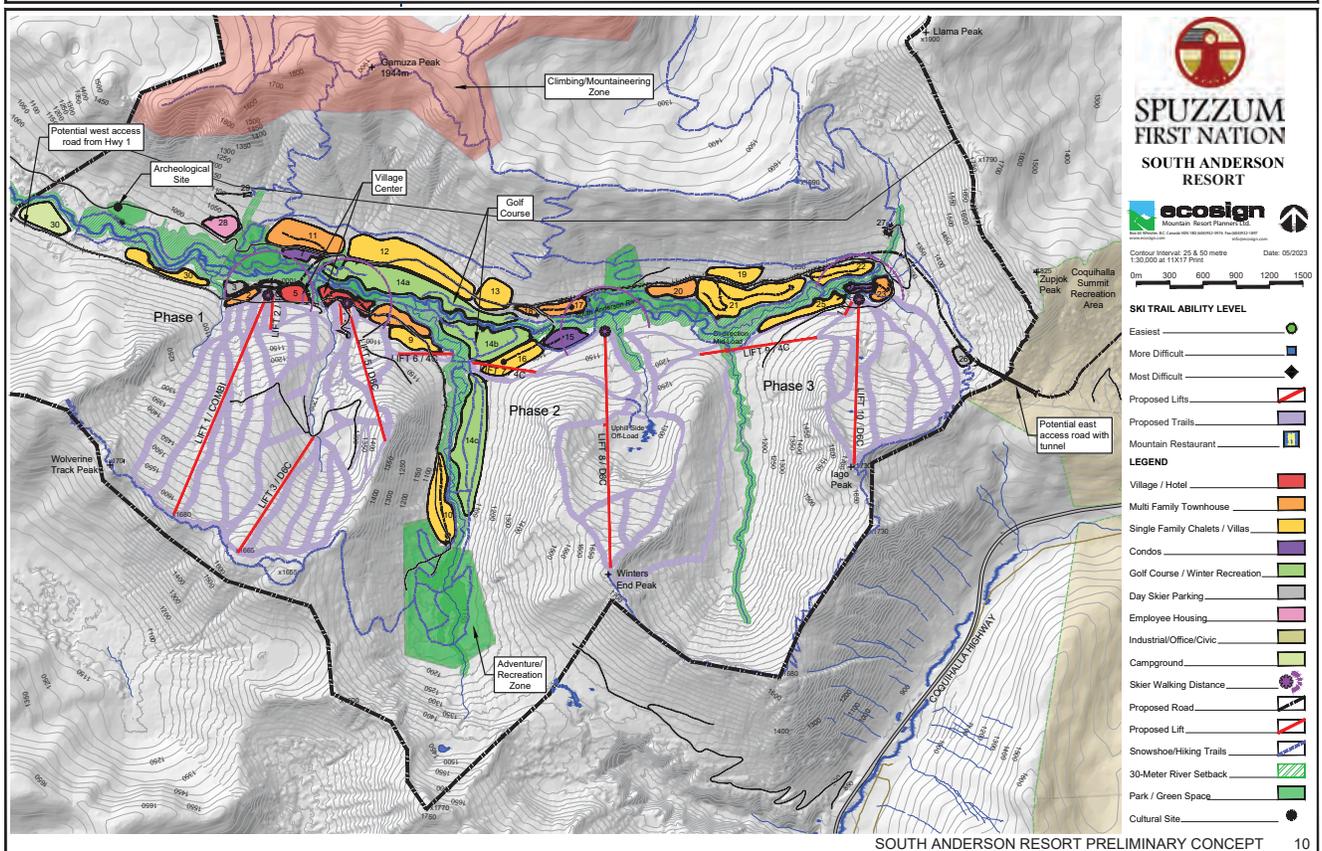
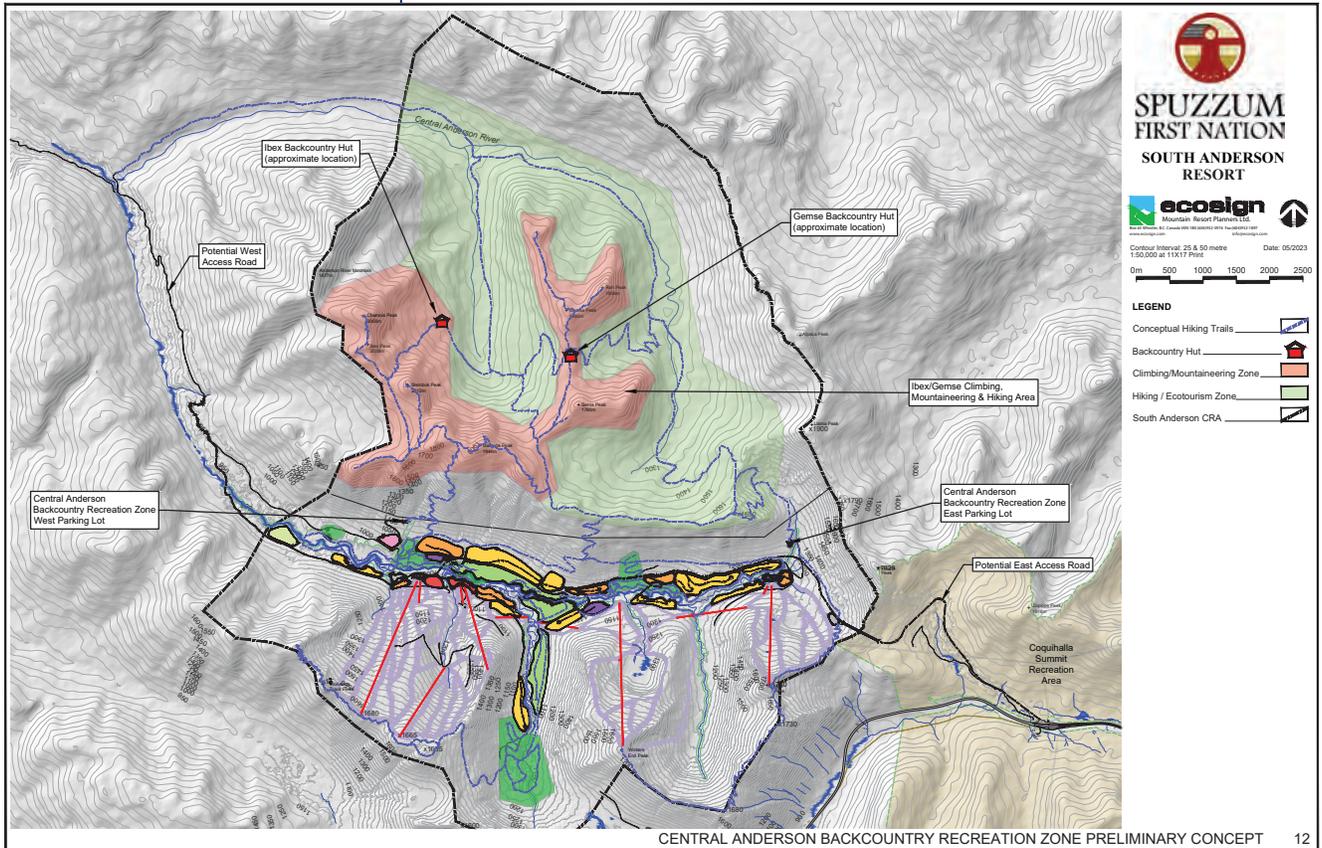


*South Anderson proposed preliminary village site*

### II.2.3.5 Opportunities and Constraints Plan

	OPPORTUNITIES	CONSTRAINTS
Greenfield Development	New tourism opportunity in close proximity to established market in GVA and visitors on the Coquihalla Hwy	No existing road access to the site
	Opportunity to build a modern, efficient, low carbon infrastructure system	No existing infrastructure (power, water, sanitary sewer, etc) available at site. On-site systems will be required.
	Opportunity to implement a master plan that follows modern best practices for the mountain resort development.	Area has not been considered for development in FVRD’s Regional Growth Strategy.
Natural Site Conditions	Old growth forest can be preserved and managed for low impact recreation use. Most of the valley has been logged in the last decades resulting in no old growth forest disruption.	Wildlife habitat adds complexity to environmental approval process such as taking care with access roads through old growth areas
	Old forest service roads can be upgraded in part as internal roads for the resort where suitable. Second growth areas more suitable for development	Site has been intensively logged with large clear cut areas and second growth which detracts from the sense of untouched nature.
	South Anderson River is a natural feature in the base area that can be used for recreation and adds to the aesthetic value of the resort experience	Fish habitat and flood setbacks
	North facing ski terrain has a cooler microclimate for snow quality and retention.	Base area lands are in shadow in the winter months
Development Analysis	Opportunities to expand the resort from west to east over time according to market demand	The three identified ski zones are disconnected and cannot be connected without transportation lifts across the tributary river valleys
	Excellent summer ecotourism opportunities in Central Anderson	Difficult access to Central Anderson
	Zone A has an excellent site for a resort core; zone C has a similar site with moderate suitability for a resort core	Zone B does not have a suitable site for a resort core

### II.2.3.6 Preliminary Concept



### II.2.3.7 Preliminary Market Commentary

#### The Market

Preliminary summer and winter market reviews anticipate that the majority of South Anderson Mountain Resort visitors will come from British Columbia and Washington State. Primary markets include Metro Vancouver (population 2.8 million), Metro Seattle (population 4 million) and the Fraser Valley (population 0.5 million). The population of these three markets is increasing by more than 100,000 people per year.

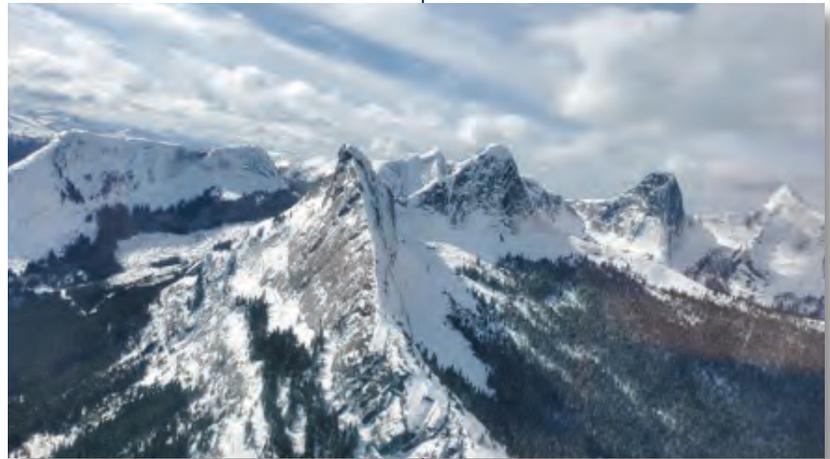
Skier visits are projected to increase from 150,000 in year one to 400,000 in year ten.

The primary target markets for the resort are the eastern suburbs of Metro Vancouver (ie. from Surrey east on the south side of the Fraser River and from Pitt Meadows-Maple Ridge east on the north side of the Fraser River), the Fraser Valley as far east as Hope and the Seattle-Tacoma-Bellevue metropolitan area of Washington State.

The significant population growth throughout British Columbia and Washington State in particular will generate significant additional demand for skiing during the next decade. The European market is now one to consider as climatic warming is forcing skiers from this area to seek more reliable ski slopes.

More specifically, research undertaken by the Canadian Ski Council in 2019 indicated that downhill skiing had a 24% participation rate and that skiers spent an average of just under 7 days per year on the slopes. Based on these two numbers, a population increase of 196,000 in the primary Vancouver / Fraser Valley market area will translate into an additional 329,000 skier visits by 2032.

Overseas markets are initially expected to be initially less than 5% of total skier visits. Climatic factors in Europe may impact this number in future years. The American market (principally Washington, Oregon and California) is expected to be 10-15% of total skier visits. The rest of Canada market (principally Alberta and Ontario) is expected to be 5-10% of the market.





## Concluding Remarks

*"In the spirit of reconciliation, we invite British Columbia to join with the Spuzzum First Nation to develop the South Anderson Mountain Resort -- the first Indigenous driven comprehensive all-season mountain resort in BC."*



*K<sup>w</sup>uk<sup>w</sup>stemc (Thank you)*

**James Hobart**  
Spuzzum Chief





## BCMRB Next Steps

### II.2.4 Review and Referral

Once submitted, the Expression of Interest will be reviewed by the Province and then referred to other agencies, First Nations and local government. Typically, such a review will take 30 to 60 days to complete. If the project is determined to be unworkable at this time, the applicant will be so advised, and discouraged from continuing with that particular concept. However, if the review is positive, TRD Division will undertake the following:

1. Obtain status clearance (i.e. Determine any conflicts with other tenure-holders, confirm ownership of land and any prior rights on the land, etc.);
2. Designate the area under Section 13 of the Land Act as a Designated Use Area, subject to regular 5-year review;
3. Appraise the land value and improvements (if any),
4. Request the Ministry of Energy, Mines and Petroleum Resources to establish a Staking Reserve over the proposed Controlled Recreation Area. This will effectively remove the land from consideration for purposes other than mountain resort development while an Expression of Interest is under review.

### II.2.5 Additional Expressions of Interest

Following a positive review, the Province may advertise for additional Expressions of Interest and to solicit public comments as part of the All Season Resort Policy. The notification to the public will be released in the region of the intended application. A wider release will be made if the apparent size of the project and proposed market warrants it. Over the course of the next 30 days, other parties will be given the opportunity to submit additional EOI's.

## II.2.6 Preliminary Evaluation of Expressions of Interest

### ► Government Decision Point in the Process

The Province will administer all Expressions of Interest. An evaluation will be completed and a decision will be made to approve one of the submissions. MTSA and the TRD Division reserves the right to request additional information or studies that would usually be required in the Concept Stage in order to accurately evaluate multiple EOI's. A single submission will be selected at this point by TRD and the successful proponent will be invited to submit a **Formal Proposal** to generate a mountain resort development concept. The expected content of a Mountain Resort Development Proposal is described in Section II.3 of the Mountain Resort Guidelines.

## **SOUTH ANDERSON RESORT PRELIMINARY CONCEPT**

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Ecosign Mountain Resort Planners, Ltd. was engaged by the Spuzzum Nation in April 2021 to undertake a Feasibility Study for an alpine ski resort in the South Anderson study area. Using mapping prepared from aerial photography, Ecosign prepared a technical assessment and two conceptual alternatives for a potential four-season mountain resort. A site inspection was carried out in July 2021 and Ecosign participated in two meetings with the Spuzzum project team and other consultants in Vancouver. At the conclusion of the Feasibility Study in October 2021, the potential for mountain resort development was confirmed and a preferred concept was selected for further study. After the completion of Ecosign's work in 2021, the Spuzzum Nation commissioned high-quality Lidar mapping of the of the South Anderson River valley and the mountains to the south of the river in the area proposed for development. One metre contours have been created from the new Lidar data and used to update the technical assessment and the preliminary Master Plan Concept. A second site inspection, this time in winter conditions was carried out in early March 2023. This report summarizes the site analysis work and preliminary Master Plan Concept.

### **Site Location & Proposed CRA Boundary**

The proposed Controlled Recreation Area (CRA) is located northwest of the Coquihalla Summit Recreation Area and encompasses alpine areas to the south and north of the South Anderson River as shown in Figure 1. The east boundary abuts the interim study area for the proposed Juliet Creek Resort and the Coquihalla Summit Recreation Area then extends further south to include Iago Peak and Winters End Peak. The proposed CRA is located east of the Spuzzum Nation settlements and reserves along Highway 1 in the Fraser Canyon and has a total area of 7,415 hectares. There is no public road access to the site although existing forestry roads connect to the Anderson River FSR which extends west to Highway 1 at Alexandra Bridge Park.

The environmental consultant has prepared a review of the existing tenures, licenses overlapping the proposed CRA. We are aware that there are existing mineral rights, at least 2 guiding certificates as well as a Section 16 Environment, Conservation & Recreation reserve in favour of the Ministry of Transportation near the peak of Mount Iago for avalanche control and a tenure for scientific observations close by. We expect that the proposed South Anderson resort would not have a significant impact on these existing interests.

## Preliminary Site Analysis

The Technical Assessment includes identification and analysis of critical on-site and off-site factors which may affect the development potential of the ski resort area. The inventory data includes: the land status, climatic, biophysical, and physiographic characteristics of the study area. Through an understanding of the site's existing conditions and natural process, environmentally sensitive areas can largely be avoided, and natural development opportunities maximized. The physical site characteristics discussed in this section all interact to aid the planning team when assessing the capability of the natural systems to support resort development. The purpose of the Technical Assessment is to blend the information and constraints that are identified with acceptable ski industry planning and design parameters.

### Aspect

Aspect is defined as the direction in which a surface faces and is categorized using the eight cardinal points of a compass (north, northwest, west, southwest, south, southeast, east and northeast). The slope gradient and aspect of terrain in combination, greatly affect the amount and intensity of solar radiation received during the winter and spring ski seasons. The Aspect Analysis of the area surrounding the South Anderson River is presented in Figure 2. The areas proposed for ski trail development are on slopes with northeast to northwest aspects, ideal for snow retention. The slopes on the north side of the South Anderson River are primarily south to southwest facing which provides great sun exposure for accommodation development.

### Elevation

The potential vertical drop available for lift serviced skiing also plays an important role in site suitability, since total elevation determines the length of the trails and also the vertical transport metres (VTM) that can be supplied to the skiing and snowboarding public. The total vertical rise of a ski area is a key factor that affects the marketing potential and attractiveness to guests. Elevation also affects the climate of the mountain and significant variation in precipitation and snowfall can be the result of variations in elevation.

The elevation analysis is presented in Figure 3. One hundred metre bands of elevation between 900 and 1700 metres are identified in a different colour. Each 100 m elevation band between is presented in a different colour band. The highest peak in the area south of the river

is an unnamed peak between Wolverine Trail Peak and Winters End with an elevation of 1770 metres, however, the terrain at the top is too steep for skiing. The South Anderson River drops from an elevation of approximately 1250 m at the east end of the proposed CRA to approximately 935 m at the proposed western boundary. The highest elevation in the area proposed for ski terrain is the summit of Mount Iago at 1734 metres. The elevation of the river valley below Mount Iago is approximately 1220 metres, giving a maximum potential drop of 514 m (1686 feet). Similarly, the summit of Winters End Peak has an elevation of 1709 metres and the adjacent valley bottom is at 1120 metres providing a potential vertical drop of 589 m (1932 ft.) The summit elevation of Wolverine Track Peak is 1684 metres and the valley bottom nearby flattens out substantially around 1004 m providing a maximum potential vertical of 680 m (2,230 ft.).

### Mountain Slope Analysis

Slope gradients are a critical factor in evaluating potential ski area development. The Mountain Slope Analysis is presented in Figure 4. On this plan, ranges of slope gradients are represented by different colours to illustrate slopes suitable for different types of skiing / snowboarding. Table 1 outlines the Mountain Slope Analysis Slope Gradient Classification, their corresponding colour and suitability for skiing and snowboarding. Areas represented in white on the slope map are too flat for skiing, while red areas represent hazardous terrain. In terms of slope gradients, ideal ski terrain is represented on the Mountain Slope Analysis by a mix of green and yellow with some blue for advanced and expert skiers. Of the three peaks, Wolverine Track appears to provide the largest amount of suitable ski terrain.

**TABLE 1  
MOUNTAIN SLOPE ANALYSIS  
SLOPE GRADIENT CLASSIFICATION**

SLOPE GRADIENT	COLOUR	TYPE OF SKIING/ SNOWBOARDING
0% to 8%	White	Flat Terrain, Marginal Skiing
8% to 25%	Green	Beginner & Novice Skiing
25% to 45%	Yellow	Intermediate Skiing
45% to 70%	Blue	Advanced and Expert Skiing
70% +	Red	Unskiable, Hazard Area

## Base Area Slope Analysis

In addition to identifying good quality ski terrain, when reviewing the suitability of an area to support an alpine ski resort, it is also important to determine if there is sufficient terrain to provide the necessary support facilities such as road access, parking, day lodges as well as accommodation and other commercial facilities if the area is planned to serve more than the local surrounding area. The base area slope analysis is presented in Figure 5 with different colours used to illustrate different slope ranges suitable for base area development. The slope suitability ranges are summarized in Table 2 below. Generally, flat terrain identified with white and green in the base area slope analysis is ideal for high density development and parking lots where limited re-grading of the natural terrain is required. Terrain with slopes in the green or yellow categories can be suitable for development with some regrading to provide building sites while the blue category is marginal for low density development and the red category is too steep for development.

**TABLE 2  
BASE AREA SLOPE ANALYSIS  
SLOPE GRADIENT CLASSIFICATION**

SLOPE GRADIENT	COLOUR	BASE AREA DEVELOPMENT SUITABILITY
0 to 8%	White	Suitable for roads, parking, high density village style developments, outdoor and indoor recreation and snow play zones with limited terrain modification
8 to 15%	Green	Smaller multi-family or townhouse (medium density) developments, roads, snow play and parking with some terrain modification
15 to 25%	Yellow	Single-family chalet (low density) developments with substantial grading required to provide vehicle access.
25 to 40%	Blue	Marginal for single-family development. May require rock stacking and/or retaining walls to provide vehicle access.
40%+	Red	Too steep for development

As shown in Figure 5, the areas with slopes suitable for development are for the most part located alongside the South Anderson River and its tributary streams. The south bank of the river has some very steep banks, the developable land would be above the banks. There are a few isolated areas with gentle terrain in the alpine.

## Solar Analysis

The site's angular relationship with the sun is a critical design parameter, since it determines the time of day and for how long the sun's rays will bathe potential parking lots, mountain restaurants, ski trails and the base area village public space and patios. Base area staging facilities, beginner and children's ski zones and any village or accommodation development are ideally located to maximize sunlight to create the most comfortable micro-climate for guests, however, this is not always possible. In mountain environments, the sun's rays are highly valued by guests, but can negatively impact snow quality. Careful placement of base area facilities and beginner areas in sunny zones, and ski trails in shade is a fundamental principle of mountain resort planning. Accordingly, a detailed solar analysis of the study area is a critical part of the Technical Assessment.

A study of the shadows cast by the sun over the entire study area has been carried out in the morning (Figure 6a - 9:00 a.m.), 12:00 noon (Figure 6b - noon) and afternoon (Figure 6c - 3:00 p.m.) in December, January and February Pacific Standard Time (PST). The solar analysis can be used during the detailed design phases to ensure that sunlight is maximized for different facilities that are active at different times of the day. For example, morning ticket windows would ideally be in the sun at 9:00 a.m., while afternoon patios should be bathed in sun at 3:00 p.m. Once potential mountain resort development sites are identified, the solar analysis is used to guide concept development and detailed design.

### 9:00 a.m.

At 9:00 a.m. in the morning on December 21, the sun casts shadows on all north facing slopes extending up almost to the peaks and the shadows stretch across the South Anderson River onto the south facing slopes, as illustrated on Figure 6a. By January 21 at 9:00 a.m., the shading on the northerly slopes has diminished but still stretches across the river. By February 21 at 9:00 a.m., the river bottom and a portion of the valley on the south side of the river are in sunlight but the north and west sides of the three mountains are still in the shade.

### 12:00 Noon

Figure 6b illustrates that topographic shading is significantly reduced by noon and most of the base land on the north side of the river is in the sunlight, even on the shortest day of the

year. By January 21, the noon shading has moved away from the river valley except on the lower northwest facing slopes. By February 21 at noon the base area is in full sun and only the north faces of the ridgelines are still in shade.

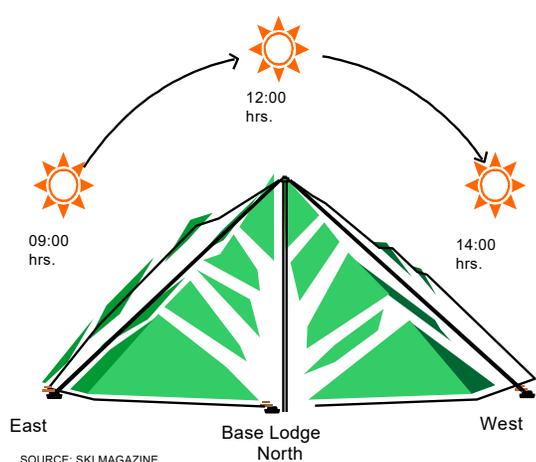
3:00 p.m.

Figure 6c shows the shadows in the study area at 3:00 p.m. in December, January and February. At this time, the mountain’s ridges cast shadows on north and northeast facing slopes and the valley bottom extending across the river to the north side. By January 21, the shading still encompasses the proposed ski terrain and extends across the river to the lower slopes. existing trail and base facilities. By February 21, most of the base area except the area below Wolverine Track Peak can still receive sun at 3:00 p.m.

Snow Quality

Most skiers and snowboarders are highly aware of the sun's influence on snow quality. While skiers/snowboarders prefer to ski in the sun, they will not do so if the snow is sticky or mushy due to intense solar radiation. As illustrated in Plate 1, to the extent the terrain allows, skiers will follow the sun throughout the day, skiing eastern exposures in the morning, southern exposures at noon and western exposures in the afternoon.

# SKI POINTER



**IN SPRING, STAY AHEAD OF THE SUN**  
*By John Fry  
 Contributing Editor*

The trick to enjoyable spring skiing is to catch the snow as it becomes granular corn before it gets slushy. A good strategy is to keep one eye on the slopes and the other on the sun.

In the morning, after a frosty night, look for east-facing and southeast-facing slopes that catch the early sun. They will be the first to soften up.

As the sun climbs higher and moves into the southern sky, move with it. Ski the north-facing slopes early before they become sloppy.

Finally, move to the west-facing slopes in the afternoon to search for good corn snow.

Smart scrutiny of the weather and terrain will improve your day of skiing.

**PLATE 1**

In the northern hemisphere, southern slopes are the warmest, eastern and western slopes the next warmest and northern slopes the coolest. Snowpack retention is a critical concern for any skiing operation and for this reason, slopes and ski trails should naturally be located where the snowpack remains for the longest period.

## **Solar Radiation Analysis**

The amount of solar radiation impacting the surface varies strongly with elevation, slope, aspect and solar shading from surrounding topographic features. As mentioned previously, topographic shading decreases the temperature near the ground which causes the snow to last longer and the angle of which the sun strikes the ground also affects the rate of snow melt. Even small changes in aspect can result in substantial differences in surface warming. With this in mind, we have calculated the cumulative quantity of potential incoming solar radiation on a monthly basis for the winter ski season from December 1 to March 31. Time of year, sun position (azimuth and altitude), shadows cast by surrounding terrain, terrain slope, and terrain aspect are all analyzed to simulate and calculate direct, diffuse, and reflected radiation. The result is an accurate representation of potential energy income in kilowatt-hours per square metre. The calculation has been repeated every 15 minutes from sunrise to sunset for each day in a grid system over the entire study area. Figure 7 illustrates, with a warm to cool color spectrum, the warm and cool zones within the study area for the winter ski season months of December, January, February, and March. The study area contains large areas of cool zones which indicate that excellent snow conditions are present. The majority of ski terrain will be located in the cooler areas.

## **Ski Terrain Capacity Analysis**

The Mountain Slope Analysis and Incoming Solar Radiation Analyses are utilized in combination as a basis for preparing the Ski Terrain Suitability and Capacity Analysis Map, as illustrated on Figure 8. As discussed previously, the colours represented by the Mountain Slope Analysis illustrate topography suitable for various skier skill levels. The shaded areas on the Incoming Solar Radiation Analysis delineate areas that receive higher amounts of solar radiation, as well as areas which are lower in elevation. The Ski Terrain Suitability Analysis graphically illustrates terrain “pods” within the study area which possess potential for the development of alpine ski terrain. The pods were selected by consulting the Terrain Capacity map and observing the following criteria.

- continuous fall line skiing from top to bottom
- suitable upper and lower lift terminal locations
- good slope continuity to allow interesting skiing from top to bottom for one or more skier ability levels
- natural slope gradients primarily greater than 8 percent and less than 70 percent
- terrain above 1,000 metres elevation
- slopes not subject to intense solar radiation

Within each ski terrain pod, the upper and lower points are joined to establish the total vertical rise, horizontal distance, straight line slope and average slope gradient. The total ski terrain pod area was measured and calculated. The above data comprises the inputs to our terrain capacity spreadsheet. The final input is a judgment which identifies the “primary” skier skill classification for each terrain pod. The outputs are as follows:

**AVAILABLE SKI TERRAIN** – net developable terrain within the pod. It is assumed that pods will be able to support skiing on about 30 percent of the useable terrain within the pod, depending on topography, as well as the shape of the pod. In most regions around the world, trails within the forest encompass between 30 and 35 percent of the pod area and much less than that over the whole ski area.

**TOTAL SKIERS/SNOWBOARDERS** – number of skiers possible in the pod within developable terrain at acceptable densities.

**DEMAND VTM (000)** – vertical transport metres required to service the skiers according to the skill level attracted to the type of terrain in the pod.

**LIFT CAPACITY/HR.** – the net hourly lift capacity necessary to maximize the development of each pod.

The Mountain Terrain Capacity Analysis map and table outputs provide a reliable indication of the maximum development potential of each pod and zone of the study area and the lift capacity necessary to balance with the terrain. For the purpose of this analysis we have used the design parameters outlined in Table 3 for the desired skier densities and vertical demand for each of the seven skill classes.

**TABLE 3  
DESIGN PARAMETERS**

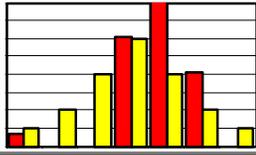
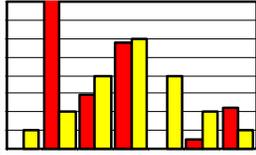
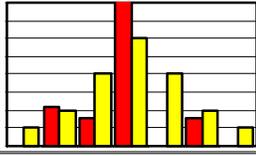
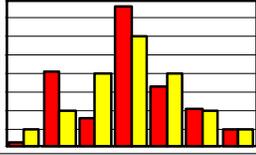
	Skill Classifications	Skill Mix	Acceptable Terrain Gradients	Skier Demand VTM/Day	Skier Densities At Area Skiers/ha.
1	Beginner	5%	8 - 15%	940	50
2	Novice	10%	15 - 25%	2,120	50
3	Low Intermediate	20%	25 - 35%	2,825	40
4	Intermediate	30%	30 - 40%	3,770	40
5	High Intermediate	20%	35 - 45%	5,085	30
6	Advanced	10%	45 - 60%	5,935	15
7	Expert	5%	60% +	8,475	20

A total of 19 pods of potential ski terrain are identified on the south side of the South Anderson River, as shown on Figure 8. The pods are grouped into three zones based on which of the three main peaks they are located. Zone A consists of seven pods on Wolverine Track, Zone B has eight pods on and around Winters End Peak and Zone C has four pods, three on Mount Iago and one on the peak on the other side of the river. The result of the ski terrain capacity analysis is presented in Table 4. If fully developed the seven terrain pods in Zone A are estimated to be capable of supporting approximately 4,000 skiers on a mix of beginner and high intermediate to advanced terrain. Zone B, if fully developed, could provide ski terrain for approximately 4,700 skiers on terrain ranging from novice to expert while Zone C has a potential to support another 2,200 skiers on mostly novice and low intermediate to intermediate terrain. In total the three zones, if fully developed, could support approximately 10,800 skiers. The largest potential lift serviced vertical in Zone A is 700 metres, in Zone B is 634 metres and in Zone C is 510 metres. Table 6 outlines key statistics for each zone including estimated total terrain capacity, developable ski terrain in hectares and a comparison of the ski terrain balance with the assumed skier skill balance. The terrain balance is closest to the market skill balance when the terrain from all three 3 zones are combined.

**TABLE 4  
SKI TERRAIN CAPACITY ANALYSIS**

<b>Terrain Pod</b>	Top Elevation m.	Bottom Elevation m.	Total Vertical m.	Horizontal Distance m.	Slope Distance m.	Average Slope %	Skill Class	Skier Density/Ha.	VTM Demand/Day	Total Area Ha.	% Ski Terrain Available	Available Ski Terrain	<b>Total Skiers</b>	Demand VTM (000)	Lift Capacity Hr.
<b>ZONE A</b>															
<b>A1</b>	1,051	1,022	29	310	311	9%	1	50	940	3.5	75%	2.6	<b>130</b>	19	669
<b>A2</b>	1,440	1,034	406	1,265	1,329	32%	6	15	5,935	46.0	30%	13.8	<b>210</b>	198	487
<b>A3</b>	1,665	1,060	605	2,195	2,277	28%	5	30	5,085	126.9	30%	38.1	<b>1,140</b>	920	1,521
<b>A4</b>	1,680	1,299	381	1,120	1,183	34%	4	40	3,770	99.2	30%	29.8	<b>1,190</b>	712	1,869
<b>A5</b>	1,340	1,007	333	1,000	1,054	33%	5	30	5,085	73.2	30%	22.0	<b>660</b>	533	1,600
<b>A6</b>	1,705	1,005	700	1,805	1,936	39%	6	15	5,935	99.1	30%	29.7	<b>450</b>	424	606
<b>A7</b>	1,655	1,372	283	795	844	36%	6	15	5,935	34.1	30%	10.2	<b>150</b>	141	499
<b>Subtotal</b>			2,737		8,934					481.9		146.1	<b>3,930</b>		7,251
<b>ZONE B</b>															
<b>B1</b>	1,283	1,066	217	920	945	24%	3	40	2,825	29.9	30%	9.0	<b>360</b>	161	744
<b>B2</b>	1,263	1,090	173	780	799	22%	3	40	2,825	27.2	30%	8.2	<b>330</b>	148	855
<b>B3</b>	1,655	1,285	370	1,090	1,151	34%	4	40	3,770	112.8	30%	33.8	<b>1,350</b>	808	2,183
<b>B4</b>	1,700	1,507	193	1,150	1,166	17%	2	50	2,120	16.1	30%	4.8	<b>240</b>	81	418
<b>B5</b>	1,680	1,226	454	1,210	1,292	38%	7	20	8,475	40.1	30%	12.0	<b>240</b>	323	711
<b>B6</b>	1,705	1,223	482	1,090	1,192	44%	7	20	8,475	48.1	30%	14.4	<b>290</b>	390	809
<b>B7</b>	1,698	1,406	292	735	791	40%	6	15	5,935	26.8	30%	8.0	<b>120</b>	113	387
<b>B8</b>	1,410	1,095	315	1,830	1,857	17%	2	50	2,120	115.8	30%	34.7	<b>1,740</b>	586	1,859
<b>Subtotal</b>			2,496		9,193					416.8		125.0	<b>4,670</b>		7,968
<b>ZONE C</b>															
<b>C1</b>	1,730	1,220	510	1,530	1,613	33%	4	40	3,770	134.4	30%	40.3	<b>1,610</b>	963	1,889
<b>C2</b>	1,404	1,245	159	735	752	22%	3	40	2,825	14.1	30%	4.2	<b>170</b>	76	479
<b>C3</b>	1,369	1,244	125	475	491	26%	2	50	2,120	15.9	30%	4.8	<b>240</b>	81	646
<b>C4</b>	1,690	1,400	290	960	1,003	30%	6	15	5,935	38.6	30%	11.6	<b>170</b>	160	552
<b>Subtotal</b>			1,084		3,859					203.0		60.9	<b>2,190</b>		3,567
<b>TOTAL</b>			6,317		21,986					1,101.7		332.1	<b>10,790</b>		18,785

**TABLE 5  
SKI TERRAIN CAPACITY ANALYSIS AND PISTE BALANCE SUMMARY**

	MOUNTAIN CAPACITY						
	Number of pods	Estimated Piste Capacity	Developed Pistes (hectares)	Piste Balance	Average Skier Capacity/Pod	Maximum Skiable Vertical	Average Vertical Meters/Pod
<b>ZONE A</b>	7	3,930	146.1		561	700	391
<b>ZONE B</b>	8	4,670	125.0		584	634	312
<b>ZONE C</b>	4	2,190	60.9		548	510	271
<b>TOTAL</b>	19	10,790	332		568		332

### Base Area Development Suitability

The Base Area Development Suitability Analysis is a process that identifies and assesses potential suitable terrain for the development of base area facilities to support the mountain resort development. Since the goal for the South Anderson resort is to create a four season destination resort, these facilities could include the provision of public and private accommodation, commercial facilities, resort amenities and other four-season recreation facilities. In conjunction with the Terrain Capacity Analysis, the Base Area Development Suitability Analysis is a preliminary step in the planning process where all suitable potential base area development sites are identified and evaluated.

The Base Area Development Suitability Analysis is prepared by overlaying the Base Slope Analysis discussed previously with existing roads, trails, buildings, water course setbacks and the potential ski terrain pods that were outlined on Figure 8. A preliminary estimate of the riparian areas around the South Anderson River was prepared by establishing a setback of 30 m from the top of the steep banks; this is illustrated on the plan with a purple diagonal hatch. In addition, we have downloaded existing information on legal old growth areas from the provincial mapping database and these are indicated in green. Much of the area was previously logged and there are several decommissioned logging roads on the three mountains which are also shown.

### Development Potential

Slope gradients and proximity to potential ski terrain are the primary considerations when identifying suitable land for base area development. The spatial relationship between potential developable base area lands and the potential ski area facilities are evaluated using “Comfortable Skier Walking Distance” (SWD) as a planning tool. Comfortable Skier Walking Distance is defined as the distance an individual wearing ski boots and carrying equipment can walk in a 10-minute period. Assuming a 2.7-kilometre per hour walking speed, SWD is approximately 450 metres over level ground, and the distance is reduced by 4 metres for every metre of vertical grade change. It is critical to locate base area facilities and parking within SWD to make the resort truly pedestrian-friendly and avoid the requirement for guests to use their vehicle to get around the base area. The purple stars indicate a potential bottom terminal for each of the terrain pods and the purple dashed circles indicate the approximate SWD around each of these potential lift terminal locations.

Twelve areas with suitable slope gradients, proximity to potential lift bases and avoidance of the old growth and riparian areas have been identified on Figure 8 and their potential uses are outlined in Table 6. These areas are located on both sides of the South Anderson River and along the two tributaries between the three mountains. In total, these areas encompass 192 hectares.

**TABLE 6  
BASE AREA DEVELOPMENT SUITABILITY ANALYSIS**

	Area		Development Suitability
	#	ha	
ZONE A	1	11.6	Resort Core
	2	18.3	Supporting Development
	3	9.5	Resort Core
	4	30.8	Supporting Development
	5	8.3	Supporting Development
	6	14.8	Supporting Development
ZONE B	7	33.4	Supporting Development
	8	5.4	Supporting Development
	9	14.5	Supporting Development
ZONE C	10	25.4	Supporting Development
	11	14.7	Supporting Development
	12	6.1	Resort Core
<b>Total Study Area</b>		<b>192.8</b>	
<b>ZONE A</b>		21.1	Total Resort Core
		72.2	Total Supporting Development
<b>ZONE B</b>		-	Total Resort Core
		53.3	Total Supporting Development
<b>ZONE C</b>		6.1	Total Resort Core
		40.1	Total Supporting Development

### Technical Assessment Summary

The technical assessment reveals that there is excellent potential for a high quality alpine ski facility with balanced terrain, good vertical and summer sightseeing. The South Anderson River valley has an abundance of developable land for supporting commercial and accommodation facilities. The area has excellent opportunities for four season recreation along the South Anderson River and the ridgetops accessed by the lifts. The spectacular peaks on both sides of the river provide a landscape and views on par with larger destination resorts. The major constraint is that this is a greenfield site with no suitable road access or existing municipal infrastructure (power, water, sewer). However, this constraint means that a resort can be developed using the best available environmental practices. A summary of the opportunities and constraints is presented in Table 7.

**TABLE 7  
OPPORTUNITIES & CONSTRAINTS**

	<b>OPPORTUNITIES</b>	<b>CONSTRAINTS</b>
Greenfield Development	New tourism opportunity in close proximity to established market in GVA and visitors on the Coquihalla Highway	No existing road access to the site
	Opportunity to build a modern, efficient, low carbon infrastructure system	No existing infrastructure (power, water, sanitary sewer, etc.) available at site. On-site systems will be required.
	Opportunity to implement a master plan that follows modern best practices for mountain resort development	Area has not been considered for development in FVRD's Regional Growth Strategy
Natural Site Conditions	Old growth forest can be preserved and managed for recreation use	Wildlife habitat adds complexity to environmental approval process
	Old forest service roads can be upgraded in part as internal roads for the resort where suitable. Second growth areas more suitable for development	Site has been intensively logged with large clear cut areas and second growth which detracts from the sense of untouched nature
	South Anderson River is a natural feature in the base area that can be used for recreation and adds to the aesthetic value of the resort experience	Fish habitat and flood setbacks
	North facing ski terrain has a cooler microclimate for snow quality and retention	Base area lands are in shadow in the winter months
Development Analysis	Opportunities to expand the resort from west to east over time according to market demand	The three identified ski zones are disconnected and cannot be connected without transportation lifts across the tributary river valleys
	Excellent summer recreation opportunities in Central Anderson	Difficult access to Central Anderson
	Zone A has an excellent site for a resort core; zone C has a smaller site with moderate suitability for a resort core	Zone B does not have a suitable site for a resort core

## Preliminary Resort Master Plan Concept

The preliminary concept for the South Anderson Resort is presented in Figure 10 and includes the following elements:

- An alpine ski facility on 3 mountains (Iago, Winters End, Wolverine Track) encompassing 11 lifts and approximately 330 hectares of ski terrain.
- An eighteen-hole golf course in the river valleys
- Hiking and snowshoe trails to scenic viewpoints, old growth forest and along the South Anderson River
- First Nations interpretive experiences including preservation of existing archaeological sites
- A pedestrian resort village connected to other forms of public and private accommodation, including employee housing
- Day visitor parking
- Commercial and industrial support facilities

Figure 11a shows the lift and 12 and base area development bubbles for Phase 1 overlaid on a photograph of Wolverine Track Peak. Figure 11b shows the lift and base area development bubbles for Phases 2 and 3 overlaid on a photograph of Winters End Peak and Mount Iago.

### Ski Area

The ski area is anticipated to be developed in three phases, moving across the site from the west to the east. A summary of the preliminary phased lift installation is presented in Table 8. The lift system as outlined in Table 8 will have a skier carrying capacity of 9,000 skiers when fully developed. While certain types of lifts have been assigned based on the initial terrain analysis of the terrain to determine, the lift type and capacity may be adjusted during detailed design.

The first phase of ski area development consists of 5 lifts on Wolverine Track Peak. Lift 1 is a combi lift from extending from the proposed village centre to the top of the ridge, where a mountain restaurant is proposed. A combi lift is a detachable lift with a mix of gondola cabins and chair carriers. The gondolas provide easy access for non-skiers while the chairlifts are more convenient for return cycle skiers. This lift will provide a 675 m of vertical and is the

largest lift proposed. Lift 2 is a fixed grip quadruple chair that will service beginner and novice terrain close to the base area and Lift 3 is proposed as a detachable six passenger chair to provide return cycle skiing to a terrain pod in the upper mountain area. Lift 4 is a fixed grip quadruple chair accessing more beginner terrain to the east of the village. Interconnecting trails will allow movement between the two teaching areas. Lift 5 is a detachable six passenger chair providing access to new north facing terrain on the lower mountain.

In Phase 2, the ski terrain is expanded onto the second mountain, Winters End Peak. Lifts 6 and 7 are lower capacity fixed grip quadruple chairs that are needed to make the connection between the two mountains. Skiers wanting to move from one mountain to the other will ski down to the valley between the two mountains and take the lift up the other mountain which will land at a point high enough to allow skiing down to the other mountain. Lift 8 is a detachable six passenger chairlift that will service the ski terrain on Winters End. An offload station is proposed at an elevation of approximately 1325 m to allow those only wishing to ski the easier trails to get off before the terrain steepens.

Phase 3 extends the ski terrain onto Mount Iago. Lift 9 is a fixed grip quadruple chair with a bi-direction mid load point in the valley between the two mountains. Skiers wishing to change mountains will ski to the valley and then load at the mid station in the direction of the other mountain. Lift 10 is a detachable six passenger chairlift providing service to the intermediate and advanced trail system on Mount Iago. Lift 11 is a platter lift that will service some beginner terrain at the base of Mount Iago as well as lifting skiers transiting from this base area to the mountains to the west high enough that they can ski down to the Lift 10 mid load.

**TABLE 8  
SOUTH ANDERSON RESORT CONCEPT  
LIFT SPECIFICATIONS**

Lift Number Lift Type	Phase 1					Phase 2			Phase 3			TOTAL
	1 COMBI	2 4C	3 D6C	4 P	5 D6C	6 4C	7 4C	8 D6C	9 4C	10 D6C	11 P	
Top Elevation m.	1,680	1,090	1,665	1,063	1,440	1,130	1,149	1,700	1,295	1,730	1,256	
Mid Elevation m.								1,317	1,143			
Bottom Elevation m.	1,005	1,005	1,224	1,030	1,031	1,045	1,045	1,085	1,185	1,225	1,220	
Total Vertical m.	675	85	441	33	409	85	104	615	152	505	36	3,140
Horizontal Distance m.	2,110	285	1,240	265	1,290	565	650	2,215	1,060	1,484	160	
Slope Distance m.	2,215	297	1,316	267	1,353	571	658	2,299	1,071	1,568	164	11,780
Average Slope %	32%	30%	36%	12%	32%	15%	16%	28%	14%	34%	23%	28%
Rated Capacity	3,000	1,200	1,800	600	2,400	1,200	1,200	2,600	1,200	2,400	600	18,200
V.T.M./Hr.(000)	2,025	102	794	20	982	102	125	1,599	182	1,212	22	7,164
Rope Speed m/sec.	6.0	2.2	5.0	2.0	5.0	2.2	2.2	5.0	2.2	5.0	2.0	
Trip Time min.	6.15	2.25	4.39	2.23	4.51	4.33	4.99	7.66	8.11	5.23	1.37	
Operating Hr./Day	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
V.T.M. Demand/Day	4,489	2,120	5,085	1,530	4,275	2,120	2,120	3,770	2,120	4,558	2,120	
Loading Eff. %	95%	85%	80%	85%	80%	85%	85%	80%	85%	80%	85%	
Access Reduction	10%	0%	0%	0%	10%	50%	50%	10%	90%	10%	0%	
<b>SCC Skiers/Day</b>	<b>2,700</b>	<b>280</b>	<b>870</b>	<b>80</b>	<b>1,160</b>	<b>140</b>	<b>180</b>	<b>2,140</b>	<b>50</b>	<b>1,340</b>	<b>60</b>	<b>9,000</b>
<b>Cumulative Total</b>	<b>2,700</b>	<b>2,980</b>	<b>3,850</b>	<b>3,930</b>	<b>5,090</b>	<b>5,230</b>	<b>5,410</b>	<b>7,550</b>	<b>7,600</b>	<b>8,940</b>	<b>9,000</b>	

### Base Area Land Use Concept

The concept for the base area is presented in Figure 10. Development bubbles of different colours representing the proposed land uses are shown as well as preliminary road alignments to connect the parcels. Similar to development of the mountain it is expected that the base area will be developed from the west to the east. Since the river valley descends from east to west, the sewage treatment plant for the development will be located at the western end of the resort. A resort village and day skier parking are proposed at the base of Wolverine Mountain in the first phase of development. An additional parking area is identified for day visitors in the east end at the base of Mount Iago.

The planning assumptions for the development of accommodation are outlined in Table 9. Using these assumptions and estimating the useable site area of each parcel, the number of units and bed units that can be achieved in each phase of development has been estimated in Table 10. As outlined in the table, the potential yield of the land use concept is approximately 12,300 market bed units and 1,200 employee bed units in addition to day visitor parking for 1,100 vehicles.

**TABLE 9  
BASE AREA PLANNING ASSUMPTIONS**

Land Use	Units/ ha.	BU/ ha	BU / Unit
SFU	13	78	6
TH	25	100	4
Condo	100	300	3
Hotel / Village Condotel	200	400	2
Campground	33	100	3
Employee Housing*	100	300	3

**TABLE 8  
SOUTH ANDERSON RESORT CONCEPT  
BASE AREA LAND USE PLAN**

Parcel #	Land Use	Gross Area ha.	Estimated % Developable	Net Area ha.	# Cars	# Units	# BU
<b>Phase 1</b>							
1	Single-Family	5.8	60%	3.5	-	45	271
2	Townhouses	2.0	80%	1.6	-	40	160
3	Parking P1 - Skier	1.8	0%	-	400	-	-
4	Parking P2 - Skier & Village	0.8	0%	-	250	-	-
5	Village / Hotel	4.0	80%	3.2	-	640	1,280
6	Village / Hotel	3.6	70%	2.5	-	504	1,008
7	Condos	2.6	80%	2.1	-	206	617
8	Townhouses	6.6	80%	5.3	-	132	526
9	Single-Family	5.2	80%	4.2	-	54	324
10	Single-Family	12.2	60%	7.3	-	95	571
11	Townhouses	13.6	70%	9.5	-	238	952
12	Single-Family	24.6	60%	14.8	-	192	1,151
13	Single-Family	7.2	80%	5.8	-	75	449
14a	Golf Course - North	26.0	0%	-	-	-	-
14b	Golf Course - Mid	16.0	0%	-	-	-	-
14c	Golf Course - South	25.0	0%	-	-	-	-
<b>Subtotal Phase 1</b>		<b>156.9</b>		<b>59.6</b>	<b>650.0</b>	<b>2,221</b>	<b>7,309</b>
<b>Phase 2</b>							
15	Condos	4.9	70%	3.4	-	343	1,029
16	Single-Family	8.1	80%	6.5	-	84	505
17	Townhouses	4.6	80%	3.7	-	92	368
18	Townhouses	1.0	90%	0.9	-	23	90
19	Single-Family	6.8	70%	4.8	-	62	371
20	Townhouses	4.7	80%	3.8	-	94	376
21	Single-Family	19.5	60%	11.7	-	152	913
<b>Subtotal Phase 2</b>		<b>49.6</b>		<b>34.7</b>	<b>-</b>	<b>850</b>	<b>3,652</b>
<b>Phase 3</b>							
22	Single-Family	6.0	70%	4.2	-	55	328
23	Townhouses	3.1	80%	2.5	-	62	248
24	Condo	1.8	80%	1.4	-	144	432
25	Single-Family	6.1	70%	4.3	-	56	333
26	Parking P3 - Skier	1.7	0%	-	450	-	-
<b>Subtotal Phase 3</b>		<b>18.7</b>		<b>12.4</b>	<b>450</b>	<b>317</b>	<b>1,341</b>
<b>Total</b>		<b>225.2</b>		<b>106.7</b>	<b>1,100</b>	<b>3,388</b>	<b>12,302</b>
27	Central Anderson Parking - East	0.35	0%	-	100	-	-
28	Employee Housing	4.6	90%	4.1	-	414	1,242
29	Central Anderson Parking - West	0.16	0%	0.0	50	-	-
30	Campground	7.7	39%	3.0	-	100	300

## Central Anderson Recreation Zone

The proposed South Anderson CRA encompasses the Central Anderson River drainage to the north and an alpine area with several impressive granite spire peaks around 2,000-meters in elevation including Gamuza, Steinbok, Ibex, Gemse and Reh. The alpine area between the South Anderson and Central Anderson rivers has world-class potential for hiking, climbing and mountaineering which is currently very difficult to access by the public. Development of the South Anderson Resort will create opportunities for access to the Central Anderson area by ski touring or snowshoeing in the winter and by hiking or mountain biking in the summer. The vision for the Central Anderson zone within the proposed CRA is to create a backcountry recreation area with developed trails, signage, interpretation and shelters to provide access to the natural site features and recreation in this area. Figure 12 illustrates the conceptual location of access parking lots from the South Anderson valley, hiking trails and two potential locations for backcountry huts. The potential world-class climbing and mountaineering zone is shown in Figure 12 with the main access for visitors from the South Anderson Resort development. Other potential recreation activities in the Central Anderson Recreation Zone include:

- Eco-tourism
- Horse-back riding
- Via ferrata
- Helicopter tours
- Guided hiking, climbing and mountaineering
- Paraglide launch
- Outdoor education
- Backcountry skiing
- Guided fishing
- Orienteering
- Trail running



*Central Anderson Peaks*

## **Site Inspection**

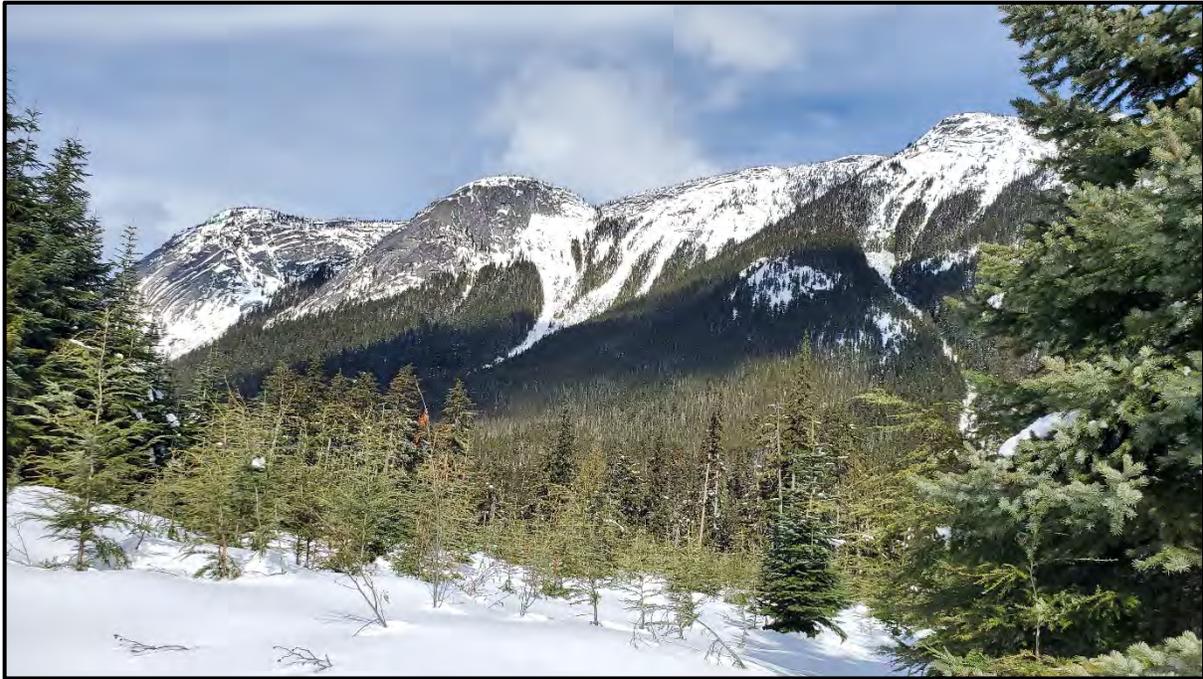
Ecosign visited the site in July 2021 from the Fraser River Valley using ATVs. The summer site inspection confirmed the general suitability of the proposed base area zones which are illustrated in the preliminary concept. A winter site inspection on skis was completed in early March 2023 using a helicopter to view the entire South Anderson and Central Anderson Study Area. Ecosign staff skied four descents along proposed ski trails including two down Wolverine Track Peak, one on Winters End, and one on Iago Peak. Excellent powder snow conditions were present, and no evidence of wind scouring or avalanche activity was observed within the regions which are proposed for skiing. Snow depth was consistently measured between 1.5 and 1.2 meters throughout the study area, including ample snow at the proposed resort elevation of 1025 meters. Only portions of Iago peak were observed to have ski tracks from self-propelled back country skiers and snowboarders. While snow conditions on both Wolverine Track Peak and Winters End Peak were excellent, it is evident that these peaks are too far away from the Coquihalla Summit Recreation Area to be popular for self-propelled touring. The winter site inspection also confirmed the spectacular views from various vantage points along Wolverine Track Peak, confirming the desirability of a mountain top restaurant and four-season sightseeing via the proposed lift system.



*South Anderson River – July 2021*



*View to Gamuza Peak – July 2021*



*North View from Parcel 6 village site*



*Lift 3 upper ski terrain*



*View from lower Lift 5 ski terrain to Parcel 6 village site*



*View from Lift 1 top station*



*Ski terrain on Mt. Iago. Tracks are from backcountry skiers with access from the Coquihalla Highway*



# SPUZZUM FIRST NATION

## SOUTH ANDERSON RESORT

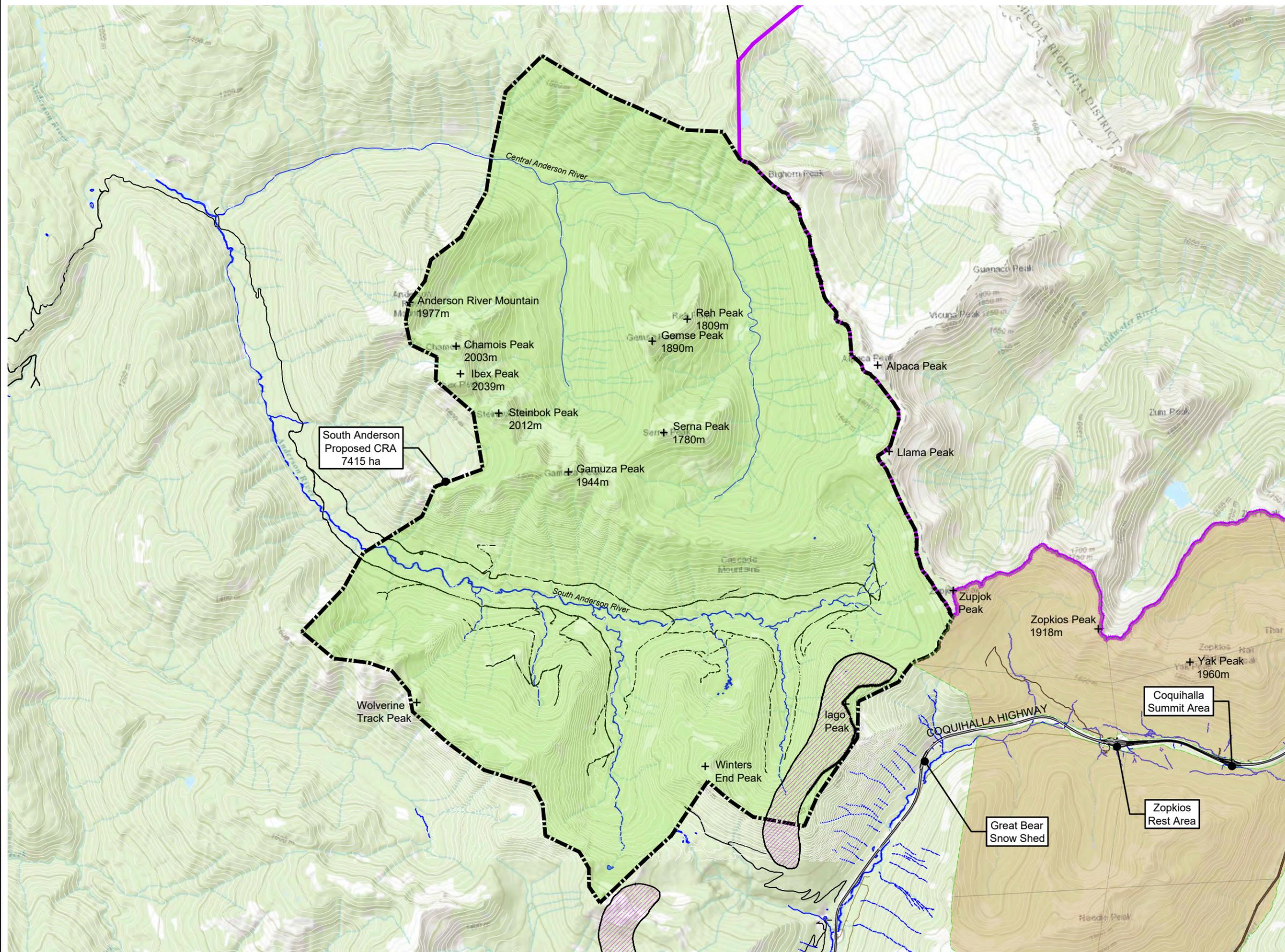


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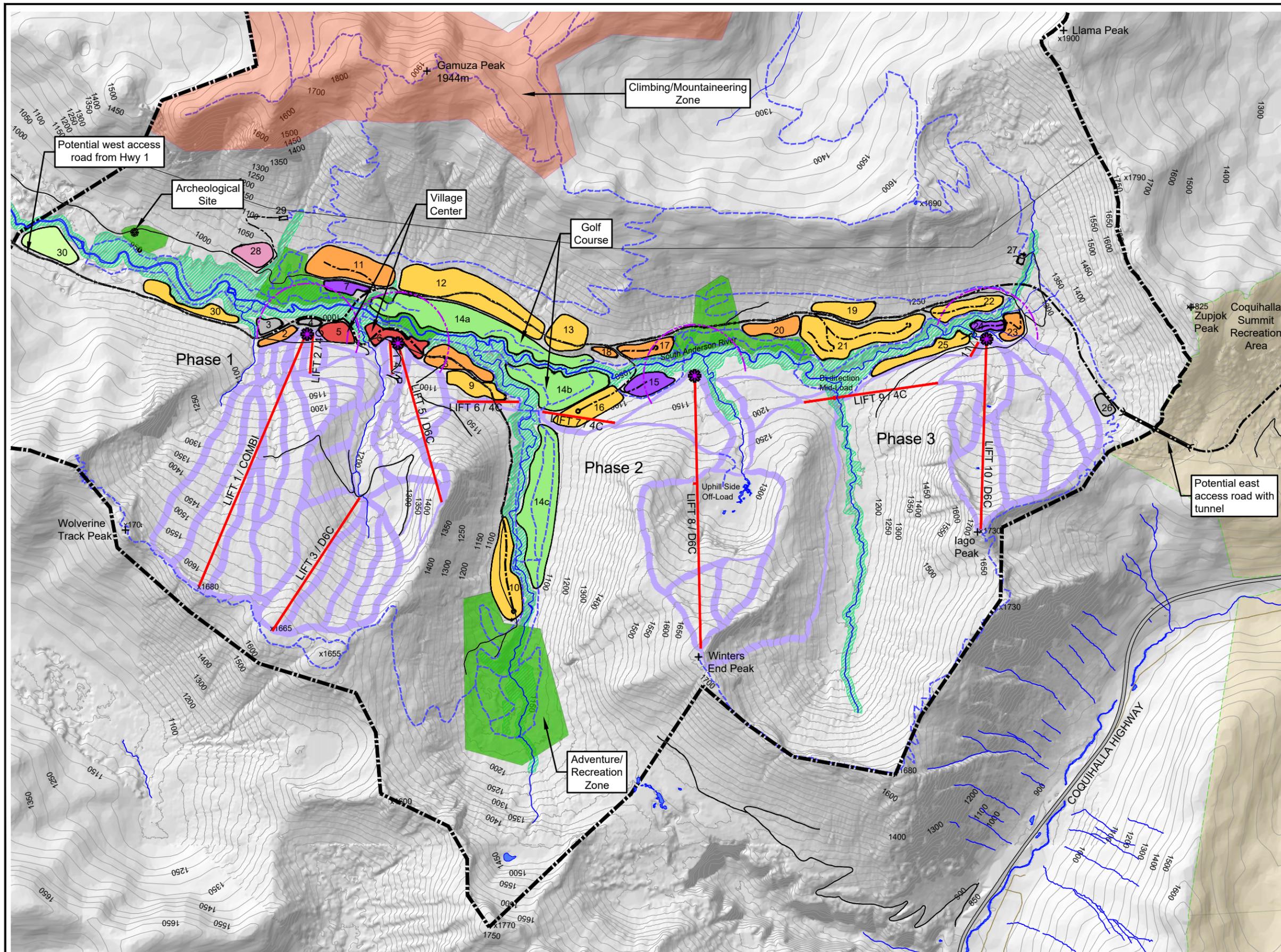


### LEGEND

- Proposed CRA Boundary
- Westscapes CRA Boundary
- MoTI Avalanche Control Boundary
- Coquihalla Summit Recreation Area



SOUTH ANDERSON STUDY AREA, PROPOSED CRA & EXISTING TENURES



**SPUZZUM  
FIRST NATION**  
SOUTH ANDERSON  
RESORT



Box 63 Whistler, B.C. Canada V0N 1B0 (604)932-5976 Fax: (604)932-1897  
www.ecosign.com info@ecosign.com

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- SKI TRAIL ABILITY LEVEL**
- Easiest ●
  - More Difficult ■
  - Most Difficult ◆
- LEGEND**
- Proposed Lifts ▬
  - Proposed Trails ▬
  - Mountain Restaurant ▬
  - Village / Hotel ■
  - Multi Family Townhouse ■
  - Single Family Chalets / Villas ■
  - Condos ■
  - Golf Course / Winter Recreation ■
  - Day Skier Parking ■
  - Employee Housing ■
  - Industrial/Office/Civic ■
  - Campground ■
  - Skier Walking Distance ⊙
  - Proposed Road ▬
  - Proposed Lift ▬
  - Snowshoe/Hiking Trails ▬
  - 30-Meter River Setback ▨
  - Park / Green Space ■
  - Cultural Site ⊙



# SPUZZUM FIRST NATION

## SOUTH ANDERSON RESORT

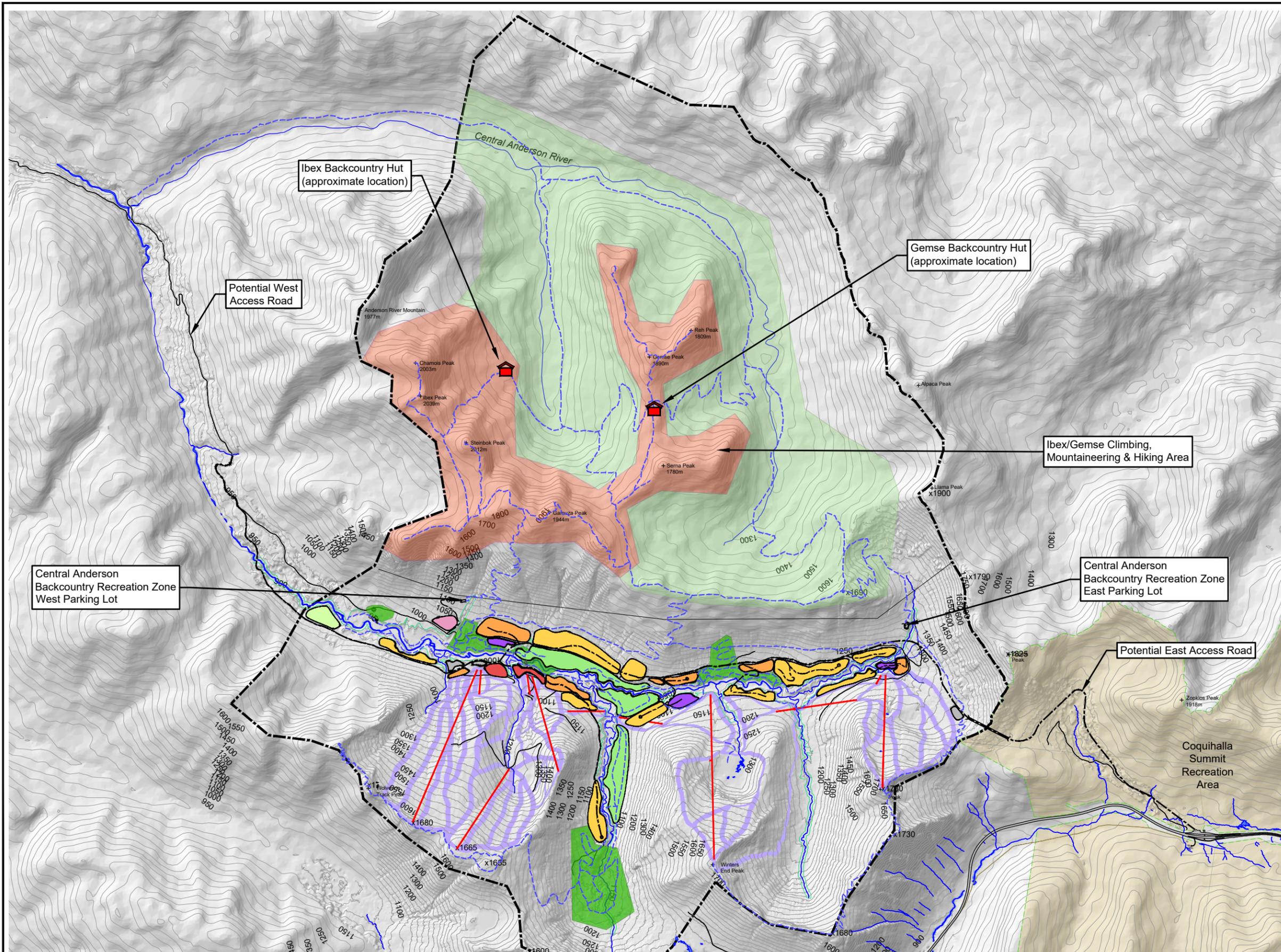


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Date: 05/2023



### LEGEND

- Conceptual Hiking Trails
- Backcountry Hut
- Climbing/Mountaineering Zone
- Hiking / Ecotourism Zone
- South Anderson CRA





**Hemmera Envirochem Inc.**  
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hemmera.com

June 14, 2021  
File No. 105939-01

Spuzzum First Nation  
36500 main Road  
Spuzzum, BC V0K 2S1

**Attention: Mel Woolley, Project Facilitator**

Dear Mel,

**Re: South and Central Anderson Environmental Overview Assessment**

## **1.0 INTRODUCTION**

Hemmera Envirochem Inc. (Hemmera), a wholly owned subsidiary of Ausenco Canada Inc. has conducted an Environmental Overview Assessment (EOA) for a proposed mountain resort project in the South and Central Anderson catchment near Hope, B.C. This assessment, conducted at the request of the Spuzzum First Nation, will help to understand the environmental situation for the project and can be used to inform the future development of the project and design of the approval processes.

This Work was performed in accordance with professional services agreement between Hemmera Envirochem Inc. (Hemmera), a wholly owned subsidiary of Ausenco Engineering Canada Inc. (Ausenco), and Spuzzum First Nation (Client), dated April 16, 2021 (Contract). This Report has been prepared by Hemmera, based on fieldwork conducted by Hemmera, for sole benefit and use by Spuzzum First Nation. In performing this Work, Hemmera has relied in good faith on information provided by others, and has assumed that the information provided by those individuals is both complete and accurate. This Work was performed to current industry standard practice for similar environmental work, within the relevant jurisdiction and same locale. The findings presented herein should be considered within the context of the scope of work and project terms of reference; further, the findings are time sensitive and are considered valid only at the time the Report was produced. The conclusions and recommendations contained in this Report are based upon the applicable guidelines, regulations, and legislation existing at the time the Report was produced; any changes in the regulatory regime may alter the conclusions and/or recommendations.

## 2.0 PURPOSE

This EOA provides information to evaluate project feasibility to answer the following questions for the project area of the Controlled Recreation Area (CRA) plus the access road routes to the project from Highway 1 and 5 (**Figure 1**):

- The environmental values that should be considered during project design to avoid or minimize potential effects where possible (i.e., constraints) and to determine information needs for subsequent approval phases.
- The potential effects on environmental values that could result in substantial delays to regulatory processes and/or expense to resolve (i.e., red flag or show-stopper issues)

## 3.0 REGULATORY CONTEXT

Undertaking an EOA, is a first step towards understanding the issues to be addressed during future regulatory and approvals processes. As such, a knowledge of the likely permits and approvals required for the project is critical to ensuring the EOA aligns with the requirements of future permitting and approvals processes.

Given Hemmera's understanding of the current project concept being considered, it is assumed development of the project would require approvals from two key provincial regulators; the Environmental Assessment Office and the Mountain Resorts Branch and that the two processes would be streamlined and harmonized. The new *Environmental Assessment Act 2018* includes substantial early engagement requirements that appear to align relatively well with the expression of interest requirements of the Mountain Resorts Branch. Similar alignment appears to exist elsewhere between the two processes.

If the decision is made to proceed with the project, it is assumed that the findings of the EOA would be used to guide the development of a regulatory strategy. The strategy would include a regulatory timeline that demonstrates the timing and integration of key steps of the two major approvals processes. The strategy would propose methods to harmonize the specific requirements of each regulatory process; including alignment between documentation needs, consultation and consensus, public and Indigenous group engagement, statutory timelines, and Orders associated with each of the regulatory approvals.

Environmental Overview Assessment  
for the South and Central Anderson

Overview Map



Legend

- Turned Portal
- Anderson Resort Quads
- Upper South Anderson Access Road from Coquihalla Hwy
- South Anderson FSR Access Route
- Central Anderson Development Zone
- Lower SA Development Zone
- Upper SA Development Zone
- South Anderson CRA

Notes

1. All mapped features are approximate and should be used for discussion purposes only. Features not included in this assessment are not included in this assessment but a visual and of the information contained within the referenced Report. It is intended to be used in conjunction with the scope of services and limitations described therein.

Sources

- Layer Name: (Spuzzum First Nation, 2021)
- Image: ESRI Imagery
- Street Data: ESRI World Imagery



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0 50 100 150 200 250

Meters

NAD 1983 UTM Zone 10N

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Production Date: Jun 11, 2021

Figure 1



Spuzzum First Nation

An Adams Company

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## 4.0 METHOD

To address the above objectives, we conducted an EOA for each of three general topics; wildlife ecology including aquatics, physical conditions including water resources, and land uses. The EOA used available public information, databases and professional knowledge and experience of the authors to understand the potential effects of project-related interactions with the environment, and in the context of the required regulatory processes.

The project area or study area investigated was the Controlled Recreation Area (CRA) plus the access road routes to the project from Highway 1 and 5 (**Figure 1**). The focus of the EOA was on the following environmental components:

- Wildlife ecology – vegetation, and terrestrial and aquatic (fisheries) wildlife values that overlap the project.
- Land Tenure and Resource Use – land tenures in the area and activities occurring (e.g., reserve, private land, residences, oil and gas pipelines, protected areas, Agricultural Land Reserve, and forestry tenures) that overlap the project.
- Physical – water quality (including metal leaching and acid rock drainage potential), water quantity, terrain stability / geotechnical values (surface and bedrock geology). Water rights that overlap the project

The project is assumed to include the following activities / infrastructure within the project area for construction and operation of the all-season resort:

- vegetation clearance and ground disturbance (construction only)
- commercial and residential building construction and use
- road construction and use (incl. access roads)
- tunnel construction
- ski runs
- water harvesting and use (commercial / residential and possibly snow making)
- avalanche control
- summer and winter use (no golf course is planned)

The following sections provide a summary of the methodology used to assess each environmental component as conducted by the following professionals:

- |                                  |                          |
|----------------------------------|--------------------------|
| • Wildlife Ecology (aquatic)     | Sarah Wyness, R.P.Bio.   |
| • Wildlife Ecology (terrestrial) | Kyle Routledge, R.P.Bio. |
| • Land Tenure and Resource Uses  | Ruth Hardy, P.Ag.        |
| • Hydrology and Water Quality    | Roald Strand, P.Geo.     |
| • Geotechnical                   | Scott Elfin, P.Eng.      |

## 4.1 Wildlife Ecology

A desktop review of available literature and provincial and federal databases was conducted to identify aquatic and terrestrial wildlife values in the project area (the CRA boundary and road routes). This work identifies species or species groups that have the potential to be impacted by, and therefore constrain, the proposed project activities. This includes those species that we consider have high values such that significant adverse effects and or extraordinary constraints might result. The work also provides preliminary identification of components of the environment that will need to be investigated during future impact assessment processes.

The following sources were used to characterize wildlife ecology in the project area, and were evaluated in the desktop review:

- Available ortho-imagery (Google 2021)
- iMapBC (DataBC 2021)
- Fisheries Inventory Data Queries (Government of British Columbia 2021b)
- BC Species and Ecosystem Explorer (Government of British Columbia 2021a)
- Species at Risk Public Registry (Government of Canada 2020)
- Wildlife Tree Stewardship Program Atlas (WiTS 2021)
- Environmental Assessment Office ePIC for projects in the vicinity, e.g., Interior Lower Mainland transmission line (Keystone Wildlife Research Ltd. 2008).

## 4.2 Land Tenure and Resource Use

Desktop research was conducted to evaluate the potential project-related impacts to the existing land and resource uses in the vicinity of the project area. The research used existing provincial government data bases for land and water tenures and provincial land use planning, and information from local government (municipal and regional) regarding land use plans and land uses. Data sources for the review include:

- iMapBC
- Integrated Land and Resource Registry (ILRR)
- Mineral Titles Online
- Ministry of Forests Lands Natural Resource Operations and Rural Development (FLNRO) information for provincial land use planning
- Fraser Valley Regional District and Thompson Nicola Regional District planning documentation
- Silver Star Utility Annual Water Report 2018-2019

The evaluation examined the following land tenure and resource use components:

- Private and public land
- Land use planning
- Indian Reserves (though many along the Fraser River none are in the project area)
- Provincial reserves
- Agriculture range land (none present)
- Forestry tenures
- Resource extraction (noted in "other tenures")

- Commercial recreation including guide outfitting
- Commercial and industrial tenures (none present – except forestry and recreation)
- Rights of way (e.g., pipelines, communication and transmission lines) – none present
- Protected areas (parks, etc.)

### 4.3 Physical

#### 4.3.1 Hydrological

The planned water demands of the proposed resort were considered in the context of the East Anderson river catchment (~10,000 ha) and the local contributions of this catchment to the Anderson River (and eventual Fraser River).

The following approximations were used to determine the approximate potential hydrological impacts:

- East Anderson catchment: 10,000 ha
- Annual rainfall ~2,000 mm
- Total number of persons: 2000
- Water consumption per person: 335 L/d
- 5x 303 L/min snowmakers operating for 2/12 months of the year

Annual anthropogenic water consumption has been calculated as  $335 \text{ L/d} * 365\text{d} * 2000 \text{ persons} = 245,000 \text{ m}^3$ , with snowmaking consuming  $\sim 1,500 \text{ L/minute} * 1,440 \text{ minutes/day} * 31\text{d} * 2 = 134,000 \text{ m}^3$ .

Therefore, total operational draws are expected to be  $\sim 400,000 \text{ m}^3/\text{year}$ . Comments on these assumptions and the evaluation is in **Section 5.3.1**.

The following sources may be used in the desktop review to provide the hydrology evaluation in the proposed project area:

- Google Earth Pro (Google, 2021)
- Geology of the Hozameen Fault area between Boston Bar and the Coquihalla River, Southwest British Columbia (92H) (Ray & Desjardins, 1986)
- The Hozameen fault system and related Coquihalla serpentine belt of southwestern British Columbia (Ray, 1986)
- Government of Canada Aquatic monitoring data (Government of Canada, 2021)

Several supporting documents were used to generate contextual understanding of the area including the East Anderson catchment, and other facilities operating in similar environments; however no specific information was gleaned from these sources and thus are not cited.

#### 4.3.2 Geohazard

A high-level review of available/historical information and provincial and federal databases was conducted to identify general geohazard features and risks within the project area that may have the potential to be impacted and constrain the proposed project activities. Issues that are considered extraordinary or might

lead to significant adverse effects that cannot be mitigated will be highlighted as potential red flag or showstopper issues.

The following sources were used in the desktop review to provide a general geohazards evaluation of the proposed project area:

- MINFILE (BC Government, 2021)
- Google Earth Pro (Google, 2021)
- National Build Code of Canada (2015)
- iMapBC
- Avalanche Canada (Government of Canada, 2021).
- Geology of the Hozameen Fault area between Boston Bar and the Coquihalla River, Southwest British Columbia (92H) (Ray & Desjardins, 1986)
- The Hozameen fault system and related Coquihalla serpentine belt of southwestern British Columbia (Ray, 1986)
- Government of Canada Aquatic monitoring data (Government of Canada, 2021)

## 5.0 FINDINGS

### 5.1 Wildlife Ecology

#### 5.1.1 Aquatic Ecology

The Freshwater Atlas (FWA) waterbody database shows a large and diverse suite of water features in the project area as expected for a large and steep mountainous catchment. There are 5 unnamed wetlands, 9 unnamed lakes, 1 river (note: two discrete FWA mapped sections), and 160 stream networks within the CRA boundary (**Figure 2**). Gazetted watercourses within the CRA boundary include Anderson River (Watershed Code: 100-158000) and Boston Bar Creek (Watershed Code: 100-115400-54000).

The Anderson River is a fish-bearing watercourse with confirmed fish presence throughout the CRA. Its headwaters are located within the CRA boundary and most streams identified during the desktop review represent tributary streams to Anderson River. The Anderson River discharges to the Fraser River west of the CRA. The Anderson River has a high diversity of fish (**Table 1**), specifically in the lower reaches (lower gradient areas). The segment of the Anderson River located in the CRA has confirmed fish presence of rainbow trout (*Oncorhynchus mykiss*) and dolly varden (*Salvelinus malma*).

Boston Bar Creek is a fish-bearing watercourse and borders the southeast side of the CRA; it has confirmed fish presence of rainbow trout, steelhead (summer-run), and dolly varden. Tributary streams to Boston Bar Creek are located within the CRA and the proposed road access off Highway 5 will cross one of these tributaries. The Fraser River (Watershed Code: 100) is located east of the proposed west access road that ties into Highway 1; the proposed west access road crosses 12 watercourses.

No federal aquatic species at risk, or designated Critical Habitat for any federal aquatic species occur within the project area.

Ski runs (quads and descent routes) and associated commercial and residential development footprints have high potential to interact with the aquatic and riparian environment and, subsequently, with fish or fish

habitat. Fisheries values are an important consideration during the approval processes for developments, and as such study of and planning to avoid impacts will reduce the constraints posed to development. While the fisheries values present are high, with the implementation of planning and best management practices, no significant effects or constraints are expected.

Subsequent to formal impact assessment processes under provincial legislation, project-related effects on fisheries values will also be required to adhere to permitting requirements under the provincial *Water Sustainability Act* (WSA) and the federal *Fisheries Act*, and the *Riparian Areas Protection Act* and Riparian Areas Protection Regulation (RAPR). A Simple Assessment under the RAPR to determine the greatest likely setbacks that will be required around watercourses is recommended, with subsequent ground-based Detailed Assessments to refine watercourse setbacks. For components of development that require work within riparian or instream environments, an aquatic effects assessment is recommended to support permitting under the WSA and federal *Fisheries Act*.



**Table 1 Aquatic species (and species at risk listings) identified in the Anderson River catchment**

English Name	Scientific Name	BC Species at Risk Status	BC Species at Risk Definition	BC List	SARA	COSEWIC
Rainbow trout	<i>Oncorhynchus mykiss</i>	S5 (2011)	Demonstrably widespread, abundant, and secure	Yellow	--	--
Bull trout	<i>Salvelinus confluentus</i>	S3S4(2018)	Special concern, vulnerable to extirpation or extinction / apparently secure	Blue	--	Special Concern
Steelhead	<i>Oncorhynchus mykiss</i>	S5 (2011)	Demonstrably widespread, abundant, and secure	Yellow	--	--
Pink salmon	<i>Oncorhynchus gorbuscha</i>	SNR	Status Unranked	No status	--	--
Coho salmon	<i>Oncorhynchus kisutch</i>	SNR (2019)	Status Unranked	No Status	--	--
Chum salmon	<i>Oncorhynchus keta</i>	SNR (2019)	Status Unranked	No Status	--	--
Longnose sucker	<i>Catostomus catostomus</i>	S5(2019)	Demonstrably widespread, abundant, and secure	Yellow	--	--
Longnose dace	<i>Rhinichthys cataractae</i>	S5(2019)	Demonstrably widespread, abundant, and secure	Yellow	--	--
Largescale sucker	<i>Catostomus macrocheilus</i>	S5(2019)	Demonstrably widespread, abundant, and secure	Yellow	--	--
Prickly sculpin	<i>Cottus asper</i>	S5(2019)	Demonstrably widespread, abundant, and secure	Yellow	--	--
Sucker (General)	--	--	--	--	--	--
Mountain whitefish	<i>Prosopium williamsoni</i>	S5(2019)	Demonstrably widespread, abundant, and secure	Yellow	--	--
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	SNR (2019)	Status unranked	No Status	--	Endangered / Threatened/ Special Concern / Data Deficient / Not-at-risk

**Notes:** SARA = Federal Species At Risk Registry COSEWIC = Committee on the Status of Endangered Wildlife in Canada

## 5.1.2 Terrestrial Wildlife Ecology

## 5.1.3 Vegetation and Ecosystems

The project area has a vast altitudinal range and overlaps with 5 biogeoclimatic ecosystem classification (BEC) zones from the lowest elevation Coastal Western Hemlock (CWH), through the Interior Douglas-fir (IDF), into the higher elevation Mountain Hemlock (MH), Coastal Mountain-heather Alpine CMA), and the Interior Mountain-heather Alpine BEC zones (**Figure 3**). Specific subzones present within the project area are:

1. CMAunp (Undifferentiated and Parkland) – overlap with quad chair lifts
2. CWHms1 (Moist Sub-maritime) – overlap with quad chair lifts, development zones, and access road to Highway 1
3. CWHds1 (Dry Sub-maritime) – overlap with access road to Highway 1
4. IDFww (Wet Warm) – overlap with access road to Highway 1
5. IMAupp (Undifferentiated and Parkland) – overlap with access road to Highway 5
6. MHmm2 (Moist Maritime) – overlap with access road to Highway 5, portals, and quad chair lifts.

BEC zones will be used during impact assessment studies to refine which species, including species at risk, have the greatest potential to occur in the project area. The BEC zones are a common planning and assessment tool.

The federal government designates areas of crucial importance for the survival of species at risk (Critical Habitat), and the provincial government identifies areas with listed species at risk. Within the study area there is designated Critical Habitat for whitebark pine (*Pinus albicaulis*, provincially blue listed and federally endangered) overlapping with the access road to Highway 5 (**Figure 2**). A provincially blue listed ecological community of western hemlock - Douglas-fir / electrified cat's-tail moss (Dry Submaritime 1) overlaps with the access road to Highway 1. An occurrence of provincially blue listed slender spike-rush (*Eleocharis nitida*) from 2013 was identified less than 500 m from southernmost CRA Boundary (BC Conservation Data Centre), but does not overlap with the project area (**Figure 2**). There is potential for the project to interact with at risk plants or ecological communities. Field studies to better understand the abundance and distribution of these species and ecosystems would be required to plan to avoid or minimize impact on them, and to document effects for impact assessment processes. Avoidance of Critical Habitat for whitebark pine is advised, but there is no legal protection or requirement to avoid such areas on provincial Crown land. Studies to further investigate interactions with and impacts on ecosystems including wetlands will be necessary as part of project development.

Invasive plant occurrences were documented during the desktop screening, mostly along the access road to Highway 1 (**Figure 2**). Some of these invasive plant species are regulated under the *Weed Control Act* and other invasive species legislation (*Weed Control Regulation* and the *Forest & Range Practices Act - Invasive Plant Regulation*). Because the project has the potential to introduce and spread invasive vegetation species across the study area, studies for and mitigation to reduce impacts on native species as a result of the project will be required as the project advances.

Environmental Overview Assessment  
for the South and Central Anderson

Regional Topography

Legend

- CRA Boundary
- 5 km Buffer from CRA Boundary
- Biogeoclimatic Zone Boundary
- Portal Location
- Anderson Resort Quad
- Access Road
- Major Contour (100m interval)
- Minor Contour (20m interval)

Base Map

- Populated Place
- Road
- Resource Road
- Highway
- Railway
- Watercourse
- Waterbody

Biogeoclimatic Zone Name

- Coastal Mountain-heather Alpine
- Coastal Western Hemlock
- Engelmann Spruce - Subalpine Fir
- Interior Mountain-heather Alpine
- Mountain Hemlock

Notes

1. All mapped features are approximate and should be used for discussion purposes only, not intended to be a "stand-alone" document, but a visual aid of the information contained within the referenced Report. It is intended to be used in conjunction with the scope of services and limitations described therein.  
2. Biogeoclimatic zones within the 5 km for the CRA boundary are shown on the map.

Sources

- Contains information licensed under the Open Government Licence - Province of British Columbia
- Esri Basemap: ESRI World Topographic Map



1:100,000

Kilometers

0 1 2 3 4 5

Meters

NAD 1983 UTM Zone 10N

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Spuzzum  
First Nation

Figure 3



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#### 5.1.4 Terrestrial Wildlife

The study area is large and has wide ecotonal variation. Potential for interaction with wildlife including species at risk and species with value for Indigenous peoples is high for such a project. Wildlife studies and planning to avoid values that have sensitivities will be an important component of future impact assessment work. This preliminary screening highlights some key species at risk values that we expect to be a focus of impact assessment. Known occurrences and habitat protected for species at risk has been identified below, and any constraint identified. The values of wildlife in the project area for Indigenous cultural or harvest purposes has not been assessed as we expect the Indigenous and cultural values EOA summary to address this aspect.

The CRA boundary, development areas, and access road to Highway 1 overlap with an occurrence for an unnamed species at risk (BC Conservation Data Centre) (**Figure 2**). Such masked (sensitive) occurrences typically identify very sensitive species for which government does not want knowledge of to be widely available. We have made a request to the BC CDC to obtain more details and understand how much of a constraint this species occurrence represents. The data provided will be confidential, but we suspect the masked occurrence is spotted owl (*Strix occidentalis*), a species with high sensitivity to effects. This would represent a considerable constraint to any development that affects the species or its habitat. More information on spotted owl (habitat protections) are provided below.

Historic occurrences (i.e., 1997 to 1999) of mountain beaver (*Aplodontia rufa*) approximately 1 km east of the CRA were identified (**Figure 2**), but the occurrences do not overlap with the project area (BC Conservation Data Centre). This species is associated with moist watercourse areas to about 1,900 m, and avoidance of impacts to watercourses reduces interactions with the species. Additional field surveys to determine if this species at risk is present within the study area would be required to understand the potential for the project to interact and therefore to represent a constraint.

There are several areas protected under forestry legislation (*Forest & Range Practices Act*) in the project area. While the project itself may not be required to adhere to this legislation, it is likely that similar conditions will be applied through impact assessment legislation that is applicable to the project. These protected areas represent variable constraints as each has specific restrictions on allowable activities. The CRA boundary and access road to Highway 1 overlap with spotted owl Wildlife Habitat Area (WHA) 2-502 (**Figure 2**). There are no (forestry) harvest zones with specific restrictions to protect habitat for spotted owl. This WHA area also appears to be designated as a Long-Term Owl Habitat Area, part of the Special Resource Management Zone set aside to achieve recovery of the species. This area is known to have historic occurrences of spotted owls (Keystone Wildlife Research Ltd. 2008, K. Routledge, pers. comm.), although confirmed occurrences in the past 5 years are unknown. Due to the sensitivity of this species to habitat fragmentation, the potential for impacts to spotted owl may require rigorous survey and assessment to establish if the species is present. Though regardless of presence and current habitat values, habitat traversed by the Forest Service Road and the lower portion of the CRA has been designated for future recovery of spotted owl. This species and its habitat represent a considerable constraint to development, regardless of confirmed presence within or close to the project area. Activity and habitat alteration (forest loss and fragmentation) would negatively impact this endangered species for which much government sponsored recovery planning is currently occurring.

WHA for coastal tailed-frog (*Ascaphus truei*) and grizzly bear (*Ursus arctos*) occur approximately 6 to 7 km northeast of the CRA (**Figure 2**). While the project does not overlap with these WHA, the potential for these at-risk species to occur within the project area is considered to be moderate to high. Studies to assess the potential for project-related interaction with these species, and mitigation to avoid or minimize the effects will be necessary. Coastal tailed-frog are aquatic specialists, and avoidance of watercourse areas minimizes interactions and the constraint posed. Grizzly bear are wide-ranging species that require large areas without human habitation and frequent use, minimizing effects is more challenging for this species.

The southeastern section of the CRA also overlaps with approved Ungulate Winter Range (UWR) u-2-001 for mountain goat (*Oreamnos americanus*) (**Figure 2**); this UWR polygon, however, is on the south-facing slope on the opposite side of the ridgeline from the project area and is therefore not thought to represent a constraint. The northwest access road overlaps with approved UWR u-2-006 for mule deer (*Odocoileus hemionus*) and upgrading of this road may result in an interaction that needs to be investigated. Constraints would be expected to be manageable.

The nests of certain species of birds are protected from impacts. The Wildlife Tree Stewardship Program Atlas did not identify any bald eagle (*Haliaeetus leucocephalus*) or osprey (*Pandion haliaetus*) nests within 5 km of the project area. However, this database is not exhaustive and cannot be relied on to indicate an absence of these nests. Regardless, the presence of nests of these species changes from year to year and current project-specific surveys are always necessary as part of project development. Rarely are they a constraint to design, unless the nest is of a critically imperilled species (e.g., peregrine falcon, *Falco peregrinus*), and the nest can be shown to be relatively permanent.

Spotted owl presence is very restricted in BC and Canada. Presence of this species, or even the potential for the project area to represent a site for re-introduction of the species back into historically occupied habitat could be a significant constraint requiring much study and negotiation during approval processes. Otherwise, no potential effects on environmental values that could result in substantial delays to regulatory processes and/or expense to resolve (i.e., red flag or show-stopper issues) were identified for wildlife values. These other wildlife values represent typical constraints with standard study and assessment requirements.

Many environmental values were identified as needing consideration during project development. Examples include at-risk plants, ecological communities, and wildlife, protected wildlife habitat, watercourses and associated setbacks, and invasive vegetation species. Additional information pertaining to the distribution and abundance of these environmental resources will be required to support approval and permitting, for the ultimate purpose of avoiding or minimizing the potential effects of the project on the natural environment.

## 5.2 Land Use and Tenure

This section provides an evaluation of the potential project-related effects to the existing land and resource uses in the project area and the vicinity of the project. The project would be expected to comply with existing provincial and local government land use plans, and if not to submit applications for amendments. Approval through the BC *Environmental Assessment Act 2018* and the provincial All-season Resorts Policy process will require that potential effects to the existing land and resource users are addressed and mitigated. This review of land ownership, land use planning and land tenures applicable to the project area, and potential interactions with the project, is based on desktop research.

### 5.2.1 Land Ownership

The CRA is un-surveyed provincial land with the exception of an area adjacent to the Coquihalla Highway, which is included in the highway right of way. No private parcels or federal land were identified in the CRA (iMapBC 2021). Lands along the Fraser River are a mix of private, provincial and federal ownership. The Anderson River Forest Service Road (FSR) is crossed twice by BC Hydro transmission lines, classed as provincial ownership.

### 5.2.2 Provincial Land Use Planning

This section reviews provincial land use planning for the purpose of understanding compliance with published policy and direction.

The provincial government has developed land use plans to set strategic direction to guide sustainable resource stewardship and management of provincial public land and waters that meets economic, environmental, social, and cultural objectives ([Land Use Planning for Provincial Public Land](#)). BC is now implementing a Modernized Land Use Planning (MLUP) approach, which focuses on planning in partnership with Indigenous governments and is informed by the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission Calls to Action (FLNRO 2019). MLUP will be targeted to selected priority areas throughout the province on provincial public land and waters. The B.C. government has been engaging with Indigenous governments and stakeholders to identify high-priority planning projects. A plan has been initiated for the Nicola Watershed, as part of the larger Nicola Watershed Governance Project. The planning area is adjacent to the east side of the Project ([Nicola Watershed Planning](#))

As of 2008, no provincial strategic land use plan is available for the Project area, although background reports have been prepared to support a Sustainable Resource Management Plan, and Old Growth Management Areas (OGMA) have been established for the landscape units within the Chilliwack resource management area (Forest Practices Board 2008, Keystone Wildlife Research Ltd 2004, Stad et. al. 2004, iMapbc **Figure 4**). OGMA are intended to protect old growth forests from development via restrictions on harvesting in these areas.

OGMA occur within the CRA and the Development Areas of the project (**Figure 5**). Previously it has been possible to provide alternative areas to replace OGMA that are affected by development (i.e., offsets). However, such mitigation to allow development in OGMA may no longer be available. A provincial government review of the 1992 Old Growth Strategy which informed the designation of the OGMA is intended to address issues with the existing management of old growth forests (FLNRO 2020). Recommendations developed as part of the review included development of a formal implementation plan.

There is a potential for the project to impact the designated OGMA. The expected level of effort to reach approval for the project to affect these areas may be more than usually expected for this project given the current provincial policy review and uncertainty around mitigation allowances and needs.

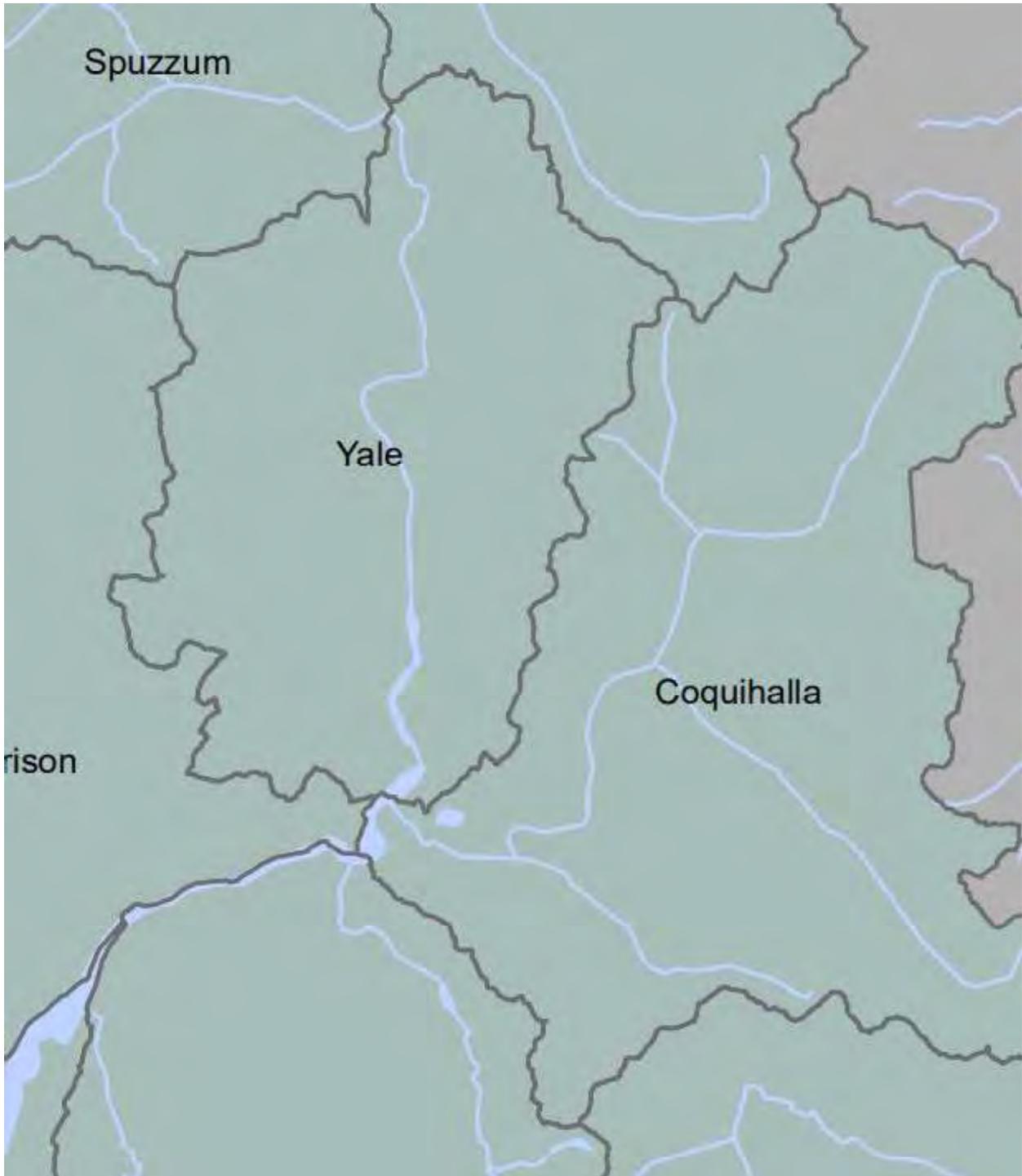
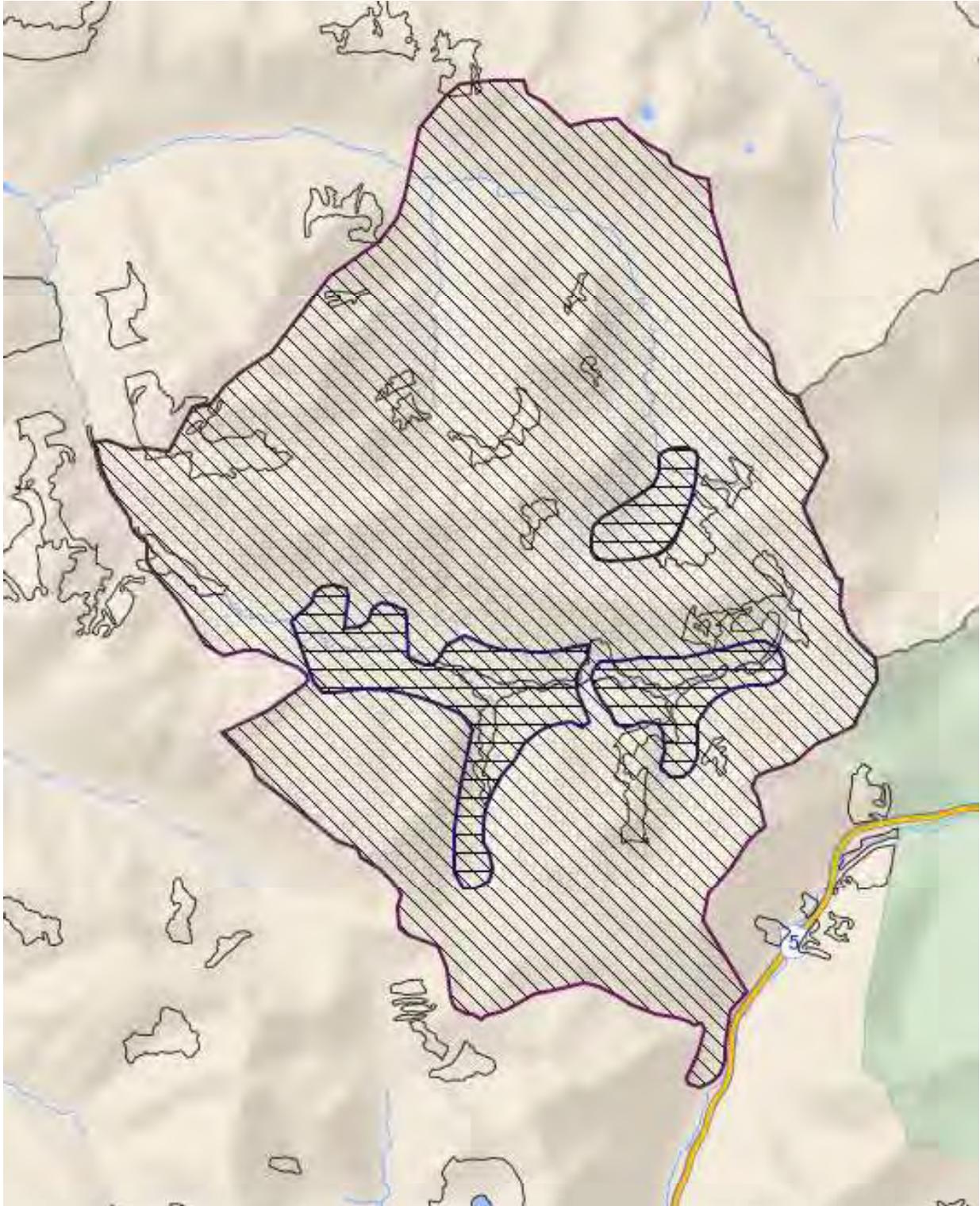


Figure 4 Landscape Units in Chilliwack Natural Resource District ([available here](#)).



**Figure 5** OGMA (fine black lines) within the CRA (red lines) and Development Zones (heavy black lines) (iMapbc 2021)

### 5.2.3 Local Government Land Use Planning

This section reviews local government land use planning for the purpose of understanding compliance with published policy and direction

The closest incorporated areas to the Project are the District of Hope, approximately 30 km to the south, and Merritt, approximately 63 km to the northeast. Small communities including Indian Reserves along the Fraser River include Choate, Dogwood Valley, Emory Creek, Yale, and Spuzzum. The Project is in Fraser Valley Regional District (FVRD) Electoral Area B, bounded on the north east by Thomson Nicola Regional District Electoral Area N (Beautiful Nicola Valley South).

The Project is within the Rural Area in the FVRD Strategic Plan (FVRD 2003). Policies to protect and manage Rural and Recreational Lands are:

- preserving rural identity and lifestyle;
- encouraging rural residential development within existing rural communities;
- encouraging recreational, residential and resort development to develop in clusters;
- participating in provincial land use planning of Crown Lands; and
- minimizing land use conflicts between agriculture and recreational uses.

Objectives for the Rural areas include preserving and protecting rural lands for scenic and green space as well as for managed resource use. There is an Official Community Plan (OCP) that covers portions of the FVRD Electoral Area B along the Fraser River (FVRD 1998) however it does not cover the project area.

The TNRD Regional Growth Strategy is a framework for achieving a sustainable future for the region (not a land use plan), but it contains policies for destination resorts where the development is based on site specific and distinct location factors, characteristics and amenities. The multiple OCP created within the TNRD do not include the area adjacent to the project (the closest is the Nicola Valley OCP (TNRD 2011) near Merritt).

The FVRD Area B Zoning Bylaw 801 zones the CRA R-4, Rural Resource. Permitted uses include residential, home industry, some commercial (no motel or restaurant), recreation uses (natural camping ground, outdoor recreation) farm uses, extraction of raw materials, private aircraft landing strip or heliport (FVRD 1989).

In general, the development of resort destination uses envisioned for the Project are not specifically addressed or excluded within the land use plans. Given the undeveloped status of the Project area, it is unlikely that the project will create indirect effects related to noise and visual quality on other resource users. There will, however, be a requirement for visual impact assessments associated with the provincial approval processes. Discussion with FVRD is recommended to discuss approval for the Project and potential bylaw amendments. Substantial discussion may also be required regarding servicing requirements, which would be usual for a resort destination project.

## 5.2.4 Forestry

The CRA is within the Western Canadian Timber Products Partnership – Seabird Island NRFL (Non-replaceable Forest Licence) within the Chilliwack Natural Resource District (FNLRO 2017), which specifies harvesting rights as a maximum total volume of timber subject to an allowable annual cut (**Figure 6**).

Forestry has been active in the CRA, as shown by the retired and active Forest Harvest Authorizations (Forest Licences) with dates in **Figure 7** for the southern portion of the CRA, the only area with active cutblocks. Details on planned forestry activities would need to be requested from the Chilliwack District Office and the licensee.

The Forest Planning and Practices Regulation (FPPR) outlines the content requirements of a forest stewardship plan. This includes the results and strategies an agreement holder must include in their forest stewardship plan for the B.C. government's eleven resource values and all measures written to protect against invasive plants and to maintain natural range barriers ([available here](#)).

Discussion with the Chilliwack Natural Resources District office and the NRFL is recommended to further understand the potential impacts from the project on future forestry activities. Outside of the Development Areas such impact might be minimal if the current extent of forestry harvesting has already reduced the harvestable resources. Consultation and agreement on the use of forest service roads will likely be required to share the maintenance and use of the access route. The level of effort to manage potential forestry industry effects is expected to be usual for this scale of project.

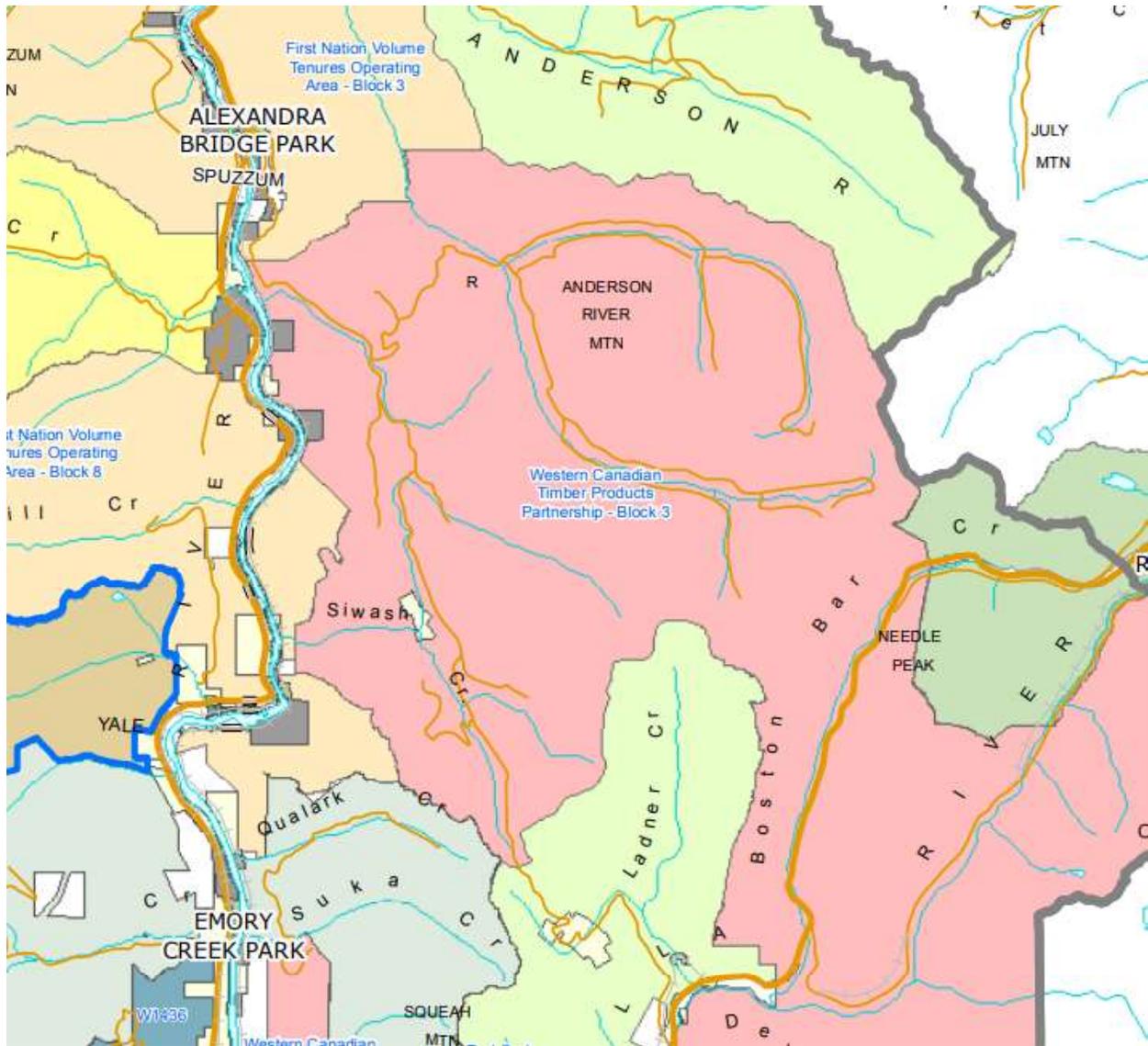
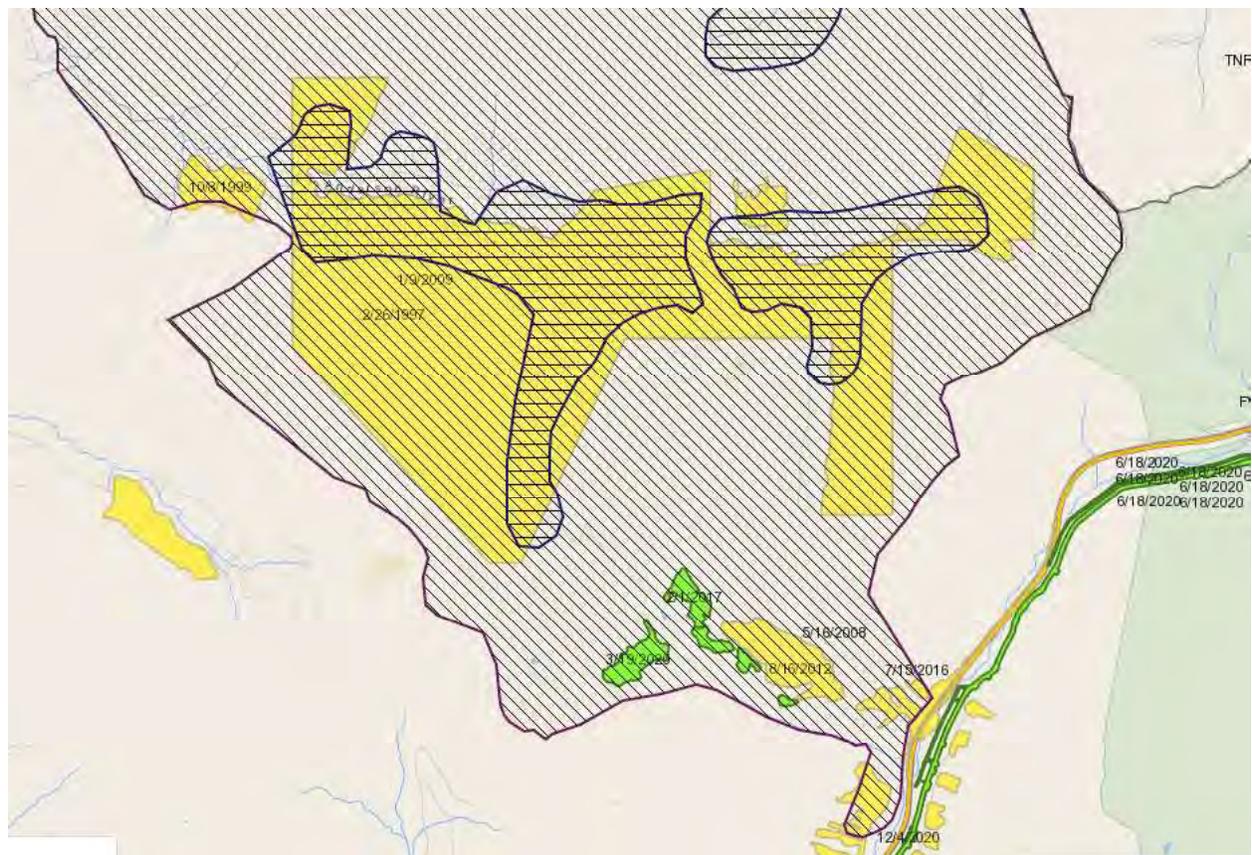


Figure 6 Chilliwack Natural Resource District operating area overview map (FLNRO 2017)



**Figure 7 Harvest authorizations and active forest cut blocks (green) (iMapbc 2021)**

### 5.2.5 Mining

No active mines, or exploration activities are located within the CRA (Clarke et. al. 2021). There are mineral and placer claims in the vicinity of the CRA, and two mineral claims within the CRA (**Figure 7**). The two mineral claims within the CRA are (Mineral Titles Online 2021):

- Mineral Claim KWELAXTELOTIYA Tenure Mineral Number ID1081259 – on Anderson River in the CRA, issued February 2021 and valid until February 2022
- Mineral Claim Firemerald Tenure Mineral Number 1081188, in the CRA, issued Feb 2021, valid to Feb 2022

There are several placer claims along Siwash Creek, to the south of the CRA. There are also numerous mineral claims along the creek.

To the north of the CRA, there is a mining lease (ILRR interest identifier 221012) within a larger mineral/placer/coal reserve adjacent to the CRA boundary (ILRR interest identifier 259907 see **Figure 8**). Mineral, placer and coal reserves (included together in the ILRR database) are shown in **Figure 9** Reserves are focussed on the Fraser River.

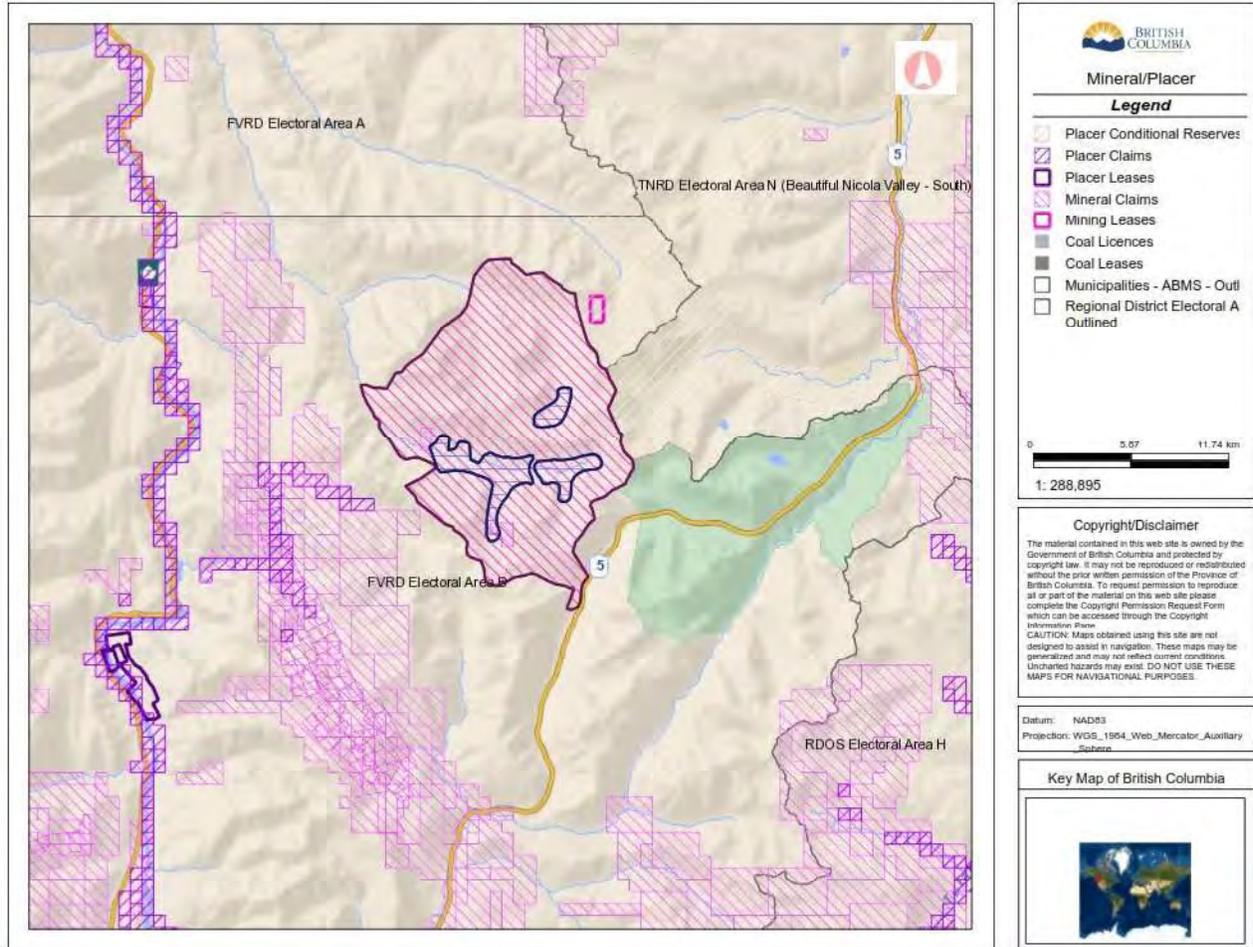
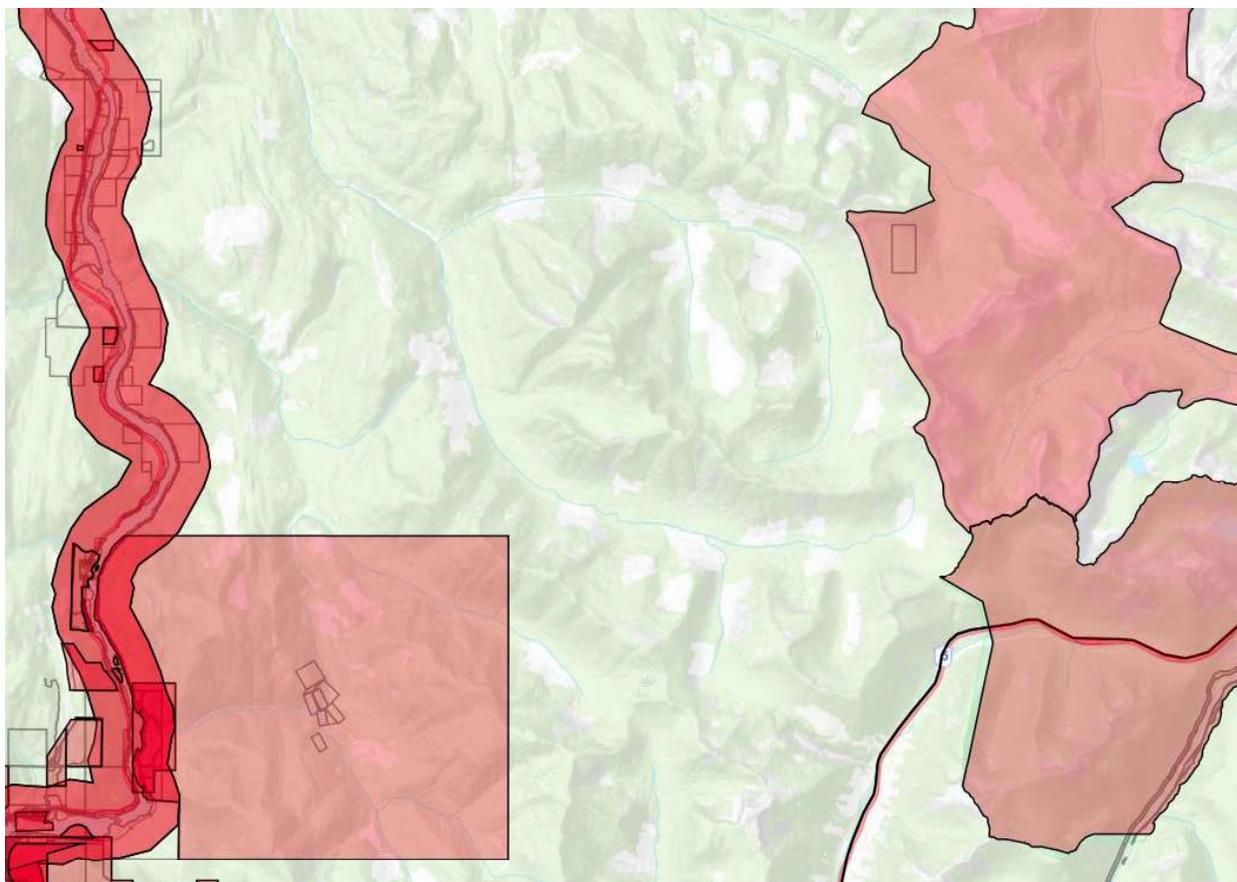


Figure 8 Mineral and placer claims and leases (iMapBC, May 2021).



**Figure 9 Mineral/Placer/Coal reserves (ILRR database). Note that the reserve on the Coquihalla Summit Park is not active.**

The Project is located within an area with minimal identified mineral and placer claims. As such the potential for an interaction with the Project is anticipated to be minimal. However, it is recommended that the Spuzzum First Nation continue to keep track of claims within the CRA, noting that discussion with the holders of the two existing claims (expiring in 2022) will be required. The level of effort to coordinate with mining interests is expected to be modest for the project.

### 5.2.6 Commercial Recreation (Guide outfitting)

A guide outfitter is licensed to guide [resident](#) and [non-resident hunters](#) in an exclusive guide area with clearly defined and legally described boundaries ([more detail available here](#)). Under the *Wildlife Act*, Guiding Territory Certificates grant the holder exclusive control over guiding privileges in the area described on the certificate, for the period stated on the certificate. Guide outfitter areas cover the CRA and access routes (**Figure 10**):

- Guiding Certificate Number 200694 - includes the majority of the CRA, parts of the Anderson River FSR
- Guiding Certificate Number 800753 – bounds the southwest and southeast sides of the CRA, following the southern watershed boundary for the Anderson River. Contains small areas of the CRA near the Coquihalla Hwy.

The project interacts with only a small portion of guide outfitter areas, which are generally very large. The potential interaction with the outfitters is expected to be minimal in spatial terms. Regardless, there may be an expectation for compensation for a loss of area and increased activity over that in the area when the tenure was granted. The expected level of effort is the same as would be expected for a project of this size.

### 5.2.7 Agriculture

There are no interactions between the provincial Agricultural Land Reserve and the CRA or access routes. There is an active range tenure (RAN077103 A) to the River Ranch Cattle Company Ltd. adjacent to a portion of the eastern boundary of the CRA.

### 5.2.8 Parks and Protected Areas

No parks or protected areas overlap the CRA. Provincial parks and protected areas in the region include the following (iMapBC 2021):

- Coquihalla Summit Recreation Area, either side of the Coquihalla Highway. The western side is adjacent to a portion of the CRA. The management plan for the park designates the area adjacent to the Project as a Natural Environmental Zone. The prime objective of the zone is to provide for a variety of easily accessible non-mechanized outdoor recreational opportunities in a largely undisturbed natural environment.
- Yale Garry Oak Ecological Area, near Fraser River
- Emory Creek Park, near Fraser River
- Alexandra Bridge Park, near Fraser River
- Coquihalla River Park, adjacent to Coquihalla Highway, south of Project
- Coldwater River Park, adjacent to Coquihalla Highway north of Project

The project does not directly interact with these parks and protected areas, due to their distance from the CRA. The Coquihalla Summit Recreation Area is adjacent to the CRA for a short distance only. However, there are inactive recreation reserves for a trail from the Coquihalla Highway to a site on Ottomite Mountain (overlooking the CRA), an indication of potential interest in the area. The project is somewhat compatible with the adjacent park use but we note previous strong reactions from recreation users with earlier incarnations of the project. The expected level of effort to manage interactions with parks and protected areas is expected to be modest and standard for a project of this size.

### 5.2.9 Other Tenures

Other active tenures within or close to the Project are listed below (iMapBC, see **Figure 10**):

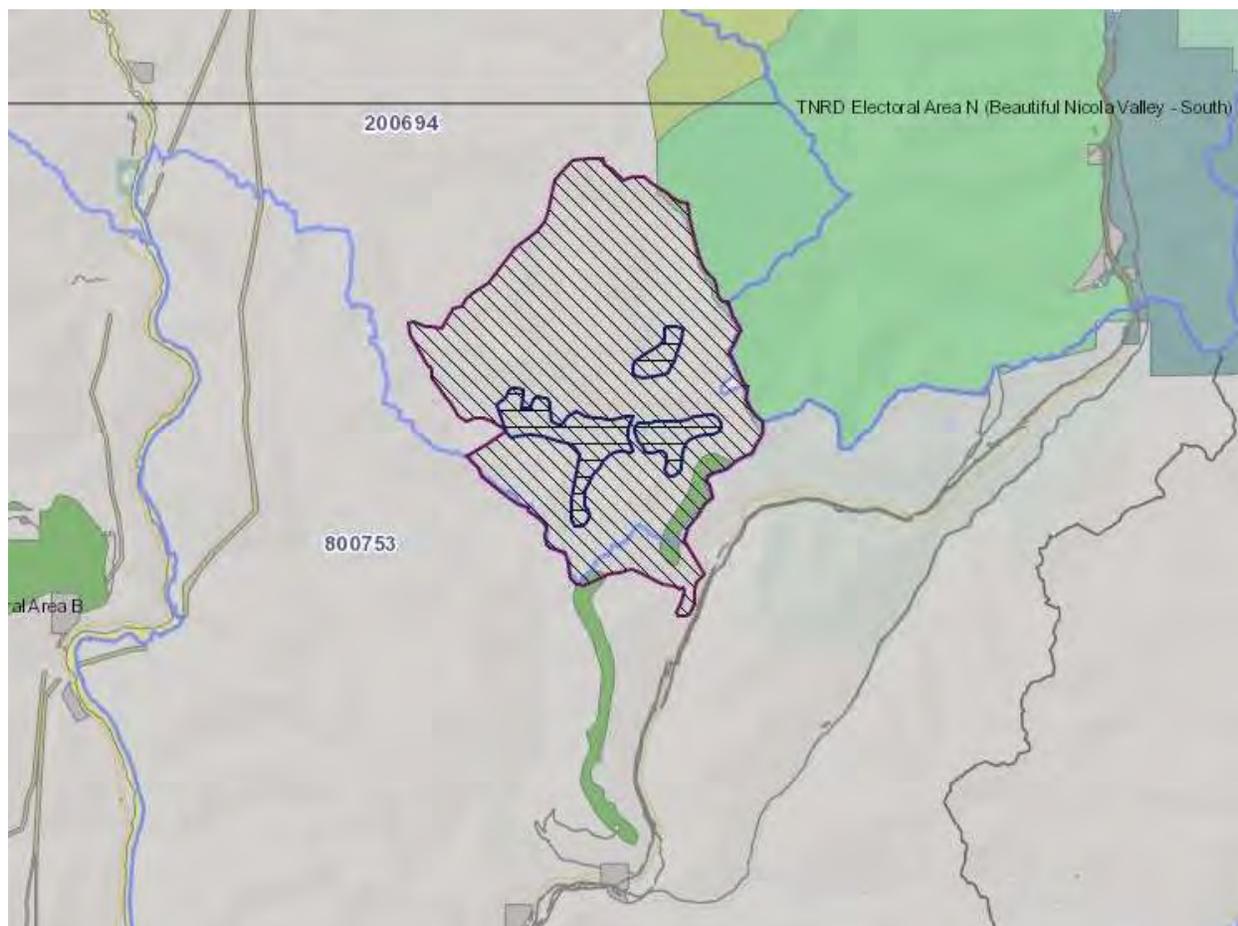
- Environment Conservation and Recreation Reserve/Notation (interest identifier 910350), one broad linear portion within the CRA along the eastern border near the Coquihalla Highway, and a second broad linear portion extending south from the CRA (total of 565 ha). This is a 10-year reserve expiring in 2021/11/08. The responsible agency for the Reserve is FLNRO. The Iago Peak Quad and the Box Canyon Peak Quad traverse the northern portion of this reserve.
- Alpine skiing, Licence of Occupation (interest identifier 950577), adjacent to the CRA to the northeast (16,528 ha). Also noted as proposed resort, Coquihalla Pass Resort, Crown lands File

number 3420900. A resort application by Westscapes Development Inc. is currently in the provincial EA process ([more details available here](#)), this is an earlier incarnation of the current project under consideration

- Utilities, electric powerlines, two Statutory Rights of Way (interest identifiers 183838, 164256), crossing the Anderson FSR.
- Commercial Recreation, guided freshwater recreation, Licence of Occupation (interest identifier 928991), Fraser River from Abbotsford to Bridge River
- Utility, telecommunication line, Statutory Right of Way (interest identifier 164123), paralleling the Coquihalla Hwy.

In addition, there are quarrying reserves (gravel) located adjacent to the highways, however none overlap the CRA.

The Project is not anticipated to interact with the utility and recreation tenures, however the Iago and Box Canyon quads may interact with the Environment Conservation and Recreation Reserve. The level of effort to reach approval for the project to affect these Quads may be more than usually expected.



**Figure 10 Land Use Tenures and Guide Outfitters: Dark green = Conservation Reserve; Light green – Alpine Skiing; Brown – Statutory Right of Way, Blue lines and number – guide outfitter boundary (note no tenure to the northeast)**

## 5.3 Physical

### 5.3.1 Hydrology

Topography in the region was reviewed and surficial stream flow direction was plotted in context of the development areas (**Figure 11**).



**Figure 11** Streams at South and Central Anderson development areas. Direction is right to left toward the Fraser River.

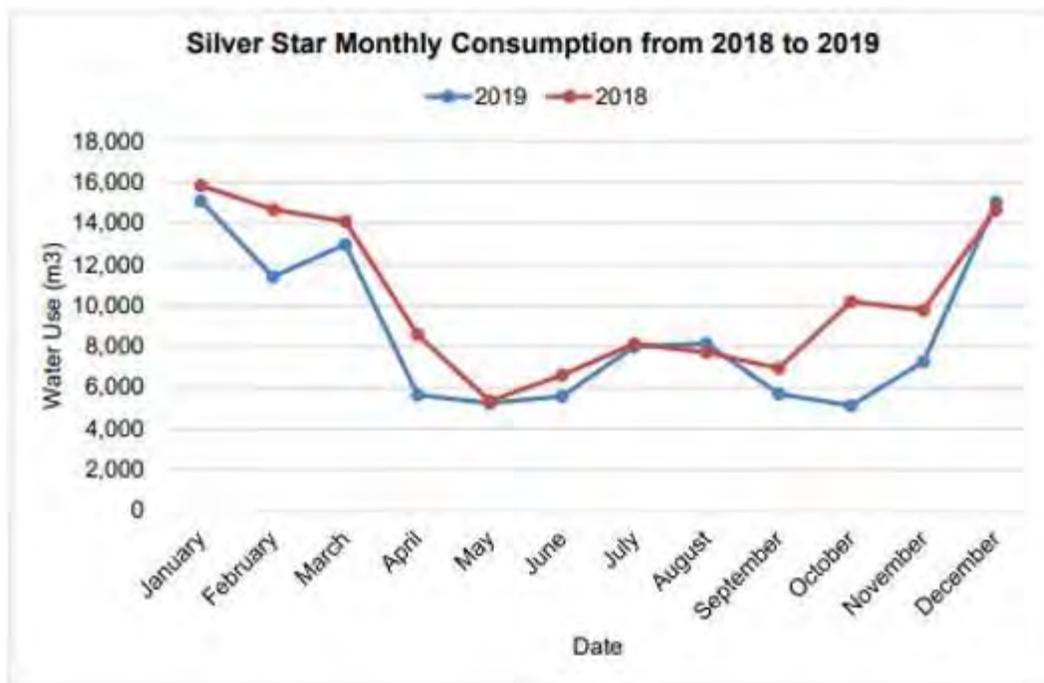
The basin areas and tributary streams contributing to the South and Central Anderson Rivers are depicted in **Figure 11**. Basins were not plotted since the catchments are not delineated explicitly.

Potential project-related impacts in the development zones were considered in context of the Anderson River basin (including the East Anderson River but not Anderson River (main) nor Uztlius Creek).

Use of 400,000 m<sup>3</sup>/year (as per assumptions listed in **Section 4.3.1**) is approximately 36,000 m<sup>3</sup>/month, which is nearly three times the water usage during peak season at the approximately equivalent sized all-season resort at SilverStar (**Figure 12**). The following factors may help explain the differences:

- The facilities are not full year round.
- Snowmaking may be significantly over-represented.
- Average water consumption per resident may be significantly overestimated compared to average Canadian usage per person.

A component of water usage will be industrial (e.g., snow making), however, Hemmera finds that this activity will not significantly affect the water budget, since this water is not strictly removed, but will become available later in the year during freshet. Regardless of variation, the evaluation is conservative as it includes a margin of error to account for uncertainties.



**Figure 12** Example water consumption for 2018-2019 at Silver Star resort

The construction phase and reservoir filling (likely a pre-operations activity) will put the greatest strain on the watershed. A reservoir fill conducted during the dry season would generally be less successful while likely affecting the low flow period flows in the East Anderson River. Reservoir filling during the wet season (snowmelt and freshet) is likely to reduce total flows by less than 5%. Total water intake during operations is likely to reduce total flows by around 1-2%, which will be offset by treated wastewater discharge.

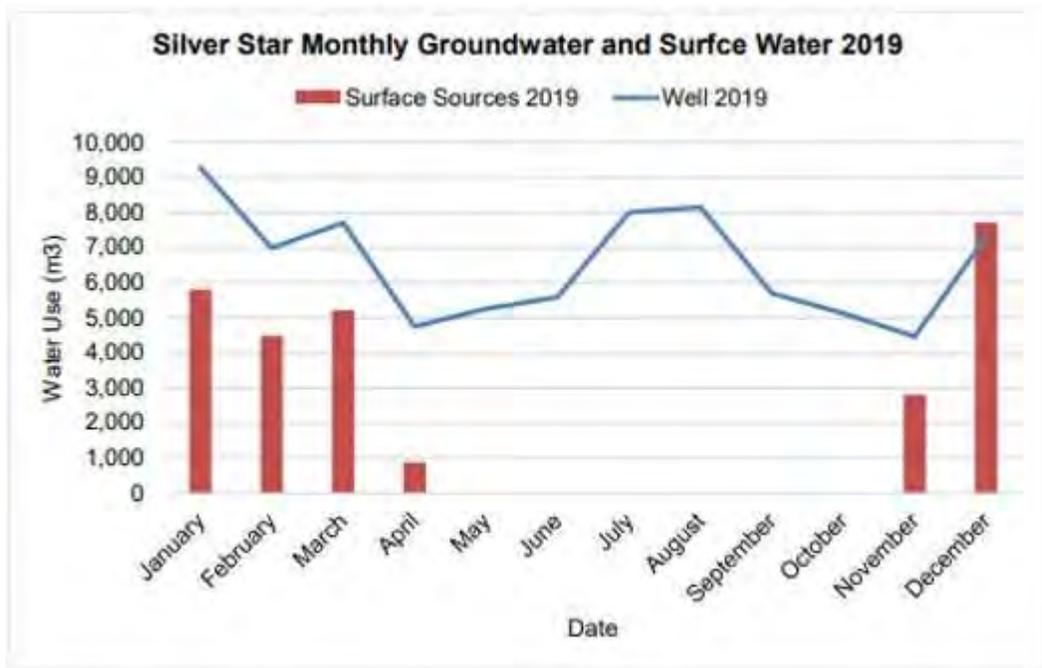
For the purposes of assessing the impacts to water flow, Hemmera has considered the employment of a reservoir to manage water demands throughout the year while peak flow occurs in May-June (snowmelt and freshet).

A yearly annual water intake from the East Anderson River catchment has been calculated as ~400,000 m³/year (which is acknowledged to be perhaps as much as three times larger based on the observations listed above). Probable intercepted water in the same catchment is calculated to be 200,000,000 m³/year. Therefore, even at an extraordinarily high-water usage rate, the total take would be only 2% of total intercepted water.

During operations, it is expected that the total water intake be of marginal impact to total flows in the watershed. It is assumed that wastewater and gray water will be captured and treated prior to release. This discharge flow will contribute to total flows and relieve some of the operational water intake stress. Observation of local laws and regulations regarding the release of wastewater and gray water will be

addressed during impact assessment processes, with permitting as per the BC *Drinking Water Protection Act* to follow.

Reservoir sizing is currently unknown, but it is probable that a reservoir size capable of delivering a week of water may be appropriate. Reservoirs may be supplemented with groundwater pumping wells which could deliver water if reservoirs went dry. Silver Star, for example, utilizes surface water resources to service peak season demand (**Figure 13**).



**Figure 13 Example water resourcing for Silver Star resort for 2019**

Surface water flows may be a passive filling reservoir (i.e., built in a watercourse), or may be an active filling reservoir, which is filled by pumping action.

Surface water flows are unlikely to be substantial during winter months, and freshet may be associated with significant debris flows, so an actively filled reservoir may be a more acceptable investment in the long-term as it requires less maintenance.

Given the above information and evaluations, water consumption in the project area is not expected to have a substantial impact on East Anderson River. Flows are based on the expected consumption rate for 2000 persons versus the yearly annual captured precipitation. The East Anderson River basin is approximately 10,000 ha, and yearly rainfall is expected to be around 2,000 mm. Yearly average water consumption, per person, is expected to be 335 L/d, with total consumption of 670 m<sup>3</sup>/d. On average, the East Anderson basin will generate over 500,000 m<sup>3</sup> of water per day; therefore, the expected water intake – even during a reservoir filling sequence, may only reduce total flows by 1-2% and potentially as high as 5%.

Water intake has not been assessed in context of low flow periods; however, as a general guideline, it is recommended that reservoirs are filled during rainy periods or rainy season, and reduced capture during drier summer months, to maintain flow during low flow periods.

No active or inactive water licences (i.e., withdrawals) or community watersheds (i.e., water quality protection zones) are in the project area.

### 5.3.2 Water Quality

Disturbances to the area due to the project may be short-term (during construction), or long-term (during operations). It is probable that disturbances to the catchment will be greatest during construction, when activities to develop the resort will generate a range of potential impacts to the water ways. **Table 2** shows several major activities, expected disturbance and impacts, and expected severity.

**Table 2 Short-term project activities and expected runoff water quality impacts**

Major activities	Disturbance	Water Quality Impact	Level of Effect	Frequency/ Likelihood of Occurrence
Access road construction	Earthworks and use of heavy machinery	Elevated erosion (TSS), release of petroleum hydrocarbons from heavy machinery	Moderate	Once/ Certain
Tunnel construction	Blasting, excavation, water management	Elevated erosion (TSS), release of petroleum hydrocarbons from heavy machinery	Moderate	Once/ Certain
Ski Run/Trail construction	Logging/ Stumping	Elevated erosion (TSS), organic matter, and colloidal matter, release of petroleum hydrocarbons from heavy machinery	Moderate	Once/ Certain
Infrastructure construction (lodges, residences, ski lift pylons, village roads, etc.)	Blast residues, construction materials, elevated erosion	Elevated erosion (TSS) and nutrient load, release of petroleum hydrocarbons from heavy machinery, release of contaminants from construction material	Low	Once/ Certain

Disturbances of a similar nature have occurred in the past at or near the area. A review of historic Google Earth photos shows evidence of clear cuts in the area. Using the development zone overlay, the following estimates of clear-cut affected area, relative to proposed project footprint and development area, were made for each available year:

- 1985: 70% clear-cut
- 2005: 10% clear-cut
- 2014: 20% clear-cut
- 2019: recovering (0% recent cuts)

Based on the review of water quality data from the nearest water quality monitoring station on the Fraser River, (BC08MF0001 located at Fraser River Bridge in Hope, located more than 26 Km southwest of the CRA), there is no evidence that clearcutting activities in the proposed project location have significantly

affected the water quality of the Fraser River (**Section 5.3.2**). Therefore, project-related activities that are similar to clearcutting (e.g., clearing, grubbing, road construction and road maintenance), are not expected to make a significant impact to water quality, as measurable at Fraser River Bridge. Regardless, and to achieve an expected level of impact mitigation, project approval activities will need to consider and include short- and long-term sediment and erosion control measures.

**Table 3** provides an overview of activities conducted during operation that are expected to lead to seasonal or long-term impacts.

**Table 3 Long-term project activities and expected runoff (water) quality impacts**

Major activities	Disturbance	Water Quality impact	Level of Effect	Frequency/ Likelihood of Occurrence
Public access to and resort area use	Traffic and parking	Elevated air-born pollution settling in waterways, vehicle related surface run-off (i.e., hydraulic fluids)	Moderate	Seasonal / Certain
	Anthropogenic litter/refuse dispersed in environment	Decaying matter	Negligible	Regular / Certain
Wastewater collection	Leakage from sewer system	Elevated organic matter and fecal coliform count	Moderate	Regular / Infrequent
Road maintenance	Earthworks and use of heavy machinery	Elevated erosion (TSS), release of petroleum hydrocarbons from heavy machinery	Moderate	Regular / Infrequent
Ski Run/Trail maintenance	Logging/Stumping	Elevated erosion (TSS), organic matter, and colloidal matter, release of petroleum hydrocarbons from heavy machinery	Moderate	Seasonal/ Infrequent
Chair lift maintenance	Oil, grease introduced to natural environment	Pollutants in natural environment, however, not expected to be significantly mobile	Low	Regular / Certain
Spoil and waste storage from portal construction	Tunneling/ excavation	Significant (potentially Acid rock drainage and metal leaching)	Moderate to High	Seasonal/ Certain

Water quality impacts to the regional hydrologic system are expected to occur most severely during the construction phase and change slightly as operations commence. Water quality impacts are most likely to be observed in the immediate vicinity and downstream of the development zones and operational areas. Sediment loads and dissolved constituents will be diluted on route to the water quality monitoring location (BC08MF0001).

Geochemically induced water quality impacts from waste/spoil storage associated with the tunnel excavation are unknown, but geologic materials may include sulphides, which are known to produce acid rock drainage (ARD) (via sulphide oxidation) with associated metal leaching. It is recommended that a sampling program and a standard static testing suite be conducted to determine ARD risks. The Ladner

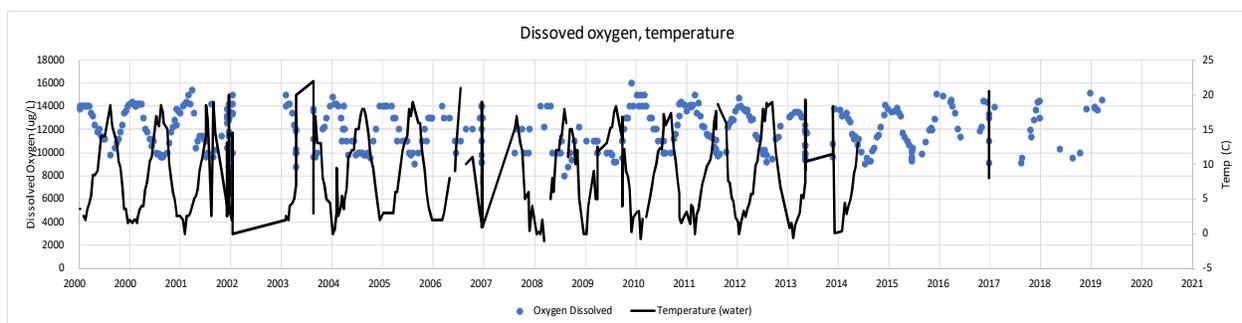
group, which lies between the project area and the Hozameen fault (**Section 5.3.3**) may contain pyrite or pyrrhotite and outcroppings/excavation/exposure of this material could be acid generating, and undue exposure of this type of material could have environmental impacts. Based on the mapping by Ray (1986), and the coordinates of the lower development zone, there is no overlap and therefore pyritic exposure is unlikely to occur in the project area.

Water quality changes during operations are not expected to be substantial, and it is expected that any water quality impact from the project will be indistinguishable from normally occurring variance in measured constituents at the nearest downstream monitoring location. If tunnel excavation materials are mis-managed and progress (weather) to an acidic state, water quality may be significantly impacted in East Anderson River, Anderson River and may marginally affect water quality in the Fraser River.

Water quality records were retrieved for the nearest downstream monitoring location (Fraser River Bridge, BC08MF0001 just outside of Hope), which is used to monitor water quality in the Fraser River. The following parameters were analyzed to analyze current water quality:

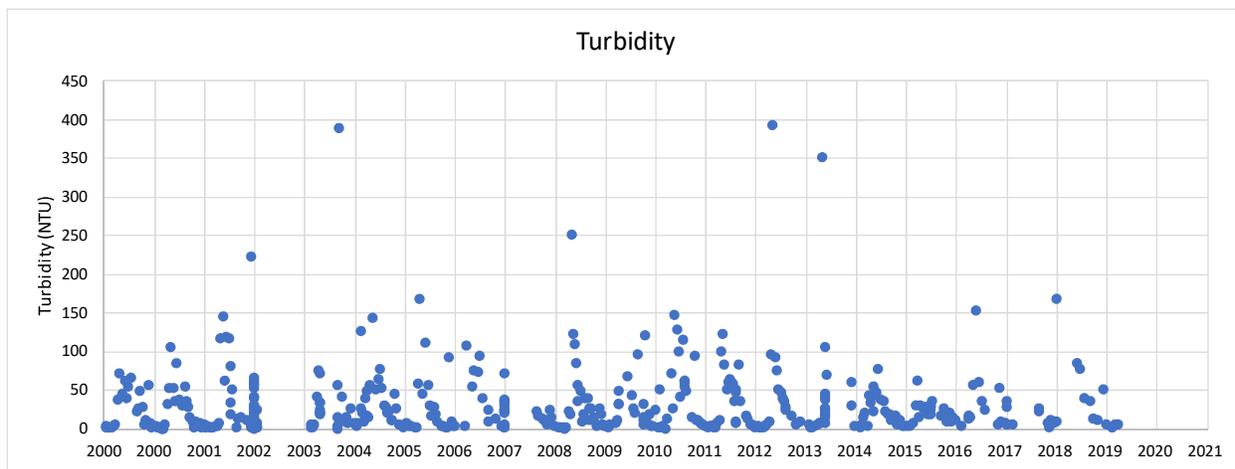
- Temperature and redox (as ORP) to assess seasonality,
- Turbidity to identify trends in erosion,
- pH as a general quality indicator,
- Total iron to establish colloidal/suspended matter mobility,
- Dissolved sodium (Na) and calcium (Ca) as indicators salinity and conservative species, and magnesium (Mg) as a significant driver on ionic strength, and,
- Electrical conductivity as an indicator of salinity.

Although the availability of long-term data for these parameters, examined further below (**Figures 14 – 18**), is useful for informing general future baseline studies, it is recommended that a project specific water quality monitoring station be established to record water quality at a point near the project boundary for a more specific baseline condition.



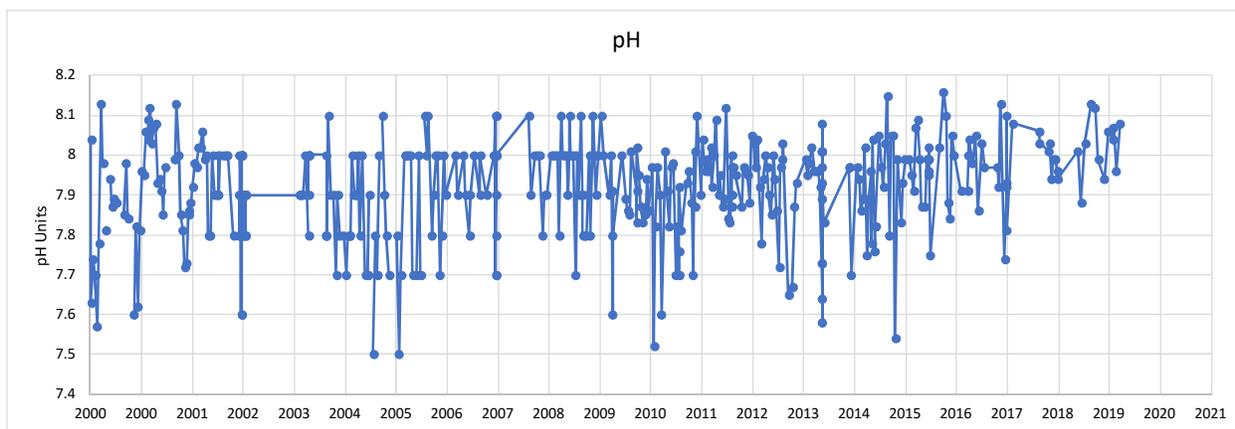
**Figure 14 Dissolved oxygen and temperature at BC08MF0001**

Seasonal variation in temperature and dissolved oxygen can be observed which have an inverse correlation. Water at this location tends to be most oxidised during the coldest winter months, when biological activities are slower (**Figure 14**).



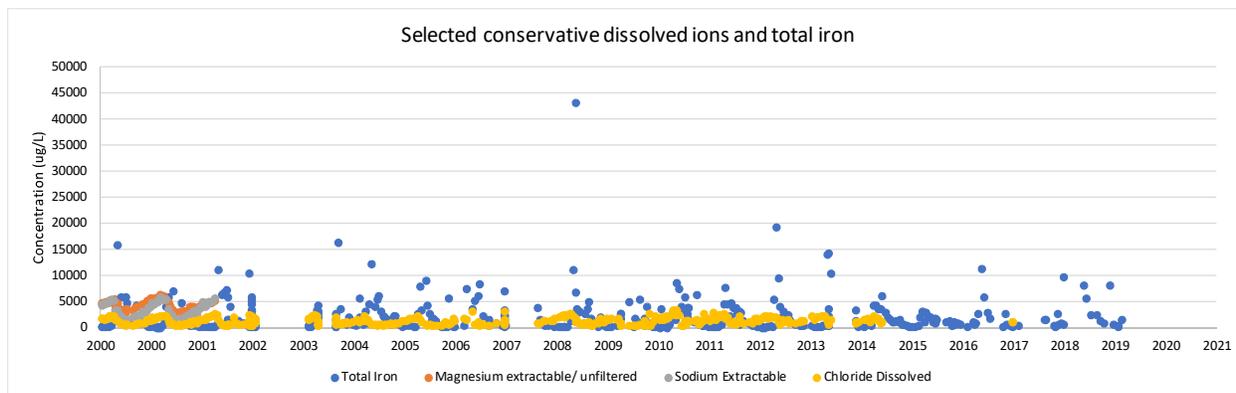
**Figure 15 Turbidity at BC08MF0001**

Turbidity is a measure of opaqueness of the water, which is most heavily influenced by suspended solids. Hence, the measure of turbidity is an indicator of the suspended load. Turbidity appears to peak during freshet peak flows (May-June), after which there is gradual clearing of the water which hits seasonal minimum between November and March (**Figure 15**).



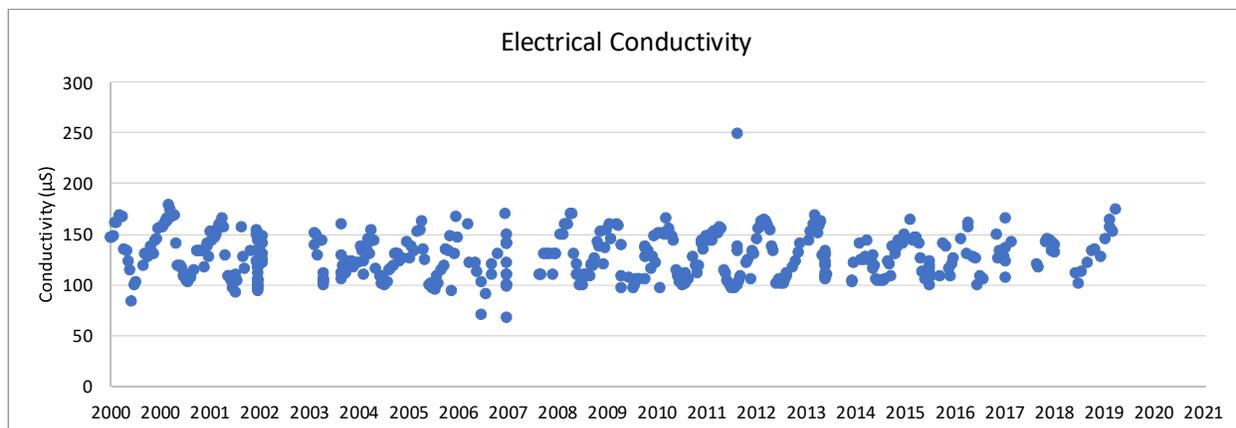
**Figure 16 pH at BC08MF0001**

The pH at Fraser River Bridge station is generally steady at 7.9 pH, but with much variability and limited seasonal distinction (**Figure 16**). Records between 2001 and 2010 suggest less accurate readings were taken; an uncertainty in the data. In recent years, pH appears to be increasing from ~7.9 to ~8.0.



**Figure 17 Selected ionic species and total iron at BC08MF0001**

Some records are incomplete, but the smoothly undulating dissolved magnesium and sodium trends indicate relatively stable geochemical influences on the water in the Fraser River (**Figure 17**). Chloride is stable as well and has a more complete record. Total iron is punctuated by recorded concentrations between 10,000 µg/L and 45,000 µg/L. Total iron is composed almost entirely of colloidal or solid phase material (dissolved, or bio-available iron is likely to be nearer 10-100 µg/L).



**Figure 18 Electrical conductivity at BC08MF0001**

The conductivity measured at Fraser River Bridge appears to be relatively steady since 2000, with seasonal undulations at 135 +/- 35 µS (**Figure 18**).

Water quality impacts due to project related activities are likely to be substantial during construction, particularly in smaller watercourses close to the project area, and close to the portals associated with the tunnels if pre-testing finds potential for acid generating rock. Water quality impacts may be prevented and/or reduced by employing best management practices, mitigative measures, and reasonable foresight. Regulatory engagement is recommended during planning and construction phases to determine monitoring and mitigative requirements.

### 5.3.3 Geology

The proposed project location is in the Cascade Mountains, about 33 km northeast of Hope, falling roughly midway between Spuzzum and the Coquihalla River (and transportation corridor). This area of the Cascades is home to the Hozameen Fault, which separates two distinct crustal units (Ray, 1986); however, the project area is situated immediately to the southwest of the fault zone (Figure 19).

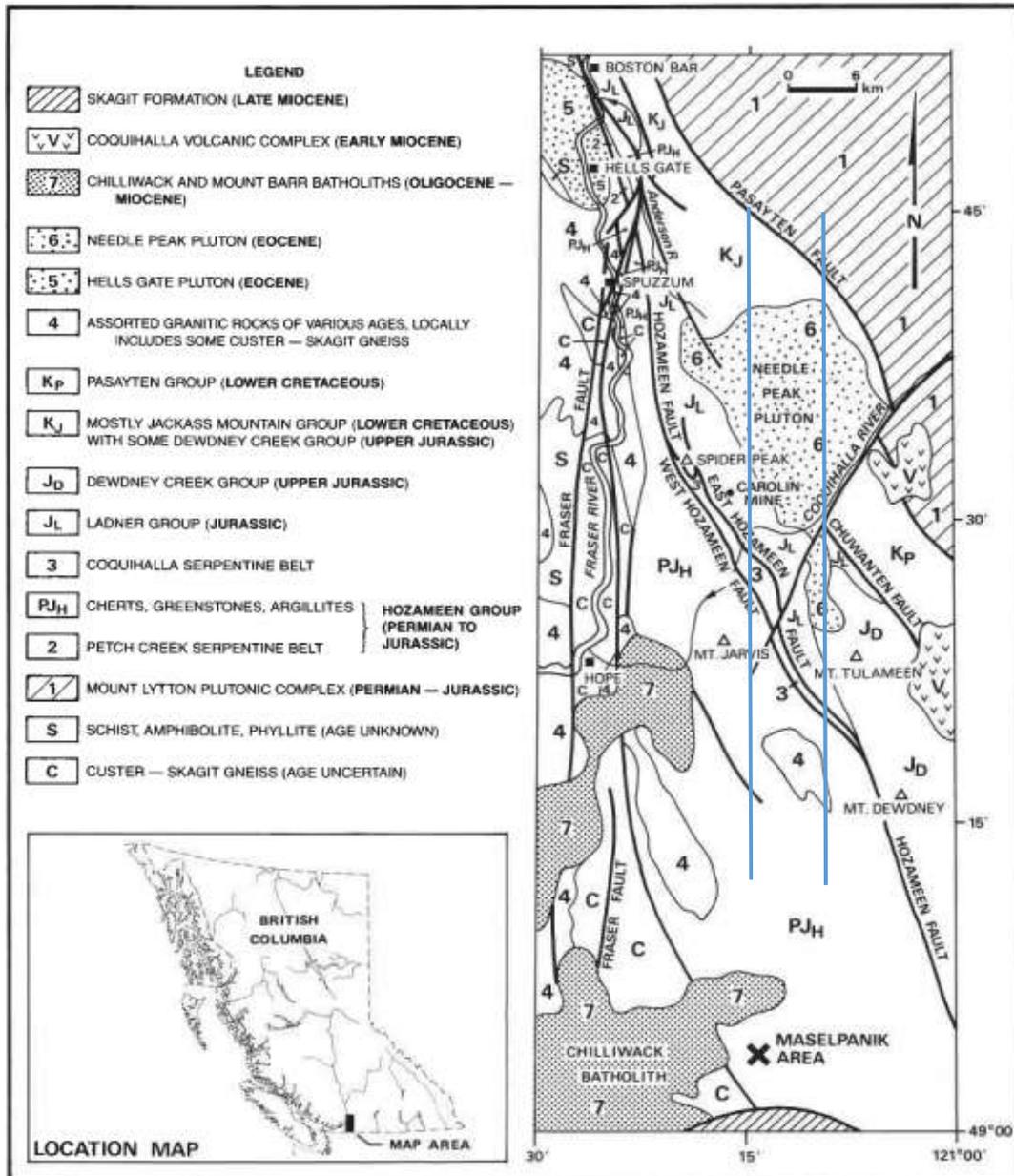


Figure 19 Geology with approximate project extents indicated in blue (longitude) and red (latitude) (adapted from Ray, 1986)

The project area is primarily situated in the Needle Peak pluton (**Figure 17**), a large intrusion exceeding 200 km<sup>2</sup> in area and comprised primarily of granite and granodiorite with some felsic dykes. Historical interest in the area was manifested in the Carolin Mine (**Figure 17**) and Aurum Mine, the Emancipation Mine and Pipestem Mine (not shown).

The Hozameen fault to the Southwest may be of some risk to further development in that direction but is unlikely to pose any substantial risk or concern to development in the project area.

#### 5.3.4 Geohazard and Risks

The geohazard review corresponds mainly to mass movement processes that are described below:

- **Snow Movements:** A snow avalanche is of a volume of snow that moves downslope under the effect of gravity. Avalanches may also contain rock, broken trees, soil, or ice in addition to snow.
- **Soil and Rock Mass Movements** such as:
  - **Rockfalls** – small scale and typically frequent material accumulating in the slope downslope of the rocky outcrop.
  - **Landslides** – instabilities in slopes that are initiated by a trigger such as significant seismic events or initiation in slopes already on the verge of movement by rainfall, snowmelt, changes in groundwater level, stream erosion, changes in ground water, earthquakes, volcanic activity, disturbance by human activities or any combination of these factors.
  - **Debris flow** – debris fluidified generally by water with downward sloping movements, which generally occur in existing canals or streams forming discharge fans, although open slope flows may occur. More frequent during periods of thaw and heavy rains (spring, autumn). The behavior and associated deposits of debris flows vary due to the nature of the entrained material and the water content. When caused by melting snow influencing the natural slope and dragging debris within the avalanche material it is called an avalanche of wet snow.
  - **Glacial Moraine** – These deposits consist of thick loose material that may create foundation problems that can create shear strength, settlement, and permeability concerns.

##### 5.3.4.1 Snow Movement Assessment

A high-level desktop assessment of potential risks from snow avalanches was performed. The next phase of work would typically include field investigation and a more detailed evaluation of facilities determined to be affected by avalanche hazards. The desktop study included:

- Compilation and review of historical aerial images showing winter and post-winter snow conditions.
- Estimation of the magnitude of avalanches expected to affect project facilities.
- A summary of avalanche hazards in the project area and recommendations for risk management.

Avalanches are complex natural phenomena and there is considerable uncertainty in the estimates of frequency and magnitude. There was an absence of information available for this high-level review and no mid-winter photographs to show avalanches for this area. The satellite imagery was washed out in some areas making it difficult to identify all avalanche paths. For this high-level study, not all paths were identified, but most of the paths were demarcated to provide the typical paths that may affect a project facility. For this study, the frequency for each avalanche path was not predicted and needs to be predicted in a follow-up study.

Magnitude is related to frequency in that large destructive avalanches will occur less frequently than smaller ones in each avalanche path. The frequency of avalanches reaching a specific location in an avalanche path decreases with the location's distance from the starting zone. Magnitude estimates were described (**Table 4**) using the Canadian Avalanche Size Classification (CASC), which is based on destructive potential or consequence. The CASC is based on potential destructive effect of snow avalanches. The maximum size class (destructive effect) for a given avalanche path relates to the snow supply (depth of avalanches) and terrain (area, length, configuration, and incline of the avalanche path). A size 1 to 2 avalanche will not normally damage a structure. A size 3 avalanche may damage an unprotected structure and damage or destroy a vehicle. Size 4 and 5 avalanches will destroy an unprotected structure. Size 5 avalanches require large scale terrain. Scaling parameters of typical mass, path length, and impact pressure are also included.

**Table 4 Canadian Avalanche Size Classification (McClung and Schaerer, 2006)**

Size	Description (Destructive Potential)	Typical Mass (t)	Typical Path Length (m)	Typical Impact Pressure (kPa)
1	Relatively harmless to people.	<10	10	1
2	Could bury, injure or kill a person.	10 <sup>2</sup>	100	10
3	Could bury a car, destroy a small building (e.g. wood frame house), or break a few trees.	10 <sup>3</sup>	1000	100
4	Could destroy a railway car, large truck, several buildings or forest with an area up to 4 hectares (ha).	10 <sup>4</sup>	2000	500
5	Largest snow avalanches known; could destroy a village or forest up to 40 ha.	10 <sup>5</sup>	3000	1000

**Notes:** t=tonnes m=meters kPa = kilopascals

The maximum expected avalanche in the project area is Size 3. Modification of terrain by human activity can also affect the frequency and magnitude of avalanches.

Avalanche risks need to consider the vulnerability of the infrastructure at risk, thus guidelines for acceptable risk and mitigation recommendations vary depending on the elements exposed to the hazard. Technical aspects of snow avalanche risk management (CAA, 2016) provide guidelines for avalanche risk assessment and mitigation in Canada. In follow-up geohazard assessments during impact assessment and/or engineering planning for the project, these guidelines and standard practices should be utilized to evaluate the potential impacts to roads and structures by avalanches greater than size 1 (i.e., size 2 or 3) with return periods of 100 years or less.

A total of 22 avalanche zones were identified that include single avalanches to multiple avalanche chutes. Based on a preliminary review of the potential avalanche zone, they range in magnitude from size 1 to 4. Depending on the location of the infrastructure the remediation may range no management to proactive management. Proactive management could include barriers to artificial triggering of avalanche zones to minimize the size of the avalanche. Avalanche path mapping is presented in (**Figure 20**) which includes zones for avalanche path. The following section provides a summary of the preliminary avalanche hazard zones identified for the Project.



**Figure 20** Project area avalanche hazard map

### 5.3.4.2 Landslides and Other Geohazards Assessment

Looking at soil and rock mass wasting, potential risks associated with the following geohazards were examined:

- Landslides
- Glacial Moraine
- Faults

Landslides are a source of natural hazards in mountainous terrain depending on their relationship to infrastructure. Landslide effects vary depending on their type. Below are the typical impacts associated with each type of landslide:

- Fall – Falling material can be life-threatening. Falls can damage property beneath the fall-line. Boulders can bounce or roll great distances and damage structures or kill people. Damage to roads is particularly high. Even small rockfalls can cause fatalities in vehicles hit by rocks and can block roads.

- Topple – toppling material can be extremely destructive, especially when failure is sudden and/or the velocity is rapid.
- Slide – Slides can be extremely damaging to structures, roads, and utilities but are not usually life-threatening if movement is slow. Structures situated on the moving mass can be severely damaged as the mass deforms. The large volume of material that is displaced is difficult to permanently stabilize. Such failures can dam rivers, causing flooding, displace water in a reservoir and cause overtopping.
- Spreads – Spread failures can cause extensive property damage to buildings, roads, and utilities. They can spread slowly or quickly, depending on the extent of saturation of the soil layers. Lateral spreads can be a precursor to earthflows; and
- Flow – Debris flows can be lethal because of their rapid onset, high speed, and the fact that they can incorporate large material, such as rock and vegetation. They can move large objects in their path, such as cars and buildings or can fill structures with sediment and organic matter.

Based on Google Earth imagery, there are several small slope failures due to construction of roads and harvest of lumber. However, these present no risk to the project. There appear to be a few debris flow and rock falls within the boundary limits that can be mitigated.

#### **5.3.4.3 Seismicity**

There are a few faults identified in the area, such as the Hozameen fault. The presence of the fault could indicate that there is a potential for seismic activity. Direct hazards may include chasms or surficial features that could be of direct danger to hikers or people attempting to traverse the fault without guidance. Notably, the Hozameen fault passes to the southwest of the project area and is a risk that can be easily controlled with appropriate warnings.

#### **5.3.4.4 Overview**

While there are geohazards identified that could impact the project areas as delineated, these features can be managed. A more detailed geohazard investigation needs to be performed to identify the magnitude of the risks to infrastructure and potential mitigation measure or modifying infrastructure layout as not to be impacted by any significant avalanche pathways.

The debris avalanches appear to be associated with snow avalanche paths and can be mitigated as part of the snow avalanche mitigation measure. The identified landslides are small and associated with human disturbances and do not present a significant hazard to the project.

No geotechnical issues were identified that are considered extraordinary or might lead to significant adverse effects on infrastructure that cannot be mitigated.

## 6.0 SUMMARY AND CLOSURE

Generally, the environmental components examined for this EOA represent a modest constraint to the development of the proposed all-season resort. The anticipated impacts are expected to require rigorous but standard investigation of baseline values and development of mitigation to address the likely environmental impacts to wildlife ecology, land uses and hydrological and geohazard related physical characteristics. The scope of environmental impact assessment in BC is, however, participant driven. As such an objective evaluation such as that conducted for this EOA may not be fully reflective of the issues that are eventually raised by commentators during the engagement processes. Participation is broad, frequent and of long duration, and considering the involvement of government regulators, Indigenous nations, and the public there are many opinions that will need to be addressed. The regulatory approval processes, especially that conducted under the *Environmental Assessment Act 2018* require early engagement such that the breadth and depth of issues that will need to be addressed are known very early in the process, allowing for effective planning and management.

One environmental component evaluated for this EOA is, however, considered to represent a substantial constraint to development, and will likely be a focal area during impact assessment processes. Designation of the lower South and Central Anderson River catchments (**Figure 2**) as a Wildlife Habitat Area for spotted owl represents a high environmental value. The forest harvesting restrictions that are designed to provide current or future recovery habitat for this endangered species suggest that more than the usually expected effort will need to be expended to achieve project approvals, regardless of the current presence of the species. Recent approval of BC Hydro's Interior to Lower Mainland transmission line project suggests that approval of projects that have habitat level impacts in this area are possible if the additional effort is expended. Project design to avoid or minimize the interaction will be a minimum requirement and such planning will make approvals easier. A regulatory strategy that acknowledges the constraint and engages with likely participants to address the study and mitigation of issues surrounding this potential impact is strongly recommended.

We have appreciated the opportunity of working with you on this project and trust that this EOA report is satisfactory to your requirements. Please feel free to contact the undersigned regarding any questions or further information that you may require.

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# Archaeological Review of the Proposed Cascades Project, South Anderson River, BC

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Final Report

**Similkameen  
Consulting**

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9/30/2021



**Submitted to:**

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## Executive Summary

Similkameen Consulting has been contracted by the Spuzzum First Nation to conduct a high-level desktop review and participate in an on-site meeting for a proposed ski resort/recreation development at the headwaters of the south Anderson River (Figure 1).

Brenda Gould of Similkameen Consulting along with the Chief, Council, and staff of the Spuzzum First Nation and the project feasibility/development team participated in a group day trip to the study area and on-site meeting. It was beyond the scope of this project to undertake a pedestrian reconnaissance of the study area however a visual reconnaissance was conducted via an all-terrain vehicle of the proposed south option access road (Figures 4, 6, 7) from Spuzzum to the resort and recreation area in the headwaters of the South Anderson watershed on July 13, 2021.

There are eleven previously recorded archaeological sites within the study area generally and depending on future access decisions one or more of these archaeological sites will intersect with the project's footprint. Significant portions of the study area also have the potential to contain unrecorded archaeological sites.

Of particular significance, the study area may be intact sections of the abandoned Boston Bar trail from Hope to Boston Bar via the Coquihalla and Anderson River. The Hope-Boston Bar Trail was proposed by Governor Douglas and upgraded by a team of Royal Engineers in 1858-59 (Lempriere 1858-59). It appears to have been abandoned before it was ever used in favour of the Cariboo Wagon Road. Background research confirms that sections of this trail overlap probably overlap with the previously recorded archaeological sites DjRh-1 and DjRh-2 within the study area. This provides further evidence of a significant trail in use by indigenous travellers long before its documentation by the Royal Engineers.

There is the potential for both intact sections of this trail and the potential for unrecorded archaeological sites to be located within the proposed footprints for the resort and recreation area as well as along the variety of access routes from Spuzzum.

***It is recommended that a rigorous Archaeological Impact Assessment (AIA) process be put in place consisting of the following components:***

- 1. Non-permitted archaeological study of the Hope Boston Bar trail from Coquihalla Summit to the intersection with the Tikwalus Trail.***
- 2. Ground truthed archaeology overview assessment (AOA) of the proposed access roads (from Spuzzum and the Coquihalla) to identify areas of potential to be subjected to a more detailed and rigorous AIA process undertaken under a Heritage Conservation Act permit to prospect for archaeological sites within the finalized development footprint of the access roads to and from the resort/recreation area.***
- 3. Ground truthed AOA of all potential recreation developments (ski runs, trails, lifts, residential, commercial, etc.) to inform a more detailed and rigorous AIA process undertaken under Heritage Conservation Act permit to prospect for archaeological sites within the finalized development footprint.***

- 4. A full AIA is undertaken under Heritage Conservation Act permit by a qualified Archaeological Consulting Firm with experience in large projects and the Environmental Assessment Process. The AIA will be required for identified portions of all finalized access routes, recreation, residential, and commercial development areas.**

All archaeological sites, whether recorded or unidentified, are protected by legislation and may not be altered, damaged, moved, excavated in, or disturbed in any way without a permit issued under either Section 12.2 or Section 12.4 of the *Heritage Conservation Act*.

## **Credit Sheet**

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### ***Report Distribution***

Spuzzum First Nation  
Westscapes

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## **Acknowledgements**

I would like to thank the Spuzzum Nation for retaining Similkameen Consulting to conduct this study on their behalf. Thanks to the Spuzzum First Nation Chief, Council, and management for their support and for hosting a meeting during these trying times. Special thanks to Band Manager, Crystal-Anne Hatzidimitriou for coordinating on behalf of the Spuzzum First Nation. I would also like to thank Spuzzum First Nation member Dimitri Hatzidimitriou for assisting with the field portion of this project and his skilled navigation of the back country. Lastly, I would like to thank Westscapes for providing the funding which made this project possible.

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## Introduction

### Background Information

The Spuzzum First Nation contracted Similkameen Consulting to undertake a high-level archaeological review of the proposed concept of an all-season resort at the headwaters of the South Anderson River. Westscapes (the proponent) is exploring the potential for an environmentally sustainable all-season resort located near the summit of the Coquihalla Pass in the headwaters of the Anderson River (see Figure 1). The Spuzzum First Nation is intimately involved in this project and is currently participating in the feasibility and initial design phase of the project.

The resort concept includes plans for a base village, ski lifts, spa, and conference centre centred around a system of trails for alpine and x-country skiing, mountain biking, hiking, horseback riding, and ecotourism activities. The resort infrastructure will have approximately 3000 dwelling units representing estimated 15,000-bed units. Several potential routes of access and egress are being explored including routes from Highway #1 east to the resort and routes west to the resort from the Coquihalla Highway.

### Location Information

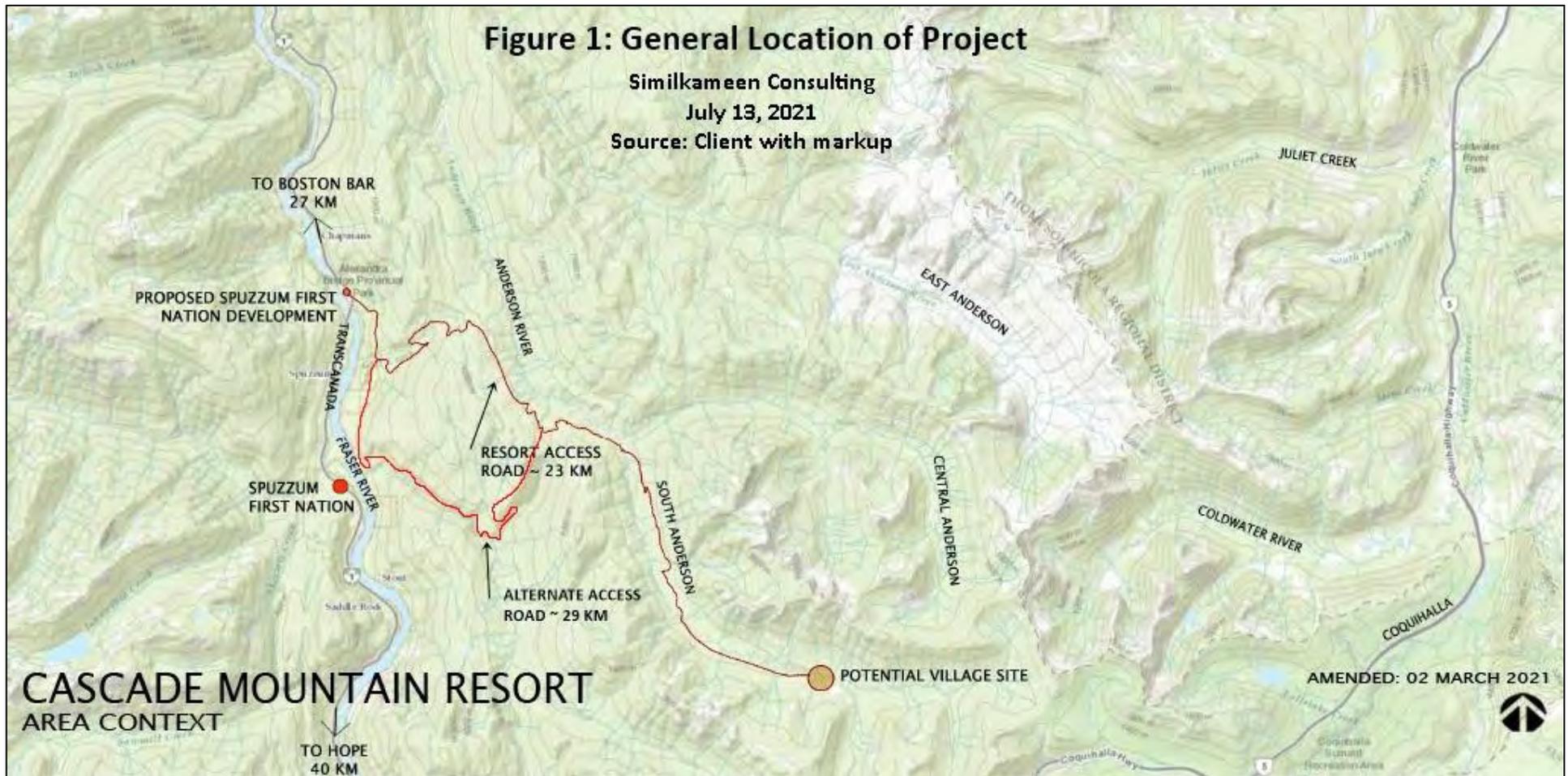
The project is located in the Anderson River watershed, specifically the South Anderson to its headwaters. Figure 1 is a map showing the general location of the project as well as potential access routes from Spuzzum.

### Development Details

The proposed development will be a regional/destination all-season resort comparable to Sun Peaks, Big White, and Whistler/Blackcomb with an estimated carrying capacity of 10-12,000 skiers per day when fully developed. The following developments are proposed:

1. The mountain development will include two novice lifts, four detachable quad chair lifts, and an eight-passenger gondola.
2. The skiable terrain will be approximately 3,500 hectares and will target all skier abilities with approximately 15% allotted to novice, 50% to intermediate, and 35% to advanced/expert skiers.
3. The ski area will have a maximum vertical drop of approximately 700-900 meters.
4. The base area development will consist of approximately 400-500 hectares with 100 hectares being designated for the resort village and associated core facilities, including:
  - a. 600-700 hotel units,
  - b. 500-600 townhome units,
  - c. 600-800 single-family lots,
  - d. 50-100 estate lots, and
  - e. 50-60,000 sq. ft. of commercial space.

Figure 1. General Location of Study Area



## Scope of Project

The scope of this project involved the following:

1. Background Research: A review of relevant background information of documented pre-contact/historic period occupation or use of this area. This will include discussions with the Spuzzum First Nation.
2. Analysis: Preliminary evaluation of the project's high-level plans concerning the potential to impact archaeological and traditional use resources.
3. A single field trip with members of the Spuzzum First Nation to the study area to discuss project planning, observe relevant landscape features.
4. A final report that will briefly indicate the nature and location of obvious heritage concerns, identify specific areas with archaeological site potential, outline details for further archaeological impact assessment (AIA) and traditional use and occupancy mapping study (TUS/UOMS) work required. Appropriate management/mitigative strategies if any obvious archaeological/heritage concerns are identified will also be presented.

All archaeological sites whether they are previously recorded or not, intact, or disturbed are automatically protected under the *Heritage Conservation Act* and the provisions of this legislation apply whether the archaeological sites are located on Crown or privately held lands. Archaeological sites are automatically protected under Section 12.1 of the legislation and must not be altered or changed in any manner without a permit issued by the Province of British Columbia under the *Heritage Conservation Act*.

Other cultural heritage resources not protected under the *Heritage Conservation Act* are equally important to the Spuzzum First Nation but not automatically protected. Cultural heritage resources may or may not be associated with archaeological sites or areas exhibiting archaeological potential and can include specific traditional use areas, sites or features on the landscape. Examples include resource gathering areas, spiritual sites, culturally modified trees (CMT's), and/or ceremonial sites. These examples are part of a broader concept that considers not only the sites themselves but also the things that connect these areas - trails, legends, hunting and gathering areas, water, etc. Cultural Heritage Resources are provided for in Section 10 of the *Forest Planning and Practices Regulation, Forest, and Range Practices Act*.

## Archaeological Potential Assessment

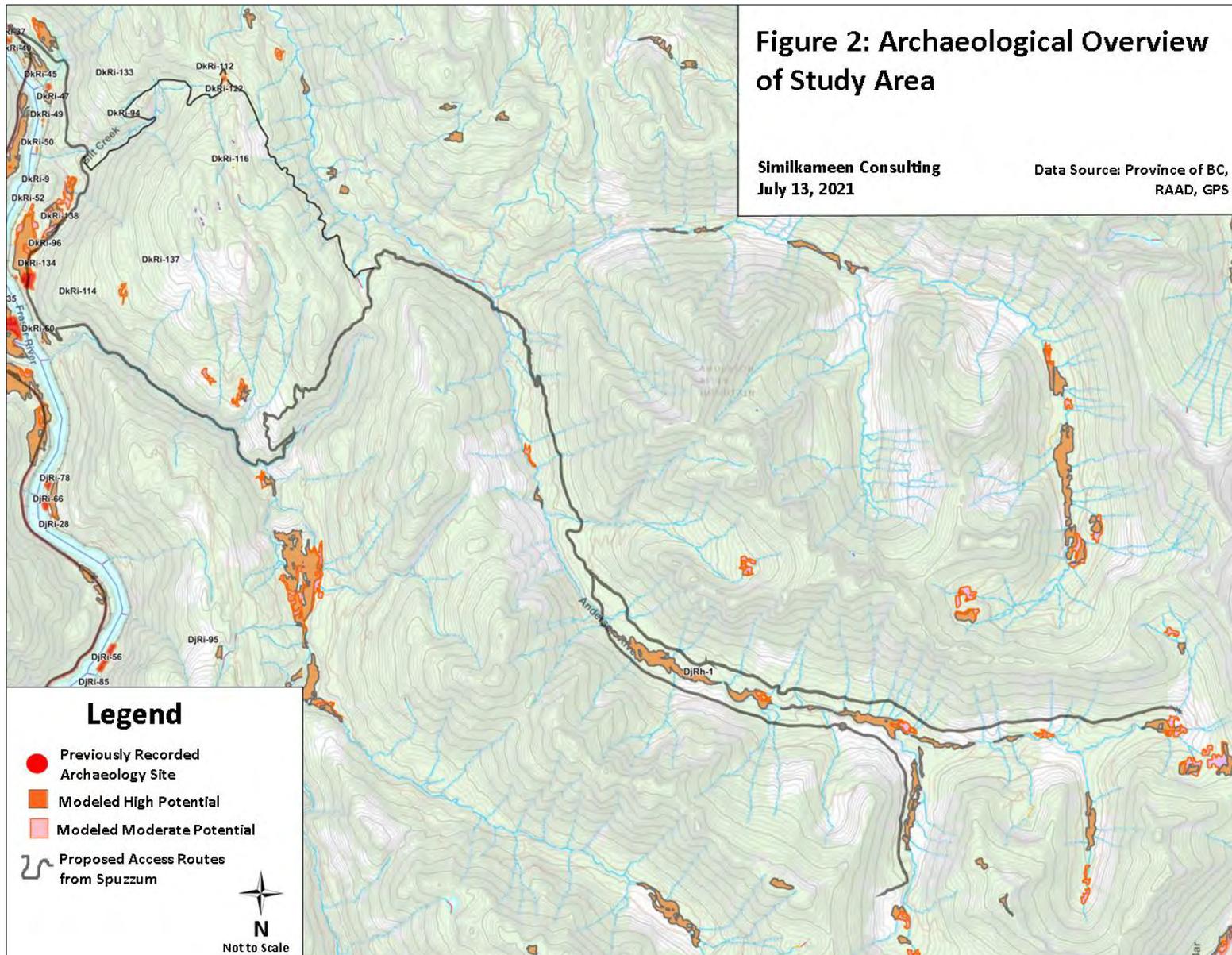
A predictive model layer for the study area is available on the Remote Access to Archaeological Data (RAAD) website and was consulted during the desktop review and background research and is illustrated in Figures 2 to 7.

Archaeological predictive modelling is calculated based on a set of variables including slope, distance to water, aspect, proximity to known archaeological sites, proximity to existing settlement (towns), ungulate winter range, biogeoclimatic zone and old-growth forests.

It should be mentioned that the intent of the modelling is not to replace archaeology, nor is it intended to capture all areas of archaeological potential, predict new site types or further research-oriented goals. The model is only intended to impose archaeological potential on the modern landscape (about the past 5,000 years) and does not consider the period between 5,000 and 12,000 years ago when the landscape and its associated resources were establishing and evolving during fluctuating environments and would have been much different.

For this project, the model does not adequately predict areas of a higher or lower likelihood of finding some archaeological sites. Although it is partially useful in identifying areas of cultural heritage significance as they are often associated with archaeological sites. Not so useful in that many of these sites are also found in other areas such as potato patches on steep slopes with nil archaeological potential. As such, modelling is simply a useful tool for land-use planners to have a “heads” up where archaeological potential may occur.

Figure 2: Archaeological Overview of Study Area



## Methodology

### Background Research

Background research included a review of all previously recorded archaeological sites, their associated collections, and archaeological reports as available for the entire study area. The results of this review are presented in the sub-sections following. Background research also included an internet search and scan of available literature for the study area.

A predictive model layer for the study area was available on the Remote Access to Archaeological Data (RAAD) website and was consulted during the desktop review and background research but found to be unreliable.

Archaeological predictive modelling is calculated based on a set of variables including slope, distance to water, aspect, proximity to known archaeological sites, proximity to existing settlement (towns), ungulate winter range, biogeoclimatic zone and old-growth forests. Not all models use the same variables and not all models were developed using GIS as such not all models are of the same calibre or reliability.

It should be mentioned that the intent of modelling is not to replace archaeology, nor is it intended to capture all areas of archaeological potential, predict new site types or further research-oriented goals. Modelling is merely intended to impose archaeological potential on the modern, currently mapped landscape (about the past 5,000 years). Modelling does not consider the early Holocene when the post-glacial landscape and its associated resources were establishing and evolving during fluctuating environments and would have been much different.

Archaeological predictive models also only predict areas of a higher or lower likelihood of finding some types of archaeological sites. Modelling can be useful in identifying areas of cultural heritage significance as these areas are almost always associated with archaeological sites however many of these sites are also found in other areas where there is no archaeological potential such as huckleberry patches and CMTs on steep slopes).

In summary, predictive models can be a useful tool for land-use planners to have a “heads” up where archaeological potential may occur. The archaeological predictive model layer is also used along with other cultural heritage data to provide background information and assist the field crew in ensuring that areas with archaeological and cultural heritage potential are prioritized in the fieldwork.

An office review of the study area was undertaken to search for potential features of archaeological interest such as proximity to known archaeological sites, proximity to water, slope, aspect, forest cover, ungulate winter range and other variables known about the area specifically.

For the results section of this report, the access road and study area has been divided into several sections. The first section to be addressed is the background research followed by the resort location, recreation and ski areas, access from Spuzzum and access from the Coquihalla.

## Spatial Data

Topographic data and imagery available from Google Earth Pro were utilized along with spatial data from previous archaeological assessments and from previously registered archaeological sites were available through the Remote Access to Archaeology Data Application maintained by the BC Archaeology Branch. As well, GPS data was collected during the field trip to assist in the discussion of archaeological site distribution and potential within the study area.

Google Earth Pro was utilized to examine aerial imagery of the study area before the field trip to observe visible disturbances, forest cover, previous logging and other industrial activities, and to assess the area for access. The vehicular survey was used to confirm the observed disturbances identified through the desktop review.

## Field Reconnaissance

A field trip to the study area from Spuzzum was undertaken on July 13, 2021, by Brenda Gould of Similkameen Consulting along with Dimitri Hatzidimitriou of the Spuzzum First Nation. In attendance were also representatives from Westscapes, the Chief and Council and key staff of the Spuzzum First Nation, and environmental specialists.

The field trip was conducted via all-terrain vehicle on only one possible access route to the proposed village site. There was limited time to conduct any sort of pedestrian reconnaissance of the proposed development was beyond the scope of this high-level review. The proposed retreat location at Inkawthia Lake was systematically assessed in the field to determine the potential for archaeological materials and features and traditional use areas based on access in and around the study area.

Any archaeological sites or cultural features identified during the field trip were marked with a handheld GPS. Archaeological sites containing cultural material were not labelled in the field with flagging to not draw attention to the area. Cultural features, such as CMT's cultural depressions and/or hearths, were marked with a handheld GPS and not labelled as well.

The expected site types of archaeological within the study area include habitation features (i.e., house pits), subsistence features (i.e., roasting pits or cache pits), hunting blinds, trails, rock art, culturally modified trees, human remains (i.e., rock cairn burials, talus slope burials, subsurface burials), and surface and subsurface scatters composed of lithic, faunal, or fire altered rock. Traditional use sites expected within the study area include place names, sacred locations, resource gathering and processing locations, and transportation routes.

## Results

The results of this study are largely derived from the background research and a single day spent in the field with other project consultants however, where appropriate, information derived from this single day will be presented to support the findings of the background research.

## Background Research

### Cultural Setting

The following is by no means an exhaustive account of Nlaka'pamux cultural history but rather a snapshot in time of the Nlaka'pamux culture and heritage within the confines of the geographic area of the Spuzzum Nation territory within the Anderson River watershed to attempt to provide a limited understanding of the relationship between the people and this particular part of the territory. Sources relied upon include published and unpublished information available digitally and, in some cases, in paper format by both indigenous and non-indigenous scholars and institutions.

The study area lies within the Anderson River portion of the traditional territory of the Spuzzum First Nation (see Figure 1). The Spuzzum Nation is the southernmost group of Nlaka'pamux and is often considered the guardians or gatekeepers of Nlaka'pamux territory being strategically located in the lower reaches of the Fraser canyon. James Teit (1900:171) described the people of the Fraser Canyon as the Lower Thompson branch of the Nlaka'pamux and recognized this division noting that the upper and lower Thompson doesn't have much in common with each other due to the extreme differences in environment. The Nlaka'pamux of Spuzzum has lived in the study area since the land was first habitable after the last of the glacial retreat at least 9,000 years ago.

James Teit (1900:169) documented four Spuzzum villages including: "Spozem ("little flat") Spuzzum on the west side of the river, Ti'kwalus (Chapman's Bar) on the east side of the Fraser, Skoxwa'k on the west side of the river, and Tce'tawe on the east side of the river." In 1900 Teit records the largest lower Thompson village at Spuzzum. Teit (1900:169) also mentions a village near the confluence of the Anderson and Fraser Rivers named "Koia'um ("to pick berries") near present-day Boston Bar which he reported as the largest lower Thompson village in 1858. While not a Spuzzum village, early maps show the Anderson River as being called Quaome which is an anglicised version of Koia'um recorded by Teit (see Plates 2-3). Between 1858 and 1900 James Teit reports that the population of the lower Thompson villages went from around 2000 to just 700 due to the ravages of smallpox (Teit 1900:170).

While others (Teit 1900, Smith, Sneed, and Simonsen 1977, Pegg 2017) describe in detail the cultural characteristics of the Nlaka'pamux people a synthesis of this information is beyond the scope of this short overview however there are a few cultural characteristics that set the lower Thompson and specifically, the Spuzzum nation apart from the other Nlaka'pamux people such as the use of coiled cedar twig basketry, goat and black bear hair blanket weaving, and owl sole snowshoes specifically adapted for travel on steep mountains (Teit 1900:179).

## Previous Archaeological Investigations

Previous archaeological investigations within the core study area are limited to studies conducted on behalf of either forestry activities or large linear infrastructure projects like the BC Hydro Interior to Mainland Transmission Project. Unfortunately, forestry activities and power line construction that predate the 1990s were largely undertaken without any attention to archaeological or other heritage resources. For example, archaeological site DjRh-1 is a significant, large, and very obvious pictograph site that was unrecorded until 1996 during forestry cut-block surveys. From a quick review of Google Earth's historical imagery, it can be seen that sometime during the 1980s this site was logged.

More broadly speaking significant research has been undertaken on the archaeology of the Fraser Canyon but not in the mountainous areas flanking the Fraser River. It is well known from the ethnography that the Spuzzum Nation members were not tied to the Fraser and exploited many and numerous resources in the mountainous environments which flanked the river.

The predictive modelling for the study area is not sufficient to be used for this study as areas of potential are much more difficult to ascertain in mountainous environments and little research has been conducted here. Figure 2 illustrates the archaeological potential of the study area in general while Figures 3 to 7 provide additional details regarding archaeological site distribution along the access roads, proposed retreat location, and recreation areas. Identified archaeological sites are presented for each section.

Table 1 summarizes the results of the background search of previously recorded archaeological sites within the vicinity of the study area and along the access road highlighting those which have the potential to intersect with the access road or future upgrades to the access road.

**Table 1: Previously recorded archaeological sites which intersect or are near the study area.**

Borden #	Intersects with Study Area	Site Type	Date Recorded	Comments
DjRh-1	Yes, potential recreation area	Rock Art, Lithic Scatter	1996, 2021	Pictograph recorded because of an AIA for Cattermole Logging in 1996 (Oliver 1996); west-facing, numerous images, superpositioning present, Plateau Horizon Projectile Point (ca. 2400-1200 BP) observed in 2021.
DjRh-2	Yes, the recreation area	Lithic Scatter	2019	Lithic scatter was observed on the surface of the escarpment overlooking the recreation area; diagnostic artifacts suggest occupation to at least 2400 B.P. (Cameron, 2020)
DkRi-6	Yes, potential intersection with access road	Rock Art, historic trail	1927, 1941, 1977, 1987, 1988, 2006, 2008	The large petroglyph site was first documented in 1927 (Smith 1927) and reported to the National Museum of Canada. The site has since been negatively impacted by the construction of logging roads as well as BC Hydro Transmission lines.

DkRi-53	Yes, bisected by the south option access road	Cultural Depression, Lithic Scatter	1986, 2008	The archaeological site consists of a lithic scatter and at least three cultural depressions, likely cache pits. It is bisected by the access road as well as the BC Hydro transmission line and will be impacted by any upgrading or potentially maintenance activities.
DkRi-94	Yes, bisected by Gilt Creek FSR option access	Lithic Scatter	2012	Discovered on ROW during the BC Hydro ILM project (Mason and Campbell 2012). The site consisted of a single fragment of chert lithic material on the transmission line access road.
DkRi-95	Yes, bisected by the south option access road	Lithic Scatter	2012	Discovered on ROW during the BC Hydro ILM project (Mason and Campbell 2012). The site consisted of a single fragment of fine-grained volcanic lithic material on the transmission line access road.
DkRi-96	Yes, bisected by the south option access road	Lithic Scatter	2012	Discovered on ROW during the BC Hydro ILM project (Mason and Campbell 2012). The site consisted of a single fragment of fine-grained volcanic lithic material on the transmission line access road.
DkRi-112	No	Lithic Scatter	2013	Discovered on ROW during the BC Hydro ILM project (Mason and Campbell 2012). The site consisted of a single fragment of fine-grained volcanic biface fragment on the transmission line access road.
DkRi-122	No	Lithic Scatter	2014	Discovered on ROW during the BC Hydro ILM project (Mason and Campbell 2012). The site consisted of two mudstone lithic flakes on the transmission line access road.
DkRi-134	No	Lithic Scatter	2015	Discovered on ROW during the BC Hydro ILM project (Mason and Campbell 2012). The site consisted of three fine-grained volcanic flakes on the transmission line.
DkRi-138	Yes, bisected by the south option access road	Lithic Scatter	2015	Discovered on ROW during the BC Hydro ILM project (Mason and Campbell 2012). The site consisted of a single fine-grained volcanic flake on the transmission line. This site is also associated with an unregulated trail and group of CMTs

**Ancient Trails**

Background research confirms that the Anderson River watershed was an important pre-contact transportation route between Hope and Boston Bar via the Coquihalla River, Boston Bar Creek, and Anderson River. Archaeological sites have been recorded in proximity to the location of the trail including archaeological sites DjRh-2 located in the alpine and DjRh-1, a rare high elevation pictograph complex. In addition, Annie York (in Laforet and York 1998) confirms a trail network up the Anderson River connecting to trails to Washington and the Similkameen Valley. York also highlights Anderson

Mountain as being one of four places of principle importance to the Spuzzum people where the people hunted mountain goats (Laforet and York 1998:66). She describes the Anderson valley as a place where the people gathered mushrooms and blueberries in the fall (ibid:69). In particular York mentions an individual named Paul Youla who had a special hunting place in the Anderson Mountain area.

Archaeological site DjRh-1 is located at the base of Anderson Mountain along the old trail which connects the Spuzzum people to the Similkameen and Skagit.

During the early historic period, the portion of the Fraser River between Hope and Boston Bar was unnavigable by the fur traders and long portages were common along the precipitous cliffs that flanked the river many of which were unsuitable for pack trains. In 1846 A.C. Anderson of the Hudson's Bay Company was tasked with exploring routes between the Thompson and Fraser Rivers around the time the Nlaka'pamux were forcing early American miners to retreat from the Canyon. Blackeye the Similkameen is well known for guiding Anderson across the Tulameen Plateau but was also instrumental in showing him the route to Spuzzum over the Tikwalus Trail which would be the beginnings of the new brigade trail (Anderson 2022) from Yale to Boston Bar. At the time of Anderson's journey, the river that now bears his name was referred to as the Quayome or Coquaome which was also the name of the Indian village on the Fraser at its mouth near present-day Boston Bar.

In 1858 Governor Douglas called the Royal Engineers to assist with policing the colony and upgrading existing trail to navigable wagon roads. He ordered the upgrading of the trail between Hope and Boston Bar by the Royal Engineers and Lieutenant Lempriere was tasked with this job. The historical documentation clearly illustrates the upgrading of this trail but it is likely that it was abandoned before it was even used or possibly completed in favour of the Cariboo Wagon Road.

The only known journal of a Royal Engineer is that of Lieutenant Lempriere (Lempriere 1858-1859) which discusses the upgrading of this trail in detail along with draft maps of sections of the trail and his indigenous labour who assist with the location and updating of this trail into a mule road. Plates 2 to 4 are maps which illustrate this trail.

In 2007 a hiker relocated a portion of this trail and posted the information on a local hiking blog along with a section of TRIM map show that section of the trail where it enters the Anderson River watershed from Box Canyon on Boston Bar Creek (Plate 5). This is also close to the location of archaeological site DjRh-2 which is located at the height of land between Box Canyon and the headwaters of Anderson River. It can be assumed that the trail would have come down into the Anderson River in approximately the location where the proposed resort is planned, crossing the river and following the north side past the pictograph (DjRh-1) till near the junction with the trail to Spuzzum which according to information in Laforet and York (1998) may be near the gully leading up Gilt Creek to the Spuzzum petroglyph (archaeological site DkRi-6) where she also reports a source for stone.

Plate 2: Image of 1860 Royal Engineers map showing location of Boston Bar Trail

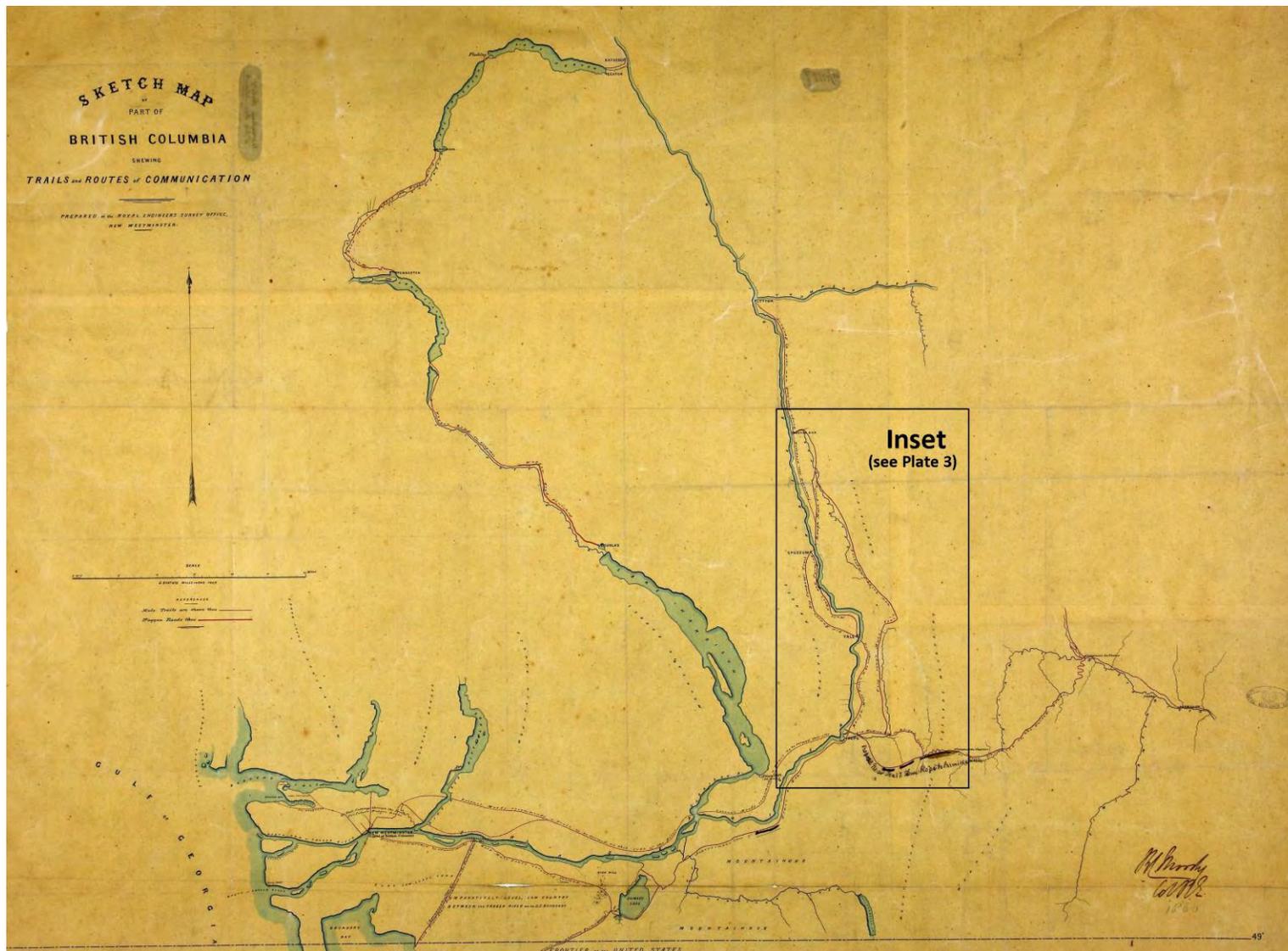


Plate 3: Marked up Inset from Figure 2 showing trail location on Anderson River

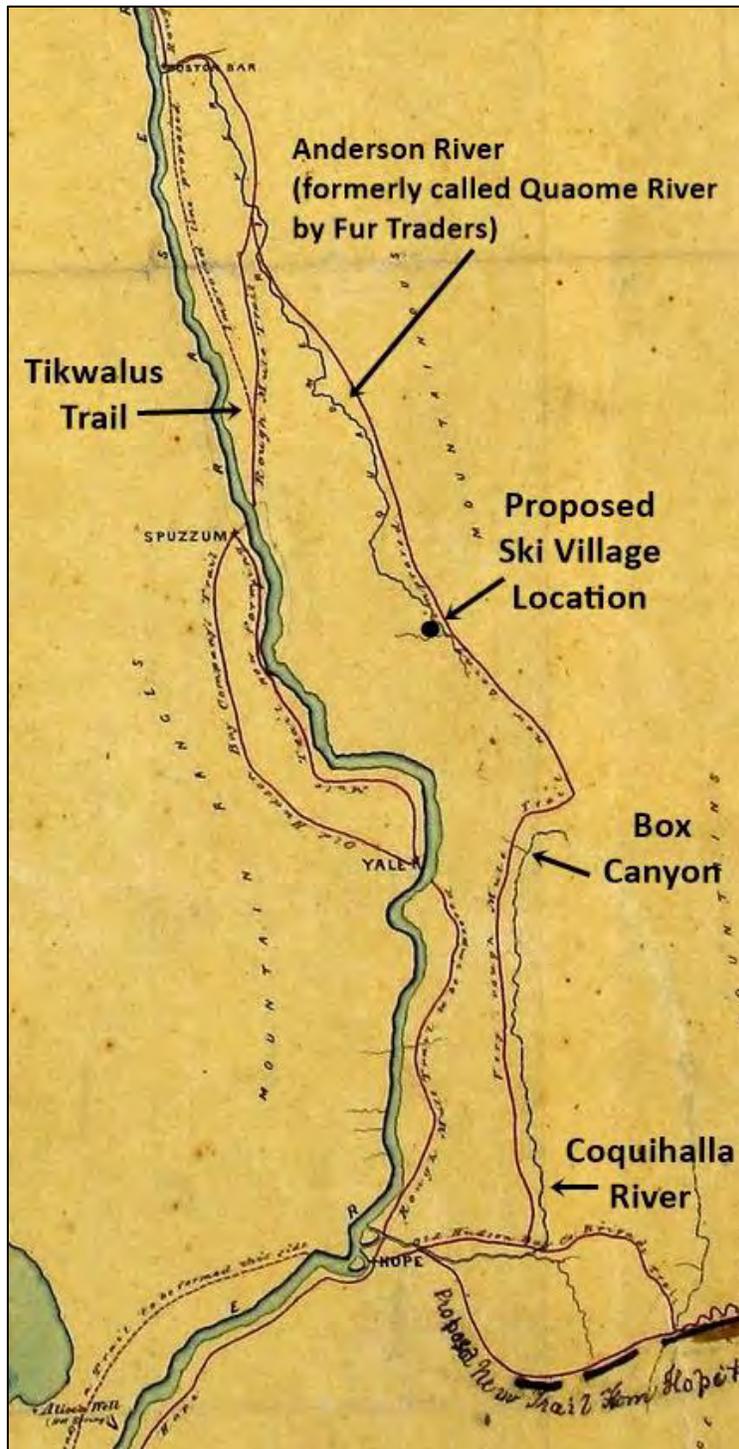
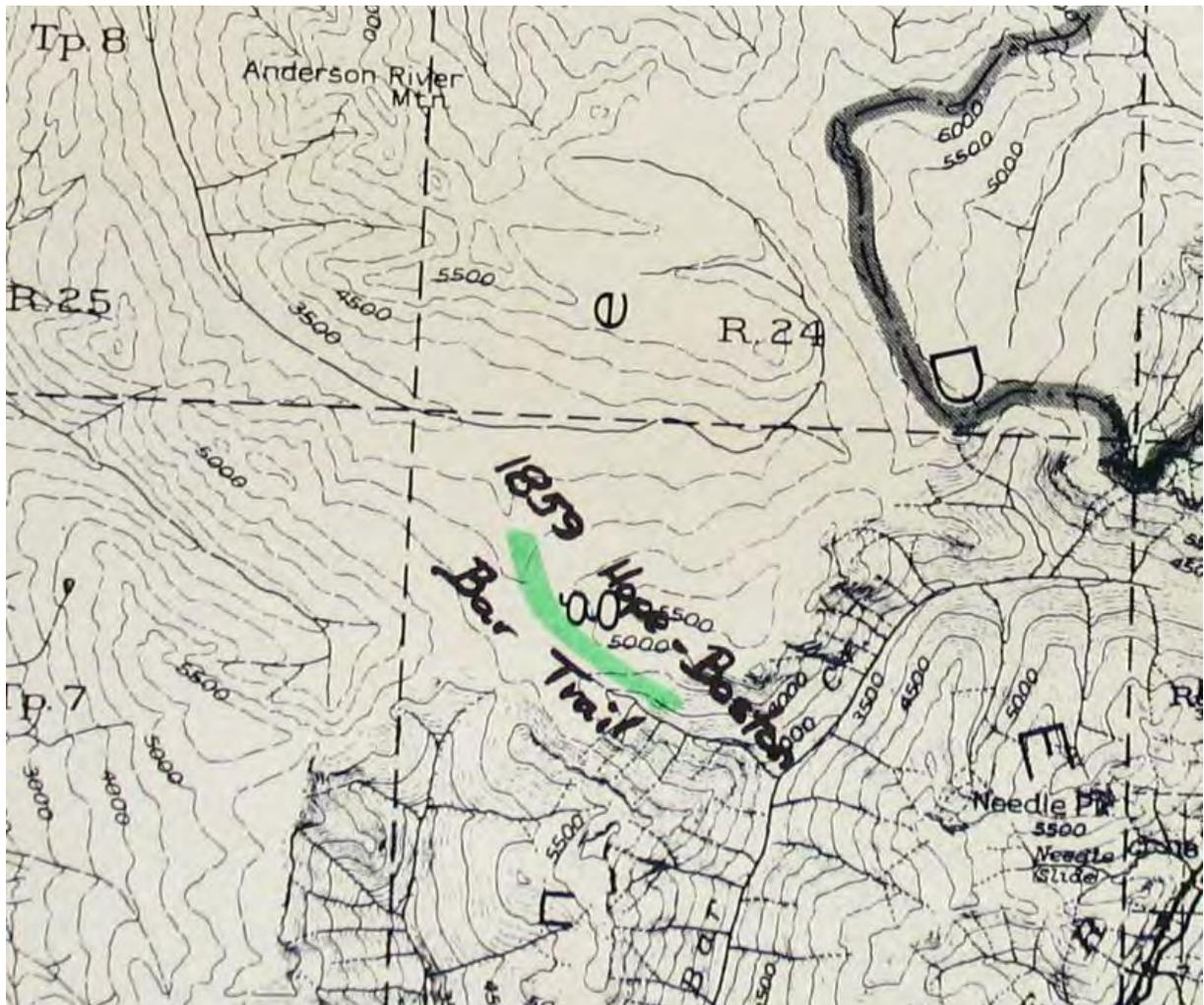




Plate 5: Excerpt from TRIM map showing Boston Bar Trail Segment from Boston Bar Creek to Anderson River Headwaters



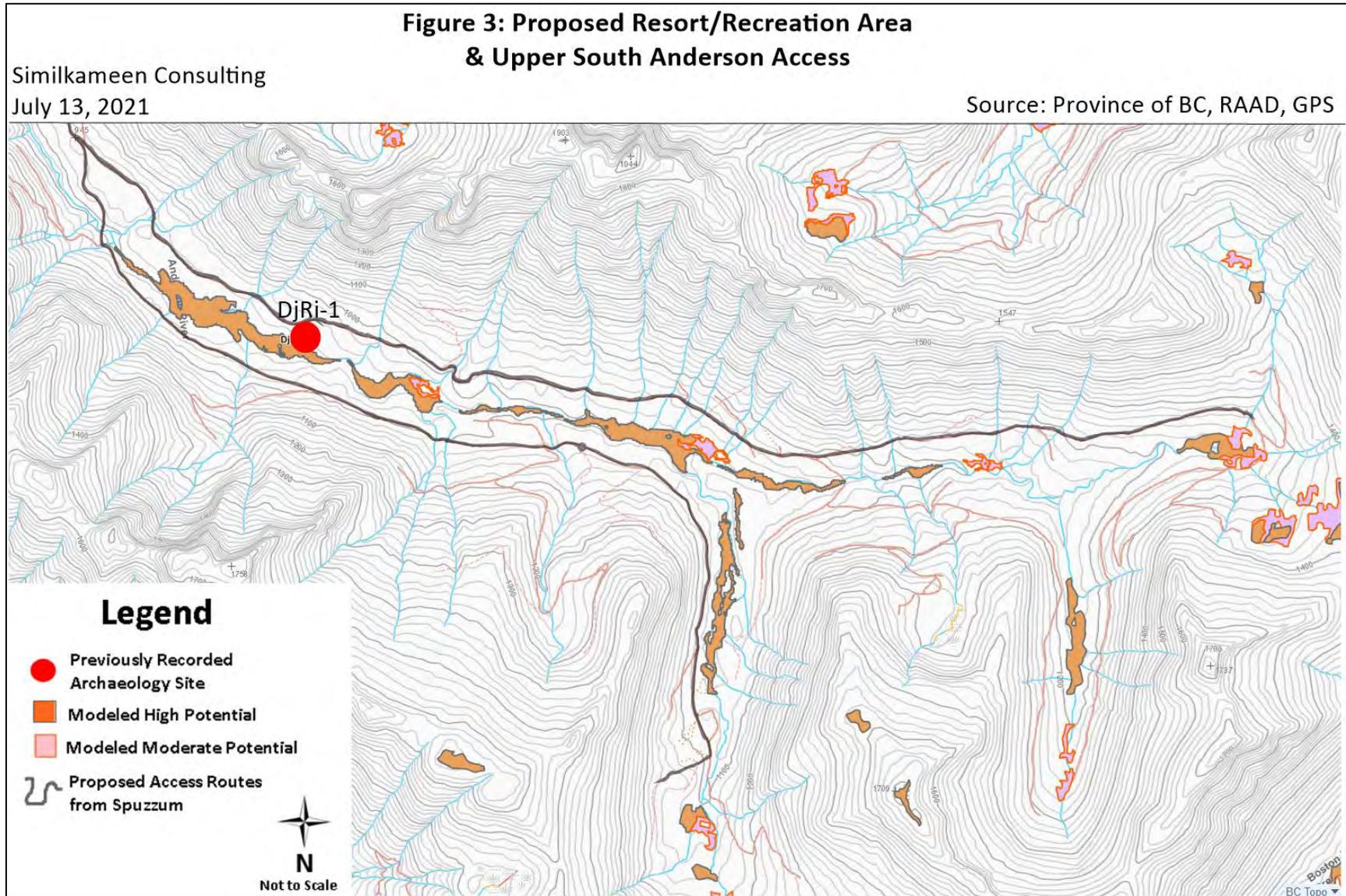
### Field Observations

Field observations were undertaken over a single day on July 13, 2021. Much of the day was spent travelling to and from Spuzzum to the headwaters of the Anderson River along various deactivated Forest Service Roads. Not all areas covered below were accessed during the brief field trip on July 13, however, are included in this section as they have all been considered, in one context or another, to be either resort/recreation area opportunities or various access routes in and out of the study area. As this project is in the very early stages it is prudent to examine as many potential development areas as possible.

### Potential Resort and Recreation Area

This is a large area (see Figure 3) which has seen little in the way of archaeological work with the exception of a single forestry related study (Cameron 2020) which recorded archaeological site DkRh-2 as a lithic scatter and remnants of wooden beams. Unfortunately, the background research for this study failed to pick up information on the historic and precontact Anderson River trail. It is quite possible that remnants of this trail can be found in alpine areas or areas where no logging has taken place.

Figure 3: Map of Potential Resort Location & Upper South Anderson Access



Archaeological site DjRh-1 was revisited by the team on July 13, 2021 (Plate 6). This site is significant in that there are numerous images with many instances of superpositioning where one painting has been painted over another. The complex panels show zoomorphic, anthropomorphic, linear, and geometric images. Teit (1912) refers to an origin story of the Spuzzum people where coyote was followed deep into the mountains where there was many caves full of ice. York (Laforet and York 1998) describes a similar origin story indicating that there were many caves just east of Anderson Mountain.

This pictograph site is significant in that it may correlate to an origin story but also that it is located in an area where a Spuzzum ancestor spent a significant amount of time overwintering and it is located on a major trail linking Spuzzum with the Similkameen and Skagit valleys and beyond. A single projectile point was discovered in close proximity to the rock art panel in an area of erosion (Plate 7).

**Plate 6: Chief James Hobart showing pictograph complex at DjRh-1**



Plate 7: Projectile point observed at DjRh-1 on July 13, 2021.



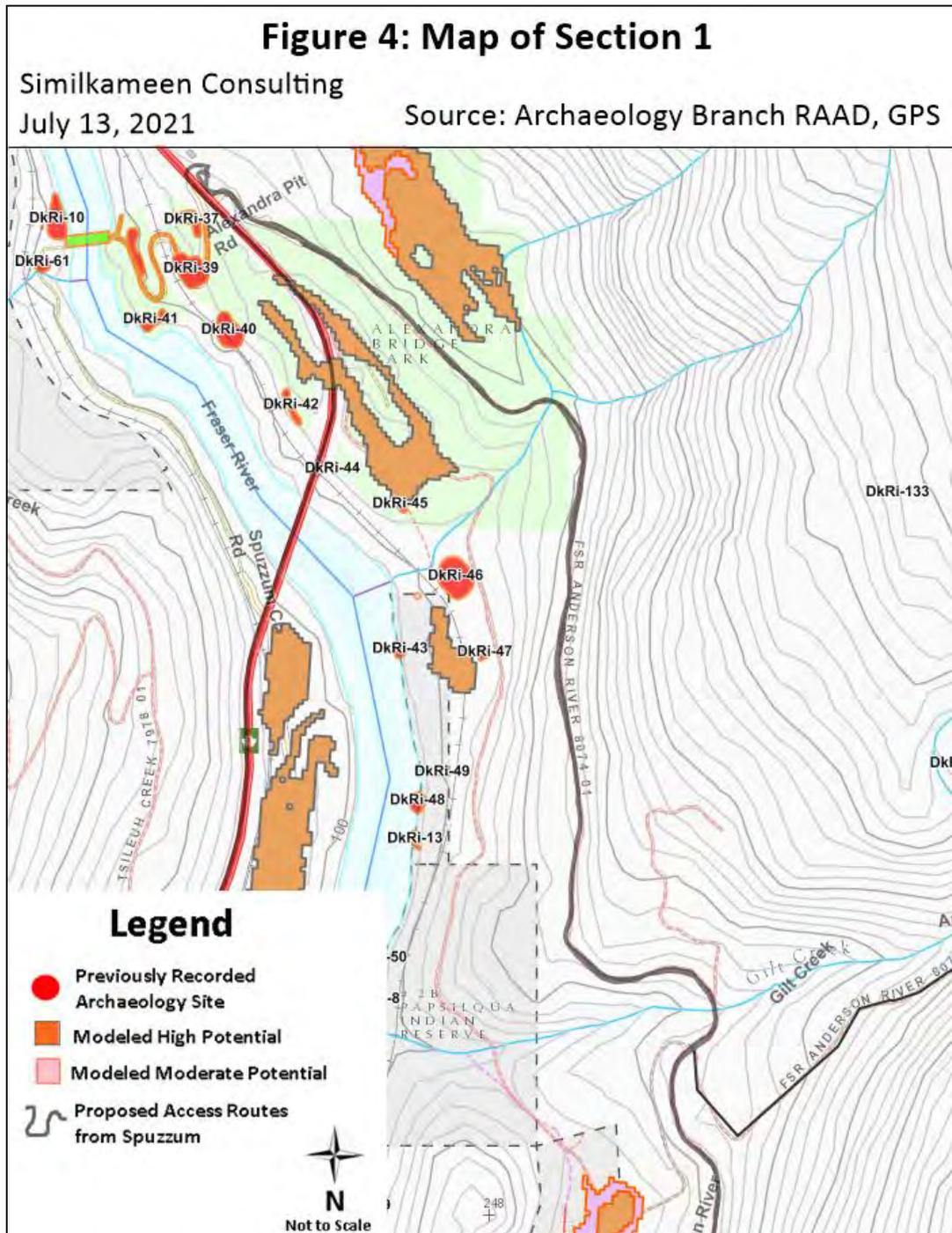
### **Access Road from Spuzzum**

For the project to be of benefit to the Spuzzum First Nation, there must be an access route from Highway 1 (Hobart, Pers. Comm.). At the time of writing, there have been two proposed access options from Highway #1 and Spuzzum with access from Spuzzum potentially taking two different routes. The original road location as provided by the proponent showed the access road following the Gilt Creek Forest Service Road while the field trip undertaken on July 13, 2021 followed a more southerly route. Each of these options is discussed briefly along with a map showing the location in relation to previously recorded archaeological sites as well archaeological potential.

### ***Section 1: Alexandra Provincial Park to Gilt Creek***

This first section of access from Spuzzum is fairly straight forward on an existing maintained Forest Service Road that is in decent condition. The road passes through the Alexandra Provincial Park in a southerly direction upslope from Spuzzum First Nation reserves. This section of road is unlikely to change or require major upgrading. There are no previously recorded archaeological sites in direct conflict with this section of proposed access road but this is probably more likely a case of no one has looked yet. Significant archaeological sites are located downslope and to the west and the majority of these sites were recorded as part of a study for the railway (Arcas 2008). This section of road is illustrated in Figure 4.

Figure 4: Map of Section 1



*Section 2: Gift Creek to Anderson River*

Section 2 is that section of Road from Gift Creek over to Anderson River. There are two different options with the south option being the one traveled on July 13, 2021.

### Option 1: Gilt Creek Route (not travelled)

The Gilt Creek Route was highlighted as a possible route on materials provided by the proponent as well as a fieldtrip undertaken by the proponent and the Spuzzum First Nation in 2020. This route follows Gilt Creek to the height of land then turns south high above the west side of the Anderson River travelling downslope to the Anderson River. Figure 5 illustrates the Gilt Creek option for access and its relationship to previously recorded archaeological sites.

The route is in conflict with several archaeological sites including DkRi-6, the Spuzzum Petroglyph and DkRi-94, a lithic scatter. The Spuzzum petroglyph (DkRi-6) is a well known site while DkRi-94 and others close by were all recorded as part of the BC Hydro Interior to Mainland transmission corridor project.

The portion of the route leading up to the height of land has seen a fair amount of archaeological work with the BC Hydro project but the south portion has not. It is likely that there will be several small areas of archaeological potential along this proposed route in addition to the mitigative requirements to ensure preservation of the Spuzzum petroglyph (DkRi-6). As well, it is almost certain that an indigenous pre contact trail would have been in the vicinity.

### Option 2: South Route

The south route was travelled by the team on July 13, 2021. This route travels south beyond Gilt Creek to the steep and narrow valley of an unnamed stream where it turns east and continues up the steep valley until it intersects with the Gilt Creek route near the Anderson River (see Figure 6).

This route is in conflict with four archaeological sites. Archaeological site DkRi-53 is a cultural depression while archaeological sites DkRi-95, 96, and 138 are all lithic scatters. All of the sites in conflict with or in proximity to this section of the access road were all recorded as part of the BC Hydro Interior to Mainland transmission corridor project.

Over half of this option has not been subjected to any archaeological work and it possible for one or two small areas to contain archaeological potential. As well a source of fine stone is reported to be in a narrow canyon like area across from Spuzzum (Laforet and York) and this treacherous stretch of road may be the steep gully talked about. Like the Gilt Creek option there is also the potential for an ancient trail to be located along this route as several were described in the literature search (Laforet and York 1998).

Figure 5: Map of Section 2 Option 1

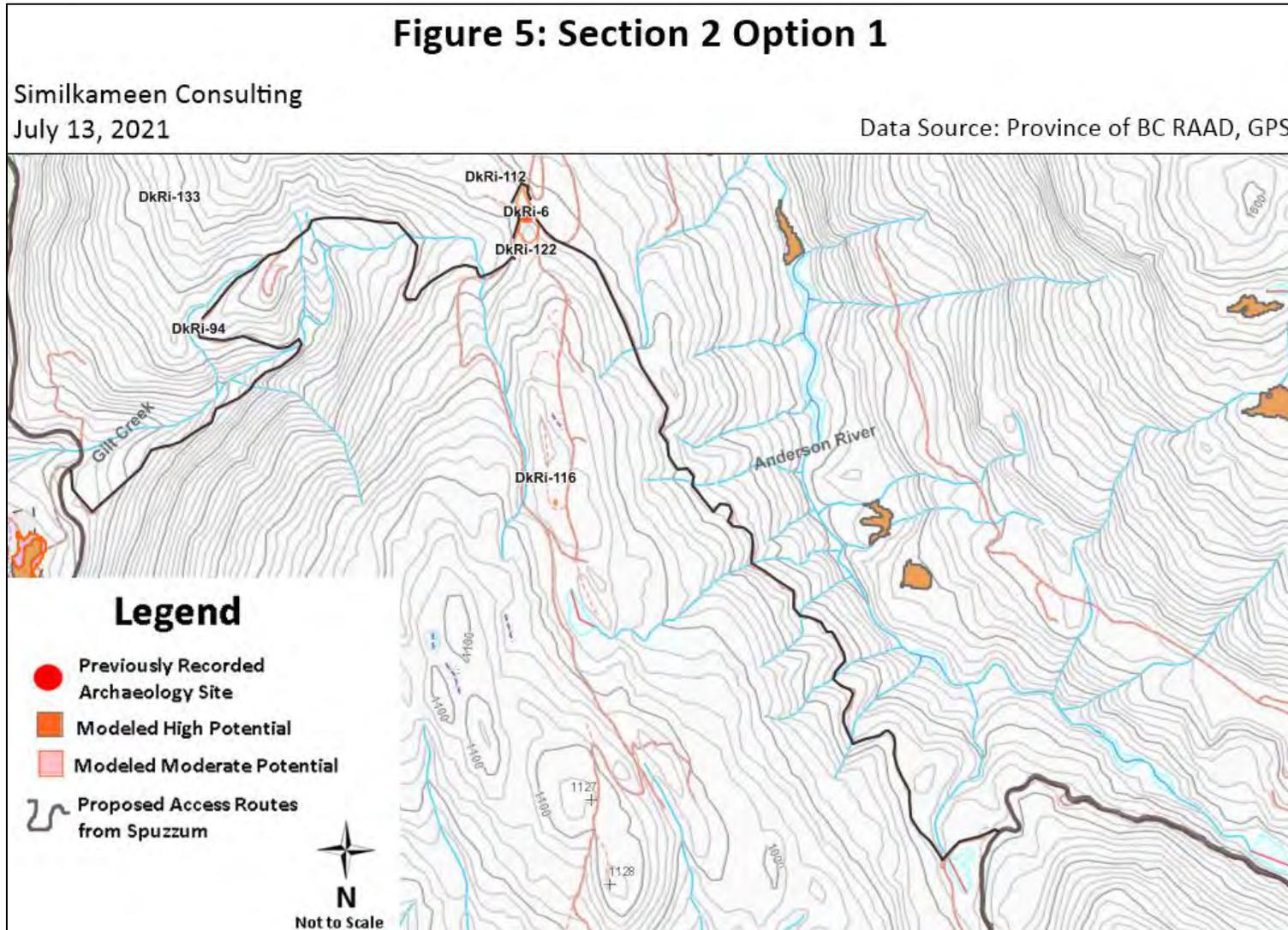
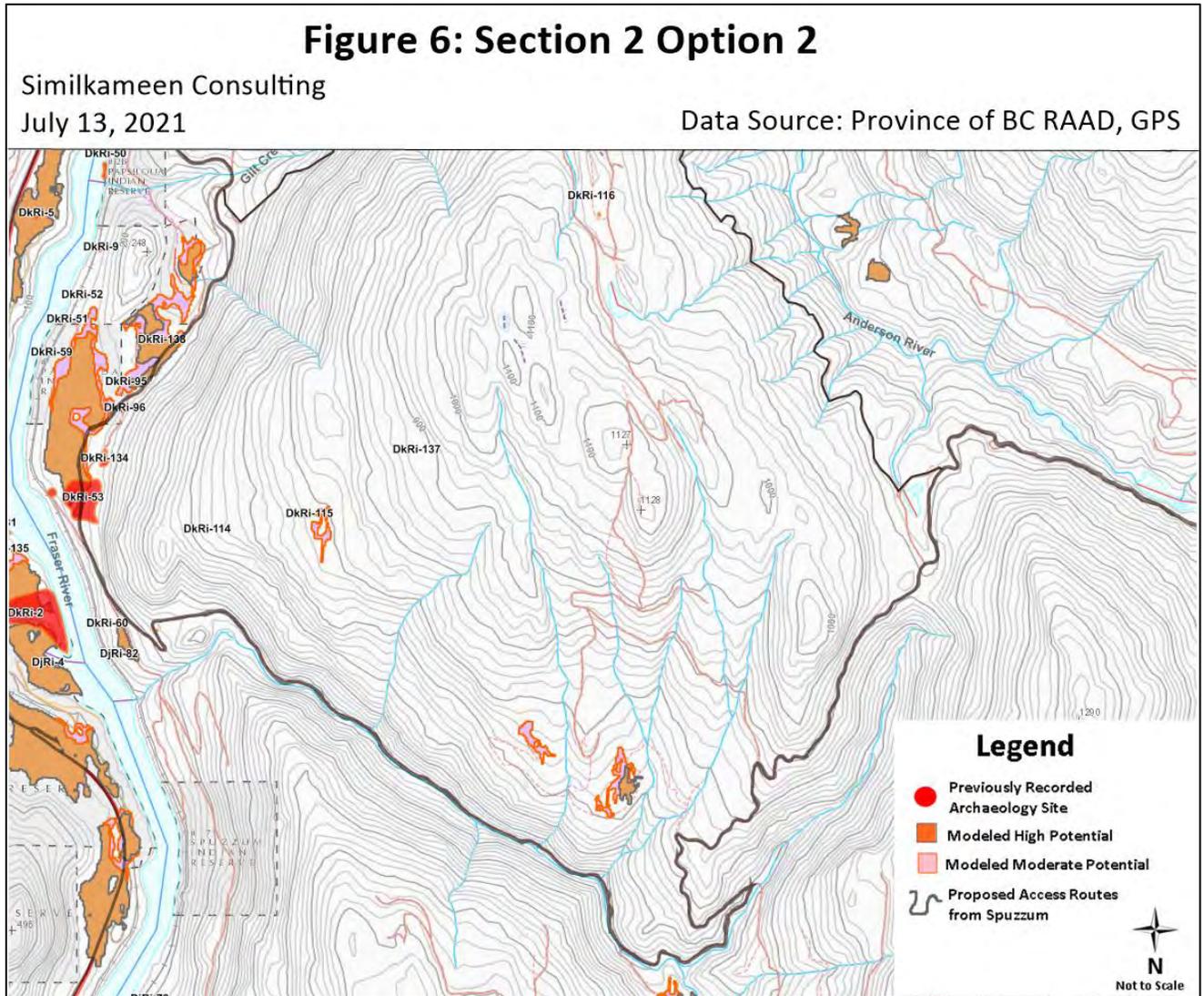


Figure 6: Map of Section 2 Option 2

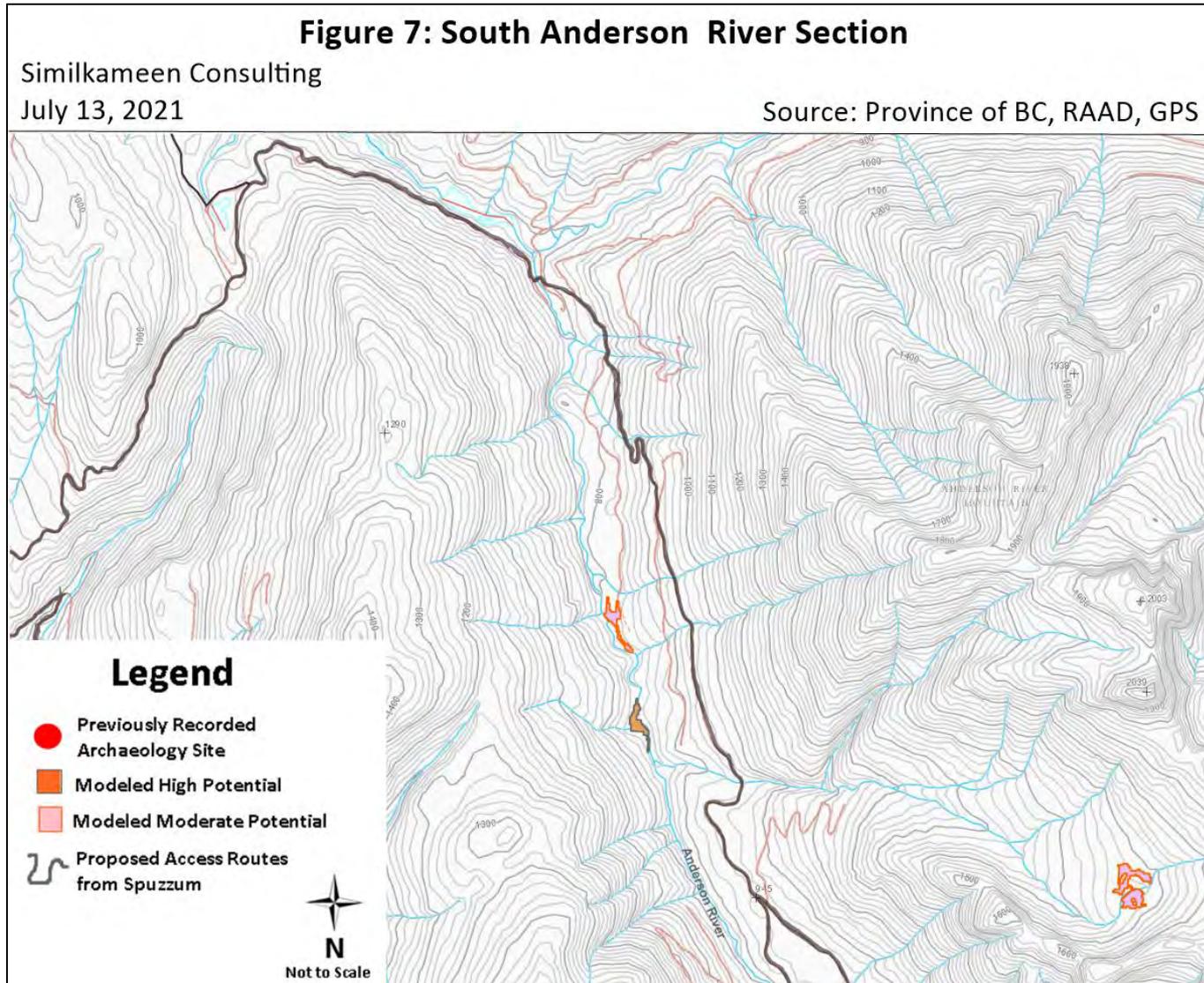


*Section 3: South Anderson River*

This section of proposed access road starts on the west side of the Anderson River but quickly crosses over to the east side. The road generally follows the steep terrain along the west side of the River (see Figure 7).

There are no previously recorded archaeological sites in this section of the proposed access route from Spuzzum. There are several areas of potential which would require closer examination and more rigorous archaeological work in this section of access road.

Figure 7: Map of South Anderson River Access Route



### **Access Roads from the Coquihalla (not travelled)**

Access options from the Coquihalla summit have also been discussed; at the time of this report, these access points/routes had not yet been mapped or travelled but will require a significant amount of tunnelling through from the Coquihalla Highway. Depending on the routing of any potential access from the Coquihalla will have the potential to impact as yet undiscovered archaeological sites, including the ancient trail along the west side of Boston Bar Creek and in the headwaters of the Anderson River drainage.

## Discussion and Recommendations

The archaeological record as well as the oral information provided in place names and other culturally significant data is important in site and landscape identification and interpretation but even more important in terms of the preservation of language and cultural identity.

It is evident from the background research that the study area holds the potential to contain significant prehistoric as well as historic archaeological remains. The potential for the entirety of the Anderson River watershed to be an important prehistoric as well as little known historic transportation route is significant with evidence of its upgrades by the Royal Engineers from 1858 to 1859. Its role in the ethnography and origins of the Spuzzum people is worthy of significant further research.

There are eleven previously recorded archaeological sites within the study area generally and depending on future access decisions one or more of these archaeological sites will intersect with the project's footprint. As well, significant portions of the study area have the potential to contain unrecorded archaeological sites. Of particular significance may be intact sections of the abandoned Boston Bar trail from Hope to Boston Bar via the Coquihalla and Anderson River. The Hope-Boston Bar Trail was proposed by Governor Douglas and upgraded by a team of Royal Engineers in 1858-59 (Lempriere 1858-59). It appears to have been abandoned before it was ever used in favour of the Cariboo Wagon Road. Background research confirms that sections of this trail overlap probably overlap with the previously recorded archaeological site within the study area. This further confirms that the trail was in use by indigenous travellers long before its documentation by the Royal Engineers. There is the potential for both intact sections of this trail and the potential for unrecorded archaeological sites to be located within the proposed footprints for the resort area and access from Spuzzum is addressed in further detail within this report.

***It is recommended that a rigorous Archaeological Impact Assessment (AIA) process be put in place consisting of the following components:***

- 1. Non-permitted archaeological study of the Hope Boston Bar trail from Coquihalla Summit to the intersection with the Tikwalus Trail.***
- 2. Ground truthed archaeology overview assessment (AOA) of the proposed access roads (from Spuzzum and the Coquihalla) to identify areas of potential to be subjected to a more detailed and rigorous AIA process undertaken under the Heritage Conservation Act permit to prospect for archaeological sites within the finalized development footprint of the access roads to and from the resort/recreation area.***
- 3. Ground truthed AOA of all potential recreation developments (ski runs, trails, lifts, residential, commercial, etc.) to inform a more detailed and rigorous AIA process undertaken under Heritage Conservation Act permit to prospect for archaeological sites within the finalized development footprint.***
- 4. A full AIA is undertaken under Heritage Conservation Act permit by a qualified Archaeological Consulting Firm with experience in large projects and the Environmental Assessment Process. The AIA will be required for identified portions of all finalized access routes, recreation, residential, and commercial development areas.***

All archaeological sites, whether recorded or unidentified, are protected by legislation and may not be altered, damaged, moved, excavated in, or disturbed in any way without a permit issued under either Section 12.2 or Section 12.4 of the *Heritage Conservation Act*.

## Closure

This report was prepared for the exclusive use of the Spuzzum First Nation and Westcapes. Any use or reliance on decisions made by third parties based on this report is the responsibility of such third parties.

The information contained in this report is not to be considered conclusive or all-encompassing as it relates to archaeological, cultural heritage or traditional use-values. Rather, it reflects the data collected within the time, budget and terms of reference provided. Archaeological and cultural heritage assessments rely upon an understanding of the past, present and anticipated future exercise of Aboriginal Title and Rights which depends upon an evolving and developing information base.

This information is communicated in good faith however First Nations still claim title to the un-ceded lands and resources of British Columbia. By this First Nations have made it abundantly clear that they have not discharged the governments of British Columbia or Canada from their fiduciary obligations as the title to the land and resources is not yet settled. Recent court decisions such as the Tsilqot'in land claim have now proven aboriginal title exists on the land and that adequate consultation and accommodation of Aboriginal Title and Rights in the land and resources must be taken into consideration.

This study has been undertaken without prejudice to Aboriginal Title and Rights.

*It is important to note that this assessment is intended to identify physical archaeological evidence of past human activity protected under the Heritage Conservation Act. The data contained herein does not address traditional land use or other concerns of First Nations.*

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## **D. 11**      ***Project Team***

### **Phase 1 –**

Market / financial analysis – *Development Consulting Group (DCG)*

Environmental reviews – *Hemmera Environmental Consultants*

Archaeological studies – *Similkameen Consulting*

Transport access analysis – *Wedler Engineering*

Site servicing – *Wedler Engineering*

TUS Study (in progress) – *Kwusen Research*

Mountain village planning – *Ecosign Mountain Resort Planners*

Alpine Ski facility planning – *Ecosign Mountain Resort Planners*

Eco-tourism opportunities – *Land Strategies*

Employment opportunities – *DCG*

Project Management – *Land Strategies / DCG*



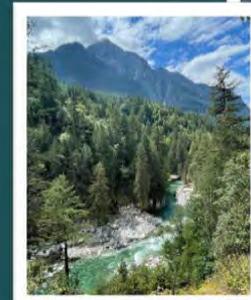
**HOPE MOUNTAIN CENTRE**  
*for outdoor learning*

**Connecting People & Nature Since 2005**

EDUCATION

CONSERVATION

TRAILS



# EDUCATION

## Programs

- School Programs
- Public Programs & Events
- Indigenous Youth Outdoors
- Manning Park Interpretive Programs

## Infused in everything we do

- Trail Signage
- Conservation Projects



# CONSERVATION

## Projects

- Grizzly Bear Monitoring
- Black Bear Committee
- Water Quality Monitoring
- Leave No Trace
- World Rivers Day
- Friends of the Skagit

## Infused in everything we do

- Program Content
- Trail Signage





# TRAILS

# Summer Trail Crew, 2023



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**HOPE**  
BRITISH COLUMBIA

# SUMMER TRAIL CREW, 2023

## TRAILS IMPROVED:

- 1 – HBC TRAIL
- 2 – HOPE BIKE PARK
- 3 – TIKWALUS TRAIL
- 4 – DRAGON'S BACK TRAIL
- 5 – HOPE LOOKOUT
- 6 – THACKER MOUNTAIN
- 7 – LANDSTROM RIDGE
- 8 – SPIRIT CAVES
- 9 – MOUNT HOPE SUMMIT
- 10 – WELLS PEAK
- 11 – FLOOD FALLS TRAIL

## RANGE OF WORK:

- CLEARING BRUSH
- CLEARING LOGS
- STAIRCASE REPAIR
- FOOT BRIDGE REPAIR
- BENCHES
- TOILETS
- WATER BARS
- TRAIL TREAD REPAIR
- DIRECTIONAL SIGNS
- INTERPRETIVE SIGNS
- PAINTING, STAINING
- RAKING
- GARBAGE REMOVAL



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BRITISH COLUMBIA  
18+



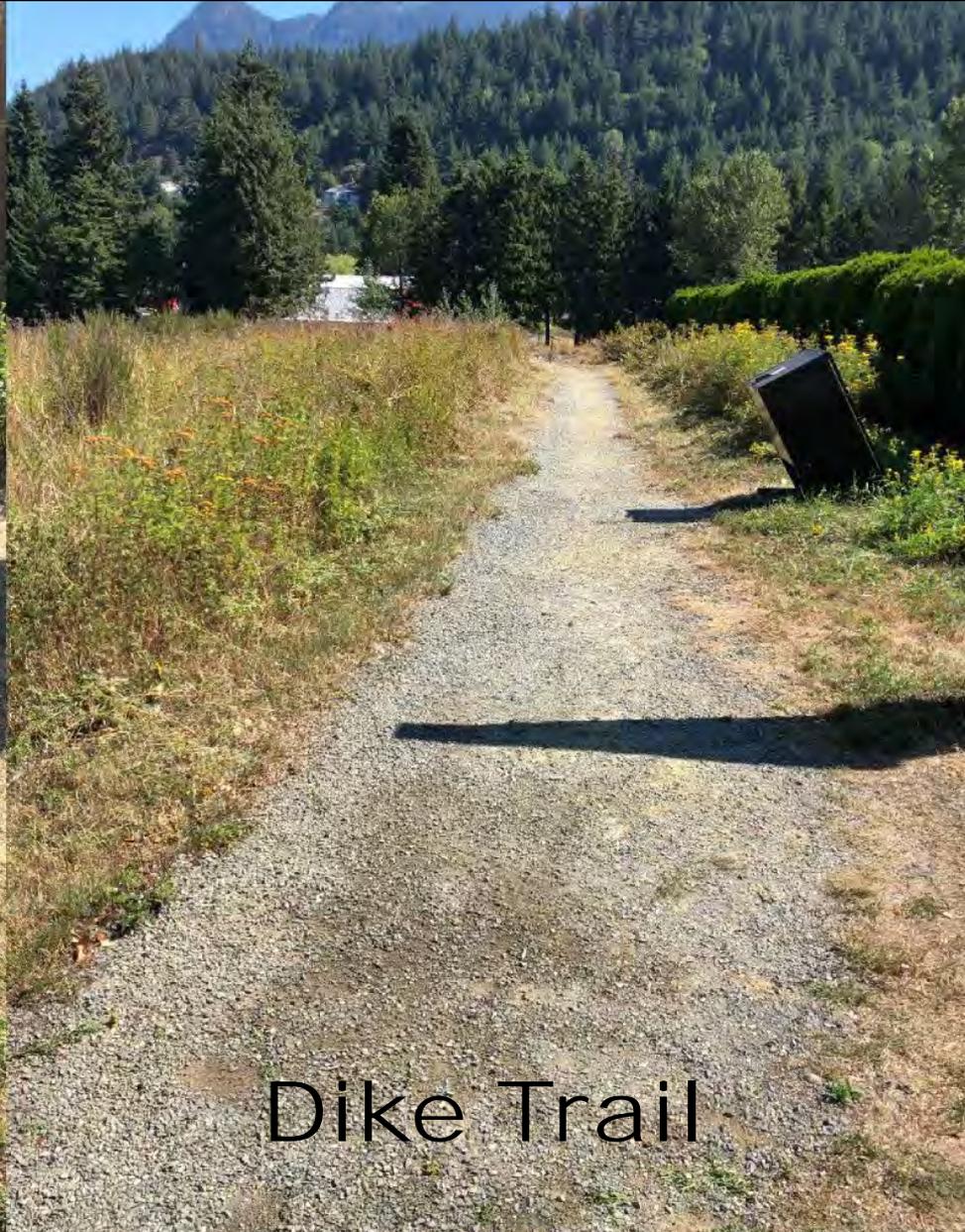
Hope Bike Park



# Hope Bike Park



Hope Bike Park



Dike Trail

# Tikwatus Trail





Tikwalus Trail



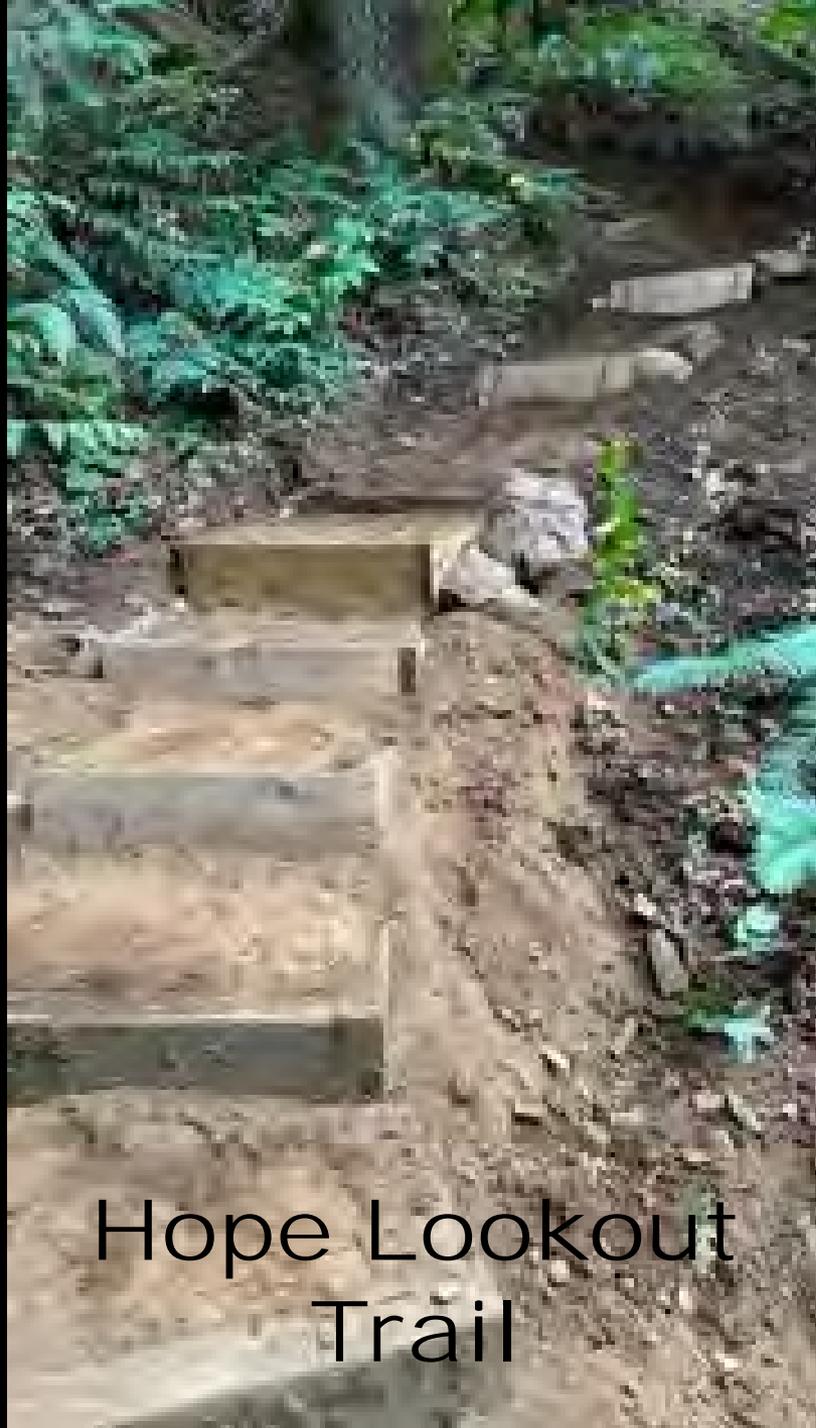
Thacker Mountain



Thacker Mountain



# Thacker Mountain



# Hope Lookout Trail

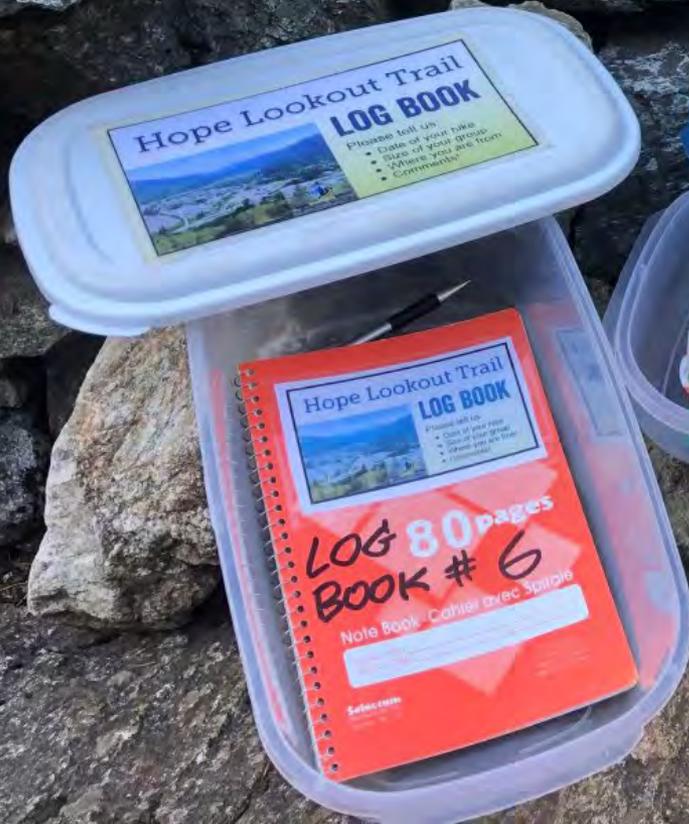


Hope Lookout  
Trail

# Hope Lookout Trail



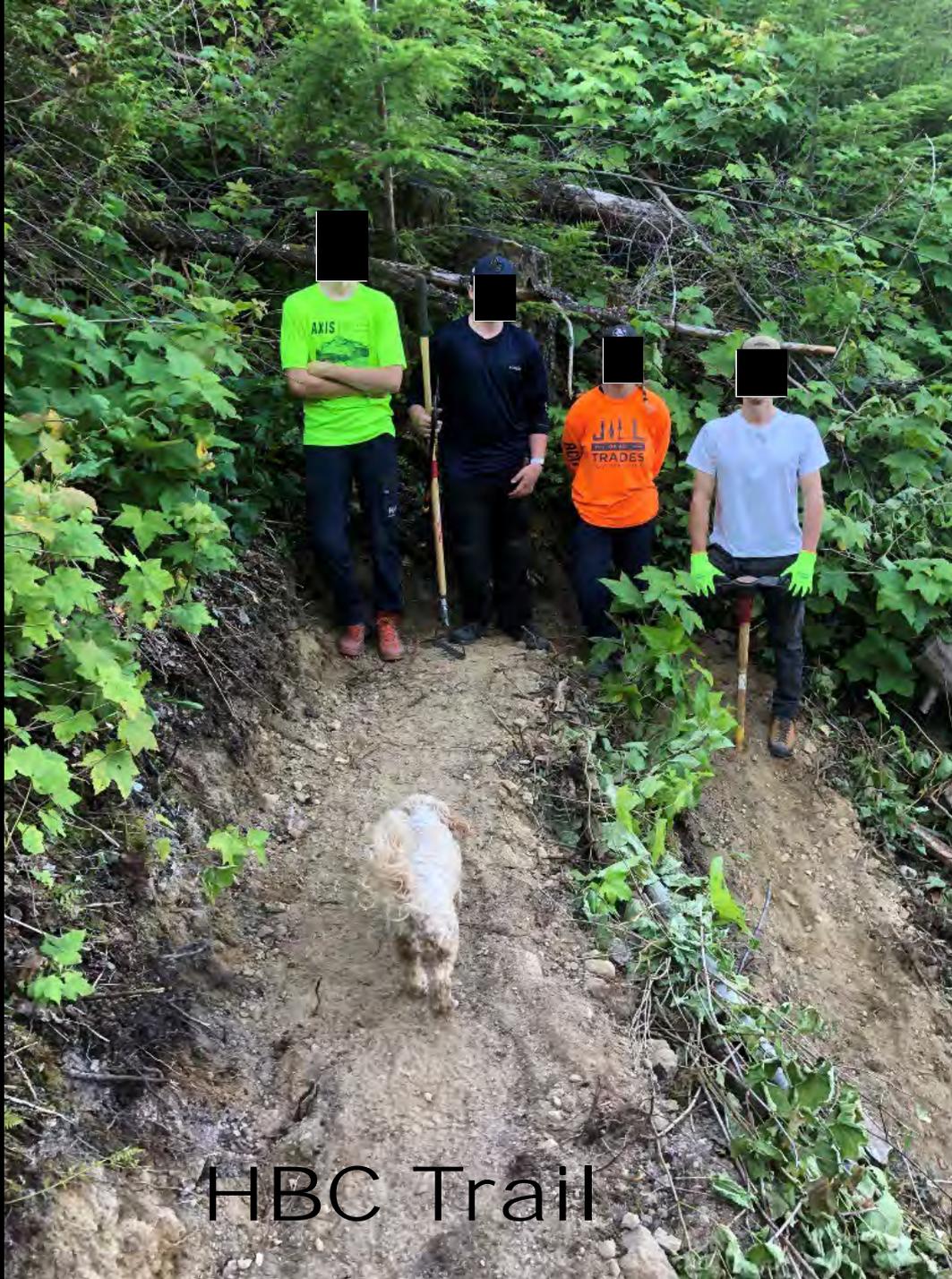
# LOOKOUT LOG BOOK



Hope Lookout Trail 174

# HBC Trail





HBC Trail



HBC Trail



HBC Trail



HBC Trail



HBC Trail



HBC Trail



HBC Trail



HBC Trail

# HBC Trail



Simikameen  
Nlaka'pamux  
Sto:lo



Hudson's Bay  
Company  
Heritage Trail

1849-1850

**LOGBOOK**

74km

**SIGN IN, and tell us about your trip on the HBC!**

# SUMMER TRAIL CREW, 2023

## FINANCIAL CONTRIBUTIONS, 2023:

DISTRICT OF HOPE .....	\$37,500
CANADA COMMUNITY REVITALIZATION FUND .....	\$37,105
CANADA SUMMER JOBS .....	\$14,951
RECREATION SITES & TRAILS BC .....	\$10,500
DONATIONS FROM HMC MEMBERS .....	\$1,200
HOPE MOUNTAIN CENTRE CASH, IN-KIND & VOLUNTEERS .....	\$19,500
TOTAL VALUE OF ALL CONTRIBUTIONS .....	\$120,756



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# SUMMER TRAIL CREW, 2023

## VOLUNTEER CONTRIBUTIONS

HBC TRAIL - 342  
HOPE BIKE PARK - 72  
HOPE LOOKOUT - 9  
DRAGON'S BACK - 44  
THACKER MOUNTAIN - 44  
TIKWALUS TRAIL - 30  
ADMINISTRATION - 2

TOTAL  
VOLUNTEER HOURS - 543

117 VOLUNTEERS

CASH VALUE - \$9,231



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**HOPE**  
BRITISH COLUMBIA

# SUMMER TRAIL CREW, 2023

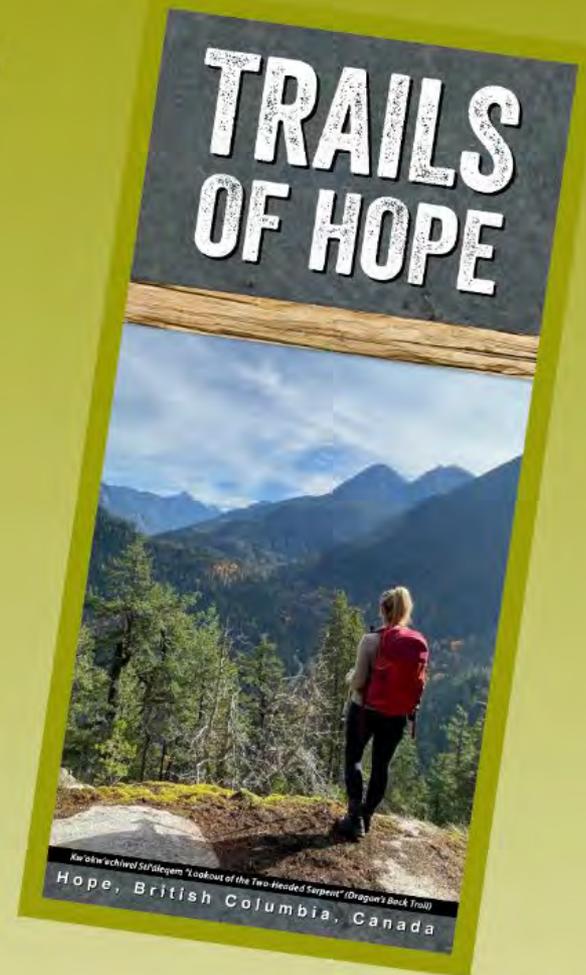
## TRAILS OF HOPE BROCHURE

10,000 COPIES PRINTED  
IN MARCH

10,000 COPIES PRINTED  
IN AUGUST

### WIDELY DISTRIBUTED VIA:

- LOCAL BUSINESSES
- VISITOR CENTRES
- TRADE SHOWS
- OUTDOOR STORES
- SPECIAL EVENTS



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*for outdoor learning*

**HOPE**  
BRITISH COLUMBIA

# SUMMER TRAIL CREW, 2024

## GOALS FOR 2024:

- CONTINUE MAINTAINING LOCAL TRAILS
- COMPLETE REPAIRS TO HBC TRAIL
- COMPLETE INTERPRETIVE SIGNS FOR DRAGON'S BACK
- BUILD NEW TRAIL CONNECTING FLOOD FALLS TO DRAGON'S BACK
- REQUESTING \$37,500 FROM DoH



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# THANK YOU!



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# EMERGENCY MANAGEMENT PLAN UPDATE

# OBJECTIVES

- ▶ Overview of The New Emergency & Disaster Management Act
- ▶ Emergency Management Plan Update
- ▶ 2023 Grant Applications
- ▶ Tasks and planning in 2023
- ▶ 2024 consideration and planning for the future grant opportunities
- ▶ Tasks and planning in 2024

# OVERVIEW OF EMERGENCY & DISASTER MANAGEMENT ACT

The EDMA was given royal assent on November 8, 2023, and is currently in force. This new legislation replaces the previous Emergency Program Act and introduces a range of extensive changes, which include updated regulations.

## **Collaboration, Consultation, and Cooperation**

- ▶ The EDMA emphasizes the importance of consultation, collaboration, and cooperation in emergency management.
- ▶ It mandates consultation with Indigenous peoples, promotes collaboration among different levels of government, and encourages public engagement.
- ▶ The intent of this is to position all levels of government to these principles ensure that diverse perspectives are considered and cooperation is fostered to create more effective and inclusive emergency management systems.

# OVERVIEW OF EMERGENCY & DISASTER MANAGEMENT ACT

## Risk Assessments

- ▶ The EDMA mandates the conduct of risk assessments as a crucial component of emergency management. These assessments involve the identification and evaluation of potential hazards, vulnerabilities, and potential impacts in a given area. Risk assessments help to understand and prioritize risks, enabling effective planning, resource allocation, and mitigation strategies.
- ▶ Hazard, Risk, and Vulnerability Assessments (HRVAs) are a key component of emergency management and are addressed in the EDMA. HRVAs involve the systematic evaluation of hazards, risks, and vulnerabilities present in a specific area or community.
- ▶ Vulnerability assessment focuses on identifying the susceptibility and capacity of a community or system to withstand and recover from hazards. It considers factors such as infrastructure, social dynamics, economic conditions, and access to resources. Special consideration will be required for people who may experience intersectional disadvantage, and vulnerable people, animals, places, or things.

# OVERVIEW OF EMERGENCY & DISASTER MANAGEMENT ACT

## Local Authorities

- ▶ Local Authorities will be responsible for developing plans within their jurisdictional boundaries. If Crown land resides within these jurisdictional boundaries the Local Authority will be authorized to use powers and will be required to perform their duties within these crown lands.

## Emergency Management Plans/ Business Continuity Plan

- ▶ There are new requirements for Local Governments and Critical Infrastructure owners to have and maintain business continuity plans that outline how essential services will be provided during an emergency or disaster. Timelines for these plans will be announced as the regulations are made.

# OVERVIEW OF EMERGENCY & DISASTER MANAGEMENT ACT

## Multi-jurisdictional Emergency Management Organizations MJEMOs

- ▶ Under the new Act, local governments may now form/ join MJEMO's with other regional districts, local governments, Indigenous Governing Bodies, and the Province.
- ▶ In principle, a MJEMO could be established with multiple parties jointly funding a common set of bylaws, one emergency management plan, one training and exercise plan, one ESS program, etc. When entering joint service models, parties achieve common outcomes and still maintain authority and autonomy of response actions.
- ▶ The Act also gives the Minister the ability to require, by order, a local governing body to establish or join in specific MJEMOs.

# OVERVIEW OF EMERGENCY & DISASTER MANAGEMENT ACT

## State of Local Emergency (SOLE)

- ▶ Powers Under the repealed Act, a local authority was at all times responsible for the direction and control of its emergency response and during a SOLE. The EDMA now shifts and this language is no longer included. It is unclear what the absence of this might mean.
- ▶ During emergencies and disasters, when it's not possible to consult with IGBs (due to time constraints where critical action must immediately take place), a report identifying why consultation did not take place must be provided to the Minister within 120 days.
- ▶ The 7-day period for a SOLE has now increased to 14 days. This reduces the frequency to submit required extensions. Also, the power to declare a SOLE can be delegated by bylaw which presents an opportunity to streamline the process.

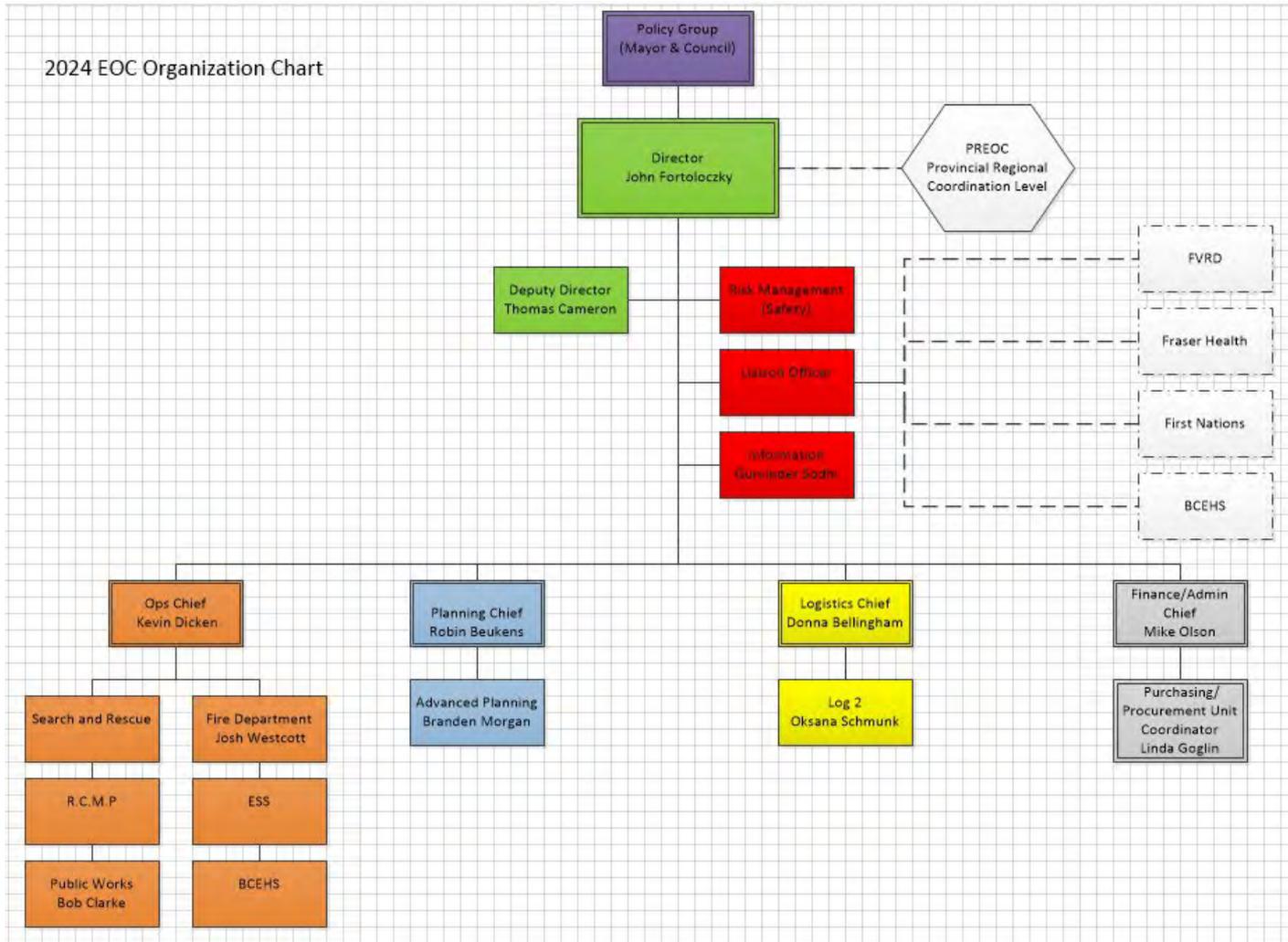
# OVERVIEW OF EMERGENCY & DISASTER MANAGEMENT ACT

## Summary

- ▶ EDMA contains expansive new requirements. The financial implications of this Act are not yet known, but will be significant.
- ▶ The new requirements place a significant workload on business units and local authorities.
- ▶ The Province has asked for Local Government Authorities (LGAs) to provide feedback with regards to how the regulations should be developed. Questions are found in the BC's Modernized Emergency Management Legislation: Regulations for Local Authorities [Discussion Paper](#) (Extended-Due Jan 31,2024).

# Emergency Management Plan Update

2024 EOC Organization Chart



# Emergency Management Plan Update

Since the 2023 election Council has indicated that Emergency Management planning and funding is a key focus area for the organization. The following points will outline the forthcoming work and outcomes associated with this priority.

- ▶ In 2023 the following applications were submitted and received grant funding:
  1. 2023 - CEPF - Emergency Operations Centre's & Training = \$10,170.36. Funding brought in new communications equipment, adding capacity with emergency food rations and hygiene kits etc.
  2. 2023 - CEPF - Volunteer and Composite FD Training and Equipment = \$30,000. Funding will build capacity with structural and wildland equipment and specific training (i.e. Emergency Vehicle Operator (EVO), Engine Boss, ICS 200, etc.)

# Emergency Management Plan Update

## Tasks and planning that took place in 2023:

- ▶ Monitored Fraser River Freshet, attended the May 12<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup> Coordination Calls.
- ▶ Updating and maintaining First Nation Contact lists for consultation collaboration and cooperation. Continuing with relationship and capacity building.
- ▶ Maintaining and updating training records for EOC personnel, sharing quarterly course offering calendar funded through the Province and delivered through the JIBC
- ▶ 2023 Fire Department annual call volume totaled 683 incidents. 99 of these events were reportable fires where a the fire was investigated in a general way and reports were submitted to the Office of the Fire Commissioner.

# Emergency Management Plan Update

## Tasks and planning that took place in 2023:

- ▶ This year we have received multiple calls from the Structure Protection Coordination Officers. As part of the BC Interagency Agreement that each year sets out available apparatus and remuneration in support of Provincial Wildfires.
- ▶ 5 Deployments, totaling 32 days
  - ▶ The district is remunerated for these responses and has invoiced BCWS over \$140,000.00 in 2023.
  - ▶ 2023 Volunteer Firefighter recruitments in Spring and Fall brought 6 new recruits into training. Of which, 1 has already moved on to a fulltime position with Langley Fire.

# Emergency Management Plan Update

**2024 Consideration and planning are currently taking place for the following grant opportunities:**

- ▶ 2024 - CEPF- Emergency Support Services Equipment and Training = \$30,000
- ▶ These funds will be used for equipment such as administration and first aid kits for Reception Centre and Group lodging. As well as Identification vests, stationary supplies, computers, ESS team Jackets / t-shirts, hygiene kits, survival support kits etc.
- ▶ 2024 - CEPF- Emergency Operations Centre's & Training = \$30,000
- ▶ Consideration for training and equipment is currently taking place.

# Emergency Management Plan Update

## Other tasks and planning in 2024:

- ▶ Creation of the new Hope Volunteer Emergency Support Services Response Plan
- ▶ Work is currently underway in developing a District of Hope Volunteer ESS Team.
- ▶ The Office of the Fire Commissioner (OFC) has reached out to Hope to be part of their FireSafe Program Phase 1, this will be like other OFC educational programs and smoke alarm campaigns as seen in the past. This will entail community engagement in identified higher fire risk neighborhoods. With education and smoke alarm installation being the key focus. The Hope Fire Department has confirmed their interest in this community program and will have more information in the near future as more details about the roll out of this program become available.



# Questions?

# REPORT/RECOMMENDATION TO COUNCIL

**REPORT DATE:** Jan 16, 2024

**FILE:** 7130-01

**SUBMITTED BY:** Fire Chief

**MEETING DATE:** Jan 22, 2024

**SUBJECT:** Emergency Management Plan Update

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## **PURPOSE:**

The purpose of this report is to advise Council of relevant information and updates with regards to emergency management and upcoming changes.

## **RECOMMENDATION:**

THAT the report dated January 16, 2024 from the Fire Chief regarding the Emergency Management Plan update, be received for information.

## **Discussion:**

Since the 2023 election Council has indicated that Emergency Management planning and funding is a key focus area for the organization. This report will outline some of the forthcoming work and outcomes associated with this priority.

In 2023 the following applications were submitted and received grant funding:

1. 2023 - CEPF - Emergency Operations Centre's & Training = \$10,170.36
  - a) Funding brought in new communications equipment, adding capacity with emergency food rations and hygiene kits etc.
2. 2023 - CEPF - Volunteer and Composite FD Training and Equipment = \$30,000
  - a) Funding will build capacity with structural and wildland equipment and specific training (i.e. Emergency Vehicle Operator (EVO), Engine Boss, ICS 200, etc.)

Other tasks and planning that took place in 2023:

- Monitored Fraser River Freshet, attended the May 12<sup>th</sup>,15<sup>th</sup>,17<sup>th</sup>,19<sup>th</sup> Coordination Calls.
- Updating and maintaining First Nation Contact lists for consultation collaboration and cooperation. Continuing with relationship and capacity building.

- Maintaining and updating training records for EOC personnel, sharing quarterly course offering calendar funded through the Province and delivered through the JIBC.
- 2023 Fire Department calls totaled 683 incidents.
- Ninety-Nine of these events were reportable fires where a the fire was investigated in a general way and reports were submitted to the Office of the Fire Commissioner.
- This year we have received multiple calls from the Structure Protection Coordination Officers. As part of the BC Interagency Agreement that each year sets out available apparatus and remuneration in support of Provincial Wildfires. The dates and locations of those deployments are as follows:
  - a) Aug 1-9 – Gun Lake, Gold Bridge
  - b) Aug 17-21 – Kelowna/Lake Country
  - c) Aug 22 – Willowbrook
  - d) Aug 23-25 Gold Bridge
  - e) Aug 30-Sept 7th Gold Bridge/ Lillooet
- The district is remunerated for these responses and has invoiced BCWS over \$140,000.00 in 2023.
- 2023 Volunteer Firefighter recruitments in Spring and Fall brought 6 new recruits into training. Of which, 1 has already moved on to a fulltime position with Langley Fire.
- Undertook a practice EOC Setup for 3 weeks on August 18<sup>th</sup>, into September, confirming room orientation and testing of new phones. We did this setup in parallel with the timeline of the Kookipi Creek Wildfire, to position Hope in a state of readiness. We participated in coordination calls with EMCR and FVRD for situational awareness.
- Attended four EMCR engagement sessions over the Summer and Fall. For the following topics:
  - a) [New Emergency and Disaster Management Act introduced](#) provides an overview of the Emergency and Disaster Management Act.
  - b) [New Emergency and Disaster Management Act – Risk assessments](#) provides an overview of new requirements related to risk assessments.
  - c) [New Emergency and Disaster Management Act – Recovery period](#) provides an overview of the new recovery tool available to local authorities
  - d) [EMCR/BC Association of Emergency Managers webinars](#) are recorded webinars from July to September 2023, that provide an overview of key policy concepts including in the Emergency and Disaster Management Act

2024 consideration and planning are currently taking place for the following grant opportunities:

1. 2024 - CEPF- Emergency Support Services Equipment and Training = \$30,000
  - These funds will be used for equipment such as administration and first aid kits for Reception Centre and Group lodging. As well as Identification vests, stationary supplies, computers, ESS team Jackets / t-shirts, hygiene kits, survival support kits, first aid kits etc.
2. 2024 - CEPF- Emergency Operations Centre's & Training = \$30,000
  - Consideration for training and equipment is currently taking place.
3. 2024 - CEPF- Disaster Risk Reduction – Climate Adaptation
  - a) Risk Mapping, Risk Assessments, Mitigation Planning. = \$150,000
  - b) Non-Structural Activities: Land use planning, Education, Equipment. = \$150,000
  - c) Small-Scale Structural Projects = \$5 million
4. 2024 - CEPF- Public Notification and Evacuation Route Planning. = \$30,000
  - a) Assess capacity, Develop and exercise notification plans.
5. 2024 – Indigenous Cultural Safety and Cultural Humility Training (\$ confirm in Fall)

Other Awarded funding:

- The Indigenous Engagement Requirements (IER) Funding Program =\$65,000
  - a) In January 2024, we received a funding award letter and contribution agreement. The goal of this funding is to support capacity needs, relationship-building and collaboration.
  - b) The District of Hope has already started working with Chawathil FN on a Protocol Agreement and will move forward to create these agreements with other Indigenous Governing Bodies within and adjacent to our jurisdictional boundaries.

Other tasks and planning in 2024:

- Creation of the new Hope Volunteer Emergency Support Services Response Plan (Attached).
- Work is currently underway in developing a District of Hope Volunteer ESS Team.
- The Office of the Fire Commissioner (OFC) has reached out to Hope to be part of their FireSafe Program Phase 1, this will be like other OFC educational programs and smoke alarm campaigns as seen in the past. This will entail community engagement

in identified higher fire risk neighborhoods. With education and smoke alarm installation being the key focus. The Hope Fire Department has confirmed their interest in this community program and will have more information in the near future as more details about the roll out of this program become available.

**B. Attachments:**

Emergency Operations Centre Organizational Chart  
Letter - Invitation to the FireSafe Program.pdf

**C. Strategic Plan Objectives:**

The current Council has indicated that Emergency Management is a strategic priority.

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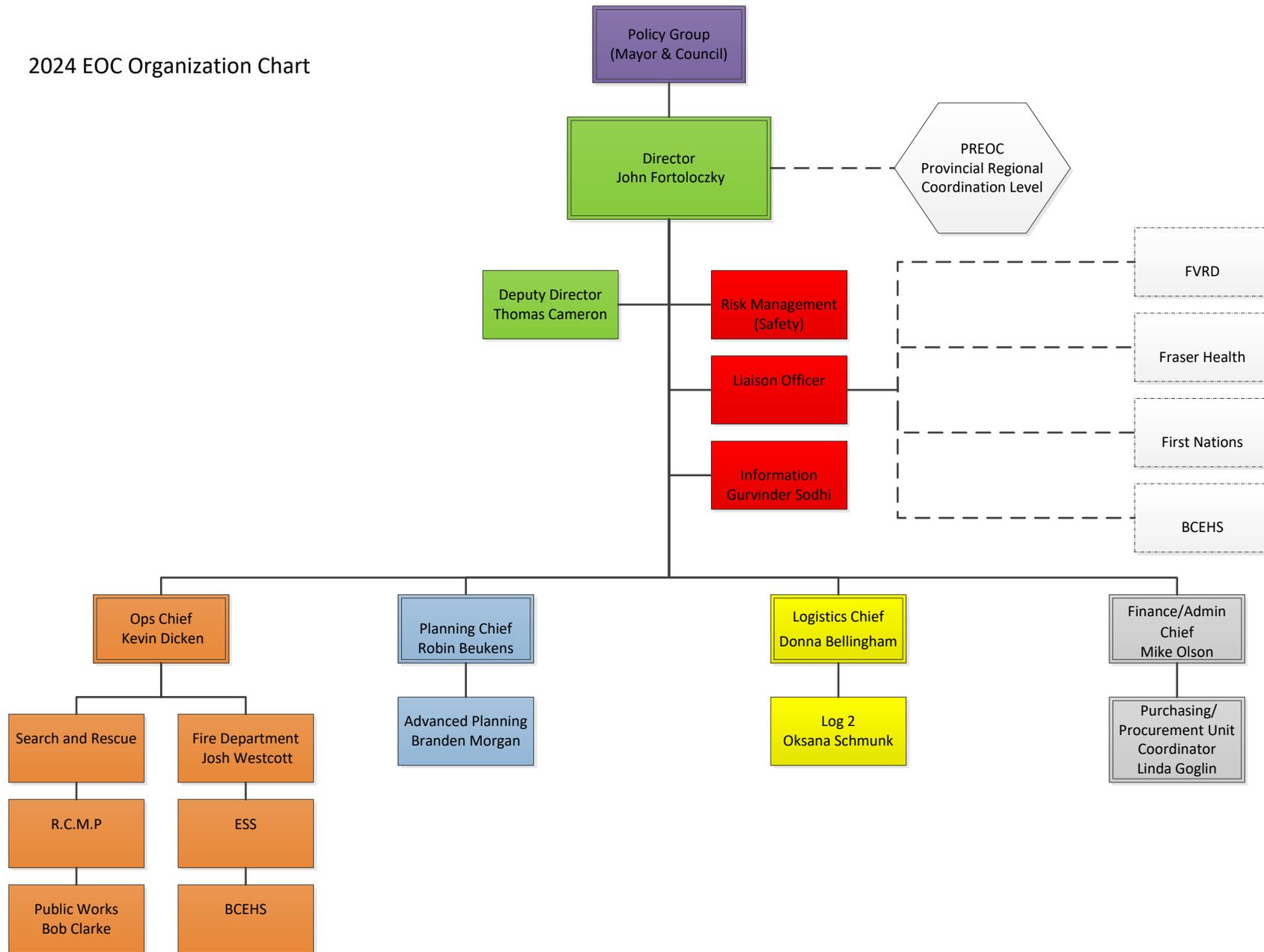
Prepared by:

Approved for submission to Council:

*Original Signed by Thomas Cameron*  
Fire Chief

*Original Signed by John Fortoloczky*  
Chief Administrative Officer

# 2024 EOC Organization Chart





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## Invitation to the FireSafe Program

December 12, 2023

**Dear Fire Chiefs, Fire Protection Services Manager, and Chief Administrative Officers:**

I am writing to invite you to participate in *FireSafe: Ignite Awareness, Extinguish Fires*, a province-wide program to decrease fire-related injuries and deaths in British Columbia. This program is a joint effort among the BC Office of the Fire Commissioner, the Community Against Preventable Injuries, and the BC Injury Research and Prevention Unit. Our goal is to educate the public about the importance of having and maintaining a working smoke alarm. As part of this program fire services will provide and install smoke alarms in high-risk homes across the province. At this stage, the focus is on communities<sup>1</sup> with higher fire-risk neighborhoods. Your community has been identified as having one or more neighborhoods that could benefit from participating in the *Firesafe* program.

### ***How were higher fire-risk neighborhoods identified?***

Statistics Canada developed the community fire-risk methodology used to identify communities with higher fire-risk neighborhoods. The methodology combines fire statistics (e.g., rate of residential fires, casualty rates, and proportion of working smoke alarms) and population characteristics associated with higher risk for residential fires (e.g., higher proportion of older populations, single-parent families, and mobile populations). While communities cannot control all variables that increase fire-risk, fire services know that having working smoke alarms provide the best protection for residents in the event of a fire.

### ***Why should my community participate in FireSafe?***

In the past, the Province conducted smoke alarm campaigns, such as the BC Smoke Alarm Movement. Smoke alarm educational campaigns and programs like *FireSafe* have been shown to reduce the number of fires and fire-related deaths and injuries. By participating in the *FireSafe* program, you can expect to see similar results in your community.

### ***What is involved and how will my community benefit from FireSafe?***

If you choose to participate in the *FireSafe* program: 1) your community will receive a shipment of new smoke alarms; 2) firefighters and/or community representatives will go door-to-door in residential neighborhood(s) identified as having a higher fire-risk to engage and educate the residents about the importance of having and maintaining a working smoke alarm; and 3) firefighters and/or community representatives will install a smoke alarm, as needed. We are confident that your community's involvement and the home visits by your firefighters will strengthen relationships in the community. Residents will have an increased understanding and

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<sup>1</sup> Communities: municipalities, regional districts, First Nations.

awareness of what they can easily do to keep themselves safe and ultimately reduce the risk of fire and fire-related injuries and deaths in their neighborhood and their community.

***How will the Office of the Fire Commissioner provide support?***

We appreciate that choosing to participate in this campaign will mean extra work for your fire departments and we are here to support you. The enclosed package contains a few tools including a backgrounder on the *FireSafe* program. There is also a data collection form for your firefighters to complete at different times during the campaign. This information will be critical for evaluating the effectiveness of the program. We are also organizing a short seminar in the near future that will provide greater detail about the *FireSafe* program and give you an opportunity to ask questions. We imagine that you would like more information about your role, the process, time commitments, and costs.

At this time, please indicate your interest in participating in the *FireSafe* program by contacting Assistant Deputy Fire Commissioner Corey Makar at [Corey.Makar@gov.bc.ca](mailto:Corey.Makar@gov.bc.ca).

Thank you for your consideration. We cannot emphasize the importance of this work in reversing the trend of fire-related injuries and deaths and increasing the number of working smoke alarms in people's homes.

Sincerely,



Brian Godlonton  
Fire Commissioner



Ian Pike  
Director  
BC Injury Research and Prevention Unit  
Co-Executive Director  
The Community Against Preventable Injuries

# REPORT/RECOMMENDATION TO COUNCIL

**REPORT DATE:** January 12, 2024

**FILE:** 7130-01

**SUBMITTED BY:** Thomas Cameron, Fire Chief/EPC

**MEETING DATE:** January 22, 2024

**SUBJECT:** EMERGENCY & DISASTER MANAGEMENT ACT

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## **PURPOSE:**

The purpose of this report is to advise Mayor and Council of the new Emergency & Disaster Management ACT.

## **RECOMMENDATION:**

### Recommended Resolution:

THAT the report dated January 12, 2024 from the Fire Chief regarding the new *Emergency and Disaster Management Act*, be received for information.

## **A. Attachments:**

- Emergency and Disaster Management Act (EDMA) [here](#).
- Further information and resources on EDMA can be found [here](#).
- BC's Modernized Emergency Management Legislation: Regulations for Local Authorities [Discussion Paper](#)

## **B. Strategic Plan Objectives:**

Council has made Emergency Management a strategic focus area. Protective Services has placed the item: Update EM plans in accordance with the new legislation, as a high priority. Pending the EDMA Regulations.

## **C. Relevant History:**

The recently enacted EDMA has passed royal assent on November 8, 2023, and is currently in force. This new legislation replaces the previous Emergency Program Act and introduces a range of extensive changes, which include updated regulations.

Additionally, the Province has released two discussion papers seeking public input on the modernization of regulations related to emergency management and disaster response under

the EDMA. These papers provide an opportunity for the general public to contribute their written inputs on the proposed changes.

- The Compensation and Disaster Financial Assistance Regulation Discussion Paper
- The Local Authority Emergency Management Regulation Discussion Paper

Written submission deadline has been pushed forward to Jan 31,2024.

This report provides an overview of the new Act, highlighting its significant impact and the importance of submitting inputs for the development of regulations. It aims to help Mayor and Council understand the magnitude of change brought by the Act and the role they can play in shaping its regulations.

### **Overview of the Emergency & Disaster Management Act**

The EDMA is now in effect, with specific details on its implementation and enforcement expected to be clearer by 2024 when regulations are put in place. While the specific regulations are currently unknown, it is evident that the Act places increased responsibilities on local governments. The EDMA, which has significantly expanded from the previous Emergency Program Act, represents a fundamental shift in the Province's approach to emergency management. Although staff have not had sufficient time to fully comprehend the Act's intricacies, it is recognized to be comprehensive and transformative.

You can access the complete text of the EDMA [here](#). Further information and resources on EDMA can be found [here](#).

The EDMA was developed with two foundational influences:

1. The EDMA is shaped by the United Nations Office of Disaster Risk Reduction (UNDRR) Sendai Framework. This global framework aims to prevent and reduce disaster risk through various measures in areas such as economics, infrastructure, health, and culture. The EDMA aligns with this framework by introducing new concepts in legislation to understand and mitigate disaster risk, enhance preparedness, and address vulnerabilities through comprehensive emergency planning.
2. BC Declaration on the Rights of Indigenous Peoples Act (DRIPA). This provincial legislation acknowledges and upholds the rights of Indigenous peoples, including their right to self-determination, cultural integrity, and meaningful participation in decision-making processes. The EDMA takes into account these rights and seeks to ensure that emergency management and disaster response efforts are carried out in a manner that respects and supports Indigenous rights and interests.

## Collaboration, Consultation, and Cooperation

The EDMA emphasizes the importance of consultation, collaboration, and cooperation in emergency management. It mandates consultation with Indigenous peoples, promotes collaboration among different levels of government, and encourages public engagement. The intent of this is to position all levels of government to These principles ensure that diverse perspectives are considered and cooperation is fostered to create more effective and inclusive emergency management systems.

## Risk Assessments

The EDMA mandates the conduct of risk assessments as a crucial component of emergency management. These assessments involve the identification and evaluation of potential hazards, vulnerabilities, and potential impacts in a given area. Risk assessments help to understand and prioritize risks, enabling effective planning, resource allocation, and mitigation strategies. The EDMA mandates regular and comprehensive risk assessments to inform emergency preparedness and response efforts, ensuring proactive and targeted measures are implemented to reduce and manage risks effectively.

Hazard, Risk, and Vulnerability Assessments (HRVAs) are a key component of emergency management and are addressed in the EDMA. HRVAs involve the systematic evaluation of hazards, risks, and vulnerabilities present in a specific area or community.

Hazard assessments involve identifying and analyzing potential threats, such as natural disasters (e.g., earthquakes, floods), technological incidents, or human-induced hazards. This assessment helps understand the nature and potential impact of each hazard.

Risk assessments also involve evaluating the likelihood and potential consequences of specific hazards occurring. This step helps prioritize risks and allocate resources effectively.

Vulnerability assessments focus on identifying the susceptibility and capacity of a community or system to withstand and recover from hazards. It considers factors such as infrastructure, social dynamics, economic conditions, and access to resources. Special consideration will be required for people who may experience intersectional disadvantage, and vulnerable people, animals, places, or things.

Together, HRVAs provide a comprehensive understanding of the risks faced by a community or area, allowing for informed decision-making on emergency preparedness, response, and recovery. The EDMA recognizes the importance of HRVAs and may provide additional guidance and requirements for conducting these assessments in the forthcoming regulations.

To conduct a comprehensive HRVA, a substantial time commitment and a diverse panel of 15 individuals are required. This panel should consist of multiple professionals from various fields, long-term residents, and knowledge keepers who can contribute their expertise, perspectives, and community knowledge to inform the assessment.

## Local Authorities

Local Authorities will be responsible for developing plans within their jurisdictional boundaries. If Crown land resides within these jurisdictional boundaries the Local Authority will be authorized to use powers and will be required to perform their duties within these crown lands.

## Emergency Management Plans/ Business Continuity Plan

There are new requirements for Local Governments and Critical Infrastructure owners to have and maintain business continuity plans that outline how essential services will be provided during an emergency or disaster. Timelines for these plans will be announced as the regulations are made.

## Multi-jurisdictional Emergency Management Organizations (MJEMOs)

Under the new Act, local governments may now form/join Multi-jurisdictional Emergency Management Organizations (MJEMOs) with other regional districts, local governments, Indigenous Governing Bodies, and the Province.

Recognizing that the responsibilities within the EDMA are expansive, this concept has been established to give clear authority for entering contractual service arrangements to meet some or all of the newly assigned responsibilities.

In principle, an MJEMO could be established with multiple parties jointly funding a common set of bylaws, one emergency management plan, one training and exercise plan, one ESS program, etc. When entering joint service models, parties achieve common outcomes and still maintain authority and autonomy of response actions. Mayor and Council may wish to explore MJEMO opportunities in the coming years to achieve the requirements of EDMA. This may also reduce duplication of efforts across jurisdictions, and capitalize upon common objectives.

The Act also gives the Minister the ability to require, by order, a local governing body to establish or join in specific MJEMOs.

## State of Local Emergency (SOLE)

Powers Under the repealed Act, a local authority was at all times responsible for the direction and control of its emergency response and during a SOLE. The EDMA now shifts and this language is no longer included. It is unclear what the absence of this might mean.

Declaration of a SOLE enables the local authority to use special powers. It's not clear whether EDMA expands SOLE power or limits the powers that existed in the repealed Act. However, Local Authorities will be required to consult and cooperate with Indigenous Governing Bodies (IGBs) when using SOLE powers.

During emergencies and disasters, when it's not possible to consult with IGBs (due to time constraints where critical action must immediately take place), a report identifying why consultation did not take place must be provided to the Minister within 120 days.

The seven day period for a SOLE has now increased to 14 days. This reduces the frequency to submit required extensions. Also, the power to declare a SOLE can be delegated by bylaw, which presents an opportunity to streamline the process

## Summary

EDMA contains expansive new requirements. The financial implications of this Act are not yet known, but being developed.

The new requirements will place a significant workload on business units and local authorities.

The Province has asked for Local Government Authorities (LGAs) to provide feedback with regards to how the regulations should be developed. Questions are found in the BC's Modernized Emergency Management Legislation: Regulations for Local Authorities [Discussion Paper](#) (Extended-Due Jan 31,2024).

## D. Budget Implications

Budget implications are unknown at this time, but will be significant. However, it is likely the District will be able to leverage grant opportunities.

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Prepared by:

Approved for submission to Council:

*Original Signed by Thomas Cameron*  
Fire Chief / EPC

*Original Signed by John Fortoloczky*  
Chief Administrative Officer

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Fourth Session, Forty-second Parliament  
2 Charles III, 2023  
Legislative Assembly of British Columbia

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**BILL 31**

**EMERGENCY AND DISASTER  
MANAGEMENT ACT**

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Honourable Bowinn Ma  
Minister of Emergency Management and Climate Readiness

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### **Explanatory Note**

This Bill repeals and replaces the *Emergency Program Act*. The purposes of this Bill are as follows:

- to account for all 4 phases of emergency management, which are mitigation, preparation, response and recovery;
- to streamline and clarify the powers and duties of the minister, provincial emergency management organization, ministries, public sector agencies and local authorities;
- to facilitate agreements, consultation and cooperation with Indigenous peoples with respect to emergency management;
- to clarify the roles of critical infrastructure owners;
- to incorporate into legislation lessons learned in recent years in responding to floods, wildfires and the COVID-19 pandemic;
- to modernize and improve consistency of language in the legislation.

**BILL 31 – 2023**

**EMERGENCY AND DISASTER  
MANAGEMENT ACT**

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

## PART 1 – INTERPRETATION AND PRINCIPLES

### Definitions and application

1 (1) In this Act:

“**animals**” means the following types of animals:

- (a) domestic pets;
- (b) animals trained to assist in law enforcement activities, whether the animals are used by a peace officer or by a person acting under the direction of a peace officer;
- (c) guide dogs and service dogs within the meaning of the *Guide Dog and Service Dog Act*;
- (d) livestock within the meaning of the *Livestock Act*;
- (e) animals that are lawfully kept in zoos, sanctuaries, rehabilitation centres or facilities for education or research;
- (f) without limiting paragraph (e), live animals that are lawfully possessed under the *Wildlife Act*;

“**business continuity plan**” means a business continuity plan prepared in accordance with section 53 [*business continuity plans*];

“**comprehensive emergency management plan**” means the emergency management plan for the government, as referred to in section 39 (1) (a) [*emergency management planning and information*];

“**critical incident**” means a single incident to which all of the following apply:

- (a) the incident requires the prompt coordination of actions at a particular location
  - (i) to protect the health, safety or well-being of one or more persons, or
  - (ii) for a prescribed purpose;
- (b) the actions required under paragraph (a) are beyond the capability or capacity of the responsible emergency service provider;
- (c) the incident does not include an emergency in relation to which a declaration of a state of provincial emergency or a declaration of a state of local emergency has been made;

“**critical infrastructure**” means a system, network, facility, asset or land described in section 48 [*critical infrastructure identified*];

**“critical infrastructure owner”** means the following:

- (a) a person who possesses, occupies, controls the use of or has the right to control the use of critical infrastructure;
- (b) subject to the regulations, a person who has an estate or interest, whether legal or equitable, in critical infrastructure;

**“critical infrastructure sector”** means a prescribed critical infrastructure sector, which sector is necessary to protect, maintain or restore one or more of the matters referred to in section 48 (2) (b);

**“Crown land”** means land, whether or not it is covered by water, that is vested in the government;

**“emergency”** means a state that

- (a) is the result of any of the following:
  - (i) an event that
    - (A) has occurred, is ongoing or appears imminent, and
    - (B) is caused by one or more incidents, whether or not those incidents occur in the same location or at the same time, of accident, fire, explosion, technical failure, rioting, security threat, terrorist activity within the meaning of section 83.01 of the *Criminal Code*, force of nature or a prescribed type of incident;
  - (ii) the presence, suspected presence or imminent spread of a transmissible disease or an environmental toxin;
  - (iii) a prescribed type of event or the presence or suspected presence of prescribed circumstances, and
- (b) requires the prompt coordination of action, or the special regulation of persons or property, to protect
  - (i) the health, safety or well-being of persons, or
  - (ii) the safety of property or of objects or sites of heritage value;

**“emergency instrument”** means the following:

- (a) if made by an individual, an order;
- (b) if made by a person or entity other than an individual, a bylaw, resolution, law or other type of legal instrument by which the person or entity may lawfully exercise statutory powers or perform statutory duties;

**“emergency management”** means the development and implementation of policies and plans with respect to the measures to be taken in each phase;

**“emergency management organization”** means an entity referred to in section 20 [*emergency management organizations*];

- “emergency management plan”** means an emergency management plan prepared in accordance with section 52 [*emergency management plans*];
- “emergency measure”** means an action that is necessary or advisable to be taken during one or more phases, whether or not the action
- (a) is described in an emergency management plan, or
  - (b) is taken as a result of the exercise of a response power or a recovery power;
- “emergency measures agreement”** means an agreement made under Division 4 [*Emergency Measures Agreements*] of Part 2;
- “emergency resources”** includes any personnel, supplies, services, personal property, equipment and facilities that are necessary or advisable for the purpose of taking emergency measures and does not include land;
- “emergency system”** means a prescribed system, or a system having prescribed characteristics, designed
- (a) to give warnings or notices to the public if an emergency is present, or
  - (b) to facilitate, coordinate or carry out activities in relation to emergency management;
- “employer”** means a person who has responsibility, directly or indirectly, for
- (a) the employment of an employee, or
  - (b) the management of another person who, under contract, provides services to the person;
- “government minister”** means, as the context requires,
- (a) a member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of an enactment, or
  - (b) the ministry of the member referred to in paragraph (a);
- “hazard”** means a circumstance, condition, process, phenomenon, activity or prescribed type of thing, whether natural or human-caused, that may give rise to an emergency;
- “head”**, in relation to a local authority, means the following:
- (a) for a municipality, the mayor or an individual assigned by bylaw of the municipal council to act in the capacity of mayor in the mayor’s absence;
  - (b) for an unincorporated area in a regional district, the chair of the board of the regional district or, in the chair’s absence, a vice chair;
  - (c) for the Nisga’a Nation, the individual elected or appointed as the head of the Nisga’a Lisims Government under the Nisga’a Final Agreement and Nisga’a Constitution;
  - (d) for a treaty first nation, the individual elected or appointed as the head of the treaty first nation under the final agreement and constitution of the treaty first nation;

(e) if a person referred to in paragraph (a) to (d) of this definition is unable or unavailable to act, the person's deputy or another person who is authorized to act in the person's capacity in the person's absence;

**"Indigenous governing body"** has the same meaning as in section 1 (1) of the *Declaration on the Rights of Indigenous Peoples Act*;

**"Indigenous peoples"** has the same meaning as in section 1 (1) of the *Declaration on the Rights of Indigenous Peoples Act*;

**"intersectional disadvantage"** means the intersection of social categorizations of persons or classes of persons, including Indigenous identity, race, economic status, sex, sexual orientation, gender identity and expression, age and ability, in ways that may result in overlapping systems of discrimination or disadvantage or disproportionate adverse effects;

**"lead minister"** means a government minister who is designated as a lead minister under the regulations;

**"local authority"** means the following:

- (a) a municipality;
- (b) a regional district;
- (c) the Nisga'a Nation;
- (d) a treaty first nation;

**"local knowledge"** means the understandings and skills that people have developed over time with respect to their local environment;

**"multijurisdictional emergency management organization"** means an entity established under section 21 [*multijurisdictional emergency management organizations*];

**"municipality"** means, as the context requires,

- (a) the corporation into which the residents of an area are incorporated as a municipality under Part 2 of the *Local Government Act* or under any other Act, or
- (b) the council of a corporation referred to in paragraph (a) of this definition;

**"necessities"** includes food, clothing and shelter;

**"Nisga'a Nation"** means, as the context requires,

- (a) the Nisga'a Nation as defined in the Definitions Chapter of the Nisga'a Final Agreement, or
- (b) the Nisga'a Lisims Government;

**"participating authority"** means a person that, under an emergency measures agreement, may exercise one or more powers, and agrees to perform one or more duties, of a local authority under this Act;

**“peace officer”** means a person who is

- (a) a designated constable, municipal constable or provincial constable, as defined in the *Police Act*, or
- (b) a person in a prescribed class of persons who is employed for the preservation and maintenance of the public peace or the enforcement of an enactment;

**“person”**,

- (a) for the purposes of a provision of this Act prescribed for the purpose of this paragraph, includes an Indigenous governing body, and
- (b) for the purposes of a provision of this Act prescribed for the purpose of this paragraph, does not include an Indigenous governing body;

**“personal information”** means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

**“phase”** means a phase described in section 3 [*emergency management phases*];

**“property”** means land and personal property;

**“provincial administrator”** means the following:

- (a) the provincial administrator designated under section 11 (3) [*provincial emergency management organization*];
- (b) if applicable in the context, a person authorized under section 13 [*authority to act as provincial administrator*] to exercise a power or perform a duty of the provincial administrator;

**“provincial emergency management organization”** means the office referred to in section 11 (1);

**“public safety provider”** means a person authorized to act as a public safety provider under section 30 [*authorization of public safety providers*];

**“public sector agency”** means a government organization, within the meaning of the *Budget Transparency and Accountability Act*, that is prescribed for the purposes of this Act;

**“publish”**, in relation to anything that must be published under this Act, means to publish

- (a) in accordance with the regulations, or
- (b) if the regulations do not apply to the type of thing that must be published, by any means that the person who must publish the thing considers most likely to make that thing known to the majority of the population affected by the thing;

**“recover”**, in relation to an emergency, means to take an action for a purpose referred to in section 3 (1) (d);

**“recovery power”** means a power conferred under Division 3 or 6 [*Provincial Recovery Powers*] of Part 5 or Division 3 or 6 [*Local Authority Recovery Powers*] of Part 6, as the context requires;

**“regional district”** means, as the context requires,

- (a) a regional district as defined in the Schedule to the *Local Government Act*, or
- (b) the board of a regional district as referred to in paragraph (a) of this definition;

**“regulated entity”** means

- (a) a government minister,
- (b) a public sector agency,
- (c) a local authority, and
- (d) a critical infrastructure owner;

**“respond”**, in relation to an emergency, means to take an action for a purpose referred to in section 3 (1) (c);

**“response power”** means a power conferred under Division 3, 4 or 5 of Part 5 [*Provincial Response Powers*] or Division 3, 4 or 5 of Part 6 [*Local Authority Response Powers*], as the context requires;

**“risk assessment”** means a risk assessment prepared in accordance with section 51 [*risk assessments*];

**“security threats”** means actions that severely impair the functioning of a government or society, including actions relating to overthrowing a government;

**“specialized measure”** means a prescribed type of action that

- (a) is necessary or advisable to be taken in relation to a critical incident or an emergency, and
- (b) requires particular training or qualifications on the part of the person who undertakes the action;

**“specified land”** means the following:

- (a) Nisga’a Lands;
- (b) treaty lands of a treaty first nation;
- (c) shishálh lands within the meaning of the *shishálh Nation Self-Government Act* (Canada);
- (d) a reserve within the meaning of the *Indian Act* (Canada);
- (e) land held under aboriginal title;
- (f) prescribed land;

**“traditional territory”**, in relation to an Indigenous people other than the Nisga’a Nation or a treaty first nation, means the traditional territory of the Indigenous people;

**“treaty area”**, in relation to the Nisga’a Nation or a treaty first nation, means a prescribed area;

**“volunteer”** means an individual who

- (a) volunteers to take
  - (i) actions in relation to a critical incident, or
  - (ii) emergency measures in relation to an emergency, and
- (b) subject to the regulations, receives no monetary compensation in relation to the actions or measures, or the time spent taking the actions or measures.

(2) An order or emergency instrument made under this Act does not apply to an Indigenous governing body unless the Indigenous governing body consents.

#### **Principles of emergency management**

- 2 (1) Effective emergency management in British Columbia requires that the government, regulated entities, Indigenous governing bodies and other parties engaged in emergency management, in their relationships,
- (a) acknowledge and respect the authority of each party,
  - (b) work towards harmonization and coordination of emergency measures, plans, policies and programs, and
  - (c) foster collaborative approaches to matters of mutual interest.
- (2) Effective emergency management in British Columbia is based on the following principles:
- (a) practising emergency and disaster risk reduction, including by working proactively to prevent the creation of new risks, to reduce existing and future risks and to increase resilience;
  - (b) investing in the measures necessary to reduce the risk of an emergency occurring and to enhance the economic, social, health and cultural resilience of society and the resilience of the environment to emergencies and any related adverse effects;
  - (c) recognizing the relationship between a changing climate and emergency management, including recognizing that a changing climate contributes to the increased occurrence and adverse effects of some hazards and emergencies;
  - (d) promoting cultural safety in emergency management, including by incorporating relevant actions in emergency management plans, policies and programs;

- (e) recognizing that the inherent right of self-government of Indigenous peoples includes authority to make laws in relation to emergency management;
- (f) recognizing the importance of Indigenous advice, input and stewardship activities in emergency management.

### **Emergency management phases**

- 3** (1) Emergency management consists of the following phases:
- (a) the mitigation phase, in which measures are taken for the purposes of identifying and removing or reducing hazards so as to
    - (i) prevent emergencies from occurring, or
    - (ii) reduce, to the extent reasonably practicable, the scale, scope and adverse effects of an emergency that may occur;
  - (b) the preparation phase, in which measures are taken for the purpose of establishing the knowledge, capability and capacity to anticipate, respond to and recover from the adverse effects of an emergency;
  - (c) the response phase, in which measures are taken for the purpose of responding to an emergency, including preventing and reducing the adverse effects of the emergency;
  - (d) the recovery phase, in which measures are taken for the purpose of recovering from an emergency, including measures to
    - (i) restore the health, safety and well-being of affected persons,
    - (ii) restore the safety of property or of objects or sites of heritage value, and
    - (iii) improve, to the extent reasonably practicable, assets, services and processes so as to reduce the risk of and increase resilience to emergencies.
- (2) For certainty, measures relevant to one phase may be taken at the same time as measures taken in relation to any other phase.

## **PART 2 – GENERAL ROLES**

### **Division 1 – Minister**

#### **Standards, protocols and procedures**

- 4** The minister may do one or both of the following:
- (a) establish standards, protocols and procedures for the exercise of a power or the performance of a duty under this Act;

- (b) require, by order, a person or a class of persons to comply with one or more of the standards, protocols and procedures referred to in paragraph (a).

**Ensuring Act's objectives are met**

- 5 (1) The minister may make an order under this section if the minister is satisfied of either of the following:
- (a) that a person has not exercised the person's powers or performed the person's duties under this Act, or has not done so adequately;
  - (b) that the order is necessary to achieve the objectives of this Act.
- (2) The minister may, by order, require a person to do any of the following with respect to the person's powers or duties under this Act:
- (a) exercise a power or perform a duty;
  - (b) comply with the directions of the minister or the provincial administrator with respect to exercising a power or performing a duty;
  - (c) consult and coordinate with another person or entity in exercising a power or performing a duty, including requiring consultation and coordination in accordance with
    - (i) the regulations, or
    - (ii) the directions of the minister or the provincial administrator.
- (3) The minister may include in an order made under this section a requirement that a person do one or both of the following:
- (a) comply with the order by a specified date or in accordance with a schedule;
  - (b) give evidence satisfactory to the minister or the provincial administrator of the person's compliance.
- (4) For certainty, the minister may make an order under this section in relation to a participating authority's exercise of a power or performance of a duty under an emergency measures agreement.
- (5) The minister may not make an order under this section in relation to the Lieutenant Governor in Council's powers or duties under this Act.
- (6) The minister may not make an order under this section in relation to the Nisga'a Nation's or a treaty first nation's powers or duties under this Act.
- (7) The minister may request the Nisga'a Nation or a treaty first nation to take an action referred to in subsection (2) in relation to the Nisga'a Nation's or the treaty first nation's powers or duties under this Act.

- (8) If the Nisga'a Nation or a treaty first nation does not intend to comply with a request made under subsection (7), the Nisga'a Nation or treaty first nation must inform the minister in writing of the reasons for not complying with the request.

#### **Committees**

- 6** (1) The minister may establish committees to advise or assist the Lieutenant Governor in Council, the minister or the provincial administrator with respect to matters under this Act.
- (2) The minister may appoint members to a committee.
- (3) Subject to subsection (4), a committee member may
- (a) be reimbursed for reasonable travelling and out-of-pocket expenses necessarily incurred in discharging the member's responsibilities as a committee member, and
  - (b) be paid remuneration for discharging the member's responsibilities as a committee member, unless the person is a public service employee, in which case, no remuneration may be paid.
- (4) Reimbursement and remuneration of committee members are subject to the direction of the minister and must be in accordance with the directives of Treasury Board.
- (5) The minister may, in writing, delegate to the provincial administrator any of the minister's powers under this section.

#### **Procurement powers**

- 7** The minister may acquire, hold, distribute and dispose of emergency resources.

#### **Minister may enter into agreements**

- 8** The minister may enter into agreements, including with the government of Canada or of another jurisdiction of Canada or with persons located outside British Columbia, for any of the following purposes:
- (a) to cooperate in taking emergency measures;
  - (b) to provide or receive assistance, including in the form of financial aid, emergency resources and the use of land, in taking emergency measures;
  - (c) to recover costs in relation to the provision of assistance.

#### **Payments and transfers**

- 9** The minister may make payments and transfers, subject to any terms or conditions that the minister may impose, for the purposes of one or more of the following:
- (a) to prepare for, respond to and recover from critical incidents;

- (b) to take emergency measures;
- (c) to acquire emergency resources.

**Money from consolidated revenue fund**

- 10**
- (1) In this section, “**fiscal year**” means the period beginning on April 1 in one year and ending on March 31 in the next year.
  - (2) The minister may pay money out of the consolidated revenue fund for the purposes of one or more of the following:
    - (a) to respond to critical incidents;
    - (b) to take emergency measures in relation to the response and recovery phases;
    - (c) to acquire emergency resources in relation to the response and recovery phases.
  - (3) Nothing in subsection (2) authorizes the minister to make a payment out of the consolidated revenue fund for financial assistance under Division 3 [*Financial Assistance*] of Part 7.
  - (4) The minister must prepare a report for each fiscal year, with respect to payments made under subsection (2) in the fiscal year, that summarizes all of the following:
    - (a) the nature of the critical incident or emergency;
    - (b) the total amount of the payments made under subsection (2) in the fiscal year in respect of each critical incident or emergency;
    - (c) any other matter as required by the regulations.
  - (5) The minister must, as soon as practicable, submit a copy of the report to the Speaker of the Legislative Assembly.
  - (6) Section 94 [*report to Legislative Assembly*] applies in relation to a report made under this section.

**Division 2 – Provincial Emergency Management Organization**

**Provincial emergency management organization**

- 11**
- (1) The minister must ensure that there is, within the ministry of the minister, an office of the government responsible for emergency management throughout British Columbia.
  - (2) A deputy minister responsible for the provincial emergency management organization must be appointed under the *Public Service Act*.
  - (3) The minister must designate, as the provincial administrator, a person appointed under the *Public Service Act*.

- (4) The deputy minister referred to in subsection (2) must, in accordance with the *Public Service Act*, appoint officers and employees that the deputy minister considers necessary to assist the minister and the provincial administrator to exercise powers and perform duties under this Act.

**General purposes**

- 12 The purposes of the provincial emergency management organization are as follows:
- (a) to provide, throughout British Columbia, oversight, leadership and coordination of activities with respect to each phase of emergency management;
  - (b) to make recommendations to the minister respecting emergency management;
  - (c) to participate on behalf of the government, if required by the minister, in initiatives that foster mutual aid between the government and any other person, organization or entity;
  - (d) to fulfill other prescribed purposes.

**Authority to act as provincial administrator**

- 13 (1) The provincial administrator may authorize one or more persons appointed under the *Public Service Act* to exercise a power or perform a duty of the provincial administrator under this Act.
- (2) An authorization made under subsection (1)
- (a) must be in writing, with authorized members identified by name, title or position, and
  - (b) must not include a power delegated to the provincial administrator under section 6 (5) [*committees*].

**General powers of provincial administrator**

- 14 The provincial administrator may do one or more of the following:
- (a) give advice and assistance to regulated entities, on their request, respecting any matter under this Act;
  - (b) conduct public information programs relating to emergency management;
  - (c) coordinate emergency management activities, including by collaborating with persons in other jurisdictions;
  - (d) exercise additional prescribed powers.

**Publishing minister's orders**

- 15 Subject to the regulations and section 159 [*duty to protect confidentiality*], and without limiting any other provision of this Act that requires a matter to be published, the minister must publish an order made by the minister under this Act.

**Disclosing and publishing information**

- 16 Subject to the regulations and Division 2 [*Personal and Sensitive Information and Indigenous Knowledge*] of Part 9, the provincial administrator may disclose to a person, or publish, any of the following:
- (a) information obtained, directly or indirectly, under this Act;
  - (b) information respecting advice, assistance and directions given by the minister or the provincial administrator under this Act;
  - (c) surveys, studies, reports and other records made or received by the provincial administrator under this Act.

**Annual meeting to review agreements with Indigenous peoples**

- 17 (1) Subject to subsection (2), the provincial administrator must ensure that Indigenous governing bodies that are parties to agreements made under this Act are invited to meet at least once each calendar year with one or more members of the provincial emergency management organization to discuss the effectiveness of the agreements.
- (2) In consultation and cooperation with Indigenous governing bodies referred to in subsection (1), the minister may direct that the meeting referred to in that subsection be deferred to a later time, including to a time in a subsequent calendar year, as specified by the minister.

**Division 3 – Local Authorities**

**Local authority jurisdiction**

- 18 (1) Subject to this Act,
- (a) a municipality or regional district may exercise powers and must perform duties under this Act as follows:
    - (i) in the case of a municipality, within the boundaries of the municipality;
    - (ii) in the case of a regional district, within the boundaries of any electoral areas within the regional district, and
  - (b) the Nisga'a Nation or a treaty first nation may exercise powers under this Act as follows:
    - (i) in the case of the Nisga'a Nation, within the boundaries of Nisga'a Lands;

- (ii) in the case of a treaty first nation, within the boundaries of the treaty first nation's treaty lands.
- (2) For certainty,
  - (a) a municipality or regional district may exercise powers and must perform duties under this Act in relation to any Crown land within the boundaries of the areas referred to in subsection (1) (a) (i) or (ii), as applicable, and
  - (b) the Nisga'a Nation or a treaty first nation may exercise powers under this Act in relation to any Crown land within the boundaries of the areas referred to in subsection (1) (b) (i) or (ii), as applicable.
- (3) Except as otherwise provided for under this Act, a local authority's responsibilities under this Act continue to apply regardless of whether any other person is responsible for performing duties under this Act with respect to an area within the jurisdiction of the local authority.

**Authority to act as or on behalf of local authority**

- 19**
- (1) Subject to subsection (5) and any limits or conditions otherwise provided for under this Act, the head of a local authority may exercise a power or perform a duty of a local authority under this Act.
  - (2) Subject to subsection (5), a local authority may designate one or more of the following to act on behalf of the local authority:
    - (a) a member of the local authority's emergency management organization;
    - (b) in a case where powers or duties have been set out in an agreement or other instrument made for the purposes of joining a multijurisdictional emergency management organization, an employee of a member of the multijurisdictional emergency management organization;
    - (c) if the local authority is the Nisga'a Nation or a treaty first nation, any other person or entity.
  - (3) A designation must be in writing, with designated persons or entities identified by name, title or position.
  - (4) A local authority must ensure that the process for determining who among the local authority's designates may exercise powers or perform duties is set out
    - (a) in the local authority's emergency management plan, or
    - (b) in an agreement or other instrument made for the purposes of joining a multijurisdictional emergency management organization.
  - (5) The head of a local authority or a person designated under subsection (2) must not exercise a power under any of the following sections:
    - (a) section 110 [*response borrowing*];

- (b) section 118 [*recovery powers*];
- (c) section 119 [*recovery borrowing*].

**Emergency management organizations**

- 20** (1) The purposes of a local authority’s emergency management organization include the following:
- (a) to provide, in all or part of the area within the jurisdiction of the local authority, oversight, leadership and coordination of activities with respect to each phase of emergency management;
  - (b) to make recommendations to the local authority respecting emergency management.
- (2) A local authority must do at least one of the following:
- (a) in accordance with the regulations, if any, establish, appoint members to and maintain an emergency management organization;
  - (b) join a multijurisdictional emergency management organization established under section 21.
- (3) If a local authority has more than one emergency management organization, or has one or more emergency management organizations and joins a multijurisdictional emergency management organization, the local authority must ensure that, in the aggregate, the purposes referred to in subsection (1) are fulfilled in relation to all of the areas within the jurisdiction of the local authority.

**Multijurisdictional emergency management organizations**

- 21** (1) A multijurisdictional emergency management organization may be established, in accordance with the regulations, if any, by 2 or more of the following:
- (a) a local authority;
  - (b) the government;
  - (c) an Indigenous governing body.
- (2) The purposes of a multijurisdictional emergency management organization include the following:
- (a) to provide, in relation to the areas or matters for which the organization has responsibility, oversight, leadership and coordination of activities with respect to each phase of emergency management;
  - (b) to make recommendations to organization members respecting emergency management.

- (3) A local authority that joins a multijurisdictional emergency management organization must
- (a) give to the provincial administrator all of the following:
    - (i) a copy of all prescribed records relevant to the local authority's participation in the organization;
    - (ii) any information required by the provincial administrator, and
  - (b) comply with any directions given by the provincial administrator with respect to ensuring that the local authority's powers and duties under this Act are carried out in accordance with the Act.

**Minister may require local authority to establish or join multijurisdictional emergency management organization**

- 22** The minister may, by order, require
- (a) 2 or more local authorities, other than the Nisga'a Nation or a treaty first nation, to establish a multijurisdictional emergency management organization under section 21, or
  - (b) a local authority, other than the Nisga'a Nation or a treaty first nation, to join a multijurisdictional emergency management organization.

**Local authority may enter into agreements**

- 23** (1) Subject to this section, a local authority may enter into agreements, including with the government of Canada or of another jurisdiction of Canada or with persons located outside British Columbia, for any of the following purposes:
- (a) to cooperate in taking emergency measures;
  - (b) to provide and receive assistance, including in the form of financial aid, emergency resources and the use of land, in taking emergency measures;
  - (c) to recover costs in relation to the provision of assistance.
- (2) A local authority must not enter into an agreement under this section in relation to the use of land within the specified land of an Indigenous people, unless an Indigenous governing body that acts on behalf of the Indigenous people consents to the agreement.
- (3) If a local authority enters into an agreement with a government or an agency of a government outside British Columbia, the following apply:
- (a) in the case of an agreement with the council of a municipality other than the City of Vancouver, section 23 [*agreements with other public authorities*] of the *Community Charter*;
  - (b) in the case of an agreement with the board of a regional district, sections 263 [*corporate powers*] and 264 [*minister approval required for certain out-of-Province or out-of-country agreements*] of the *Local Government Act*.

- (4) A term or condition of an agreement made under this section has no effect to the extent that compliance with the term or condition, by any party to the agreement, prevents or interferes with compliance with any part of
  - (a) an agreement made with the minister for the purposes of responding to or recovering from an emergency,
  - (b) an order of the minister or provincial administrator made under Part 5 [*Provincial Response and Recovery Phases*], or
  - (c) an order made under Part 6 [*Local Authority Response and Recovery Phases*].
- (5) Nothing in this section is intended to limit the authority of a local authority to make an agreement under any other enactment.

#### **General report to minister**

- 24** Without limiting any reporting requirement imposed under the regulations, a local authority, other than the Nisga'a Nation or a treaty first nation, must
- (a) prepare a report on any matter required by the minister, and
  - (b) provide the report to the provincial administrator
    - (i) within the period required by the minister, and
    - (ii) in the form and manner required by the provincial administrator.

### **Division 4 – Emergency Measures Agreements**

#### **Making emergency measures agreements**

- 25**
- (1) In this section, “**party**” means a party to an emergency measures agreement.
  - (2) The minister and another party may enter into an emergency measures agreement under which the other party, or a person for which the other party has responsibility, may exercise one or more powers, and agrees to perform one or more duties, that may be exercised or performed by a local authority under this Act.
  - (3) An emergency measures agreement must be made in accordance with this Division.
  - (4) An emergency measures agreement must include as a party to the agreement each local authority having jurisdiction over an area, other than Crown land or prescribed land, that is subject to the agreement.
  - (5) The provincial administrator must publish a copy of each emergency measures agreement and any amendments to those agreements.

**Powers and duties under emergency measures agreements**

- 26** (1) An emergency measures agreement must provide that a participating authority may exercise powers and must perform duties under the following provisions:
- (a) Divisions 1 and 2 [*local authority response and recovery phases*] of Part 6;
  - (b) sections 107 [*response powers*] and 118 (2) [*recovery powers*];
  - (c) a regulation made in relation to any provision referred to in paragraph (a) or (b).
- (2) The following provisions apply to a participating authority that exercises response powers or recovery powers, as applicable, under an emergency measures agreement:
- (a) sections 105, 106, 116 and 117 [*when and how response and recovery powers may be exercised*];
  - (b) section 108 [*consultation and coordination before evacuation and re-entry*];
  - (c) section 120 [*consultation, engagement and cooperation with Indigenous peoples*].
- (3) An emergency measures agreement must list any other provisions of this Act and the regulations
- (a) under which a participating authority may exercise powers and must perform duties, or
  - (b) that apply for the purposes of exercising powers and performing duties under the agreement.
- (4) A participating authority that has entered into an emergency measures agreement in relation to powers and duties under this Act must exercise the powers and perform the duties in accordance with the agreement.

**Additional content of emergency measures agreements**

- 27** (1) An emergency measures agreement must include at least the following:
- (a) a description of the area within which a participating authority may exercise powers and must perform duties under the agreement;
  - (b) a provision identifying the head of the participating authority by the individual's name, title or position;
  - (c) a provision identifying any limits and conditions on the designation, by the participating authority or the head of the participating authority, of persons to act on behalf of the participating authority;
  - (d) a provision identifying the type of emergency instrument to be used to exercise powers and perform duties under the agreement;

- (e) an agreement to publish each emergency instrument made by or on behalf of the participating authority.
- (2) An emergency measures agreement may include other provisions as agreed to by the parties, including terms and conditions of the participating authority's exercise of powers and performance of duties.

**Limits on minister's powers**

- 28**
- (1) This section applies despite anything to the contrary in Divisions 1 and 2 [*local authority response and recovery phases*] of Part 6.
  - (2) If a participating authority acting under an emergency measures agreement is the government of Canada, or a person or entity for which that government has responsibility,
    - (a) the participating authority is not required to seek the approval of the minister to exercise a power under Division 1 or 2 of Part 6, and
    - (b) the minister may not cancel a declaration of a state of local emergency or a declaration of a local recovery period made by the participating authority.

**References for interpretive purposes**

- 29**
- For the purposes of a provision of this Act or the regulations that applies under an emergency measures agreement with a participating authority,
- (a) a reference to a local authority must be read as a reference to the participating authority, and
  - (b) a reference to the head of a local authority must be read as a reference to the head of the participating authority identified under section 27 (1) (b).

**Division 5 – Volunteers**

**Authorization of public safety providers**

- 30**
- (1) If the provincial administrator is of the opinion that there is a need for volunteers with respect to a specialized measure, the provincial administrator may invite persons to apply to be authorized as public safety providers.
  - (2) An application must be made in the form and manner required by the provincial administrator.
  - (3) The provincial administrator may grant an authorization to a person if the provincial administrator is satisfied that the person
    - (a) has volunteers who are trained and qualified to take the specialized measure referred to in subsection (1),
    - (b) will comply with all applicable orders made, and directions given, under this Act by the provincial administrator, and
    - (c) meets any prescribed criteria.

- (4) The provincial administrator may revoke all or part of an authorization granted under subsection (3) in the following circumstances:
- (a) the person no longer has volunteers who are trained and qualified to take the specialized measure that was the basis for granting the authorization;
  - (b) the person fails to comply with any applicable orders made, or directions given, under this Act by the provincial administrator;
  - (c) the person, or one or more volunteers for whom the person has responsibility, fails to comply with any applicable standards, protocols or procedures referred to in section 31 (1) (a) (i), whether or not an order has been made under section 31 (1) (b);
  - (d) prescribed circumstances.

**Standards, protocols and procedures**

- 31** (1) The provincial administrator may do one or both of the following:
- (a) establish standards, protocols and procedures with respect to
    - (i) the recruitment, management, training, registration and deployment of volunteers, and
    - (ii) the taking of specialized measures by volunteers;
  - (b) require, by order, a person or a class of persons to comply with one or more of the standards, protocols and procedures referred to in paragraph (a).
- (2) Subject to the regulations, the provincial administrator must publish an order made under subsection (1) (b).

**Requests for deployment**

- 32** (1) A person or entity referred to in subsection (2) may request the provincial administrator to assist in coordinating the deployment of volunteers in response to a critical incident or an emergency.
- (2) The following may make a request:
- (a) a local authority;
  - (b) an Indigenous governing body;
  - (c) a department of the government of Canada;
  - (d) a person who is a party to an agreement under section 8 [*minister may enter into agreements*];
  - (e) a police or emergency health service;
  - (f) a prescribed person or a person in a prescribed class of persons.
- (3) A request made under subsection (1) must be made in the form and manner required by the provincial administrator.

- (4) The provincial administrator, if satisfied that it is necessary to respond to a critical incident or an emergency, may do one or both of the following:
- (a) deploy volunteers who are registered with the provincial administrator;
  - (b) authorize the deployment, by a local authority, a public safety provider or a person or entity that under the regulations is authorized for the purposes of this subsection, of volunteers who are registered with the local authority, public safety provider or authorized person or entity.

### **PART 3 – AGREEMENTS WITH INDIGENOUS GOVERNING BODIES**

#### **Division 1 – Definitions for This Part**

##### **Definitions for this Part**

33 In this Part:

“**coordination agreement**” means an agreement entered into under section 6 of the *Declaration on the Rights of Indigenous Peoples Act*

- (a) relating to the exercise of a power or the performance of a duty under Part 5 [*Provincial Response and Recovery Phases*] or 6 [*Local Authority Response and Recovery Phases*] of this Act, or
- (b) for a purpose referred to in section 34 (1) (b) of this Act,

but does not include a decision-making agreement or statutory power agreement in relation to the exercise of a power under Part 5 or 6;

“**decision-making agreement**” means an agreement negotiated and entered into under section 7 of the *Declaration on the Rights of Indigenous Peoples Act* relating to statutory powers of decision under this Act;

“**specified coordination agreement**” means a coordination agreement described in paragraph (a) of the definition of “coordination agreement”;

“**statutory power**” has the same meaning as in section 1 of the *Judicial Review Procedure Act* but does not include a power or right conferred by this Act to exercise a statutory power of decision;

“**statutory power agreement**” means an agreement entered into under section 6 of the *Declaration on the Rights of Indigenous Peoples Act* that relates to one or both of the following:

- (a) the exercise of a statutory power under this Act jointly by
  - (i) an Indigenous governing body, and
  - (ii) a person or entity that is authorized to exercise the statutory power under this Act;
- (b) the consent of an Indigenous governing body before the exercise of a statutory power under this Act;

“**statutory power of decision**” has the same meaning as in section 1 of the *Judicial Review Procedure Act*.

## **Division 2 – Coordination Agreements**

### **Coordination agreements**

- 34** (1) Subject to this Division, the minister may enter into a coordination agreement with an Indigenous governing body for one or more of the following purposes:
- (a) to coordinate
    - (i) the exercise of a power or the performance of a duty under Part 5 [*Provincial Response and Recovery Phases*] or 6 [*Local Authority Response and Recovery Phases*], and
    - (ii) the exercise of the inherent right of self-government by the Indigenous governing body in responding to or recovering from an emergency;
  - (b) to harmonize and coordinate plans, policies and programs in relation to the response and recovery phases.
- (2) Subject to subsections (3) and (4), a coordination agreement made with an Indigenous governing body may relate to all or part of the traditional territory or treaty area of the Indigenous people on whose behalf the Indigenous governing body acts.
- (3) The minister must not enter into a coordination agreement that relates to an area that is within Nisga’a Lands or treaty lands of a treaty first nation unless the Nisga’a Nation or the treaty first nation, as applicable, consents.
- (4) Without limiting subsection (3), the minister must, before entering into a coordination agreement that relates to an area within a treaty area of the Nisga’a Nation or a treaty first nation, do all of the following, as applicable:
- (a) consult and cooperate, in accordance with the regulations, if any, with the Nisga’a Nation and the treaty first nation;
  - (b) consider
    - (i) any comments received from the Nisga’a Nation or the treaty first nation, and
    - (ii) the rights of the Indigenous peoples on whose behalf the Nisga’a Nation or the treaty first nation acts.
- (5) A coordination agreement may include one or more of the following as parties to the agreement:
- (a) a local authority;
  - (b) another Indigenous governing body;
  - (c) a participating authority;

- (d) the government of Canada;
  - (e) the government of another jurisdiction of Canada.
- (6) A coordination agreement must include a process for resolving any disputes in relation to the agreement.
- (7) The provincial administrator must publish a copy of each coordination agreement and any amendments to each agreement.

**Specified coordination agreements**

- 35** (1) For the purposes of this Act, the minister may enter into a specified coordination agreement only in accordance with this Division.
- (2) A specified coordination agreement may do any of the following in relation to the exercise of a power or the performance of a duty under Part 5 [*Provincial Response and Recovery Phases*] or 6 [*Local Authority Response and Recovery Phases*]:
- (a) subject to subsection (3) of this section, require the Lieutenant Governor in Council, the minister, a local authority or a participating authority to exercise the power or perform the duty;
  - (b) require the Lieutenant Governor in Council, the minister, a local authority or a participating authority to refrain from exercising the power or performing the duty;
  - (c) set limits or conditions on the exercise of the power or the performance of the duty by the Lieutenant Governor in Council, the minister, a local authority or a participating authority;
  - (d) impose requirements in relation to the exercise of the power or the performance of the duty by the Lieutenant Governor in Council, the minister, a local authority or a participating authority;
  - (e) require the Lieutenant Governor in Council, the minister, a local authority or a participating authority to consult and cooperate, in accordance with the agreement, with an Indigenous governing body that is a party to the agreement in exercising the power or performing the duty.
- (3) A specified coordination agreement may not require the Lieutenant Governor in Council to exercise a power under Division 5 or 6 of Part 5 or Division 5 of Part 6.
- (4) The minister must not enter into a specified coordination agreement that relates to the exercise of a power or the performance of a duty by the Lieutenant Governor in Council unless the Lieutenant Governor in Council authorizes the minister to negotiate and enter into the agreement.
- (5) A specified coordination agreement is not effective until the agreement is published, or until a later date specified in the agreement.

- (6) For certainty, subsection (5) applies to an agreement that amends a specified coordination agreement.

**Effect of specified coordination agreement**

- 36** If a specified coordination agreement has been entered into in relation to a power or duty referred to in Part 5 [*Provincial Response and Recovery Phases*] or 6 [*Local Authority Response and Recovery Phases*],
- (a) the power must be exercised and the duty must be performed, as applicable, in accordance with the agreement,
  - (b) a reference under this Act to the power or duty is to be read as a reference to the power as exercised or the duty as performed in accordance with the agreement, and
  - (c) the terms of the agreement relating to any requirements, limits, conditions or procedures referred to in section 35 (2) in respect of the exercise of the power or the performance of the duty have the force of law.

**Division 3 – Other Agreements in Relation to the  
*Declaration on the Rights of Indigenous Peoples Act***

**Decision-making agreements and  
statutory power agreements**

- 37** (1) For the purposes of this Act, the minister may enter into a statutory power agreement only in accordance with this section.
- (2) For the purposes of this Act, the Lieutenant Governor in Council may authorize the minister, on behalf of the government, to negotiate and enter into a statutory power agreement with an Indigenous governing body.
- (3) A decision-making agreement and a statutory power agreement must include a process for resolving any disputes in relation to the agreement.
- (4) Section 7 (2) to (5) of the *Declaration on the Rights of Indigenous Peoples Act* applies to a statutory power agreement.

**Effect of agreement**

- 38** If a decision-making agreement or a statutory power agreement has been entered into,
- (a) the statutory power of decision or the statutory power, as applicable, must be exercised in accordance with the agreement,
  - (b) a reference under this Act to the statutory power of decision referred to in paragraph (a) or the statutory power referred to in paragraph (a) is to be read as a reference to the statutory power of decision or the statutory power as exercised in accordance with the agreement, and

- (c) the following terms of the agreement have the force of law:
  - (i) terms identifying the person or entity that is exercising, or providing consent in relation to, a statutory power of decision or a statutory power in accordance with the agreement;
  - (ii) terms relating to the criteria or procedures for the exercise of, or consent in relation to, a statutory power of decision or a statutory power in accordance with the agreement.

## **PART 4 – MITIGATION AND PREPARATION PHASES**

### **Division 1 – Powers and Duties of Provincial Emergency Management Organization**

#### **Emergency management planning and information**

- 39** (1) The provincial administrator must prepare, maintain and implement the following:
- (a) a comprehensive emergency management plan that
    - (i) applies throughout British Columbia, and
    - (ii) includes the emergency management plans given to the provincial administrator under section 44 (2) (c) [*emergency management planning by lead ministers*];
  - (b) one or more emergency management plans.
- (2) An emergency management plan must, in relation to the area that the plan applies to,
- (a) include a description of each area, if any, that is described for the purposes of
    - (i) section 90 [*consultation, engagement and cooperation with Indigenous peoples*] in one or more of the following:
      - (A) an agreement made under section 41 (1) (d);
      - (B) any other agreement with an Indigenous governing body, or
    - (ii) section 120 [*consultation, engagement and cooperation with Indigenous peoples*] in an agreement made under section 55 (1) (e) [*consultation and cooperation with Indigenous peoples*], and
  - (b) specify the Indigenous governing body in relation to each area described.
- (3) The provincial administrator must review and revise, in accordance with the regulations, the comprehensive emergency management plan and the emergency management plan or plans referred to in subsection (1) (b).

- (4) The provincial administrator must make prescribed information available to the public in relation to potential emergencies that could affect all or part of British Columbia, including information relating to hazards, risks and vulnerabilities.

**Consultation with local authorities**

- 40** When preparing or reviewing and revising a comprehensive emergency management plan or an emergency management plan under section 39, the provincial administrator must
- (a) consult and coordinate, in accordance with the regulations, if any, with a local authority in a prescribed class of local authorities, and
  - (b) consider any comments received from a local authority consulted in accordance with paragraph (a).

**Consultation and cooperation with Indigenous peoples**

- 41** (1) When preparing or reviewing and revising a comprehensive emergency management plan or an emergency management plan under section 39, the provincial administrator must do all of the following, as applicable:
- (a) consult and cooperate, in accordance with the regulations, if any, with each Indigenous governing body that acts on behalf of Indigenous peoples whose traditional territory or treaty area includes an area to which the plan applies;
  - (b) consider
    - (i) any comments received from an Indigenous governing body consulted in accordance with paragraph (a), and
    - (ii) the rights of the Indigenous peoples referred to in paragraph (a);
  - (c) incorporate into the plan Indigenous knowledge, if available;
  - (d) subject to subsection (2), in the case of an emergency management plan, make reasonable efforts to reach agreement respecting areas to be described in the plan for the purposes of section 90 [*consultation, engagement and cooperation with Indigenous peoples*] with each Indigenous governing body referred to in paragraph (a) of this subsection.
- (2) Subsection (1) (d) does not apply if the Indigenous governing body or bodies referred to in that provision have entered into an agreement with a local authority under section 55 (1) (e) [*consultation and cooperation with Indigenous peoples*] or 179 (7) [*transition – mitigation and preparation requirements*].

- (3) If the provincial administrator enters into an agreement with an Indigenous governing body under subsection (1) (d) that includes an area within the jurisdiction of a local authority, the provincial administrator may provide to the local authority a description of each area agreed to and the Indigenous governing body that is specified in the agreement in relation to each area.

#### **Oversight of emergency management planning**

- 42** The provincial administrator may do one or more of the following:
- (a) require, by order, one or more regulated entities, other than a government minister, the Nisga'a Nation or a treaty first nation, to provide information and records respecting emergency management planning prepared by the regulated entities;
  - (b) request a government minister, the Nisga'a Nation or a treaty first nation to provide information and records respecting emergency management planning prepared by the government minister, Nisga'a Nation or treaty first nation;
  - (c) with respect to any information or records received under this Act, give advice and directions, including requiring changes to records.

#### **Government continuity plans**

- 43**
- (1) The Legislative Assembly must prepare and maintain a plan to ensure the continued delivery, during an emergency, of leadership and services necessary for the effective functioning of the legislative branch of government.
  - (2) The Executive Council must prepare and maintain a plan to ensure the continued delivery, during an emergency, of leadership and services necessary for the effective functioning of the Executive Council.
  - (3) The office of the Lieutenant Governor must prepare and maintain a plan to ensure the continued delivery, during an emergency, of leadership and services necessary for the effective functioning of the office of the Lieutenant Governor.
  - (4) The Court of Appeal, Supreme Court and Provincial Court must prepare and maintain a plan to ensure the continued delivery, during an emergency, of leadership and services necessary for the effective functioning of the judicial branch of government.
  - (5) For the purposes of subsection (4), each court may prepare a plan with respect to its responsibilities, or the courts may together prepare an integrated plan.
  - (6) The provincial administrator must give advice and assistance with respect to preparing or maintaining a plan referred to in this section as follows:
    - (a) to the Legislative Assembly, if requested in writing by the Speaker of the Legislative Assembly;

- (b) to the Executive Council, if requested in writing by the Premier of British Columbia;
- (c) to the office of the Lieutenant Governor, if requested in writing by the Executive Director of the office of the Lieutenant Governor;
- (d) to the Court of Appeal, if requested in writing by the Chief Justice of British Columbia;
- (e) to the Supreme Court, if requested in writing by the Chief Justice of the Supreme Court;
- (f) to the Provincial Court, if requested in writing by the Chief Judge of the Provincial Court.

## **Division 2 – Duties of Regulated Entities**

### **Emergency management planning by lead ministers**

- 44**
- (1) On request of the provincial administrator, a lead minister must exercise the powers of the provincial administrator under section 42 with respect to a prescribed public sector agency or critical infrastructure owner, or a public sector agency or critical infrastructure owner in a prescribed class.
  - (2) A lead minister must do all of the following:
    - (a) prepare and maintain one or more risk assessments with respect to prescribed types of hazards;
    - (b) prepare and maintain one or more emergency management plans with respect to prescribed types of hazards and any other prescribed persons, places, matters or things;
    - (c) give copies of the risk assessments and emergency management plans to the provincial administrator;
    - (d) take any emergency measures identified in the comprehensive emergency management plan as emergency measures to be taken by the lead minister.
  - (3) A lead minister must prepare and maintain a business continuity plan.
  - (4) A lead minister must review and revise, in accordance with the regulations, the lead minister's risk assessments, emergency management plans and business continuity plan.
  - (5) A lead minister is responsible for performing the lead minister's duties under this Act throughout British Columbia with respect to the matters for which the lead minister has responsibility.

**Emergency management planning by non-lead ministers**

- 45 (1) A government minister that is not a lead minister must do all of the following:
- (a) prepare and maintain a business continuity plan;
  - (b) take any emergency measures identified in the comprehensive emergency management plan as emergency measures to be taken by the government minister.
- (2) A government minister that is not a lead minister must review and revise, in accordance with the regulations, the government minister's business continuity plan.

**Emergency management planning by public sector agencies**

- 46 (1) A public sector agency must, if required by the regulations,
- (a) prepare and maintain a risk assessment with respect to prescribed types of hazards,
  - (b) prepare, maintain and implement an emergency management plan, and
  - (c) prepare and maintain a business continuity plan.
- (2) A public sector agency must review and revise, in accordance with the regulations, the public sector agency's risk assessment, emergency management plan and business continuity plan.

**Emergency management planning by local authorities**

- 47 (1) In this section, “**local authority**” does not include the Nisga’a Nation or a treaty first nation.
- (2) Subject to the regulations, a local authority must
- (a) prepare and maintain a risk assessment with respect to the hazards in the area within the jurisdiction of the local authority, and
  - (b) prepare, maintain and implement one or more emergency management plans, ensuring that there is at least one plan that applies to each area within the jurisdiction of the local authority.
- (3) A local authority must prepare and maintain a business continuity plan.
- (4) A local authority must review and revise, in accordance with the regulations, the local authority's risk assessment, emergency management plan and business continuity plan.
- (5) The minister may request that the Nisga’a Nation or a treaty first nation, in relation to Nisga’a Lands or treaty lands, do one or more of the things described in subsection (2), (3) or (4).

**Critical infrastructure identified**

- 48** (1) A system, network, facility or asset, whether physical or virtual and whether publicly or privately owned, is critical infrastructure for the purposes of this Act and the regulations if
- (a) it is prescribed as critical infrastructure, or
  - (b) it is within a prescribed class of systems, networks, facilities or assets.
- (2) A system, network, facility or asset, or a class of systems, networks, facilities or assets, must not be prescribed unless the system, network, facility or asset, or a class of any of these, is
- (a) designed, used or intended to be used in relation to functions performed by persons acting within a critical infrastructure sector, or
  - (b) necessary to protect, maintain or restore one or more of the following:
    - (i) the health, safety or well-being of persons;
    - (ii) the environment;
    - (iii) the economy;
    - (iv) the security of the province;
    - (v) the effective functioning of any branch of government;
    - (vi) the provision of emergency resources;
    - (vii) a prescribed matter.
- (3) Land is critical infrastructure for the purposes of this Act and the regulations if the land is occupied by, used in association with or necessary to access a system, network, facility or asset referred to in subsection (1).

**Emergency management planning by critical infrastructure owners**

- 49** (1) A critical infrastructure owner must, if required by the regulations,
- (a) prepare and maintain a risk assessment with respect to the types of hazards that may affect the critical infrastructure,
  - (b) prepare, maintain and implement an emergency management plan, and
  - (c) prepare and maintain a business continuity plan.
- (2) A critical infrastructure owner must review and revise, in accordance with the regulations, the critical infrastructure owner's risk assessment, emergency management plan and business continuity plan.
- (3) A critical infrastructure owner is responsible for performing its duties under this Act throughout British Columbia with respect to the persons, places and things for which the critical infrastructure owner has responsibility.

**Reporting by critical infrastructure owners**

- 50** (1) If required by the regulations, a critical infrastructure owner must give to the provincial administrator the following information and records:
- (a) a copy of the critical infrastructure owner’s risk assessment, emergency management plan and business continuity plan, including any revisions;
  - (b) any prescribed information and records;
  - (c) if required by the provincial administrator,
    - (i) a copy of the information and records used to prepare the records referred to in paragraph (a), and
    - (ii) any information specified by the provincial administrator.
- (2) Information and records referred to in this section must be given to the provincial administrator
- (a) in the form and manner required by the provincial administrator, and
  - (b) within the period specified by the regulations or, if the regulations do not specify a period or do not apply, by the date specified by the provincial administrator.

**Division 3 – Plans, Programs and Other Measures**

**Risk assessments**

- 51** (1) In this section and section 52, “**vulnerable**”, in relation to an individual, animal, place or thing, or a class of individuals, animals, places or things, means the following:
- (a) particularly susceptible, due to physical or geographic location or environmental factors, or other similar factors, to the adverse effects of an emergency;
  - (b) having prescribed characteristics.
- (2) A risk assessment must be prepared in accordance with this section and the regulations.
- (3) Subject to Division 2 [*Duties of Regulated Entities*] of this Part and the regulations, a risk assessment must identify all reasonably foreseeable hazards and assess all of the following:
- (a) the extent of the risk that each hazard presents, including
    - (i) the likelihood that an emergency may occur, and
    - (ii) the potential scale and scope of each emergency identified under subparagraph (i);

- (b) the potential consequences for persons or property, or for objects or sites of heritage value, if an emergency occurs, giving special consideration to
    - (i) individuals who may experience intersectional disadvantage, and
    - (ii) vulnerable individuals, animals, places or things;
  - (c) any prescribed matters.
- (4) A risk assessment must be based on all of the following:
- (a) studies and surveys;
  - (b) Indigenous knowledge and local knowledge, if available;
  - (c) changes in the local climate or extreme weather events that can reasonably be expected to result from a changing global climate;
  - (d) other relevant information that is reasonably available from prescribed sources of information or any other source;
  - (e) the results of the actions required under sections 54 [*consultation and coordination with local authorities*] and 55 [*consultation and cooperation with Indigenous peoples*].

#### **Emergency management plans**

- 52** (1) An emergency management plan must be prepared in accordance with this section and the regulations.
- (2) Subject to the regulations, an emergency management plan must describe at least the following:
- (a) measures that are necessary or advisable for the purposes of each phase;
  - (b) the roles, powers and duties of persons identified in the plan by name, title or position;
  - (c) requirements for emergency resources;
  - (d) procedures for engaging emergency systems;
  - (e) the emergency management training and exercise programs that will be conducted;
  - (f) measures to mitigate any adverse effects of an emergency on
    - (i) individuals who may experience intersectional disadvantage, and
    - (ii) vulnerable individuals, animals, places or things;
  - (g) measures to promote cultural safety;
  - (h) any prescribed matters.

- (3) In addition to the requirements of subsection (2), the emergency management plan of a local authority must
  - (a) include a plan for the evacuation and care of individuals and animals in the area within the jurisdiction of the local authority,
  - (b) include a description of each area, if any, that is described for the purposes of section 120 [*consultation, engagement and cooperation with Indigenous peoples*] in one or more of the following:
    - (i) an agreement made under section 55 (1) (e) [*consultation and cooperation with Indigenous peoples*];
    - (ii) any other agreement with an Indigenous governing body, and
  - (c) specify the Indigenous governing body in relation to each area described.
- (4) An emergency management plan must be based on all of the following:
  - (a) all applicable risk assessments that are available;
  - (b) the results of the actions required under sections 54 and 55;
  - (c) any prescribed matters.

**Business continuity plans**

- 53**
- (1) A business continuity plan must be prepared in accordance with this section and the regulations.
  - (2) A business continuity plan of a regulated entity other than a critical infrastructure owner must describe
    - (a) the measures to be taken to ensure the continued delivery, during an emergency, of leadership and services necessary for the effective functioning of the regulated entity, and
    - (b) any prescribed matter.
  - (3) A business continuity plan of a critical infrastructure owner must describe all of the following:
    - (a) the essential systems, networks, facilities or assets, or parts of any of these that must continue to function effectively during an emergency, including
      - (i) the level at which services must be provided by the essential systems, networks, facilities or assets, or parts of these,
      - (ii) the measures to be taken to ensure the continued provision of the services, and
      - (iii) if the services are interrupted or discontinued, the targeted period for restoring them to the level referred to in subparagraph (i);
    - (b) any prescribed matter.

**Consultation and coordination with local authorities**

- 54** A regulated entity that is required to prepare or review and revise a risk assessment or an emergency management plan must make reasonable efforts to do all of the following, as applicable:
- (a) consult and coordinate, in accordance with the regulations, if any, with the following:
    - (i) a local authority in a prescribed class of local authorities;
    - (ii) a person in a prescribed class of persons;
    - (iii) without limiting subparagraph (i), in the case of a regulated entity that is a local authority, each local authority, other than the Nisga'a Nation or a treaty first nation, having jurisdiction over an area that is adjacent to an area within the jurisdiction of the regulated entity;
  - (b) consider any comments received from the persons with whom the regulated entity consulted in accordance with paragraph (a);
  - (c) in the case of an emergency management plan, coordinate the plan with the emergency management plans, if any, of the persons with whom the regulated entity consulted in accordance with paragraph (a) to ensure that the plans can be implemented, and emergency measures taken under them, in an integrated manner.

**Consultation and cooperation with Indigenous peoples**

- 55** (1) A lead minister, local authority, public sector agency or critical infrastructure owner that is required to prepare or review and revise a risk assessment or an emergency management plan must do all of the following, as applicable:
- (a) consult and cooperate, in accordance with the regulations, if any, with the following:
    - (i) each Indigenous governing body that acts on behalf of Indigenous peoples whose traditional territory or treaty area includes
      - (A) an area or people in an area that may be affected by a hazard that is required to be included in the risk assessment, or
      - (B) an area to which the emergency management plan applies;
    - (ii) without limiting subparagraph (i), in the case of a local authority,
      - (A) each Indigenous governing body that acts on behalf of Indigenous peoples whose traditional territory or treaty area includes an area that is within the jurisdiction of the local authority, and
      - (B) the Nisga'a Nation or a treaty first nation if the Nisga'a Lands or the treaty lands of the treaty first nation, as applicable, are adjacent to an area within the jurisdiction of the local authority;

- (b) consider
    - (i) any comments received from the Nisga'a Nation, a treaty first nation or an Indigenous governing body consulted in accordance with paragraph (a), and
    - (ii) the rights of the Indigenous peoples on whose behalf the Nisga'a Nation, treaty first nation or Indigenous governing body referred to in subparagraph (i) acts;
  - (c) incorporate into the risk assessment or emergency management plan Indigenous knowledge, if available;
  - (d) in the case of an emergency management plan, coordinate the plan with the plans, if any, of the Nisga'a Nation or a treaty first nation or an Indigenous governing body consulted in accordance with paragraph (a) to ensure that the plans can be implemented, and emergency measures taken under them, in an integrated manner;
  - (e) in the case of an emergency management plan prepared by a local authority, make reasonable efforts to reach agreement respecting areas to be described in the plan for the purposes of section 120 [*consultation, engagement and cooperation with Indigenous peoples*] with each Indigenous governing body that acts on behalf of Indigenous peoples whose traditional territory or treaty area includes an area that is within the jurisdiction of the local authority.
- (2) If a local authority enters into an agreement with an Indigenous governing body under subsection (1) (e), the local authority must provide to the provincial administrator a description of each area agreed to and the Indigenous governing body that is specified in the agreement in relation to each area.

**Directed mitigation and preparation measures**

- 56** (1) The minister may make an order under this section if the minister is satisfied that, based on one or more risk assessments, the order is necessary for any of the following purposes:
- (a) to mitigate a specific hazard that presents a significant risk of giving rise to an emergency;
  - (b) to prepare for a specific type of hazard that presents a significant risk of becoming an emergency;
  - (c) to support a specific initiative in relation to the mitigation and preparation phases.

- (2) The minister may, by order, require a regulated entity, other than a government minister, the Nisga'a Nation or a treaty first nation, to provide to the provincial administrator or a lead minister one or more of the following:
- (a) information respecting particular infrastructure, facilities, equipment and related components, including maps showing the location of any of these;
  - (b) with respect to a hazard,
    - (i) a description of how the hazard may affect the regulated entity or persons, places and things for which the regulated entity has responsibility,
    - (ii) a statement of whether the regulated entity has undertaken studies or surveys of the hazard and, if so, copies of the results and any reports related to the studies or surveys, and
    - (iii) a description of the potential consequences for persons or property, or for objects or sites of heritage value, if an emergency occurs;
  - (c) if an event or circumstance referred to in paragraph (a) of the definition of “emergency” in section 1 (1) [*definitions*] has occurred, a description of
    - (i) the event or circumstance and its location and cause, and
    - (ii) the consequences for, or the likely consequences for, the regulated entity and other persons or property, or for objects or sites of heritage value;
  - (d) any prescribed information;
  - (e) any information requested by the provincial administrator or lead minister.
- (3) The minister may, by order, require a regulated entity, other than a government minister, the Nisga'a Nation or a treaty first nation, to do one or more of the following:
- (a) make changes to a risk assessment, emergency management plan or business continuity plan according to the directions of the minister, the provincial administrator or a lead minister;
  - (b) take particular emergency measures for the purposes of the mitigation or preparation phases;
  - (c) support or participate in specific emergency management training and exercise programs, including emergency planning sessions or programs relating to cultural safety or intersectional disadvantage;
  - (d) obtain or upgrade infrastructure, facilities, equipment and related components, whether physical or virtual;
  - (e) take a prescribed type of action.

- (4) Before making an order under subsection (3) (b) or (d), the minister must
  - (a) consult and cooperate, in accordance with the regulations, if any, with each Indigenous governing body that acts on behalf of Indigenous peoples whose traditional territory or treaty area includes an area or people in an area that will be affected by the order, and
  - (b) consider
    - (i) any comments received from an Indigenous governing body consulted in accordance with paragraph (a), and
    - (ii) the rights of the Indigenous peoples referred to in paragraph (a).

**Exceptions to requirements**

- 57**
- (1) This section applies despite any other provision of this Part or a regulation made in relation to this Part.
  - (2) The minister may make an order under this section if the minister is satisfied that
    - (a) complying with a requirement of this Part or a regulation made in relation to this Part would cause a regulated entity undue hardship, or
    - (b) a regulated entity is subject to, and is complying with, an enactment of British Columbia or Canada that imposes a requirement with respect to emergency management, and the requirement is equivalent to, or achieves the same objectives as, a requirement of this Part or a regulation made in relation to this Part.
  - (3) The minister may, by order, do any of the following:
    - (a) waive or modify a requirement under this Part, other than section 55, or a regulation made in relation to this Part;
    - (b) impose limits and conditions on a waiver or modification;
    - (c) substitute a different requirement for one that is waived.
  - (4) The minister may, for the purpose of making an order under this section, or varying or determining compliance with an order made under this section, do any of the following:
    - (a) collect and use information provided by the regulator of a regulated entity;
    - (b) request a regulated entity to provide information, records or proof of a matter to the minister, the provincial administrator or a lead minister.

**Imposing duties on persons who are not regulated entities**

- 58** (1) The minister may, by order, require a person who is not a regulated entity to provide to the provincial administrator or a lead minister any of the information referred to in section 56 (2)
- (a) if the minister has reason to believe that any of the circumstances referred to in subsection (3) of this section apply, or
  - (b) for the purpose of determining whether a system, network, facility or asset, or a class of any of these, should be prescribed as critical infrastructure.
- (2) If the minister has reason to believe that any of the circumstances referred to in subsection (3) apply, the minister may, by order, require a person who is not a regulated entity to do one or more of the following:
- (a) prepare and maintain a risk assessment;
  - (b) prepare, maintain and implement an emergency management plan;
  - (c) prepare and maintain a business continuity plan.
- (3) The circumstances for the purposes of subsections (1) (a) and (2) are as follows:
- (a) the person engages in an activity that is or may create a hazard;
  - (b) the person uses a process or property in a manner that is or may create a hazard;
  - (c) a condition that is or may create a hazard exists or may exist on land that the person owns or occupies;
  - (d) the person provides or may be able to provide emergency resources or the use of land.
- (4) If the minister makes an order under this section, the minister may include in the order a requirement that a person comply with one or more provisions, with or without modifications, of this Part or a regulation made in relation to this Part, as if the person were a regulated entity.

**PART 5 – PROVINCIAL RESPONSE AND RECOVERY PHASES**

**Division 1 – Response Phase**

**Declaration of state of provincial emergency**

- 59** (1) If the Lieutenant Governor in Council or the minister is satisfied that an emergency is present, the Lieutenant Governor in Council or the minister, as applicable, may, by order, make a declaration of a state of provincial emergency relating to all or part of British Columbia.

- (2) A declaration must identify the nature of the emergency and the area to which the declaration applies.
- (3) The minister may make a declaration orally or in writing.
- (4) As soon as reasonably practicable after a declaration is made, the minister must,
  - (a) in the case of a declaration made orally, reduce the declaration to writing and publish the declaration, and
  - (b) in the case of a declaration made in writing, publish the declaration.
- (5) For certainty, a declaration of a state of provincial emergency does not affect the authority of any person to declare, continue or extend
  - (a) a state of local emergency or a local recovery period under Part 6, except to the extent that the minister has cancelled a declaration of a state of local emergency or a declaration of a local recovery period, or
  - (b) an order made under another enactment with respect to an emergency within the meaning of that enactment.

**Amendment or extension of declaration**

- 60**
- (1) The Lieutenant Governor in Council may, by order, do one or both of the following:
    - (a) amend an order that makes a declaration of a state of provincial emergency with respect to the nature of the emergency or the area to which the declaration applies, or both;
    - (b) extend the period for which a declaration of a state of provincial emergency applies for additional periods of not more than 28 days each.
  - (2) An order made under subsection (1) (a) to amend an order that makes a declaration does not extend or otherwise affect the period for which the declaration applies.
  - (3) An order made under subsection (1) to amend an order that makes a declaration or to extend the period for which a declaration applies must
    - (a) identify the order number and date of the original declaration and of each previous amendment or extension, if any, and
    - (b) in the case of an extension of the period for which the declaration applies, specify the period of the extension.
  - (4) As soon as reasonably practicable after an order is made under this section, the minister must publish the order.

**Expiry or cancellation of declaration**

- 61** (1) Unless extended under section 60 (1) (b), a declaration of a state of provincial emergency expires
- (a) 28 days after being made by the Lieutenant Governor in Council, or
  - (b) 14 days after being made by the minister.
- (2) If, in the opinion of the Lieutenant Governor in Council or the minister, as applicable, the emergency to which a declaration of a state of provincial emergency relates is no longer present in an area,
- (a) the Lieutenant Governor in Council
    - (i) must, by order, cancel the declaration with respect to the area if the Lieutenant Governor in Council made the declaration, and
    - (ii) may, by order, cancel the declaration with respect to the area if the minister made the declaration, and
  - (b) the minister must, by order, cancel the declaration with respect to the area if the minister made the declaration and the declaration was not cancelled under paragraph (a) (ii).
- (3) If a declaration of a provincial recovery period is made with respect to an area in relation to which a declaration of a state of provincial emergency applies, the declaration of a state of provincial emergency is cancelled with respect to that area.
- (4) As soon as reasonably practicable after a declaration of a state of provincial emergency expires or is cancelled, the minister must publish the details of the expiry or cancellation.

**Division 2 – Recovery Phase**

**Declaration of provincial recovery period**

- 62** (1) The Lieutenant Governor in Council may, by order, make a declaration of a provincial recovery period if the Lieutenant Governor in Council is satisfied of both of the following:
- (a) that the nature or scope of the emergency that is the subject of a declaration of a state of provincial emergency has subsided sufficiently in an area that it is appropriate to transition the taking of emergency measures in that area from the response phase to the recovery phase;
  - (b) that the exercise in that area of one or more recovery powers is necessary for the area to recover from the emergency.

- (2) A declaration of a provincial recovery period may specify that any of the following continue to have effect during the provincial recovery period if the Lieutenant Governor in Council is satisfied that a continuation is necessary to recover from the emergency referred to in subsection (1):
- (a) an order made under
    - (i) section 75 [*essential matters*], other than section 75 (1) (d),
    - (ii) section 76 [*land and other property*], or
    - (iii) section 78 [*general restrictions*];
  - (b) a regulation made under
    - (i) section 83 [*modifying enactments and authorizations*],
    - (ii) section 84 [*modifying time periods*], or
    - (iii) section 86 [*enforcement of modified enactments and authorizations*].
- (3) A declaration of a provincial recovery period must specify all of the following:
- (a) the order number and date of the original declaration of a state of provincial emergency and of each amendment and extension, if any;
  - (b) the period for which the declaration of a provincial recovery period applies if that period is less than 90 days;
  - (c) the area to which the declaration of a provincial recovery period applies;
  - (d) the orders and regulations referred to in subsection (2) that continue to have effect, if any, during all or part of the provincial recovery period.
- (4) As soon as reasonably practicable after a declaration of a provincial recovery period is made, the minister must publish the declaration.

**Amendment or extension of declaration**

- 63** (1) The Lieutenant Governor in Council may, by order, do one or both of the following:
- (a) amend an order that makes a declaration of a provincial recovery period with respect to the area to which the declaration applies;
  - (b) extend the period for which a declaration of a provincial recovery period applies for additional periods of not more than 90 days each.
- (2) An order made under subsection (1) to amend an order that makes a declaration or to extend the period for which a declaration applies must specify all of the following, as applicable:
- (a) the order number and date of the original declaration of a provincial recovery period and of each previous amendment or extension, if any;
  - (b) in the case of an extension of the period for which the declaration applies, the period of the extension;

- (c) the matters referred to in section 62 (3) (c) and (d) that apply in relation to the declaration as amended or extended.
- (3) Section 60 (2) and (4) [*amendment or extension of declaration*] applies to an order made under this section.

**Expiry or cancellation of declaration**

- 64**
- (1) Unless extended under section 63 (1) (b), a declaration of a provincial recovery period expires 90 days after being made or at the end of the period specified in the declaration, whichever is earlier.
  - (2) The Lieutenant Governor in Council must, by order, cancel a declaration of a provincial recovery period with respect to any area
    - (a) in which, in the Lieutenant Governor in Council’s opinion, the exercise of recovery powers is no longer necessary for the area to recover from the emergency to which the declaration relates, or
    - (b) in relation to which a new declaration of a state of provincial emergency has been made in response to an emergency that is related to the original emergency to which the declaration of a provincial recovery period relates.
  - (3) A cancellation under subsection (2) (b) must be made as soon as reasonably practicable after the new declaration of a state of provincial emergency is made.
  - (4) As soon as reasonably practicable after a declaration of a provincial recovery period expires or is cancelled, the minister must publish the details of the expiry or cancellation.

**Division 3 – General Powers and Duties**

**When general powers and duties apply**

- 65** A person may exercise a power and must perform a duty under this Division whether or not a declaration of a state of provincial emergency or a declaration of a state of local emergency has been made.

**Minister must consider comprehensive emergency management plan**

- 66** Before taking any action for the purpose of responding to or recovering from an emergency, the minister must consider the comprehensive emergency management plan and any applicable emergency management plans prepared by the provincial administrator.

**Coordination of response and recovery efforts**

- 67 (1) For the purpose of responding to or recovering from an emergency, the minister and the provincial administrator
- (a) must coordinate the actions of the government or, if another person is responsible for coordinating particular actions of the government, may assist the other person in coordinating the actions of the government,
  - (b) may give advice and assistance to any person, and
  - (c) may request a lead minister to coordinate the taking of emergency measures by prescribed public sector agencies or critical infrastructure owners, or public sector agencies or critical infrastructure owners in a prescribed class.
- (2) For the purposes of subsection (1) (a), the minister or the provincial administrator may give directions to one or more of the following:
- (a) members of the provincial emergency management organization;
  - (b) government employees and persons who provide services to government under an agreement;
  - (c) public sector agencies that have emergency management plans.
- (3) For the purposes of subsection (1) (c), a lead minister may give directions to a prescribed public sector agency or critical infrastructure owner, or a public sector agency or critical infrastructure owner in a prescribed class.

**Requiring actions**

- 68 (1) The minister may make an order under this section if the minister is satisfied that an order is necessary to respond to or recover from an emergency.
- (2) The minister may, by order, require any of the following to take one or more actions referred to in subsection (3):
- (a) a regulated entity other than a government minister, the Nisga'a Nation or a treaty first nation;
  - (b) a person required to take an action under section 58 [*imposing duties on persons who are not regulated entities*].
- (3) The actions that may be the subject of an order are as follows:
- (a) providing to the provincial administrator or a lead minister any of the information referred to in section 56 (2) [*directed mitigation and preparation measures*];
  - (b) consulting and coordinating with a person with respect to assessing an emergency and the emergency measures to be taken;
  - (c) taking one or more emergency measures;

- (d) providing emergency resources or the use of land, including with respect to individuals and animals evacuated from another jurisdiction and personal property removed from another jurisdiction;
  - (e) complying with the directions of the provincial administrator or a lead minister with respect to any matters referred to in paragraphs (a) to (d).
- (4) The minister may request a government minister, the Nisga'a Nation or a treaty first nation to do one or more of the things described in subsection (3).
- (5) Nothing in this section affects the authority of any person to take, or continue to take, emergency measures set out in the person's emergency management plan.

**Requirement to support others**

- 69** (1) In this section, “**specified authority**” means the following:
- (a) a local authority, other than the Nisga'a Nation or a treaty first nation;
  - (b) a participating authority.
- (2) The minister may make an order or request under this section if the minister is satisfied that a person who is authorized under this Act to exercise response or recovery powers is unable to adequately respond to or recover from an emergency.
- (3) The minister may, by order, require a specified authority to take an action referred to in subsection (5)
- (a) in an area within another person's jurisdiction, or
  - (b) in relation to an emergency in an area within another person's jurisdiction, as follows:
    - (i) in the case of a local authority, in an area within the local authority's jurisdiction;
    - (ii) in the case of a participating authority, in an area that is subject to the participating authority's emergency measures agreement.
- (4) The minister may request the Nisga'a Nation or a treaty first nation to take an action referred to in subsection (5)
- (a) in an area within another person's jurisdiction, or
  - (b) in relation to an emergency in an area within another person's jurisdiction, in an area within the Nisga'a Nation's or treaty first nation's jurisdiction.
- (5) The actions that may be the subject of an order or request under this section are as follows:
- (a) taking one or more emergency measures;
  - (b) providing emergency resources or the use of land;

- (c) complying with the directions of the provincial administrator or a lead minister with respect to a matter referred to in paragraph (a) or (b).
- (6) If the Nisga'a Nation or a treaty first nation does not intend to comply with a request made under subsection (4), the Nisga'a Nation or treaty first nation must inform the minister in writing of the reasons for not complying with the request.
- (7) The minister may not make an order under subsection (3) in relation to an area within the specified land of an Indigenous people, unless an Indigenous governing body that acts on behalf of the Indigenous people consents to the order.

**Regulated entity must consider emergency management plan**

- 70** Before taking any action for the purpose of responding to or recovering from an emergency, a regulated entity, other than a critical infrastructure owner or local authority, that is required to prepare an emergency management plan must consider the emergency management plan.

**Division 4 – Minister's Response Powers**

**When response powers may be exercised**

- 71** (1) The minister may make an order under this Division during the period for which a declaration of a state of provincial emergency applies.
- (2) Before making an order under this Division, the minister must be satisfied that any prohibitions, requirements, limits or conditions imposed, or authorizations made, under the order are necessary to respond to the emergency.

**How response powers may be exercised**

- 72** (1) The minister may make an order under this Division orally or in writing.
- (2) The minister may provide in an order made under this Division that the order applies
- (a) to all or part of the area to which a declaration of a state of provincial emergency applies,
  - (b) to an area to which a declaration of a state of provincial emergency does not apply,
  - (c) for all or part of the period for which a declaration of a state of provincial emergency applies, and
  - (d) to a person or thing, or a class of persons or things, as established by the minister.
- (3) Subsection (2) (b) does not apply to an order made under 77 (1) [*evacuations and removals*].

- (4) The minister must identify in the order the declaration of a state of provincial emergency to which the order relates.
- (5) As soon as reasonably practicable after the minister makes an order under this Division, the minister must
  - (a) in the case of an order made orally, reduce the order to writing and publish the order, and
  - (b) in the case of an order made in writing, publish the order.
- (6) An order made under this Division ceases to have effect on the earliest of the following dates:
  - (a) the date provided for in the order;
  - (b) the date on which the minister rescinds the order;
  - (c) the date on which the declaration of a state of provincial emergency to which the order relates expires or is cancelled, unless the order is identified under section 62 (2) (a) [*declaration of provincial recovery period*] as an order that continues to have effect.

**General power to do all things necessary**

- 73
- (1) The minister may, by order, do all acts and implement all procedures that the minister is satisfied are necessary to respond to an emergency.
  - (2) For certainty, nothing in this Division is intended to limit the power conferred under subsection (1) of this section.

**Emergency information and measures**

- 74
- (1) If the minister is satisfied that a person possesses or controls information needed by another person to exercise a power or perform a duty under this Act, the minister may, by order, require the person to give the information to
    - (a) the other person, or
    - (b) the provincial administrator or a lead minister.
  - (2) The minister may, by order, require a person to do one or both of the following:
    - (a) take one or more emergency measures;
    - (b) comply with the directions of the provincial administrator, a lead minister or a person in a specified class of persons, with respect to the taking of emergency measures.

**Essential matters**

- 75
- (1) The minister may, by order, do one or more of the following:
    - (a) identify supplies, equipment or other items, services, property or facilities, or a class of any of these, as essential;

- (b) for things identified under paragraph (a) as essential,
    - (i) establish or restrain increases in prices or rents for them,
    - (ii) ration or otherwise provide for their distribution or use,
    - (iii) provide for their restoration, and
    - (iv) prohibit or limit seizures of them or evictions from them;
  - (c) authorize a person to provide a service or give assistance of a type that the person is qualified to provide or give;
  - (d) require a person to provide a service or give assistance of a type that the person is qualified to provide or give;
  - (e) provide for, maintain and coordinate the provision and maintenance of necessities.
- (2) Subsection (1) (b) (i) and (iv) applies despite any enactment governing tenancies or the recovery of property.
  - (3) Subsection (1) (c) and (d) applies despite any contract, including a collective agreement.

**Land and other property**

- 76** (1) The minister may, by order, do one or more of the following:
- (a) appropriate, use or control the use of any personal property;
  - (b) use or control the use of any land;
  - (c) authorize the entry without warrant into any structure or onto any land by any person for the purpose of taking emergency measures;
  - (d) prohibit the entry into any structure or onto any land by any person;
  - (e) authorize or require the alteration, removal or demolition of any trees, crops, structures or landscapes;
  - (f) authorize or require the construction, alteration, removal or demolition of works;
  - (g) require the owner of a structure to
    - (i) have any damage to the structure assessed, and
    - (ii) give the results of the assessment to the minister or a person in a class of persons specified by the minister.
- (2) The power under subsection (1) (b) to use or control the use of land does not apply to specified land.

**Evacuations and removals**

- 77** (1) The minister may, by order, do one or more of the following in relation to any area to which a declaration of a state of provincial emergency applies:
- (a) require a person to evacuate from the area;

- (b) authorize the evacuation of individuals or animals, or both, from the area;
  - (c) authorize the removal of personal property from the area.
- (2) If the minister makes an order under subsection (1), the minister may arrange for
- (a) the adequate care and protection of evacuated individuals or animals, or both, and
  - (b) the adequate protection of personal property that has been removed.
- (3) Unless the minister directs otherwise, the provincial administrator may do all the things that the minister may do as described under this section with respect to any area that is not within the jurisdiction of a local authority.
- (4) Sections 71 and 72 [*when and how response powers may be exercised*] apply to an exercise of power under subsection (3) of this section as if the provincial administrator were the minister.

**General restrictions**

- 78** (1) The minister may, by order, control or prohibit one or more of the following:
- (a) travel to or from any area;
  - (b) the carrying on of a business or a type of business;
  - (c) an event or a type of event.
- (2) The minister may, by order, do one or more of the following:
- (a) require a person to stop doing an activity, including an activity that a person is licensed, permitted or otherwise authorized to do under an enactment;
  - (b) put limits or conditions on doing an activity, including limits or conditions that have the effect of modifying a licence, permit or other authorization issued under an enactment.

**Control of emergency fire services**

- 79** (1) The minister responsible for the administration of section 3 (5) [*duties of fire commissioner*] of the *Fire Services Act* may, by order,
- (a) assume control over one or more fire fighting and fire prevention services in British Columbia, and
  - (b) designate the fire commissioner under that Act to exercise authority over those services.
- (2) Sections 71 and 72 [*when and how response powers may be exercised*] apply to an exercise of power under subsection (1) of this section as if the minister referred to in subsection (1) were the minister responsible for the administration of this Act.

## **Division 5 – Lieutenant Governor in Council’s Response Powers**

### **When response powers may be exercised**

- 80** (1) The Lieutenant Governor in Council may make a regulation under this Division during the period for which a declaration of a state of provincial emergency applies.
- (2) Before making a regulation under this Division, the Lieutenant Governor in Council must be satisfied that
- (a) the regulation is necessary to respond to the emergency, and
  - (b) in the case of a regulation that has the effect of modifying an enactment, the benefit of making the regulation is greater than the benefit of the continued application of the enactment without the modification.

### **How response powers may be exercised**

- 81** (1) Without limiting section 41 of the *Interpretation Act*, the Lieutenant Governor in Council may provide in a regulation made under this Division that the regulation applies
- (a) to all or part of the area to which a declaration of a state of provincial emergency applies,
  - (b) to an area to which a declaration of a state of provincial emergency does not apply,
  - (c) for all or part of the period for which a declaration of a state of provincial emergency applies, and
  - (d) to a person or thing, or a class of persons or things, as established by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council must identify in the regulation the declaration of a state of provincial emergency to which the regulation relates.
- (3) A regulation made under this Division ceases to have effect on the earliest of the following dates:
- (a) the date provided for in the regulation;
  - (b) the date on which the regulation is repealed;
  - (c) the date on which the declaration of a state of provincial emergency to which the regulation relates expires or is cancelled, unless the regulation is identified under section 62 (2) (b) [*declaration of provincial recovery period*] as a regulation that continues to have effect.

### **Retroactive application of response powers**

- 82** (1) Subject to subsection (2), the Lieutenant Governor in Council may make a regulation under this Division retroactive to a specified date.

- (2) The Lieutenant Governor in Council may not do either of the following:
  - (a) make a regulation under section 86 [*enforcement of modified enactments and authorizations*] that is retroactive;
  - (b) make a regulation retroactive to a date that is earlier than the date on which the declaration of a state of provincial emergency to which the regulation relates was made.
- (3) A regulation made retroactive under subsection (1) is deemed to have come into force on the specified date.

#### **Modifying enactments and authorizations**

- 83** The Lieutenant Governor in Council may, by regulation, do one or more of the following:
- (a) make an exemption from one or more requirements under an enactment;
  - (b) modify a requirement set under an enactment;
  - (c) establish limits on the application of an enactment;
  - (d) establish powers or duties that apply in place of or in addition to an enactment;
  - (e) establish terms and conditions in relation to anything done under paragraph (a), (b), (c) or (d);
  - (f) authorize issuers of licences, permits or other authorizations issued under enactments to modify, add or remove limits or conditions, or the term, of the licences, permits or other authorizations.

#### **Modifying time periods**

- 84** (1) In this section:
- “**statutory power of decision**” has the same meaning as in section 33 [*definitions for Part 3*];
- “**time period**” means the following:
- (a) a limitation period established under an enactment;
  - (b) a period of time, established under an enactment, within which
    - (i) a proceeding must be commenced or a process must be begun, or
    - (ii) a step must be taken in a proceeding or process.
- (2) Subject to subsection (3), the Lieutenant Governor in Council may, by regulation, do one or more of the following:
- (a) suspend the running of a time period;
  - (b) extend a time period;
  - (c) replace a time period with a different time period;

- (d) authorize a person, tribunal or other body that, under an enactment, has a statutory power of decision to waive, suspend the running of or extend a mandatory time period relating to the exercise of that power.
- (3) A time period must not be shortened by
  - (a) a regulation made under this section, or
  - (b) a person, tribunal or other body acting under the authority referred to in subsection (2) (d).
- (4) A time period extended or replaced under this section may extend beyond the date on which the declaration of a state of provincial emergency to which the regulation relates expires or is cancelled.
- (5) If the running of a time period is suspended by a regulation made under this section or by a person, tribunal or other body acting under the authority referred to in subsection (2) (d), and the regulation, person, tribunal or body does not extend or replace the suspended time period,
  - (a) the time period resumes running on the date of the expiry or cancellation of the following, whichever is later:
    - (i) the declaration of a state of provincial emergency to which the regulation relates;
    - (ii) the declaration of a provincial recovery period that followed the declaration of a state of provincial emergency, if any, and
  - (b) the period of the suspension is not to be counted for the purposes of calculating the time period.

**Modifying fee requirements**

- 85** (1) If a regulation made under this Division suspends a requirement to pay a fee and does not provide for the payment of a replacement fee, no fee is payable at any time with respect to things done during the period of the suspension.
- (2) A regulation made under this Division must not increase the amount of a fee.

**Enforcement of modified enactments and authorizations**

- 86** The Lieutenant Governor in Council may, by regulation, specify that a failure to comply with a provision of a regulation made under this Division is to be treated as though it were a failure to comply with the enactment to which that provision relates.

## **Division 6 – Lieutenant Governor in Council’s Recovery Powers**

### **When recovery powers may be exercised**

- 87** (1) The Lieutenant Governor in Council may make a regulation under this Division during the period for which a declaration of a provincial recovery period applies.
- (2) Before making a regulation under this Division, the Lieutenant Governor in Council must be satisfied that any prohibitions, requirements, limits or conditions imposed, or authorizations made, under the regulation are necessary to recover from the emergency.

### **How recovery powers may be exercised**

- 88** (1) Without limiting section 41 of the *Interpretation Act*, the Lieutenant Governor in Council may provide in a regulation made under this Division that the regulation applies
- (a) to all or part of the area of British Columbia to which a declaration of a provincial recovery period applies,
  - (b) to an area of British Columbia to which a declaration of a provincial recovery period does not apply,
  - (c) for all or part of the period for which a declaration of a provincial recovery period applies, and
  - (d) to a person or thing, or a class of persons or things, as established by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council must identify in the regulation the declaration of a provincial recovery period to which the regulation relates.
- (3) A regulation made under this Division, and a regulation or order continued under section 62 (2) (a) or (b) [*declaration of provincial recovery period*], ceases to have effect on the earliest of the following dates:
- (a) the date provided for
    - (i) in the declaration of a provincial recovery period, in the case of a regulation or order identified under section 62 (2) (a) or (b), or
    - (ii) in the regulation or order, in any case;
  - (b) the date on which the regulation is repealed or the order is rescinded;
  - (c) the date on which the declaration of a provincial recovery period to which the regulation or order relates expires or is cancelled.
- (4) A regulation or order that continues to have effect under section 62 (2) (a) or (b) may not be amended during the provincial recovery period, except that provisions of a regulation may be repealed.

**Recovery powers**

- 89** (1) The Lieutenant Governor in Council may, by regulation, do all the things that the minister may do as described under the following provisions:
- (a) section 75 [*essential matters*], other than section 75 (1) (d);
  - (b) section 76 [*land and other property*];
  - (c) section 78 [*general restrictions*].
- (2) Without limiting subsection (1) (b), the Lieutenant Governor in Council may, by regulation, prohibit the entry into any structure or onto any land, by any person and for any purpose related to
- (a) protecting the health, safety or well-being of persons, or the safety of property or of objects or sites of heritage value, or
  - (b) taking emergency measures to recover from the emergency.

**Division 7 – Consultation with Indigenous Peoples**

**Consultation, engagement and cooperation  
with Indigenous peoples**

- 90** (1) In this section, “**specified action**” means an action described in subsection (2) (a) in relation to a provision referred to in subsection (6) (a), (b) or (c) of this section.
- (2) This section applies if
- (a) the minister is intending to do any of the following in relation to a provision set out in subsection (6) of this section, as applicable:
    - (i) make an order;
    - (ii) recommend that the Lieutenant Governor in Council make a regulation;
    - (iii) take any other action, and
  - (b) the order, regulation or other action will affect an area, or the people in an area, that is
    - (i) within Nisga’a Lands or treaty lands of a treaty first nation, or
    - (ii) described for the purposes of this section in one or more of the following:
      - (A) an emergency management plan referred to in section 39 (1) (b) [*emergency management planning and information*];
      - (B) an agreement made under this Act with an Indigenous governing body.

- (3) Subject to subsection (5), the minister must, before taking an action described in subsection (2) (a) and (b), do all of the following, as applicable:
- (a) in the case of an action that will affect an area, or the people in an area, that is referred to in subsection (2) (b) (ii), consult and cooperate, in accordance with the regulations, if any, with the Indigenous governing body that is specified in the emergency management plan or agreement, as applicable, in relation to the area;
  - (b) give notice to the Nisga'a Nation or treaty first nation, or an Indigenous governing body consulted in accordance with paragraph (a), as applicable, of the details of the intended action and, if applicable, of any arrangements the minister intends to make under section 77 (2) [*evacuations and removals*] with respect to evacuated individuals;
  - (c) consider
    - (i) any comments received from the Nisga'a Nation or treaty first nation or an Indigenous governing body consulted in accordance with paragraph (a), and
    - (ii) the rights of the Indigenous peoples on whose behalf the Nisga'a Nation, treaty first nation or Indigenous governing body referred to in subparagraph (i) of this paragraph acts.
- (4) The minister must not take an action described in subsection (2) (a) that will affect an area, or the people in an area, that is referred to in subsection (2) (b) (i) unless the Nisga'a Nation or treaty first nation, as applicable, consents to the action being taken.
- (5) If, in the opinion of the minister, it would not be practicable to comply with subsection (3) (a), (b) or (c), or to seek to obtain consent under subsection (4), in relation to a specified action due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property,
- (a) the requirements of that provision do not apply, and
  - (b) the minister must, as soon as reasonably practicable after taking the action, do all of the following, as applicable:
    - (i) in the case of subsection (3) (a), engage and cooperate, in accordance with the regulations, if any, with the Indigenous governing body referred to in that subsection;
    - (ii) in the case of subsection (3) (b), give to the Nisga'a Nation or treaty first nation, or an Indigenous governing body engaged in accordance with subparagraph (i) of this paragraph, as applicable, notice of the details of the action taken and, if applicable, of any arrangements the minister made or intends to make under section 77 (2) with respect to evacuated individuals;

- (iii) in the case of subsection (3) (c), consider
  - (A) any comments received from the Nisga'a Nation or treaty first nation or an Indigenous governing body engaged in accordance with subparagraph (i) of this paragraph, and
  - (B) the rights of the Indigenous peoples on whose behalf the Nisga'a Nation, treaty first nation or Indigenous governing body referred to in clause (A) acts.
- (6) For the purposes of subsection (2) (a), the following provisions are set out:
  - (a) section 76 (1) (a), (b), (c), (d), (e) and (f) [*land and other property*];
  - (b) section 77 (1) or (2);
  - (c) section 78 (1) (a) [*general restrictions*];
  - (d) section 89 (1) (b) and (c) [*recovery powers*], to the extent that provision authorizes the Lieutenant Governor in Council to do things the minister may do under a provision referred to in paragraph (a) or (c) of this subsection;
  - (e) section 89 (2).
- (7) This section applies to the provincial administrator in relation to an exercise of power under section 77 (3) as if the provincial administrator were the minister.

## **Division 8 – Reporting Requirements**

### **Definition**

**91** In this Division, “**business day**” means a day other than a Saturday or a holiday.

### **Report on exercise of response or recovery powers**

- 92** (1) The minister must, within 5 business days from the date on which a response power or a recovery power is exercised by the minister or the Lieutenant Governor in Council, do both of the following:
- (a) submit a report to the Speaker of the Legislative Assembly on the exercise of the power;
  - (b) include with the report a copy of the relevant regulation or order.
- (2) If the minister, under section 90 (5) [*consultation, engagement and cooperation with Indigenous peoples*], was of the opinion that it was not practicable to comply with subsection (3) (a), (b) or (c) of that section, or to seek to obtain consent under subsection (4) of that section, the report under subsection (1) of this section must include the reasons for the minister’s opinion.

**Final report**

- 93** (1) The provincial administrator must prepare a report with respect to a declaration of a state of provincial emergency and, if applicable, with respect to a declaration of a provincial recovery period, that summarizes all of the following:
- (a) the nature of the emergency;
  - (b) the response powers and recovery powers exercised with respect to the emergency;
  - (c) any other matter as required by the minister and the regulations.
- (2) The provincial administrator must provide the report to the minister within 120 days of the expiry or cancellation of the following, whichever is later:
- (a) the declaration of a state of provincial emergency to which the report relates;
  - (b) the declaration of a provincial recovery period that followed the declaration of a state of provincial emergency, if any.
- (3) The minister must, within 5 business days of receiving the report, submit a copy of the report to the Speaker of the Legislative Assembly.

**Report to Legislative Assembly**

- 94** (1) If there is no Speaker of the Legislative Assembly,
- (a) the minister must submit a report made under this Division to the Clerk of the Legislative Assembly, and
  - (b) the Clerk must provide the report to the Speaker as soon as possible after the Speaker's election.
- (2) The Speaker of the Legislative Assembly must, on receiving a report under this Division, table the report in the Legislative Assembly as soon as possible.

**PART 6 – LOCAL AUTHORITY RESPONSE  
AND RECOVERY PHASES**

**Division 1 – Response Phase**

**Declaration of state of local emergency**

- 95** (1) A declaration of a state of local emergency relating to all or part of the area within a local authority's jurisdiction may be made, by emergency instrument, by the following:
- (a) the local authority, if the local authority is satisfied that an emergency is present;

- (b) the head of the local authority, if the head
  - (i) is satisfied that an emergency is present, and
  - (ii) has used reasonable efforts to obtain the consent, to the declaration, of the other governing members of the local authority.
- (2) A declaration of a state of local emergency must identify the nature of the emergency and the area to which the declaration applies.
- (3) As soon as reasonably practicable after a declaration is made under this section, the local authority must
  - (a) give a copy of the declaration to the minister, and
  - (b) publish the declaration.

**Amendment or extension of declaration**

- 96** (1) Subject to this section, a local authority may, by emergency instrument, do one or both of the following:
- (a) amend an emergency instrument that makes a declaration of a state of local emergency with respect to the nature of the emergency or the area to which the declaration relates, or both;
  - (b) extend the period for which a declaration of a state of local emergency applies for additional periods of not more than 14 days each.
- (2) A local authority, other than the Nisga'a Nation or a treaty first nation, must not make an emergency instrument under subsection (1) unless, before the instrument is made,
- (a) in the case of a proposed extension, the local authority gives notice to the minister of the types of response powers the local authority proposes to exercise during the proposed extension,
  - (b) the local authority gives to the minister a summary of any consultation or engagement undertaken in accordance with section 120 (3) or (5) [*consultation, engagement and cooperation with Indigenous peoples*], as applicable, in relation to an action referred to in that section, which action is in respect of the declaration of a state of local emergency referred to in subsection (1) of this section, including any comments received from the Nisga'a Nation, a treaty first nation or an Indigenous governing body, as applicable, and
  - (c) the minister approves, in writing, the proposed amendment or extension.
- (3) The head of a local authority, other than the Nisga'a Nation or a treaty first nation, must not make an emergency instrument under subsection (1) unless the head of the local authority, before making the emergency instrument, makes reasonable efforts to obtain the consent of the other governing members of the local authority.

- (4) An emergency instrument made under subsection (1) (a) to amend an emergency instrument that makes a declaration of a state of local emergency does not extend or otherwise affect the period for which the declaration applies.
- (5) An emergency instrument made under subsection (1) to amend an emergency instrument that makes a declaration or to extend the period for which a declaration applies must
  - (a) specify the date of the original declaration and of each previous amendment or extension, if any, and
  - (b) in the case of an extension of the period for which the declaration applies, specify the period of the extension.
- (6) As soon as reasonably practicable after an emergency instrument is made under this section, the local authority must
  - (a) give notice to the minister, and
  - (b) publish the amendment or extension.

**Expiry or cancellation of declaration**

- 97**
- (1) Unless extended under section 96, a declaration of a state of local emergency expires 14 days after being made.
  - (2) If, in the opinion of the local authority, the emergency to which a declaration of a state of local emergency relates is no longer present in an area, the local authority must, by emergency instrument, cancel the declaration with respect to the area.
  - (3) The minister may, by order, cancel at any time a declaration of a state of local emergency made by a local authority, or the head of a local authority, other than the Nisga'a Nation or a treaty first nation.
  - (4) A declaration of a state of local emergency is cancelled with respect to any area to which a declaration of a local recovery period, made in relation to the declaration of a state of local emergency, applies.
  - (5) As soon as reasonably practicable after a declaration of a state of local emergency expires or is cancelled, the local authority must
    - (a) give notice to the minister, and
    - (b) publish the expiry or cancellation.

## Division 2 – Recovery Phase

### Declaration of local recovery period

- 98** (1) Subject to this section, a local authority may, by emergency instrument, make a declaration of a local recovery period.
- (2) A local authority, other than the Nisga’a Nation or a treaty first nation, must not make a declaration under subsection (1) unless, before the declaration is made,
- (a) the local authority gives to the minister
    - (i) notice of
      - (A) the types of recovery powers the local authority proposes to exercise during the local recovery period, and
      - (B) the emergency instruments referred to in subsection (4), if any, the local authority proposes would continue to have effect during all or part of the local recovery period, and
    - (ii) a summary of any consultation or engagement undertaken in accordance with section 120 (3) or (5) [*consultation, engagement and cooperation with Indigenous peoples*], as applicable, in relation to an action referred to in that section, which action is in respect of the original declaration of a state of local emergency, including any comments received from the Nisga’a Nation, a treaty first nation or an Indigenous governing body, as applicable, and
  - (b) the minister approves, in writing, all of the following:
    - (i) the area to which the declaration applies;
    - (ii) the emergency instruments referred to in subsection (4) that continue to have effect, if any, during all or part of the local recovery period.
- (3) The minister may give the approval referred to in subsection (2) (b) (i) if the minister is satisfied of both of the following:
- (a) that the nature or scope of the emergency that is the subject of the declaration of a state of local emergency has subsided sufficiently in an area that it is appropriate to transition the taking of emergency measures in that area from the response phase to the recovery phase;
  - (b) that the exercise in that area of one or more recovery powers is necessary for the area to recover from the emergency.

- (4) For the purposes of subsection (2) (b) (ii), the minister may approve an emergency instrument made under any of the following provisions to continue to have effect during the local recovery period if the minister is satisfied that a continuation is necessary to recover from the emergency:
  - (a) section 107 (1) (a) [*response powers*], to the extent that provision authorizes the local authority to do things the minister may do under section 75 (1) [*essential matters*], other than section 75 (1) (d);
  - (b) section 107 (1) (b) and (d);
  - (c) section 110 [*response borrowing*].
- (5) The minister may impose prohibitions, requirements, limits or conditions on giving an approval under subsection (2) (b).
- (6) A declaration of a local recovery period must specify all of the following:
  - (a) the instrument number and date of the original declaration of a state of local emergency and of each amendment and extension, if any;
  - (b) the period for which the declaration of a local recovery period applies if that period is less than 90 days;
  - (c) the area to which the declaration of a local recovery period applies;
  - (d) in the case of a declaration made by a local authority, other than the Nisga'a Nation or a treaty first nation,
    - (i) the emergency instruments referred to in subsections (4) and (8) that continue to have effect, if any, during all or part of the local recovery period, and
    - (ii) any prohibitions, requirements, limits or conditions imposed by the minister under subsection (5), if applicable.
- (7) If the minister approves a bylaw adopted under section 110 to continue to have effect during the local recovery period, money may be borrowed under the bylaw to pay expenses incurred in responding to or recovering from the emergency to which the declaration relates.
- (8) Unless repealed, a regulation made under section 113 [*response powers*] continues to have effect during the local recovery period.
- (9) As soon as reasonably practicable after a declaration is made under subsection (1), the local authority must
  - (a) give a copy of the declaration to the minister, and
  - (b) publish the declaration.

**Amendment or extension of declaration**

- 99** (1) Subject to subsection (2), a local authority may, by emergency instrument, do one or both of the following:
- (a) amend an emergency instrument that makes a declaration of a local recovery period with respect to the area to which the declaration applies or the recovery powers that may be exercised under the declaration, or both;
  - (b) extend the period for which a declaration of a local recovery period applies for additional periods of not more than 90 days each.
- (2) A local authority, other than the Nisga’a Nation or a treaty first nation, must not make an emergency instrument under subsection (1) unless, before the instrument is made,
- (a) the local authority gives to the minister a summary of any consultation or engagement undertaken in accordance with section 120 (3) or (5) [*consultation, engagement and cooperation with Indigenous peoples*], as applicable, in relation to an action referred to in that section, which action is in respect of the declaration of a local recovery period referred to in subsection (1) of this section, including any comments received from the Nisga’a Nation, a treaty first nation or an Indigenous governing body, as applicable, and
  - (b) the minister approves, in writing, the proposed amendment or extension.
- (3) An emergency instrument made under subsection (1) (a) to amend an emergency instrument that makes a declaration does not extend or otherwise affect the period for which the declaration applies.
- (4) An emergency instrument made under subsection (1) to amend an emergency instrument that makes a declaration or to extend the period for which a declaration applies must specify all of the following, as applicable:
- (a) the date of the original declaration of a local recovery period and of each previous amendment or extension, if any;
  - (b) in the case of an extension of the period for which the declaration applies, the period of the extension;
  - (c) the matters referred to in section 98 (6) (c) and (d) [*declaration of local recovery period*], as applicable, that apply in relation to the declaration as amended or extended.
- (5) Section 96 (6) [*amendment or extension of declaration*] applies in relation to an emergency instrument made under this section.

**Expiry or cancellation of declaration**

- 100** (1) Unless extended under section 99, a declaration of a local recovery period expires 90 days after being made or at the end of the period specified in the declaration, whichever is earlier.

- (2) A local authority must, by emergency instrument, cancel a declaration of a local recovery period with respect to any area
  - (a) in which, in the local authority’s opinion, the exercise of recovery powers is no longer necessary for the area to recover from the emergency to which the declaration relates, or
  - (b) in relation to which a new declaration of a state of local emergency has been made in response to an emergency that is related to the original emergency to which the declaration of a local recovery period relates.
- (3) A cancellation under subsection (2) (b) must be made as soon as reasonably practicable after the new declaration of a state of local emergency is made.
- (4) Section 97 (3) and (5) [*expiry or cancellation of declaration*] applies in relation to a declaration of a local recovery period.

### **Division 3 – General Powers and Duties**

#### **When general powers and duties apply**

- 101** (1) A local authority may exercise a power and must perform a duty under this Division whether or not a declaration of a state of provincial emergency or a declaration of a state of local emergency has been made.
- (2) The minister may make an order under section 104 [*restrictions on exercising powers*] during the period for which a declaration of a state of local emergency or a declaration of a local recovery period applies.

#### **Local authority must consider emergency management plan**

- 102** Before taking any action for the purpose of responding to or recovering from an emergency, the local authority must consider the local authority’s emergency management plan.

#### **Coordination of response and recovery efforts**

- 103** For the purpose of responding to or recovering from an emergency in an area within a local authority’s jurisdiction, the local authority
  - (a) must coordinate actions in the area or, if another person is responsible for coordinating particular actions in the area, assist the other person in coordinating actions in that area,
  - (b) may, for the purposes of paragraph (a), give directions to members of the local authority’s emergency management organization, and
  - (c) may give advice and assistance to any person.

**Restrictions on exercising powers**

- 104** (1) Before making an order under this section, the minister must be satisfied that the order is necessary for one or both of the following purposes:
- (a) to coordinate the exercise of response powers or recovery powers;
  - (b) to provide certainty to persons affected by the exercise of response powers or recovery powers.
- (2) The minister may, by order, do any of the following:
- (a) require a local authority, other than the Nisga'a Nation or a treaty first nation, to refrain from or stop exercising one or more response powers or recovery powers;
  - (b) require a participating authority exercising response powers or recovery powers under an emergency measures agreement to refrain from or stop exercising one or more of the response powers or recovery powers;
  - (c) set limits or conditions on the exercise, by a local authority or participating authority referred to in paragraph (a) or (b), of one or more response powers or recovery powers.
- (3) Immediately on making an order under this section, the minister must notify the local authority or participating authority, or its head, of the details of the order.
- (4) The minister
- (a) may make an order under this section orally or in writing, and
  - (b) as soon as reasonably practicable after making an order orally, must reduce the order to writing.

**Division 4 – Local Authority's Response Powers**

**When response powers may be exercised**

- 105** (1) A local authority may make an emergency instrument under this Division during the period for which a declaration of a state of local emergency applies, except as permitted under section 110 [*response borrowing*].
- (2) Before making an emergency instrument under this Division, a local authority must be satisfied that any prohibitions, requirements, limits or conditions imposed, or authorizations made, under the emergency instrument are necessary to respond to the emergency.

**How response powers may be exercised**

- 106** (1) A local authority may make an emergency instrument under this Division
- (a) in writing, or
  - (b) orally, if the emergency instrument is an order made by an individual.

- (2) A local authority may provide in an emergency instrument made under this Division that the instrument applies
  - (a) to all or part of the area to which a declaration of a state of local emergency applies,
  - (b) for all or part of the period for which a declaration of a state of local emergency applies, and
  - (c) to a person or thing, or a class of persons or things, as established by the local authority.
- (3) A local authority must, if applicable, identify in an emergency instrument the declaration of a state of local emergency to which the emergency instrument relates.
- (4) As soon as reasonably practicable after a local authority makes an emergency instrument under this Division, the local authority must
  - (a) in the case of an emergency instrument made orally, reduce the emergency instrument to writing and publish the emergency instrument, and
  - (b) in the case of an emergency instrument made in writing, publish the emergency instrument.
- (5) Subject to section 110 [*response borrowing*], an emergency instrument made under this Division ceases to have effect on the earliest of the following dates:
  - (a) the date provided for in the emergency instrument;
  - (b) the date on which the local authority rescinds or repeals the emergency instrument;
  - (c) the date on which the declaration of a state of local emergency to which the emergency instrument relates expires or is cancelled, unless the emergency instrument is approved under section 98 (4) [*declaration of local recovery period*] as an emergency instrument that continues to have effect.
- (6) For certainty, the powers of a local authority, other than the Nisga'a Nation or a treaty first nation, under this Division are subject to any
  - (a) prescribed prohibitions, requirements, limits or conditions, and
  - (b) orders made under section 104 (2) [*restrictions on exercising powers*].

**Response powers**

- 107** (1) For the purposes of this Division, a local authority may, by emergency instrument, do all the things that the minister may do as described under the following provisions:
- (a) section 75 [*essential matters*], other than section 75 (1) (b) (iv);
  - (b) section 76 (1) [*land and other property*];

- (c) section 77 (1) or (2) [*evacuations and removals*];
  - (d) section 78 [*general restrictions*].
- (2) The exception in subsection (1) (a) does not apply in relation to the Nisga'a Nation or a treaty first nation.

**Consultation and coordination before evacuation and re-entry**

- 108** (1) This section applies if
- (a) a local authority is intending to do any of the following:
    - (i) make an emergency instrument under section 107 (1) (c) requiring persons to evacuate an area;
    - (ii) issue a warning that the evacuation of an area may be required;
    - (iii) permit evacuated persons to return to an evacuated area, and
  - (b) the area that will be affected by the evacuation, warning or permission is adjacent to an area that is within the jurisdiction of another local authority, other than the Nisga'a Nation or a treaty first nation.
- (2) Subject to subsection (3), a local authority must, before taking an action described in subsection (1) (a), do all of the following, as applicable:
- (a) consult and coordinate, in accordance with the regulations, if any, with the other local authority in whose jurisdiction the area referred to in subsection (1) (b) is located;
  - (b) give to a local authority consulted in accordance with paragraph (a) notice of the details of the intended action and, if applicable, of any arrangements the local authority intends to make under section 107 (1) (c) with respect to evacuated persons;
  - (c) consider any comments received from a local authority consulted in accordance with paragraph (a);
  - (d) coordinate with a local authority consulted in accordance with paragraph (a) in respect of
    - (i) the prohibitions, requirements, limits and conditions that apply to the evacuation and re-entry, and
    - (ii) the form, content and timing of any warnings.
- (3) If, in the opinion of the head of the local authority, it would not be practicable to comply with subsection (2) (a), (b), (c) or (d) due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property,
- (a) the requirements of that provision do not apply, and

- (b) in the case of subsection (2) (b), the local authority must, as soon as reasonably practicable after taking the action referred to in subsection (1) (a), give notice to the other local authority in whose jurisdiction the area referred to in subsection (1) (b) is located of the details of the action taken and, if applicable, of any arrangements the local authority made or intends to make under section 107 (1) (c) with respect to evacuated persons.

**General power of Nisga'a Nation and  
treaty first nations to do all things necessary**

- 109**
- (1) The head of the Nisga'a Nation or of a treaty first nation may, by emergency instrument, do all acts and implement all procedures that the head of the Nisga'a Nation or treaty first nation is satisfied are necessary to respond to an emergency.
  - (2) For certainty, nothing in this Division is intended to limit the power conferred under subsection (1) of this section.

**Response borrowing**

- 110**
- (1) A municipality or regional district may adopt a bylaw to borrow money to pay expenses incurred in responding to an emergency in an area within the jurisdiction of the municipality or regional district.
  - (2) A municipality or regional district may adopt a bylaw under this section no later than 60 days after the latest date on which
    - (a) the municipality or regional district makes a declaration of, or extends the period of, a state of local emergency in relation to the emergency, or
    - (b) the Lieutenant Governor in Council or the minister makes a declaration of, or the Lieutenant Governor in Council extends the period of, a state of provincial emergency in relation to the emergency.
  - (3) Despite subsection (2), a municipality or regional district may adopt a bylaw under this section later than the period referred to in that subsection if the provincial administrator extends that period or grants an exception to that period.
  - (4) Despite anything to the contrary in the *Community Charter*, the *Local Government Act* or the *Vancouver Charter*,
    - (a) the borrowing of money under a bylaw adopted under this section need not be of a capital nature, and
    - (b) the approval of the electors is not required to adopt the bylaw referred to in paragraph (a).

- (5) A bylaw adopted under this section has no effect until the bylaw is approved by the minister responsible for the administration of the *Community Charter* and by the inspector of municipalities, appointed under the *Local Government Act*.
- (6) Subsection (5) does not apply to the City of Vancouver.

### **Division 5 – Lieutenant Governor in Council’s Response Powers**

#### **When response powers may be exercised**

- 111** (1) The Lieutenant Governor in Council may make a regulation under this Division during the period for which a declaration of a state of local emergency applies.
- (2) The Lieutenant Governor in Council may not make a regulation under this Division in relation to a declaration of a state of local emergency made by the Nisga’a Nation or a treaty first nation, or the head of the Nisga’a Nation or of a treaty first nation, unless the Nisga’a Nation or treaty first nation consents to the regulation being made.

#### **How response powers may be exercised**

- 112** (1) The Lieutenant Governor in Council may make a regulation under this Division after consulting with a local authority that has made an emergency instrument declaring a state of local emergency.
- (2) A regulation made under this Division ceases to have effect on the earliest of the following dates:
  - (a) the date provided for in the regulation;
  - (b) the date on which the regulation is repealed;
  - (c) the date on which the declaration of a state of local emergency to which the regulation relates expires or is cancelled, unless the regulation is approved under section 98 (4) [*declaration of local recovery period*] as a regulation that continues to have effect.

#### **Response powers**

- 113** For the purposes of this Division, the Lieutenant Governor in Council may make regulations as described under the following provisions:
  - (a) section 83 [*modifying enactments and authorizations*];
  - (b) section 84 [*modifying time periods*];
  - (c) section 85 [*modifying fee requirements*];
  - (d) section 86 [*enforcement of modified enactments and authorizations*].

**Application of other provisions**

- 114** (1) The following provisions apply in relation to a regulation made under this Division:
- (a) section 80 (2) [*when response powers may be exercised*];
  - (b) section 81 (1) and (2) [*how response powers may be exercised*];
  - (c) section 82 [*retroactive application of response powers*].
- (2) Section 84 (3), (4) and (5) [*modifying time periods*] applies in relation to a time period suspended, extended or replaced, as applicable, by a regulation made under section 113 (b).

**References for interpretive purposes**

- 115** For the purposes of a provision that applies under this Division, a reference to a declaration of a state of provincial emergency must be read as a reference to a declaration of a state of local emergency.

**Division 6 – Local Authority’s Recovery Powers**

**When recovery powers may be exercised**

- 116** (1) A local authority may make an emergency instrument under this Division during the period for which a declaration of a local recovery period applies, except as permitted under section 119 [*recovery borrowing*].
- (2) Before making an emergency instrument under this Division, a local authority must be satisfied that any prohibitions, requirements, limits or conditions imposed, or authorizations made, under the emergency instrument are necessary to recover from the emergency.

**How recovery powers may be exercised**

- 117** (1) Section 106 (2), (3) and (6) [*how response powers may be exercised*] applies in relation to an emergency instrument made under this Division.
- (2) Subject to section 119, an emergency instrument made under this Division ceases to have effect on the earliest of the following dates:
- (a) the date provided for
    - (i) in a declaration of a provincial recovery period, in the case of an emergency instrument approved under section 98 (4) [*declaration of local recovery period*], or
    - (ii) in the emergency instrument, in any case;
  - (b) the date on which the emergency instrument is repealed or rescinded;
  - (c) the date on which the declaration of a local recovery period to which the emergency instrument relates expires or is cancelled.

- (3) As soon as reasonably practicable after an emergency instrument is made under this Division, the local authority must
  - (a) give notice to the minister, and
  - (b) publish the emergency instrument.

#### **Recovery powers**

- 118** (1) For the purposes of this Division, a local authority may, by emergency instrument, do all the things that the minister may do as described under the following provisions:
- (a) section 75 (1) [*essential matters*], other than section 75 (1) (b) (iv) or (d);
  - (b) section 76 (1) [*land and other property*];
  - (c) section 78 [*general restrictions*].
- (2) Without limiting subsection (1) (b), a local authority may, by emergency instrument, prohibit the entry into any structure or onto any land, by any person and for any purpose related to
- (a) protecting the health, safety or well-being of persons, or the safety of property or of objects or sites of heritage value, or
  - (b) taking emergency measures to recover from the emergency.

#### **Recovery borrowing**

- 119** (1) A municipality or regional district may adopt a bylaw to borrow money to pay expenses incurred in recovering from an emergency in an area within the jurisdiction of the municipality or regional district.
- (2) A municipality or regional district may adopt a bylaw under this section no later than 90 days after the latest date on which
- (a) the municipality or regional district declares or extends the period of a declaration of a local recovery period in relation to the emergency, or
  - (b) the Lieutenant Governor in Council declares or extends the period of a declaration of a provincial recovery period in relation to the emergency.
- (3) Section 110 (3), (4), (5) and (6) [*response borrowing*] applies in relation to a bylaw adopted under this section.
- (4) A bylaw made under section 110 that continues to have effect under section 98 (4) [*declaration of local recovery period*] or that is adopted under this section may not be amended after the 90-day period referred to in subsection (2) of this section, except that provisions of the bylaw may be repealed.

## Division 7 – Consultation with Indigenous Peoples

### Consultation, engagement and cooperation with Indigenous peoples

- 120** (1) In this section, “**specified action**” means an action described in subsection (2) (a) (i) in relation to a provision set out in subsection (6) (a) or (b) of this section.
- (2) This section applies if
- (a) a local authority, other than the Nisga’a Nation or a treaty first nation, is intending to do any of the following:
    - (i) make an emergency instrument or take any other action under a provision set out in subsection (6) of this section, as applicable;
    - (ii) issue a warning that the evacuation of an area may be required;
    - (iii) permit evacuated persons to return to an evacuated area, and
  - (b) the emergency instrument or action, warning or permission will affect an area, or the people in an area, that is
    - (i) within Nisga’a Lands or treaty lands of a treaty first nation,
    - (ii) described for the purposes of this section in one or more of the following:
      - (A) the local authority’s emergency management plan;
      - (B) an agreement made under this Act with an Indigenous governing body, or
    - (iii) if the local authority was unable to reach agreement with an Indigenous governing body under section 55 (1) (e) [*consultation and cooperation with Indigenous peoples*], described for the purposes of section 90 [*consultation, engagement and cooperation with Indigenous peoples*] in an emergency management plan referred to in section 39 (1) (b) [*emergency management planning and information*] for that Indigenous governing body.
- (3) Subject to subsection (5), the local authority must, before the local authority takes an action described in subsection (2) (a) and (b), do all of the following, as applicable:
- (a) in the case of an action that will affect an area, or the people in an area, that is referred to in subsection (2) (b) (ii) or (iii), consult and cooperate, in accordance with the regulations, if any, with the Indigenous governing body that is specified in the plan or agreement, as applicable, in relation to the area;

- (b) give to the Nisga'a Nation or treaty first nation, or an Indigenous governing body consulted in accordance with paragraph (a) of this subsection, as applicable, notice of the details of the intended action and, if applicable, of any arrangements the local authority intends to make under section 107 (1) (c) [*response powers*] with respect to evacuated individuals;
- (c) consider
  - (i) any comments received from the Nisga'a Nation or treaty first nation or an Indigenous governing body consulted in accordance with paragraph (a), and
  - (ii) the rights of the Indigenous peoples on whose behalf the Nisga'a Nation, treaty first nation or Indigenous governing body referred to in subparagraph (i) of this paragraph acts.
- (4) The local authority must not take an action described in subsection (2) (a) that will affect an area, or the people in an area, that is referred to in subsection (2) (b) (i) unless the Nisga'a Nation or treaty first nation, as applicable, consents to the action being taken.
- (5) If, in the opinion of the head of the local authority, it would not be practicable to comply with subsection (3) (a), (b) or (c), or to seek to obtain consent under subsection (4), in relation to a specified action due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property,
  - (a) the requirements of that provision do not apply, and
  - (b) the local authority must, as soon as reasonably practicable after taking the specified action, do all of the following, as applicable:
    - (i) in the case of subsection (3) (a), engage and cooperate, in accordance with the regulations, if any, with the Indigenous governing body referred to in that subsection;
    - (ii) in the case of subsection (3) (b), give to the Nisga'a Nation or treaty first nation, or an Indigenous governing body engaged under subparagraph (i) of this paragraph, as applicable, notice of the details of the action taken and, if applicable, of any arrangements the local authority made or intends to make under section 107 (1) (c) with respect to evacuated persons;
    - (iii) in the case of subsection (3) (c), consider
      - (A) any comments received from the Nisga'a Nation or treaty first nation or an Indigenous governing body engaged under subparagraph (i) of this paragraph, and
      - (B) the rights of the Indigenous peoples on whose behalf the Nisga'a Nation, treaty first nation or Indigenous governing body referred to in clause (A) acts.

- (6) For the purposes of this section, the following provisions are set out:
- (a) sections 107 (1) (b) and 118 (1) (b) [*recovery powers*], to the extent those provisions authorize the local authority to do things the minister may do under section 76 (1) (a), (b), (c), (d), (e) and (f) [*land and other property*];
  - (b) section 107 (1) (c);
  - (c) sections 107 (1) (d) and 118 (1) (c), to the extent those provisions authorize the local authority to do things the minister may do under section 78 (1) (a) [*general restrictions*];
  - (d) section 118 (2).

### **Division 8 – Reporting Requirements**

#### **Final report**

- 121** (1) A local authority, other than the Nisga'a Nation or a treaty first nation, must prepare a report with respect to a declaration of a state of local emergency and, if applicable, a declaration of a local recovery period, by the local authority that summarizes all of the following:
- (a) the nature of the emergency;
  - (b) the response powers and recovery powers exercised with respect to the emergency;
  - (c) if the head of the local authority, under section 120 (5), was of the opinion that it was not practicable to comply with subsection (3) (a), (b) or (c) of that section, or to seek to obtain consent under subsection (4) of that section, the reasons for the head of the local authority's opinion;
  - (d) any other matter as required by the minister and the regulations.
- (2) The local authority must provide a copy of the report to the provincial administrator
- (a) in the form and manner required by the provincial administrator, and
  - (b) within 120 days of the expiry or cancellation of the following, whichever is later:
    - (i) the declaration of a state of local emergency to which the report relates;
    - (ii) the declaration of a local recovery period, if any, that followed the declaration of a state of local emergency to which the report relates.
- (3) If required by the regulations, the local authority must publish the report in accordance with the regulations.

- (4) The minister may request the Nisga'a Nation or a treaty first nation to prepare a report described in subsection (1) in relation to a declaration of a state of local emergency and, if applicable, a declaration of a local recovery period, by the Nisga'a Nation or treaty first nation.

## PART 7 – COMPENSATION AND FINANCIAL ASSISTANCE

### Division 1 – Compensation for Exercise of Response or Recovery Power

#### Definitions

**122** In this Division:

“**claimant**” means a person who makes a claim for compensation under this Division in accordance with section 126 [*claiming compensation*];

“**specified date**”, in relation to an area in which property that is the subject of a claim for compensation is located, means the latest of the following dates that applies:

- (a) the date on which a declaration of a state of provincial emergency or a declaration of a state of local emergency made with respect to the area, or the last extension of that declaration, if any, is cancelled or expires;
- (b) if a declaration of a provincial recovery period or a declaration of a local recovery period is made with respect to the area, the date on which that declaration, or the last extension of it, if any, is cancelled or expires.

#### Persons entitled to compensation

**123** (1) Subject to this Division and the regulations, a person is entitled to compensation for loss of or damage to property if all of the following conditions are met:

- (a) the loss of or damage to the property was caused by the exercise of a power under any of the following provisions:
  - (i) section 76 (1) (a), (b), (c), (d), (e) or (f) [*land and other property*] or 89 (1) (b) [*recovery powers*];
  - (ii) sections 107 (1) (b) [*response powers*] or 118 (1) (b) [*recovery powers*], to the extent those provisions authorize things the minister may do under section 76 (1) (a), (b), (c), (d), (e) or (f);
- (b) the person owned the property at the time the loss or damage was caused.

(2) A person is entitled to claim compensation under subsection (1) from

- (a) the government, if the minister or the Lieutenant Governor in Council exercised the power,
- (b) a local authority, if the local authority exercised the power, or

- (c) a participating authority, if the participating authority exercised the power under an emergency measures agreement.

**Persons not entitled to compensation**

- 124** (1) A person is not entitled to compensation under this Division if the loss or damage has a value of less than a prescribed amount.
- (2) A person is not entitled to compensation under this Division in prescribed circumstances.

**Amount of compensation**

- 125** (1) Subject to subsection (2), the amount of compensation to which a person is entitled under this Division is the least of the following amounts:
- (a) the prescribed amount, if any;
  - (b) the amount required to repair the property that is the subject of the claim to the property's condition as it was immediately before the loss or damage was caused;
  - (c) the amount required to replace the property that is the subject of the claim with property that is of similar nature, value and quality to that of the property as it was immediately before the loss or damage was caused.
- (2) The amount of compensation to which a person is entitled under this Division does not include an amount equal to any amount of compensation for the loss or damage that is paid or payable, to any person, in prescribed circumstances or under any of the following:
- (a) Division 3 [*Financial Assistance*] of this Part;
  - (b) another enactment of British Columbia or an enactment of Canada;
  - (c) an agreement, including a contract of insurance;
  - (d) a settlement of or judgment in legal proceedings.
- (3) The value of property and the amounts referred to in subsections (1) (b) and (c) and (2) must be determined in accordance with the regulations, if any.

**Claiming compensation**

- 126** To claim compensation under this Division, a person must do all of the following:
- (a) make the claim in writing;
  - (b) include with the claim
    - (i) a written assessment of the loss or damage, prepared by the claimant's insurer or by another person who is qualified to perform assessments and is independent of the claimant, and
    - (ii) the information or records required by the regulations, if any;

- (c) submit the claim
  - (i) in the form and manner required by the government, local authority or participating authority, as applicable, and
  - (ii) no later than 60 days after the specified date in relation to the area in which the property that is the subject of the claim is located.

**If claim for compensation made**

- 127**
- (1) On receiving a claim made in accordance with section 126, the government, local authority or participating authority, as applicable, must
    - (a) determine, in accordance with this Division and the regulations, whether the claimant is entitled to compensation under this Division, and
    - (b) if the claimant is entitled to compensation, either
      - (i) offer to the claimant an amount as compensation, or
      - (ii) designate an adjuster to determine the amount of compensation to which the claimant is entitled.
  - (2) On making a determination respecting compensation, the government, local authority or participating authority must notify the claimant as follows:
    - (a) the notice must be in writing;
    - (b) the notice must include all of the following:
      - (i) a statement of whether the claimant is entitled to compensation and, if so, an offer of an amount as compensation or details of the designation of an adjuster, as applicable;
      - (ii) the reasons for the determination.
  - (3) The government, local authority or participating authority must make the determination respecting compensation no later than 90 days after the latest of the following:
    - (a) the specified date in relation to the area in which the property that is the subject of the claim is located;
    - (b) the date the claim was received.
  - (4) If an offer was made under subsection (1) (b) (i) and the amount offered was refused within the time stated in the offer, the government, local authority or participating authority must designate an adjuster no later than 60 days after the date on which the offer was refused.

**If adjuster designated**

- 128**
- (1) If an adjuster is designated under section 127, the adjuster must
    - (a) determine, in accordance with this Division and the regulations, the amount of compensation to which the claimant is entitled,

- (b) notify the claimant, in writing,
    - (i) of the determination and the reasons for it, and
    - (ii) that the determination may be disputed before an arbitrator, and
  - (c) notify the government, local authority or participating authority, as applicable, of the determination and whether the claimant accepts the determination.
- (2) If the claimant or the government, local authority or participating authority disputes the adjuster's determination, the government, local authority or participating authority, as applicable, must initiate arbitration no later than 60 days after the date on which it was notified of the determination.
  - (3) The *Arbitration Act* applies to an arbitration under subsection (2), except that an arbitral tribunal may be composed of only one arbitrator.
  - (4) An adjuster, other than a person appointed under the *Public Service Act*, may be remunerated, in accordance with the regulations, if any, for performing duties under this section.

#### **Paying compensation**

- 129** If a claimant is entitled to compensation under this Division, the government, local authority or participating authority, as applicable, must promptly pay to the claimant whichever of the following amounts applies:
- (a) the amount the claimant accepted under an offer or after a determination by an adjuster under section 128;
  - (b) the amount determined on arbitration.

### **Division 2 – Compensation for Taking Emergency Measure**

#### **Discretionary compensation**

- 130** (1) The government may pay compensation to a person for loss of or damage to property as a result of taking an emergency measure if
- (a) the person is not entitled to compensation under Division 1 [*Compensation for Exercise of Response or Recovery Power*] of this Part,
  - (b) compensation under this Division is authorized under the regulations,
  - (c) the person is eligible, under the regulations, for compensation under this Division,
  - (d) a request for compensation is made in accordance with the regulations, and
  - (e) compensation is determined in accordance with the regulations.

- (2) A local authority may pay compensation to a person for loss of or damage to property as a result of taking an emergency measure if
  - (a) the person is not entitled to compensation under Division 1 of this Part,
  - (b) compensation under this Division is authorized under a bylaw adopted by the local authority,
  - (c) the person is eligible, under the bylaw, for compensation under this Division,
  - (d) a request for compensation is made in accordance with the bylaw, and
  - (e) compensation is determined in accordance with the bylaw.

### **Division 3 – Financial Assistance**

#### **Definitions**

**131** In this Division:

“**financial assistance authorization**” means an authorization made under section 132 (1);

“**loss**” means a financial loss, loss of or damage to property, a cost or an expense, or a type of any of these,

- (a) that a person incurred or is likely to incur as a result of an emergency, and
- (b) for which, under the regulations, financial assistance is available.

#### **Authorizing financial assistance**

- 132** (1) The Lieutenant Governor in Council, the minister or the provincial administrator may authorize financial assistance to be paid under this Division with respect to an emergency if the Lieutenant Governor in Council, minister or provincial administrator is satisfied that
- (a) the emergency meets prescribed criteria, and
  - (b) any additional prescribed conditions are met.
- (2) A financial assistance authorization may be made whether or not a declaration of a state of provincial emergency or a declaration of a state of local emergency is made.
- (3) A financial assistance authorization must be made in writing and identify
- (a) the emergency to which the authorization relates, and
  - (b) the area in respect of which financial assistance is authorized.
- (4) As soon as reasonably practicable after a financial assistance authorization is made, the minister must publish the authorization.

**Requesting financial assistance**

- 133** (1) To request financial assistance under this Division, a person must do all of the following:
- (a) within the prescribed period after the date on which the applicable financial assistance authorization is made, notify the provincial administrator that the person intends to request financial assistance;
  - (b) make the request in writing;
  - (c) include with the request any prescribed information and records;
  - (d) submit the request to the provincial administrator within the prescribed period and in the form and manner required by the provincial administrator.
- (2) Despite subsection (1) (a) and (d), a person may notify, or submit a request to, the provincial administrator after the period referred to in that provision, as applicable, if
- (a) the Lieutenant Governor in Council, the minister or the provincial administrator extends, or grants an exception to, the period, and
  - (b) the person is eligible for the extension or exception.

**Determining financial assistance**

- 134** (1) On receiving a request made in accordance with section 133, the provincial administrator must determine, in accordance with this Division and the regulations,
- (a) whether the person is eligible to receive financial assistance under this Division, and
  - (b) if financial assistance is to be paid, the amount payable.
- (2) The provincial administrator may refuse financial assistance or reduce the amount payable in relation to property in any of the following circumstances:
- (a) compensation for the loss is paid or payable, to any person, in prescribed circumstances or under
    - (i) Division 1 [*Compensation for Exercise of Response or Recovery Power*] or 2 [*Compensation for Taking Emergency Measure*] of this Part, or
    - (ii) a settlement of or judgment in legal proceedings;
  - (b) prescribed circumstances.

**Further information and evaluators**

- 135** For the purposes of making a determination under section 134, the provincial administrator may do one or more of the following:
- (a) require the person making the request to provide additional information or records, including proof of a loss;

- (b) subject to the regulations, request a person who has relevant training and qualifications to do one or more of the following:
  - (i) evaluate damaged property;
  - (ii) assess the amount of a loss, including an amount needed to repair or replace lost or damaged property;
  - (iii) give advice on any matter referred to in section 134.

**Notice of determination**

**136** On making a determination respecting financial assistance, the provincial administrator must notify the person who requested assistance of the determination as follows:

- (a) the notice must be in writing;
- (b) the notice must include all of the following:
  - (i) a statement of whether financial assistance is to be paid and, if so, the amount payable;
  - (ii) the reasons for the determination;
  - (iii) procedural information respecting how the determination may be reconsidered or appealed.

**Appeal of determination**

**137** (1) A person who requested financial assistance may appeal a determination made under section 136 to the minister if

- (a) the determination has been reconsidered in accordance with the regulations, and
- (b) the appeal is made on one or more of the following grounds:
  - (i) the provincial administrator erred in law;
  - (ii) the provincial administrator failed to observe the rules of procedural fairness;
  - (iii) prescribed grounds.

(2) An appeal may be made by

- (a) submitting the appeal, in writing,
  - (i) in the form and manner required by the minister, and
  - (ii) no later than 90 days after the date on which the person received notice of the result of the reconsideration, and
- (b) including with the appeal any prescribed information or records.

(3) Despite subsection (2) (a) (ii), a person may submit an appeal after the period referred to in that provision if the minister extends that period.

(4) On receiving an appeal, the minister may do one or more of the following:

- (a) request the appellant to provide additional information or records;

- (b) reject the appeal for a failure to comply with this section, the regulations made with respect to this section or a request made under paragraph (a) of this subsection;
  - (c) confirm or vary the result of the reconsideration.
- (5) The minister must notify the appellant, in writing, of the minister's decision under subsection (4) (b) or (c) and of the reasons for the decision.

**Recovering amounts paid**

- 138** (1) Subject to subsection (2), the minister may, by order, require a person who received an amount under this Division as financial assistance to repay all or part of the amount to the government if any of the following circumstances apply:
- (a) the person was not entitled to the amount;
  - (b) the amount was not authorized under or determined in accordance with this Division or the regulations;
  - (c) the amount was incorrectly calculated;
  - (d) the person received full or partial compensation from another source for the loss with respect to which the person received financial assistance, including under
    - (i) Division 1 [*Compensation for Exercise of Response or Recovery Power*] or 2 [*Compensation for Taking Emergency Measure*] of this Part, or
    - (ii) a settlement of or judgment in legal proceedings;
  - (e) the person obtained the financial assistance by fraudulent means;
  - (f) prescribed circumstances.
- (2) An order under this section may be made no later than 5 years after the date on which the person was notified under section 136 of the amount of financial assistance payable to the person.
- (3) The minister must determine the amount to be repaid under subsection (1) in accordance with the regulations.
- (4) If a person fails to comply with an order made under this section,
- (a) the amount that must be repaid may be recovered as a debt due to the government,
  - (b) the minister may, in accordance with the regulations, file a certificate in the prescribed form with a court that has jurisdiction, and
  - (c) on filing, the certificate has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed.

## **PART 8 – ENFORCEMENT AND COSTS RECOVERY**

### **Division 1 – Enforcing Compliance**

#### **Mandatory compliance**

- 139** A person must comply with
- (a) this Act and the regulations, and
  - (b) all orders and emergency instruments made under this Act that apply to the person.

#### **Peace officer assistance**

- 140**
- (1) The provincial administrator may request that a peace officer assist a person in the exercise of a power or the performance of a duty with respect to the taking of an emergency measure.
  - (2) A peace officer whose assistance is requested under this section may take any action that the peace officer considers necessary for a purpose described in subsection (1).

#### **Injunctions**

- 141**
- (1) Without notice to any person, the minister or a local authority may apply, in the manner set out in the regulations, if any, to the Supreme Court for an order under this section.
  - (2) The court may order a person to do or refrain from doing those things that the court considers necessary if the court is satisfied that there is reason to believe the person is interfering with or obstructing, or will likely interfere with or obstruct, a person or peace officer who is
    - (a) exercising a power or performing a duty under this Act, or
    - (b) taking an emergency measure in relation to a declaration of a state of provincial emergency, a declaration of a state of local emergency, a declaration of a provincial recovery period or a declaration of a local recovery period
      - (i) in accordance with an emergency management plan, or
      - (ii) under an order of the minister or an emergency instrument of a local authority.
  - (3) If the court is satisfied that there has been or will be a contravention of this Act or the regulations, or an order or emergency instrument, the court may grant an injunction requiring a person to comply with, or restraining a person from contravening,
    - (a) the Act or a regulation made under it, or
    - (b) an order or emergency instrument made in the exercise of a response power or a recovery power.

- (4) The court may grant an interim order or injunction until the outcome of an application under this section is determined.

## **Division 2 – Costs Recovery and Administrative Penalties**

### **Definition**

- 142** In this Division, “**costs or penalty order**” means an order made under section 143 or 145 [*order to impose administrative penalty*].

### **Order to recover costs**

- 143** (1) Subject to the regulations, the provincial administrator may, by order, require a person to pay costs in an amount determined in accordance with section 144 if both of the following conditions are met:
- (a) an emergency is threatened or caused in whole or in part by the person’s acts or omissions;
  - (b) the government or a local authority, or a participating authority acting under an emergency measures agreement, incurs an expense to mitigate or prepare for the threat or to respond to or recover from the emergency.
- (2) For the purposes of this section, an emergency is threatened or caused by a person’s acts or omissions if those acts or omissions
- (a) contribute, directly or indirectly and beyond a minimal extent, to the presence of the threat or emergency, or
  - (b) change the nature or scope of the emergency or disaster so as to increase, directly or indirectly and beyond a minimal extent, the severity of the emergency.
- (3) The provincial administrator may, for the purposes of this section, collect information from another person, organization or entity.

### **Amount of costs**

- 144** (1) The amount of costs that a person may be required to pay under section 143 is the lesser of the following:
- (a) the amount determined under subsection (2) (b);
  - (b) the amount demanded by the minister, local authority or participating authority referred to in section 143 (1) (b), as applicable.
- (2) The provincial administrator must determine, in accordance with the regulations, if any, the following amounts:
- (a) the amount of the costs incurred by the government, local authority or participating authority to mitigate or prepare for the threat of, or to respond to or recover from, the emergency;
  - (b) the portion of those costs that equals the portion of the liability for the threat or emergency that is attributable to the person’s acts or omissions.

**Order to impose administrative penalty**

- 145** Subject to the regulations, the provincial administrator may, by order, impose an administrative penalty on a person if both of the following conditions are met:
- (a) the provincial administrator determines that a person has contravened
    - (i) a prescribed provision of this Act or the regulations, or
    - (ii) an order made under a prescribed provision of this Act or the regulations by the minister or provincial administrator;
  - (b) the person has not been charged with an offence with respect to the same incident.

**Making costs or penalty orders**

- 146** (1) When making a costs or penalty order, the provincial administrator must
- (a) make the order in the prescribed form, and
  - (b) include in the order any prescribed information.
- (2) Subject to the regulations and section 159 [*duty to protect confidentiality*], on making an order under section 145, the provincial administrator may publish the following information:
- (a) the details of the contravention that was the subject of the order, including the name of the person who must pay the administrative penalty;
  - (b) the amount of the administrative penalty;
  - (c) prescribed information.

**Payment of costs or penalty order**

- 147** (1) A person who is subject to a costs or penalty order must pay the amount of the costs or of the penalty stated in the order
- (a) within the prescribed period after the order is made, and
  - (b) in the prescribed manner.
- (2) Subject to section 145 (b), nothing in this Division relieves a person from any other liability under another enactment for the person's acts or omissions in relation to a matter that is the subject of a costs or penalty order.

**Appeal of costs or penalty order**

- 148** (1) A person who is subject to a costs or penalty order may appeal the order on one or more of the following grounds:
- (a) the provincial administrator erred in law;
  - (b) the provincial administrator failed to observe the rules of procedural fairness;
  - (c) relevant evidence that was not reasonably available at the time the provincial administrator made the order has become available;

- (d) prescribed grounds.
- (2) An appeal may be made by
  - (a) submitting the appeal, in writing,
    - (i) in the form and manner required by the minister, and
    - (ii) no later than 60 days after the date on which the person was served with the order being appealed, and
  - (b) including with the appeal the prescribed information or records.
- (3) On receiving an appeal, the minister may
  - (a) reject the appeal for a failure to comply with this section or the regulations made with respect to this section, or
  - (b) confirm, vary or rescind the order being appealed.
- (4) The minister must notify the appellant, in writing, of the minister's decision and the reasons for it.

**Amount under order is debt due**

- 149** If a person fails to pay an amount in accordance with section 147,
- (a) the amount that must be paid under the order may be recovered as a debt due to the government,
  - (b) the minister may, in accordance with the regulations, file a certificate in the prescribed form with a court that has jurisdiction, and
  - (c) on filing, the certificate has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed.

**Division 3 – Offences**

**Offences**

- 150** (1) Sections 4 and 5 of the *Offence Act* do not apply with respect to this Act or the regulations.
- (2) A person who does any of the following commits an offence:
- (a) contravenes an order made under section 56 [*directed mitigation and preparation measures*];
  - (b) contravenes an order or emergency instrument made under any of sections 73 to 78, 89, 107, 109 or 118 [*response or recovery powers*];
  - (c) provides false or misleading information with respect to
    - (i) a claim for compensation under section 126 [*claiming compensation*],
    - (ii) a request for compensation under section 130 [*discretionary compensation*],

- (iii) a request for financial assistance under section 133 [*requesting financial assistance*], or
  - (iv) a request for information under section 158 (1) (c) (i) [*information about persons needing services*];
  - (d) interferes with or obstructs, in the exercise of a power, the performance of a duty or the taking of an emergency measure by a person who is a protected person within the meaning of section 154 [*protection against legal proceedings*] or a peace officer;
  - (e) contravenes section 158 (3).
- (3) A proceeding for an offence under this section may not be commenced
- (a) in any court more than 2 years after the facts on which the proceeding is based first come to the knowledge of the minister, or
  - (b) if an order imposing an administrative penalty is made under section 145 [*order to impose administrative penalty*] with respect to the same incident that gave rise to the offence.

#### **Offence involving corporation**

- 151** If a corporation commits an offence under this Act, an officer, director, employee or agent of the corporation who directs, authorizes, permits, participates or acquiesces in the offence also commits the offence, whether or not the corporation is prosecuted.

#### **Continuing offences**

- 152** If a person commits an offence under this Act and continues to commit the offence, separate penalties may be imposed with respect to the offence for each day the offence continues.

#### **Penalties**

- 153** (1) If an individual commits an offence under this Act, the individual is liable to one or both of the following:
- (a) imprisonment for a term of not more than one year;
  - (b) a fine of not more than \$100 000.
- (2) If a corporation commits an offence under this Act,
- (a) the corporation is liable to a fine of not more than \$1 000 000, and
  - (b) an officer, director, employee or agent of the corporation who directed, authorized, permitted, participated or acquiesced in the offence is liable to one or both of the following:
    - (i) imprisonment for a term of not more than one year;
    - (ii) a fine of not more than \$300 000.

## PART 9 – ADMINISTRATIVE MATTERS

### Division 1 – Protections

#### Protection against legal proceedings

154 (1) In this section:

“**decision-making agreement**” has the same meaning as in section 33 [definitions for Part 3];

“**official guidance**” means guidance or direction, with respect to taking an action or refraining from taking an action, that is issued for the purposes of mitigating, preparing for, responding to or recovering from a critical incident or emergency by any of the following:

- (a) a regulated entity or a member, officer or employee of a regulated entity;
- (b) the provincial administrator or a member of the provincial emergency management organization;
- (c) a local authority or a member of an emergency management organization or a multijurisdictional emergency management organization;
- (d) a participating authority;
- (e) a department or agency of the government of Canada that
  - (i) takes emergency measures or provides assistance under an agreement made under section 8 [minister may enter into agreements], or
  - (ii) is responsible for national defence;
- (f) the person who is responsible for coordinating actions taken in relation to the critical incident or emergency;
- (g) in the case of a volunteer, the person who is responsible for the immediate supervision of the volunteer or coordinating the actions taken by the volunteer;

“**person**” includes an Indigenous governing body;

“**protected person**” means the following:

- (a) the government;
- (b) a local authority;
- (c) an Indigenous governing body;
- (d) a participating authority;
- (e) a person who exercises a power or performs a duty under this Act;
- (f) a person who, in accordance with a decision-making agreement or a statutory power agreement, provides or does not provide consent in relation to a statutory power of decision or a statutory power;

- (g) a person who, under this Act, takes emergency measures or provides emergency resources or the use of land;
- (h) a public safety provider, a person or entity that under the regulations is authorized for the purposes of section 32 (4) [*requests for deployment*] or a person or entity in a prescribed class, which provider, person or entity registers volunteers in accordance with the regulations, if any;
- (i) a person who is an employer, member, director, officer or employee of a person or entity referred to in paragraph (e), (f), (g) or (h);
- (j) a volunteer who is registered in accordance with the regulations, if any, with the provincial administrator, a local authority or a person or entity referred to in paragraph (h);
- (k) a person who is an employer of a volunteer referred to in paragraph (j);
- (l) a person who acts under the order, emergency instrument or direction, as applicable, of
  - (i) a person referred to in paragraph (e), (h) or (j), or
  - (ii) a person who is an employer, member, director, officer or employee of a person or entity referred to in paragraph (e) or (h);
- (m) a person who is an employer, member, director, officer or employee of a person referred to in paragraph (l);

**“statutory power agreement”** has the same meaning as in section 33.

- (2) Subject to subsections (3) and (4), no legal proceeding for damages lies or may be commenced or maintained against a protected person because of anything done or omitted
  - (a) in the exercise or intended exercise of a power under this Act,
  - (b) in the performance or intended performance of a duty under this Act,
  - (c) without limiting paragraph (a) or (b), in respect of the provision of consent in relation to a statutory power of decision or a statutory power in accordance with a decision-making agreement or a statutory power agreement,
  - (d) in taking an action that the person is authorized or required to take under this Act, including under an agreement made in respect of this Act, or
  - (e) in complying with, or intending to comply with,
    - (i) a direction given by a person who is taking an action described in paragraph (a), (b) or (d), or
    - (ii) official guidance.
- (3) Subsection (2) does not apply to a protected person in relation to anything done or omitted in bad faith or if the protected person was grossly negligent.

- (4) Subsection (2) does not affect an obligation of the government to pay compensation under Division 1 [*Compensation for Exercise of Response or Recovery Power*] of Part 7.

**Employment protection**

- 155** (1) In this section and section 156, “**protected employee**” means a person who is employed by, or provides services under contract to, an employer and either
- (a) is a volunteer
    - (i) who, because of the person’s unique training and experience, is identified by name by the provincial administrator, a public safety provider or a person who makes a request under section 32 [*requests for deployment*] in response to a critical incident or emergency, and
    - (ii) who is deployed under section 32 (4) to take specialized measures, or
  - (b) is required, by an order made under section 75 (1) (d) [*essential matters*] or an emergency instrument made under section 107 (1) (a) [*response powers*], to provide a service or give assistance.
- (2) An employer must not terminate, or change the terms or conditions of, the employment of a protected employee on the grounds that the protected employee failed to attend as scheduled or otherwise contravened a term or condition of employment if
- (a) the protected employee gives, in accordance with the regulations, written notice to the employer of being a protected employee, and
  - (b) the failure or contravention occurred as a result of
    - (i) being deployed under section 32 (4) to take specialized measures, or
    - (ii) complying with, or intending to comply with, an order made under section 75 (1) (d) or an emergency instrument made under section 107 (1) (a) to provide a service or give assistance.

**Application to release protected employee**

- 156** (1) An employer may apply in accordance with this section to request that a protected employee to whom section 155 applies be released from deployment or from complying with the order or emergency instrument referred to in subsection (2) (b) (ii) of that section.
- (2) An application under this section may be made only on the grounds that the deployment or compliance with the order
- (a) unduly interferes with the employer’s ability to carry on business, or
  - (b) otherwise creates undue financial hardship for the employer.

- (3) An application under this section must be made
  - (a) to the local authority, in the form and manner required by the local authority, in the case of a protected employee acting under an emergency instrument made under section 107 (1) (a) [*response powers*] to provide a service or give assistance, or
  - (b) to the provincial administrator, in the form and manner required by the provincial administrator, in any other case.
- (4) An application under this section must include the records, including proof of a matter, required by the local authority or provincial administrator, as applicable.

## **Division 2 – Personal and Sensitive Information and Indigenous Knowledge**

### **Definitions**

**157** In this Division:

**“authorized person”** means a person or entity who is any of the following:

- (a) a regulated entity;
- (b) the provincial administrator or a member of the provincial emergency management organization;
- (c) a member of an emergency management organization or a member of a multijurisdictional emergency management organization;
- (d) an Indigenous governing body;
- (e) a participating authority that has entered into an emergency measures agreement;
- (f) a prescribed person or public safety provider, or a person or public safety provider in a prescribed class;
- (g) an individual who
  - (i) is a member, officer or employee of a person or entity referred to in paragraph (a), (b), (c), (d), (e) or (f) of this definition, and
  - (ii) has responsibilities in relation to emergency management;

**“essential information”** means the following:

- (a) information necessary to identify a person, including the person’s age, date of birth, gender and image;
- (b) information that enables a person to be contacted other than at a place of business;
- (c) information about a person’s current or last known location;

- (d) to the extent that it is relevant to whether or how an emergency measure is or may be taken, information about a person’s requirements with respect to one or more types of
  - (i) necessities,
  - (ii) transportation,
  - (iii) counselling, health care or social services,
  - (iv) child care, or
  - (v) animal care;
- (e) prescribed types of information;

**“person needing services”** means the following:

- (a) an individual who is believed to be in an area where there is a critical incident or emergency and who may be disproportionately affected, including as a result of intersectional disadvantage or vulnerability;
- (b) an individual whose health, safety or well-being is significantly at risk due to a critical incident or emergency;
- (c) an individual who has responsibility for an animal or property that is significantly at risk due to a critical incident or emergency;

**“sensitive information”** means information that

- (a) could reasonably be expected, if disclosed, to compromise the security of critical infrastructure or employees of critical infrastructure owners,
- (b) is commercial, financial, labour relations, scientific or technical information of or about a regulated entity,
- (c) is a trade secret within the meaning of the *Freedom of Information and Protection of Privacy Act*, or
- (d) is a prescribed type of information.

**Information about persons needing services**

- 158** (1) Subject to the regulations and subsection (2), an authorized person may do the following:
- (a) collect and use essential information about a person needing services from a family member of, or a person who resides with, the person needing services;
  - (b) if a person is or may be a person needing services and the person’s location is not immediately known, collect and use essential information about the person from any other person who may have information relevant to determining the person’s whereabouts;
  - (c) if a person’s health, safety or well-being is significantly at risk due to a critical incident or emergency,
    - (i) request essential information about the person from any other person who may have information about the person, and

- (ii) collect and use any essential information about the person that is provided to the authorized person as a result of the request;
  - (d) disclose, to another authorized person, essential information about a person needing services.
- (2) The collection, use and disclosure of essential information may be for one or more of the following purposes only:
  - (a) to take an emergency measure;
  - (b) to locate and contact a person who is or may be a person needing services;
  - (c) to provide assistance to a person needing services, including assistance that may reduce the person's level of vulnerability;
  - (d) to protect or reduce risk to the animals or property of a person needing services;
  - (e) in the case of the disclosure of essential information, a purpose referred to in section 159;
  - (f) a prescribed purpose.
- (3) A person who has custody or control of essential information requested under subsection (1) (c) (i) must, promptly after receiving the request, disclose that information to the authorized person.

**Duty to protect confidentiality**

- 159** (1) A person who obtains personal information or sensitive information under this Act must keep the information confidential and not disclose it except as follows:
- (a) for the purpose of administering or enforcing this Act and the regulations;
  - (b) for a purpose authorized under this Act, other than section 16 [*disclosing and publishing information*];
  - (c) for the purpose of taking an emergency measure or supporting another person to take an emergency measure;
  - (d) in accordance with an agreement made under this Act;
  - (e) as required under an enactment of British Columbia or Canada;
  - (f) for the purposes of a legal proceeding before a court or tribunal, including a quasi-judicial tribunal;
  - (g) to publish or disclose information that, in the opinion of the minister, must be published or disclosed in the public interest.

- (2) Personal information or sensitive information may be disclosed for a purpose referred to in subsection (1)
  - (a) without the consent of or notice to the person to whom the information relates, and
  - (b) to a person outside British Columbia, if the person is in a prescribed class of persons.

**Confidentiality of Indigenous knowledge**

- 160**
- (1) Any Indigenous knowledge of an Indigenous people that is provided in confidence by the Indigenous people in relation to the exercise of a power or the performance of a duty under this Act may be
    - (a) used only for the purposes for which the Indigenous knowledge is provided, and
    - (b) disclosed only as authorized under subsection (2).
  - (2) Indigenous knowledge referred to in subsection (1) may be disclosed as follows:
    - (a) with the written consent of the Indigenous governing body of the Indigenous people;
    - (b) without restriction if the Indigenous knowledge is publicly available;
    - (c) to a person for the purposes of the exercise of a power or the performance of a duty under this Act if the Indigenous knowledge is necessary for the exercise of the power or performance of the duty as they relate to the purposes for which the Indigenous knowledge was provided;
    - (d) to legal counsel for the purposes of obtaining legal advice;
    - (e) by order of a court;
    - (f) in prescribed circumstances.
  - (3) Before disclosing Indigenous knowledge under any of the following provisions, a person must give written notice of the contemplated disclosure to the Indigenous governing body of the Indigenous people that provided the knowledge:
    - (a) subsection (2) (e);
    - (b) if required by regulation, subsection (2) (f).
  - (4) If a person discloses Indigenous knowledge under subsection (2) (c), unless subsection (2) (a) or (b) applies, the person must, as soon as practicable after the disclosure, give written notice of the disclosure to an Indigenous governing body that acts on behalf of the Indigenous people that provided the knowledge.

- (5) The following persons may impose conditions on the further disclosure of Indigenous knowledge by the person to whom the Indigenous knowledge is disclosed under subsection (2):
- (a) a justice, if the Indigenous knowledge is disclosed under subsection (2) (e);
  - (b) a prescribed person, if the Indigenous knowledge is disclosed under subsection (2) (f).

### **Division 3 – Conflict of Laws**

#### **Conflict of laws**

- 161** (1) An order or emergency instrument made or direction given under this Act has no effect to the extent that it prevents or interferes with any of the following:
- (a) the chief veterinarian’s exercise of a power under the *Animal Health Act* in relation to an emergency declared under section 59 of that Act;
  - (b) the minister responsible for the administration of the *Environmental Management Act*, or a public officer authorized by that minister, in exercising a power under section 87 of that Act in relation to an environmental emergency;
  - (c) the fire commissioner’s exercise of a power under the *Fire Services Act* in relation to an emergency referred to in section 25 (1) or (3) of that Act;
  - (d) the exercise of a power under section 7 (3) of the *Ministry of Energy and Mines Act* by the minister responsible for the administration of that Act, or a person’s exercise of a power under a regulation made under that section, in relation to controlling and regulating the use and supply of, and the demand for, energy resources in an emergency;
  - (e) an official in restricting or prohibiting access to a public area under section 51 (1) of the *Energy Resource Activities Act* or in the exercise of a power under section 52 (1) of that Act in relation to an emergency;
  - (f) the provincial health officer’s exercise of a power under the *Public Health Act* in relation to an emergency for which the provincial health officer has given notice under section 52 (2) of that Act;
  - (g) the commission’s making of an order under section 125.2 of the *Utilities Commission Act* in relation to the adoption and administration of reliability standards;
  - (h) the exercise of a power under a regulation made under section 127 (1) (g) of the *Water Sustainability Act* by the minister responsible for the administration of that Act, or an engineer’s or officer’s exercise of a power under section 93 of that Act, in relation to the diversion and use of water;

- (i) the comptroller's authorization of a thing to be done under section 91 (4) of the *Water Sustainability Act* in relation to a risk or hazard;
  - (j) the exercise of a power under section 11 (1) of the *Wildfire Act* by the minister responsible for the administration of that Act, or an official's exercise of a power under section 9 (1), (2) or (3), 11 (2), 13 (1) or 16 (1) of that Act, in relation to carrying out fire control;
  - (k) a prescribed person's exercise of a prescribed power or type of power in relation to a prescribed type of hazard or an emergency.
- (2) Without limiting subsection (1), a local authority must not exercise a power or perform a duty under this Act to the extent that it prevents or interferes with the exercise of a power or the performance of a duty by
- (a) the minister or the provincial administrator under this Act, or
  - (b) a public officer under another enactment.

#### **Resolving conflicts between laws**

- 162** If there is a conflict between a provision of this Act, or of an order, emergency instrument or regulation made under this Act, and another Act or regulation, this Act and the order, emergency instrument or regulation made under this Act prevail.

### **PART 10 – REGULATION-MAKING POWERS**

#### **Provincial matters**

- 163** The Lieutenant Governor in Council may make regulations as follows:
- (a) designating government ministers as lead ministers, based on
    - (i) the types of functions for which government ministers are responsible under the *Constitution Act*,
    - (ii) the critical infrastructure sectors with which ministries are associated,
    - (iii) the types of expertise held by ministry officials,
    - (iv) the emergency resources available to ministries, or
    - (v) any other criteria;
  - (b) respecting the responsibilities of government ministers, including lead ministers, in relation to emergency management and the taking, or coordinating the taking, of emergency measures;
  - (c) respecting the coordination of responsibilities
    - (i) among the provincial administrator and lead ministers, and
    - (ii) among lead ministers, if there is overlap or conflict between the responsibilities of lead ministers;
  - (d) respecting persons who are or are not critical infrastructure owners for the purposes of this Act;

- (e) authorizing the minister to determine who is responsible for performing duties under this Act if multiple persons are critical infrastructure owners with respect to a single system, network, facility or asset that is prescribed as critical infrastructure;
- (f) establishing classes of critical infrastructure based on
  - (i) how critical the infrastructure is considered to be,
  - (ii) common characteristics, or
  - (iii) other criteria;
- (g) requiring a public sector agency or critical infrastructure owner, or a public sector agency or critical infrastructure owner in a prescribed class, to prepare, maintain and, if applicable, implement one or more of the following:
  - (i) a risk assessment with respect to prescribed types of hazards;
  - (ii) an emergency management plan;
  - (iii) a business continuity plan;
- (h) for the purposes of section 50 [*reporting by critical infrastructure owners*], respecting the giving of information and records to the provincial administrator by critical infrastructure owners.

**Local authority matters**

**164** The Lieutenant Governor in Council may make regulations as follows:

- (a) respecting the establishment of, appointment of members to, and maintenance of an emergency management organization by a local authority other than the Nisga'a Nation or a treaty first nation;
- (b) respecting the establishment, governance and responsibilities of multijurisdictional emergency management organizations;
- (c) without limiting paragraph (a) or (b), respecting the terms and conditions of agreements to establish or join multijurisdictional emergency management organizations;
- (d) providing for the resolution of any conflicts or inconsistencies relating to the exercise of response powers and recovery powers in
  - (i) an area that is within the jurisdiction of a local authority, and
  - (ii) an area that is subject to an emergency measures agreement;
- (e) imposing prohibitions, requirements, limits and conditions on the exercise, by a local authority, other than the Nisga'a Nation or a treaty first nation, of response powers and recovery powers.

**Volunteers**

- 165** The Lieutenant Governor in Council may make regulations respecting volunteers as follows:
- (a) respecting the types of actions that are specialized measures for the purposes of this Act;
  - (b) respecting the actions that may or may not be undertaken by volunteers in relation to critical incidents or emergencies;
  - (c) for the purposes of the definition of “volunteer” in section 1 (1) [*definitions*], respecting the receipt of compensation, remuneration or other benefits by volunteers;
  - (d) respecting the recruitment, management, registration and deployment of volunteers;
  - (e) respecting the authorization of public safety providers under section 30 [*authorization of public safety providers*];
  - (f) respecting the training of volunteers, including in respect of
    - (i) training in relation to cultural safety or intersectional disadvantage,
    - (ii) training or qualifications that persons must have before taking a type of specialized measure, and
    - (iii) participation in critical incident or emergency management training and exercise programs, including respecting the payment of fees to participate in programs provided by the provincial emergency management organization;
  - (g) respecting the reimbursement of expenses incurred by public safety providers and volunteers, including
    - (i) respecting making and determining claims for reimbursement,
    - (ii) respecting the types of expenses that may, or must not, be reimbursed,
    - (iii) setting a schedule, rate or flat fee or providing any other method for calculating the amount of expenses that may be reimbursed, and
    - (iv) prescribing the maximum amount that will be reimbursed, in total or by type of expense;
  - (h) respecting the authorization for the purposes of section 32 (4) [*requests for deployment*] of persons or entities that register volunteers, other than local authorities or public safety providers, including
    - (i) establishing a process and criteria in relation to applications to be authorized,
    - (ii) respecting the revocation of authorizations, and
    - (iii) respecting the duties of authorized persons or entities.

**Emergency management**

- 166** The Lieutenant Governor in Council may make regulations respecting emergency management as follows:
- (a) respecting matters to be assessed under risk assessments;
  - (b) respecting standards and procedures for conducting risk assessments and for preparing emergency management plans and business continuity plans, including
    - (i) respecting the sources of information on which assessments or plans are to be based,
    - (ii) respecting the obtaining and incorporating of Indigenous knowledge, local knowledge and other information,
    - (iii) respecting cultural safety and intersectional disadvantage, and
    - (iv) respecting matters that must be considered or addressed;
  - (c) respecting the form and content of emergency management plans and business continuity plans;
  - (d) for the purposes of section 47 (2) [*emergency management planning by local authorities*], respecting areas within the jurisdiction of a regional district in respect of which the regional district is not required to prepare a risk assessment or an emergency management plan, or both;
  - (e) respecting the review and revision of risk assessments, the comprehensive emergency management plan, emergency management plans and business continuity plans, including
    - (i) requiring reviews according to a schedule or when certain circumstances exist,
    - (ii) respecting standards and procedures for conducting reviews, and
    - (iii) respecting circumstances in which a new assessment or plan must be completed;
  - (f) respecting emergency systems and requirements for the provincial emergency management organization and regulated entities to adopt emergency systems;
  - (g) establishing, adopting or setting standards respecting emergency management training and exercise programs, including programs in relation to cultural safety or intersectional disadvantage, and respecting qualifications to conduct such programs;
  - (h) requiring persons to conduct or participate in emergency management training and exercise programs, including according to a schedule.

**Consultation and coordination**

- 167** The Lieutenant Governor in Council may make regulations respecting consultation and coordination with local authorities and other persons as follows:
- (a) respecting who must be consulted, including
    - (i) providing methods for determining who must be consulted and authorizing the provincial administrator to determine who must be consulted, and
    - (ii) providing for requests for consultation;
  - (b) respecting the form and level of consultation required, including
    - (i) procedural matters and the sharing of information,
    - (ii) the stages at which consultation must occur,
    - (iii) the actions that must be taken during or after consultation, and
    - (iv) the obtaining and incorporating of Indigenous knowledge, local knowledge and other information.

**Consultation, engagement and cooperation  
with Indigenous peoples**

- 168** The Lieutenant Governor in Council may make regulations respecting consultation, engagement and cooperation with Indigenous peoples as follows:
- (a) respecting who must be consulted, including
    - (i) providing methods for determining who must be consulted and authorizing the provincial administrator to determine who must be consulted, and
    - (ii) providing for requests for consultation or cooperation;
  - (b) respecting the form and level of consultation or engagement required, including
    - (i) procedural matters and the sharing of information,
    - (ii) the stages at which consultation or engagement must occur,
    - (iii) the actions that must be taken during or after consultation or engagement, and
    - (iv) the obtaining of Indigenous knowledge and other information;
  - (c) respecting the form and level of cooperation required, including
    - (i) procedural matters and the sharing of information,
    - (ii) the actions that must be taken, and
    - (iii) the incorporating of Indigenous knowledge.

**Compensation and financial assistance**

- 169** The Lieutenant Governor in Council may make regulations for the purposes of Part 7 as follows:
- (a) authorizing compensation to be paid under Division 2 [*Compensation for Taking Emergency Measure*] of Part 7;
  - (b) respecting the conditions for making a financial assistance authorization under section 132 (1) [*authorizing financial assistance*];
  - (c) respecting types of losses or damages with respect to which compensation or financial assistance may be paid, including providing that compensation or financial assistance is not available for losses or damage
    - (i) valued at less than a prescribed amount, or
    - (ii) that occurred due to prescribed circumstances;
  - (d) respecting claims of or requests for compensation and requests for financial assistance;
  - (e) respecting eligibility for or entitlement to compensation or eligibility for financial assistance, including
    - (i) setting eligibility or entitlement criteria,
    - (ii) setting conditions for receiving compensation or financial assistance,
    - (iii) providing for circumstances that would disqualify a person from receiving compensation or financial assistance, and
    - (iv) providing for circumstances in which compensation or financial assistance must or may be denied or reduced;
  - (f) respecting amounts of compensation and financial assistance that may be paid, including prescribing minimum and maximum amounts that may be paid;
  - (g) respecting determinations of amounts of compensation or financial assistance that may be paid, including respecting
    - (i) methods for conducting valuations and assessments,
    - (ii) the collection and use of information, including personal information, and
    - (iii) persons qualified to conduct valuations and assessments;
  - (h) without limiting paragraph (f), respecting determinations of matters referred to in section 134 [*determining financial assistance*];
  - (i) respecting the process of engaging adjusters or persons who are not appointed under the *Public Service Act* to conduct valuations or assessments, including the terms and conditions of agreements to retain the services of those adjusters or persons;

- (j) respecting the remuneration of the adjusters or persons referred to in paragraph (i);
- (k) respecting the making or content of offers of compensation;
- (l) respecting payment of financial assistance;
- (m) respecting reconsiderations for the purpose of section 137 (1) [*appeal of determination*], including establishing
  - (i) limits and conditions on the availability of a reconsideration, and
  - (ii) processes for requesting and conducting a reconsideration;
- (n) respecting determinations of amounts to be repaid for the purposes of orders authorized under section 138 [*recovering amounts paid*];
- (o) for the purposes of section 138 (4), respecting the filing of certificates by the minister.

#### **Applications to court**

- 170** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) respecting the process for making an application in the Supreme Court for an order under section 141 [*injunctions*], including
    - (i) authorizing applications to be made electronically or by any other means,
    - (ii) respecting the giving of notice of an application, and
    - (iii) respecting affidavits or other evidence that must accompany an application;
  - (b) prescribing the Supreme Court Civil Rules that apply, with or without modification, to an application referred to in paragraph (a).
- (2) Section 6 [*consultation and recommendations*] of the *Court Rules Act* applies in relation to a regulation made under subsection (1) of this section.

#### **Costs recovery and administrative penalties**

- 171** (1) The Lieutenant Governor in Council may make regulations respecting determinations under section 144 [*amount of costs*] as follows:
- (a) requiring or authorizing the provincial administrator to waive a person's liability for costs or reduce the amount of costs that a person must pay if
    - (i) the person is liable to pay costs under this and another enactment with respect to the same acts or omissions, or
    - (ii) prescribed circumstances apply;
  - (b) respecting the types of costs that must not be included in a determination;
  - (c) respecting the apportionment of liability for costs;
  - (d) prescribing maximum amounts that a person may be required to pay.

- (2) The Lieutenant Governor in Council may make regulations for the purposes of section 145 [*order to impose administrative penalty*] as follows:
- (a) prescribing contraventions in relation to which an administrative penalty may be imposed;
  - (b) respecting circumstances in which an administrative penalty must not be imposed;
  - (c) prescribing a schedule of administrative penalties that may be imposed;
  - (d) respecting the matters that must be considered by the provincial administrator in establishing an administrative penalty in a particular case;
  - (e) authorizing administrative penalties to be imposed on a daily basis for continuing contraventions.
- (3) The Lieutenant Governor in Council may make regulations for the purposes of Division 2 [*Costs Recovery and Administrative Penalties*] of Part 8 as follows:
- (a) prescribing a limitation period for making a costs or penalty order and respecting evidentiary matters in relation to that period;
  - (b) respecting the process that must be followed before making a costs or penalty order, including giving notice and an opportunity to be heard;
  - (c) respecting information that may or must not be published by the provincial administrator with respect to an order made under section 145;
  - (d) prescribing the consequences of failing to pay an amount as required under a costs or penalty order, including requiring the payment of
    - (i) interest for unpaid amounts under an order to recover costs, or
    - (ii) additional penalties for unpaid amounts under an order to impose an administrative penalty;
  - (e) respecting the determination of interest or additional penalties for the purposes of paragraph (d) and the process that must be followed to impose interest or additional penalties.

**Other matters**

- 172** The Lieutenant Governor in Council may make regulations as follows:
- (a) respecting the giving of directions under this Act and requiring persons to comply with those directions;
  - (b) except as otherwise provided under this Act, respecting
    - (i) the making and keeping of records, including records made or obtained in fulfilling a requirement or condition under this Act,
    - (ii) the making of reports, including requirements respecting proof of a matter, and

- (iii) the publishing of things under this Act, including requiring that a thing or type of thing be published;
- (c) respecting the disclosure or publishing of information or records by the provincial administrator under section 16 [*disclosing and publishing information*];
- (d) for the purposes of section 158 [*information about persons needing services*], respecting the collection, use and disclosure of essential information;
- (e) for the purposes of section 160 [*confidentiality of Indigenous knowledge*], respecting the disclosure of Indigenous knowledge that is provided in confidence in relation to the exercise of a power or the performance of a duty under this Act;
- (f) respecting the content, manner of giving and deemed receipt of notices to be given, and orders made, under this Act;
- (g) respecting hearings under this Act, including providing for
  - (i) the form and manner of hearings, including requiring or permitting hearings to be held by means of written submissions only, and
  - (ii) practices and procedures to be followed, including timelines in which processes and exchanges or submissions of records must be completed.

**General powers respecting regulations**

- 173** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) delegating a matter to a person;
  - (b) conferring a discretion on a person;
  - (c) making different regulations for
    - (i) different persons, places, circumstances, matters or other things, or
    - (ii) different classes of persons, places, circumstances, matters or other things;
  - (d) establishing or defining classes of persons, places, circumstances, matters or other things;
  - (e) exempting a person, place or thing, or a class of persons, places or things, from one or more requirements under this Act, other than sections 17, 41, 55, 56 (4), 90 and 120;
  - (f) modifying a requirement under this Act with respect to a person, place or thing, or a class of persons, places or things;
  - (g) setting terms and conditions on an exemption or modification referred to in paragraph (e) or (f);

- (h) without limiting paragraph (b), conferring a discretion on the minister or the provincial administrator to, by order,
  - (i) exempt a person, place or thing from one or more requirements under this Act other than a provision referred to in paragraph (e),
  - (ii) modify a requirement set under this Act with respect to a person, place or thing, and
  - (iii) set terms and conditions on an exemption or modification referred to in this paragraph.
- (2) The Lieutenant Governor in Council may make regulations
  - (a) referred to in section 41 of the *Interpretation Act*, and
  - (b) respecting any matter for which regulations are contemplated by this Act.
- (3) The authority to make regulations under another provision of this Part does not limit subsection (1) or (2).

## PART 11 – REVIEW OF ACT

### Review of Act and regulations

- 174**
- (1) Within 5 years after the coming into force of this section, the minister must initiate a review of this Act and the regulations.
  - (2) In conducting a review under subsection (1), the minister must
    - (a) assess whether the Act and regulations are providing for effective emergency management in relation to each phase, and
    - (b) make reasonable efforts to do all of the following, as applicable:
      - (i) consult local authorities, other than the Nisga'a Nation and treaty first nations;
      - (ii) consult and cooperate with Indigenous governing bodies;
      - (iii) consider
        - (A) any comments received from the person whom the minister consulted under subparagraph (i) or (ii), as applicable, and
        - (B) the rights of the Indigenous peoples on whose behalf the Indigenous governing bodies referred to in subparagraph (ii) act.
  - (3) On completing a review initiated under subsection (1), the minister must make public a report of the review.

## PART 12 – TRANSITIONAL PROVISIONS

### Division 1 – Definitions for This Part

#### Definitions for this Part

175 In this Part:

“**declaration of a state of emergency**”, in relation to an area, means a declaration of a state of emergency made under section 9 (1) of the former Act to which, on the date this section comes into force, both of the following apply:

- (a) the declaration, including any extension of the duration of the declaration, has not expired;
- (b) the declaration has not been cancelled under section 11 of the former Act in relation to the area;

“**declaration of a state of local emergency**”, in relation to an area, means a declaration of a state of local emergency made under section 12 (1) of the former Act to which, on the date this section comes into force, both of the following apply:

- (a) the declaration, including any extension of the duration of the declaration, has not expired;
- (b) the declaration has not been cancelled under section 14 (1) or (2) of the former Act in relation to the area;

“**disaster**” means a disaster as defined in section 1 (1) of the former Act;

“**former Act**” means the *Emergency Program Act*, R.S.B.C. 1996, c. 111.

### Division 2 – Transitional Provisions for Parts 2 and 4

#### Transition – committees and other powers and duties of minister

- 176
- (1) A committee appointed under section 3 (1) of the former Act is deemed to have been established under section 6 (1) [*committees*] of this Act, and any members of the committee appointed under the former Act are deemed to have been appointed under section 6 (2) of this Act.
  - (2) Nothing in this Act or the regulations affects a payment or grant, or a term or condition imposed in relation to a payment or grant, made under section 4 (2) (c) of the former Act.
  - (3) A procedure established by order under section 5 (c) of the former Act is deemed to have been established under this Act for the purposes of section 4 [*standards, protocols and procedures*] of this Act.

**Transition – provincial emergency management organization**

- 177 (1) The director of the Provincial Emergency Program continued under section 2 (1) of the former Act is deemed to have been designated under section 11 (3) [*provincial emergency management organization*] of this Act as the provincial administrator.
- (2) The officers and employees of the Provincial Emergency Program continued under the former Act are deemed to have been appointed under this Act as officers and employees of the provincial emergency management organization.

**Transition – comprehensive emergency management plan**

- 178 The emergency plans prepared under section 4 (1) of the former Act and the emergency plans and procedures prepared by ministries under that Act are deemed to be, collectively, a comprehensive emergency management plan prepared under section 39 (1) [*emergency management planning and information*] of this Act.

**Transition – mitigation and preparation requirements**

- 179 (1) Emergency plans and procedures prepared by a ministry of a lead minister under the former Act are deemed to be emergency management plans for the purposes of this Act.
- (2) Business continuation plans and procedures prepared by a government minister under the former Act are deemed to be business continuity plans for the purposes of this Act.
- (3) In the event of an emergency, a government corporation, as defined in the former Act, must implement any emergency plans and procedures prepared by the government corporation under the former Act to the extent required.
- (4) Subsection (3) does not apply on or after the earlier of the following dates:
- (a) the date that is 5 years after the date on which this section comes into force;
  - (b) if a regulation made with respect to Division 2 [*Duties of Regulated Entities*] or 3 [*Plans, Programs and Other Measures*] of Part 4 of this Act applies to the government corporation, the date the regulation comes into force.
- (5) A local emergency plan that a local authority prepared or caused to be prepared under the former Act is deemed to be an emergency management plan for the purposes of this Act.
- (6) An order made under section 6 (3.2) of the former Act is deemed to have been made under section 5 (2) (a) [*ensuring Act's objectives are met*] of this Act.

- (7) Without limiting section 55 (1) (e) [*consultation and cooperation with Indigenous peoples*] of this Act, a local authority must, as soon as practicable after the date this section comes into force, make reasonable efforts to reach agreement respecting areas to be described in the local authority’s emergency management plan for the purposes of section 120 [*consultation, engagement and cooperation with Indigenous peoples*] of this Act with each Indigenous governing body that acts on behalf of Indigenous peoples whose traditional territory or treaty area includes an area that is within the jurisdiction of the local authority.

**Transition – emergency management organizations**

- 180** (1) An emergency management organization established by a local authority under section 6 (3) of the former Act is deemed to be an emergency management organization for the purposes of this Act.
- (2) If a local authority delegated, under section 6 (4) of the former Act, any of its powers and duties under the former Act to an emergency management organization established under that Act, the delegation is deemed to be a designation, made under section 19 [*authority to act as or on behalf of local authority*] of this Act, of the emergency management organization to act on behalf of the local authority in respect of any power or duty under this Act that is equivalent to the power or duty under the former Act.

**Division 3 – Transitional Provisions for Parts 5 and 6**

**Transition – declaration of state of emergency**

- 181** (1) In this section, “**former provisions**” means the following:
- (a) Division 2 of Part 3 of the former Act;
  - (b) sections 25 and 26 of the former Act.
- (2) Despite the repeal of the former Act, and despite any provision of Division 1, 4 or 5 of Part 5 [*Provincial Response and Recovery Phases*] of this Act, the former provisions continue to apply in relation to a declaration of a state of emergency in respect of an area.
- (3) For certainty, all of the following continue to apply in relation to a declaration of a state of emergency:
- (a) the powers and duties of the minister under sections 10 and 11 of the former Act;
  - (b) the powers and duties of the Lieutenant Governor in Council under sections 10.1 and 10.2 of the former Act;
  - (c) any orders or regulations made in the exercise of the powers and performance of the duties referred to in paragraphs (a) and (b).
- (4) Section 62 [*declaration of provincial recovery period*] applies in relation to a declaration of a state of emergency.

- (5) For the purposes of subsection (4),
  - (a) a reference to a declaration of a state of provincial emergency in section 62 (1) (a) and (3) (a) is to be read as a reference to a declaration of a state of emergency, and
  - (b) a reference in section 62 (2) to
    - (i) an order made under a provision of this Act is to be read as a reference to an equivalent order of the minister made under section 10 of the former Act, and
    - (ii) a regulation made under a provision of this Act is to be read as a reference to a regulation of the Lieutenant Governor in Council made under section 10.1 or 10.2 of the former Act.

**Transition – declaration of state of local emergency**

- 182**
- (1) In this section, “**former provisions**” means the following:
    - (a) Division 3 of Part 3 of the former Act;
    - (b) section 25 of the former Act.
  - (2) Despite the repeal of the former Act, and despite any provision of Division 1, 4 or 5 of Part 6 [*Local Authority Response and Recovery Phases*] of this Act, the former provisions continue to apply in relation to a declaration of a state of local emergency in respect of an area.
  - (3) For certainty, all of the following continue to apply in relation to a declaration of a state of local emergency:
    - (a) the powers and duties of a local authority and the minister under section 13 of the former Act;
    - (b) any orders, bylaws or instruments made in the exercise of the powers and performance of the duties referred to in paragraph (a).
  - (4) Section 98 (1) to (7) and (9) [*declaration of local recovery period*] applies in relation to a declaration of a state of local emergency.
  - (5) For the purposes of subsection (4),
    - (a) a reference to a declaration of a state of local emergency in section 98 (3) (a) and (6) (a) is to be read as a reference to a declaration of a state of local emergency made under the former Act,
    - (b) a reference in section 98 (4) to an emergency instrument made under a provision of this Act is to be read as a reference to an equivalent action taken under section 13 of the former Act, and
    - (c) a reference to a bylaw adopted under section 110 [*response borrowing*] is to be read as a reference to a bylaw made under section 13 (6) of the former Act to borrow money to pay expenses incurred in responding to an emergency or disaster.

### Division 4 – Transitional Provisions for Part 7

#### Transition – compensation for loss under former Act

- 183** (1) In this section, “**former compensation provisions**” means the following:
- (a) section 19 of the former Act;
  - (b) Part 1 of the Compensation and Disaster Financial Assistance Regulation, B.C. Reg. 124/95, as it read on the date of the repeal of the former Act.
- (2) Despite the repeal of the former Act, and despite any provision of Division 1 [*Compensation for Exercise of Response or Recovery Power*] or 2 [*Compensation for Taking Emergency Measure*] of Part 7 of this Act, the former compensation provisions apply for the purposes of compensating a person for a loss, as described in section 19 of the former Act, in relation to the following:
- (a) a declaration of a state of emergency made under section 9 (1) of the former Act that, on the date this section comes into force, has expired or been cancelled;
  - (b) a declaration of a state of emergency as defined in section 175 [*definitions for this Part*] of this Act;
  - (c) a declaration of a state of local emergency made under section 12 (1) of the former Act that, on the date this section comes into force, has expired or been cancelled;
  - (d) a declaration of a state of local emergency as defined in section 175 of this Act;
  - (e) an action taken under section 7 or 8 (1) of the former Act.

#### Transition – entitlement to compensation for loss during interim period

- 184** (1) In this section:
- “**interim period**” means the period beginning on the date the former Act is repealed by this Act and ending on the earlier of
- (a) the date Part 1 of the Compensation and Disaster Financial Assistance Regulation, B.C. Reg. 124/95, is repealed, and
  - (b) 5 years after the date this section comes into force;
- “**interim provisions**” means the following:
- (a) section 19 (1) and (3) of the former Act;
  - (b) Part 1 of the Compensation and Disaster Financial Assistance Regulation.

- (2) If a person is entitled under section 123 (1) [*persons entitled to compensation*] to compensation for loss of or damage to property, despite the repeal of the former Act, and despite any provision of Division 1 [*Compensation for Exercise of Response or Recovery Power*] of Part 7 of this Act, the interim provisions apply during the interim period for the purposes of compensating the person.
- (3) For the purposes of subsection (2),
  - (a) the exercise of a power under a provision referred to in section 123 (1) (a) (i) by the government is deemed to be an acquisition or use by the government under section 10 (1) (d) of the former Act,
  - (b) the exercise of a power under a provision referred to in section 123 (1) (a) (ii) by any of the following is deemed to be an acquisition or use by, or directed or authorized by, a local authority under section 13 (1) (b) or (c) of the former Act:
    - (i) a local authority;
    - (ii) a participating authority under an emergency measures agreement,
  - (c) a reference to a local authority in an interim provision is to be read as a reference to the following, as applicable:
    - (i) in the case of the exercise of a power by a participating authority under an emergency measures agreement, the participating authority;
    - (ii) in any other case, a local authority as defined in this Act, and
  - (d) a reference to an emergency or a disaster in an interim provision is to be read as a reference to an emergency as defined in this Act.

**Transition – discretionary compensation for loss during interim period**

**185** (1) In this section:

“**interim period**” means the period beginning on the date the former Act is repealed by this Act and ending on the earlier of

- (a) the date Part 1 of the Compensation and Disaster Financial Assistance Regulation, B.C. Reg. 124/95, is repealed, and
- (b) 5 years after the date this section comes into force;

“**interim provisions**” means the following:

- (a) section 19 (2) and (3) of the former Act;
- (b) Part 1 of the Compensation and Disaster Financial Assistance Regulation.

- (2) If the government or a local authority may, under section 130 (1) or (2) [*discretionary compensation*], pay to a person compensation for loss of or damage to property, despite the repeal of the former Act and despite any provision of Division 2 [*Compensation for Taking Emergency Measure*] of Part 7 of this Act, the interim provisions apply during the interim period for the purposes of compensating the person.
- (3) For the purposes of subsection (2),
  - (a) an emergency measure taken by the government is deemed to be an action taken by the government under section 7 or 10 (1) of the former Act,
  - (b) an emergency measure taken by a local authority is deemed to be an action taken by the local authority under section 8 (1) or 13 (1) of the former Act, and
  - (c) a reference to an emergency or a disaster in an interim provision is to be read as a reference to an emergency as defined in this Act.

**Transition – financial assistance for disaster under former Act**

- 186 (1) In this section, “**former financial assistance provisions**” means the following:
- (a) sections 20 to 24 of the former Act;
  - (b) Parts 2 to 4 and the Schedules to the Compensation and Disaster Financial Assistance Regulation, B.C. Reg. 124/95, as they read on the date of the repeal of the former Act.
- (2) Despite the repeal of the former Act, and despite any provision of Division 3 [*Financial Assistance*] of Part 7 of this Act, the former financial assistance provisions apply for the purpose of providing financial assistance to a person who suffered a loss, as described in section 20 (2) of the former Act, in relation to the following:
- (a) a declaration of a state of emergency made under section 9 (1) of the former Act that, on the date this section comes into force, has expired or been cancelled;
  - (b) a declaration of a state of emergency as defined in section 175 [*definitions for this Part*] of this Act;
  - (c) a declaration of a state of local emergency made under section 12 (1) of the former Act that, on the date this section comes into force, has expired or been cancelled;
  - (d) a declaration of a state of local emergency as defined in section 175 of this Act.

- (3) For the purposes of subsection (2),
  - (a) a reference to the director in section 21, 22 or 24 of the former Act is to be read as a reference to the minister, and
  - (b) a reference to the director in any other former financial assistance provision is to be read as a reference to the provincial administrator.

**Transition – financial assistance for loss during interim period**

**187** (1) In this section:

“**interim period**” means the period beginning on the date the former Act is repealed by this Act and ending on the earlier of

- (a) the date Parts 2 to 4 and the Schedules to the Compensation and Disaster Financial Assistance Regulation, B.C. Reg. 124/95, are repealed, and
- (b) 5 years after the date this section comes into force;

“**interim provisions**” means the following:

- (a) sections 20 to 24 of the former Act;
- (b) Parts 2 to 4 and the Schedules to the Compensation and Disaster Financial Assistance Regulation.

(2) Despite the repeal of the former Act, and despite any provision of Division 3 [*Financial Assistance*] of Part 7 of this Act, the interim provisions apply during the interim period for the purposes of providing financial assistance to a person in relation to an emergency as defined in section 1 (1) [*definitions*] of this Act.

- (3) For the purposes of subsection (2),
  - (a) a reference to a disaster in an interim provision is to be read as a reference to an emergency as defined in this Act,
  - (b) a reference to a loss in an interim provision is to be read as a reference to a loss as defined in section 131 [*definitions*], except that a reference in that section to the regulations is to be read as a reference to the Compensation and Disaster Financial Assistance Regulation,
  - (c) a reference to the director in section 21, 22 or 24 of the former Act is to be read as a reference to the minister,
  - (d) a reference to the director in any other interim provision is to be read as a reference to the provincial administrator, and
  - (e) a reference to the Provincial Emergency Program in an interim provision is to be read as a reference to the provincial emergency management organization.
- (4) Nothing in section 10 (2) [*money from consolidated revenue fund*] authorizes the minister to make a payment out of the consolidated revenue fund for financial assistance under this section.

## Division 5 – Transitional Provisions for Parts 8, 9 and 12

### Transition – costs recovery

- 188** (1) In this section, “**former costs recovery provision**” means section 17 of the former Act.
- (2) This section and the former costs recovery provision apply for the purpose of recovering costs from persons whose acts or omissions threatened or caused, in whole or in part, an emergency or disaster that arose before the repeal of the former cost recovery provision.
- (3) If the minister or the head of a local authority makes a demand under the former costs recovery provision,
- (a) all determinations with respect to the apportionment or amount of liability must be made in accordance with the former costs recovery provision, and
  - (b) the person referred to in subsection (1) of the former costs recovery provision is liable for the amount demanded as if the former costs recovery provision had not been repealed.

### Transition – protection against legal proceedings

- 189** Despite the repeal of the former Act, section 18 of the former Act continues to apply in relation to any acts done or omitted to be done under the former Act, including under sections 181 (2) and (3) [*transition – declaration of state of emergency*] and 182 (2) and (3) [*transition – declaration of state of local emergency*] of this Act.

### Transition – interim period regulations

- 190** Without limiting section 169 [*compensation and financial assistance*], the Lieutenant Governor in Council may, for the purposes of an interim period referred to in section 184 [*transition – entitlement to compensation for loss during interim period*], 185 [*transition – discretionary compensation for loss during interim period*] or 187 [*transition – financial assistance for loss during interim period*], make regulations contemplated by sections 20 (1) and 28 (2) (c), (d) and (j) of the former Act, as if the former Act were not repealed.

## PART 13 – REPEAL, AMENDMENTS TO THIS ACT AND CONSEQUENTIAL AMENDMENTS

### Repeal

#### Repeal of *Emergency Program Act*

- 191** The *Emergency Program Act*, R.S.B.C. 1996, c. 111, is repealed.

### Amendments to This Act

- 192** *Section 79 (1) of this Act is amended by striking out “section 3 (5) [duties of fire commissioner] of the Fire Services Act” and substituting “section 4 (1) (b) [powers and duties of fire commissioner] of the Fire Safety Act”.*
- 193** *Section 161 (1) (c) is repealed and the following substituted:*
- (c) a fire chief, or a person authorized by a fire chief, in exercising a power under section 13 of the *Fire Safety Act* in relation to an immediate threat to life due to a fire hazard or explosion; .

### Consequential Amendments

#### *Assessment Act*

- 194** *Section 19 (12) of the Assessment Act, R.S.B.C. 1996, c. 20, is amended by striking out “a disaster or emergency within the meaning of the Emergency Program Act” and substituting “an emergency within the meaning of the Emergency and Disaster Management Act”.*

#### *Community Charter*

- 195** *Section 20 (1) of the Community Charter, S.B.C. 2003, c. 26, is amended by striking out “Emergency Program Act” and substituting “Emergency and Disaster Management Act”.*
- 196** *Section 220 (1) (p) is amended by striking out “a disaster or emergency within the meaning of the Emergency Program Act” and substituting “an emergency within the meaning of the Emergency and Disaster Management Act”.*

#### *Expropriation Act*

- 197** *Section 2 (3) of the Expropriation Act, R.S.B.C. 1996, c. 125, is amended by striking out “the Emergency Program Act.”.*

*Financial Administration Act*

- 198 *Section 24 (1) of the Financial Administration Act, R.S.B.C. 1996, c. 138, is amended in the definition of “state of emergency” by striking out “state of emergency declared under section 9 of the Emergency Program Act” and substituting “state of provincial emergency declared under section 59 (1) of the Emergency and Disaster Management Act”.*

*Local Government Act*

- 199 *Section 295 of the Local Government Act, R.S.B.C. 2015, c. 1, is amended by striking out “Emergency Program Act” and substituting “Emergency and Disaster Management Act”.*

*Motor Vehicle Act*

- 200 *Section 26 (1) (c) of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended*  
*(a) by adding “or” at the end of subparagraph (xi), and*  
*(b) by repealing subparagraphs (xii) and (xiii).*
- 201 *Section 26 (1) (c) is amended*  
*(a) by striking out “or” at the end of subparagraph (xii), by adding “or” at the end of subparagraph (xiii), and*  
*(b) by adding the following subparagraph:*  
*(xiv) the Emergency and Disaster Management Act, .*
- 202 *Section 60 (5.1) is amended*  
*(a) by repealing paragraph (a) and substituting the following:*  
*(a) a state of provincial emergency declared under section 59 (1) of the Emergency and Disaster Management Act, or , and*  
*(b) in paragraph (b) by striking out “section 12 (1) of the Emergency Program Act” and substituting “section 95 (1) of the Emergency and Disaster Management Act”.*

*Public Interest Disclosure Act*

**203** *Section 16 (1) (b) of the Public Interest Disclosure Act, S.B.C. 2018, c. 22, is amended by striking out “the agency responsible for the Emergency Program Act” and substituting “the provincial administrator as defined in section 1 (1) of the Emergency and Disaster Management Act”.*

*Vancouver Charter*

**204** *Section 154 of the Vancouver Charter, S.B.C. 1953, c. 55, is repealed.*

**205** *Section 173 is repealed and the following substituted:*

**Emergency powers**

- 173.** (1) If an emergency within the meaning of the *Emergency and Disaster Management Act* arises in the city, the Council has the powers provided under that Act.
- (2) If another form of emergency arises in the city, the Council may declare that the emergency exists and provide for the necessary powers to deal with the emergency.

**206** *Section 191 is repealed.*

**207** *Section 396 (1) (d) is amended by striking out “a disaster or emergency within the meaning of those terms as used in the Emergency Program Act” and substituting “an emergency within the meaning of the Emergency and Disaster Management Act”.*

*Workers Compensation Act*

**208** *Item 20 of Schedule 1 to the Workers Compensation Act, R.S.B.C. 2019, c. 1, is amended in column 1*

*(a) by repealing subsection (2) (b) and (c) and substituting the following:*

- (b) a state of provincial emergency declared under section 59 (1) of the *Emergency and Disaster Management Act*;
- (c) a state of local emergency declared under section 95 (1) of the *Emergency and Disaster Management Act*; , **and**

*(b) in subsection (2) (d) by striking out “section 173” and substituting “section 173 (2)”.*

**Commencement**

**209** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 41	By regulation of the Lieutenant Governor in Council
3	Sections 43 and 44	By regulation of the Lieutenant Governor in Council
4	Section 47	By regulation of the Lieutenant Governor in Council
5	Section 192	On the date section 4 of the <i>Fire Safety Act</i> , S.B.C. 2016, c. 19, comes into force
6	Section 193	On the date section 13 of the <i>Fire Safety Act</i> , S.B.C. 2016, c. 19, comes into force
7	Section 198	By regulation of the Lieutenant Governor in Council
8	Section 200	By regulation of the Lieutenant Governor in Council
9	Section 202	By regulation of the Lieutenant Governor in Council
10	Section 208	By regulation of the Lieutenant Governor in Council



# **B.C.'s Modernized Emergency Management Legislation:** A New Framework for Disaster Risk Reduction, Response, and Recovery

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## Minister's Message

Climate-related emergencies are impacting our province at an unprecedented rate. In recent years, people in British Columbia have endured some of the most challenging emergency conditions in our lifetimes. In addition to a global COVID-19 pandemic, we faced a catastrophic wildfire season, including a disastrous fire in Lytton and other severe wildfires, a devastating heat dome, and widespread catastrophic flooding due to an atmospheric river event in 2021 alone.

During this time, our government also began working to modernize B.C.'s emergency management legislation with an aim to incorporate key components of emergency management that are absent from the existing Emergency Program Act, such as an acknowledgement of the linkage between climate change and increasing emergencies, all four phases of emergency management, and recognition of the inherent rights of Indigenous Peoples. The work formally started in October 2019 with the release of a public discussion paper.

In December 2022, Emergency Management BC, the provincial agency responsible for coordinating the provincial government's approach to emergencies, was transformed to become a new standalone ministry: the Ministry of Emergency Management and Climate Readiness. This new ministry emphasizes our government's commitment to enhance disaster preparedness and mitigation for effective response. The modernization of B.C.'s emergency management legislation mirrors this commitment.

On behalf of our government, I am pleased to share that our work to design and draft a modernized statute to replace the Emergency Program Act is now complete. This legislation was co-developed with First Nations, making this the first major land-based statute to be co-developed to ensure strong alignment with the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act.

Our government plans to introduce this legislation in fall 2023. Prior to that, my ministry will work closely with Indigenous partners, local authorities, and

other vital actors in emergency management to ensure communities across the province are well prepared to operate under this new legislative framework.

B.C. adopted the United Nations Sendai Framework for Disaster Risk Reduction in 2018 and has been taking deliberate steps to learn from and align with this global strategy so that our province can be more prepared and resilient. While the completion of this statute will be a major milestone in our work, there is still considerable work ahead. We will continue co-development and engagement on associated regulations pertaining to planning responsibilities for the provincial and local governments, critical infrastructure, compliance and enforcement, and compensation and financial assistance programs. We also recognize that with the increasing frequency and severity of emergencies in B.C., we'll need to evaluate and revisit this new framework to ensure the statute and regulations meet the needs of all British Columbians. That's why the legislation includes a requirement for a five-year review.

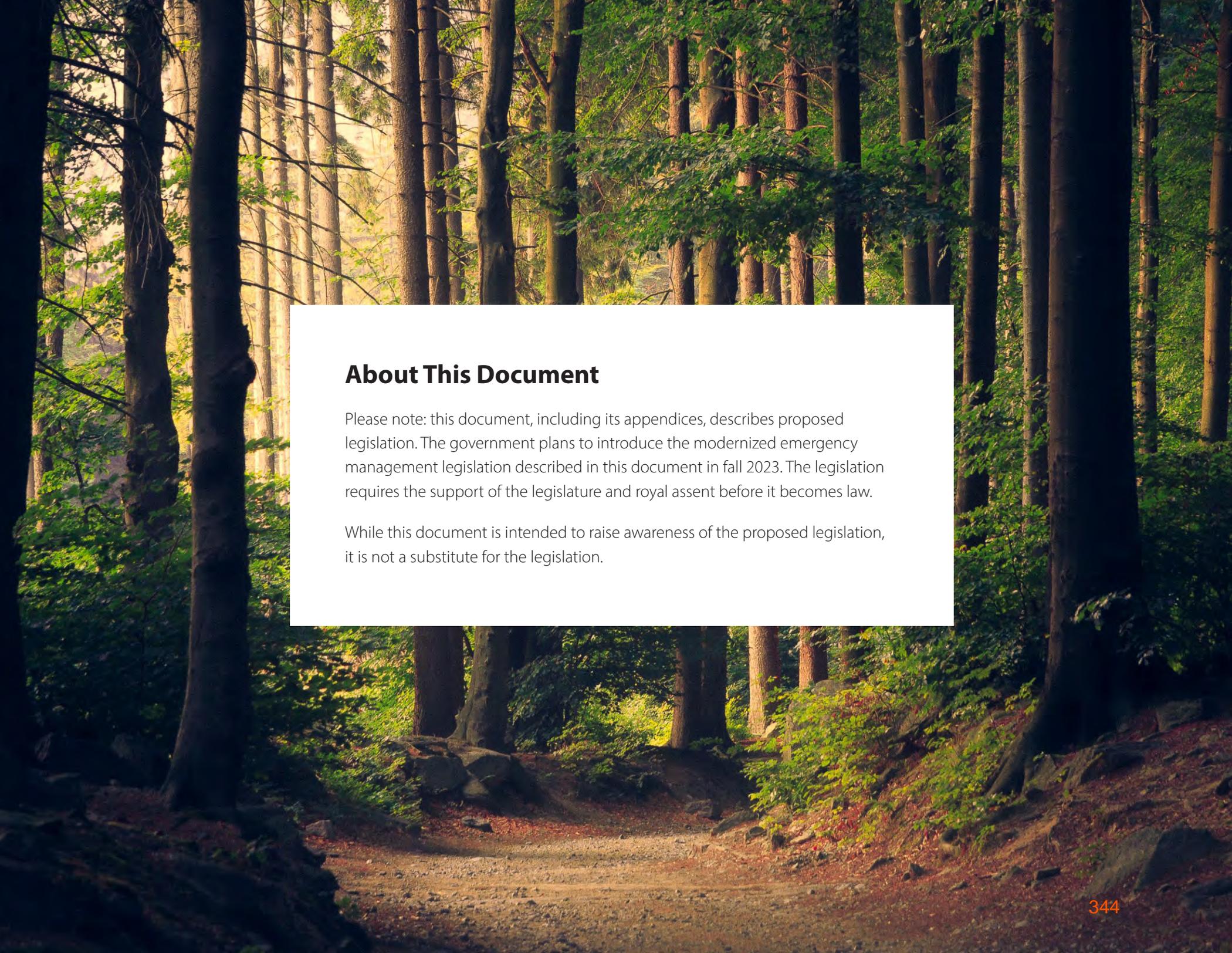
I would like to express deep gratitude to all who have participated in the process of modernizing our emergency management legislation. Whether it was sharing your input in response to the 2019 discussion paper, attending in-person or online engagement sessions, or sharing your time, expertise, and perspective as an Indigenous partner during the co-development of the statute, you have helped build a framework for a more prepared, resilient, and compassionate British Columbia.



### The Honourable Bowinn Ma

Minister of Emergency Management and  
Climate Readiness B.C.





## About This Document

Please note: this document, including its appendices, describes proposed legislation. The government plans to introduce the modernized emergency management legislation described in this document in fall 2023. The legislation requires the support of the legislature and royal assent before it becomes law.

While this document is intended to raise awareness of the proposed legislation, it is not a substitute for the legislation.



## Consultation and Co-Development

In 2018, B.C. took a significant step towards modernizing emergency management in the province by adopting the United Nations [Sendai Framework for Disaster Risk Reduction](#). This framework was developed in 2015 and outlines international best practices for managing emergencies. In 2019, the Declaration on the Rights of Indigenous Peoples Act became law, providing another foundation for the new legislation.

In 2019, the Province committed to a broad public engagement process over multiple phases to ensure partner feedback was considered in drafting new legislation. Throughout 2019, Emergency Management BC (EMBC) held meetings with First Nations, Indigenous organizations, local governments, Crown corporations and agencies, provincial and federal ministries, non-profit groups, and other groups with a role to play in emergency management.

Engagement centered on how best to deliver new legislation that would work well for B.C., and a discussion paper entitled [Modernizing BC's Emergency Management Legislation](#) articulated an early vision for that. This included reflecting lessons learned from the unprecedented flood and wildfire seasons in 2017 and 2018 and addressing all four phases of emergency management (mitigation, preparation, response, and recovery). It also sets out how we aim to move to disaster risk reduction – by understanding risks, preventing disasters where we can and lessening the impacts where we can't.

The discussion paper invited comments and feedback from key partners and any other interested agencies, organizations, and individuals. EMBC conducted some 172 meetings, webinars, and teleconferences with partners and stakeholders, and received 239 written submissions from the public, other ministries and levels of government, communities, First Nations, Indigenous organizations,

businesses and industries, as well as from non-profit and volunteer organizations and emergency management practitioners.

Feedback on the discussion paper informed the [What We Heard Report](#), which was released on Aug. 31, 2020. This report summarized feedback received from our partners and outlined plans for the legislative path forward. To incorporate some additional learnings from the initial phase of the COVID-19 pandemic, partners were invited to respond to the What We Heard Report during a final feedback period which ran to Sept. 30, 2020.

Work to turn these intentions into draft legislation continued during 2021 and, throughout 2022 and 2023, the focus shifted to co-developing the new legislation with First Nations partners. This included frequent discussions with technical teams representing the First Nations Leadership Council and member Nations of the Alliance of BC Modern Treaty Nations, policy consultations with First Nations, Indigenous leadership organizations and service providers, and sharing the draft legislation. Legislative co-development goes beyond traditional consultation. Work to co-develop the modernized emergency management legislation followed the [Interim Approach](#) to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act developed by B.C.'s [Declaration Act Secretariat](#).

During this time, we remained engaged with local authorities and other partners.

In anticipation of the new statute being introduced in the fall 2023 legislative session, the Ministry of Emergency Management and Climate Readiness will be reconnecting with partners to discuss plans for regulations to be made under the statute. All regulations will be co-developed using the same distinctions-based approach that guided the design and drafting of the statute.

## Legislative Design: Highlights

B.C.'s new emergency management legislation will:

- include provisions that address all **four phases** of emergency management: mitigation, preparation, response, and recovery;
- promote **co-management**, where the provincial government, local governments, and Indigenous governing bodies are all decision-makers;
- include roles for **critical infrastructure owners** and **volunteers**;
- outline **guiding principles** for emergency management;
- require assessment of the risks created by **climate change**;
- update the concept of what constitutes an **emergency**;
- provide improved **tools for response and recovery**;
- recognize the **authority of Indigenous governing bodies** in relation to emergency management;
- include options for **agreements** between Indigenous governing bodies and other decision-makers;
- require the Province, local governments, and critical infrastructure owners to **consult and cooperate** with Indigenous governing bodies;
- include **Indigenous knowledge** in emergency management plans;
- improve **cultural safety** and ensure that planning is attentive to the **disproportionate impacts** of emergencies across our population; and,
- include reporting requirements to enhance **accountability and transparency**.

More information on these highlights is provided in the sections that follow.

### What is an Indigenous governing body?

The emergency management legislation will adopt the definition used under the Declaration on the Rights of Indigenous Peoples Act. **Indigenous governing body** means an entity that is authorized to act on behalf of Indigenous Peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982.



## Guiding Principles

Emergency management is most successful when the various decision-makers and actors involved in each phase can form effective relationships and common understandings.

With that in mind, B.C.'s modernized legislation will include a series of principles. These include:

- practicing disaster risk reduction;
- acknowledging and respecting the authority of all decision-makers;
- working towards harmonization and coordination;
- collaborating on matters of mutual interest;
- recognizing the importance of investing in measures to reduce risk and promote resiliency;
- recognizing the relationship between climate change and increasing hazards and emergencies;
- promoting cultural safety;
- recognizing that the inherent right of self-government of Indigenous Peoples includes law-making authority in the emergency management sphere; and,
- recognizing the importance of Indigenous advice, input, and stewardship.

# Holistic Framework

## Four Phases of Emergency Management

While B.C.'s current Emergency Program Act is heavily focused on our response to emergencies, emergency management is generally understood to consist of four phases:

- **Mitigation**, which focuses on the identification, removal, or reduction of hazards, to either reduce the likelihood of emergencies or to reduce their potential impacts;
- **Preparation**, which focuses on building knowledge and capacity in anticipation of emergencies;
- **Response**, which focuses on taking measures to respond to an emergency, including to prevent or reduce the impacts of the emergency; and,
- **Recovery**, which focuses on taking measures to restore health, safety, and well-being after an emergency.

**The new legislation will include provisions that address each of these phases. For instance:**

- the minister will be authorized to order mitigation and preparation measures;
- lead provincial government ministers, local governments, and critical infrastructure owners will be required to:
  - prepare risk assessments for all foreseeable hazards; and,
  - prepare emergency management plans informed by those risk assessments;
- the provincial government and local authorities will have access to response and recovery powers outlined in the legislation;
- for Indigenous governing bodies taking actions to respond to or recover from emergencies, the inherent right of self-government is acknowledged to include law-making authority in relation to emergency management; and,
- a renewable 90-day “recovery period” will be introduced, which will allow for certain powers used during the response phase to be used in aid of recovery after a declared state of emergency ends.

## Co-Management

B.C.'s modernized legislation will recognize the concurrent and overlapping roles of decision-makers within the provincial government, local authorities, and Indigenous governing bodies. With the new legislative framework in mind, [Appendix 1](#) outlines the obligations, powers, and roles of various actors in relation to emergency management. The legislation focuses on the government-to-government relationship between the Province and Indigenous governing bodies and does not regulate emergency measures taken by Indigenous governing bodies. For example, while the minister is empowered to cancel states of emergency or recovery periods declared by local governments, the proposed legislation will not authorize the minister to take similar measures in relation to Indigenous governing bodies.

## Critical Infrastructure

While the Emergency Program Act does not address critical infrastructure, B.C.'s modernized legislation will require critical infrastructure owners to prepare and maintain risk assessments, emergency management plans, and business continuity plans. Critical infrastructure will be defined in regulations made under the new statute.

## Volunteers

Volunteers play important roles in all phases of emergency management. They are also integral to the health, safety, and well-being of British Columbians when it comes to critical incidents involving search and rescue or similar operations.

The modernized legislation will provide liability protection for volunteers following official guidance. For instance, this includes guidance or direction provided by the provincial government or a local authority in relation to mitigating, preparing for, responding to, or recovering from emergencies or critical incidents.

The legislation will also authorize the provincial government to establish standards, protocols, and procedures for volunteers.

## Compliance and Enforcement

Similar to most provincial legislation, including the existing Emergency Program Act, the new legislation will include offence provisions. Another concept carried forward from the Emergency Program Act is the authority to recover costs from persons who, through their acts or omissions, cause, or threaten to cause, an emergency.

A new feature of the modernized legislation will be the inclusion of a framework for administrative monetary penalties. These will be authorized by the new statute but will be given shape in future regulations.



## Climate Change

In addition to acknowledging the connection between climate change and emergency management, given increasing hazards and emergencies, B.C.'s modernized legislation will require risk assessments to consider how climate change may affect any given hazard.

In turn, as the emergency management plans of the provincial government, local authorities, and critical infrastructure owners will be informed by risk assessments, this focus on climate risk will be a feature of mitigation and preparation work in B.C.

## What Constitutes an Emergency

Like under the Emergency Program Act, the definition of "emergency" will refer to conditions that may be imminent, ongoing, or that have occurred, and that require the prompt coordination of action or special regulation of persons or property. The definition will continue to include events attributable to accidents, fire, explosions, technical failures, or forces of nature.

Additionally, the definition used in the modernized legislation will expressly speak to transmissible diseases and environmental toxins, and be expanded to also include rioting, security threats, and terrorist activity. The definition will also be updated to include impacts to objects or sites of heritage value when those objects or sites require protection from the types of hazardous events described above.

## Improved Tools for Response and Recovery

### Response and Recovery Powers

Most emergency response powers from the Emergency Program Act are carried forward, and the new legislation includes some common-sense tools that reflect lessons learned from recent emergencies. These include:

- an authority for the minister to order assistance (e.g., to require a municipality to host evacuees from another municipality);
- powers for the minister, Lieutenant Governor in Council, and local authorities to control or prohibit events and business activities; and,
- clear authority for the minister to acquire, hold stocks of, and distribute emergency resources.

## Response and Recovery Powers (continued)

Certain powers will not be carried forward in the modernized legislation: for example, the power to do “all acts” necessary in the event of an emergency will not be continued for municipalities and regional districts.

A detailed review of the response and recovery powers included in the new legislation—including information on who can exercise them and on when they can be exercised—can be found in [Appendix 2](#).

## States of Emergency

Under the current legislation, a state of provincial emergency (declared by the minister or by the Lieutenant Governor in Council) lasts for 14 days before it must be extended. A state of local emergency (declared by a local authority) lasts for seven days before it must be extended.

Under the new legislation, states of emergency can still be extended but there are changes to the default durations. While there is no change to a state of provincial emergency declared by the minister (this remains 14 days), a state of provincial emergency declared by the Lieutenant Governor in Council will last for 28 days. Extensions to states of provincial emergency must be made by the Lieutenant Governor in Council. A state of local emergency lasts for 14 days before it must be extended with the approval of the minister. As under the Emergency Program Act, states of emergency can be cancelled before they automatically expire. Under the new legislation, the Lieutenant Governor in Council will be authorized to cancel a state of provincial emergency, and a state of local emergency declared by a municipality or regional district may be cancelled by either the minister or the local authority that made the declaration. If a Modern Treaty Nation declares a state of local emergency, only the Modern Treaty Nation may cancel the state of emergency.

## Recovery Periods

The concept of a “recovery period” will be introduced in the new legislation as a way of recognizing that some of the powers provided under the legislation are still necessary after the response phase of an emergency ends. For example, to facilitate the safe removal of debris that results from an emergency, it may be necessary to prevent people from entering the area where debris-removal operations are underway.

With this change, a renewable 90-day recovery period can be declared at which point a related state of provincial emergency or a state of local emergency will be cancelled. A declaration of a provincial recovery period can be made by the Lieutenant Governor in Council. When a local authority makes a declaration of a local recovery period (or requests an extension of an existing local recovery period), the written approval of the minister will be required.

## Financial Assistance

Like the Emergency Program Act, the new legislation will authorize financial assistance in relation to losses from emergency events. The Ministry of Emergency Management and Climate Readiness will be working through 2023 and 2024 to consult broadly on design considerations for a modernized financial assistance program. Until regulations are made to give shape to a modernized program, the existing program parameters that apply for the purposes of the Emergency Program Act will be continued.

# Indigenous Governing Bodies and B.C.'s Legislation

## Recognition of Authority

The new legislation will recognize that the inherent right of self-government of Indigenous Peoples includes law-making authority in relation to emergency management.

The legislation will include a framework—centered around agreements, consultation and cooperation, and valuing Indigenous knowledges—to promote respect, relationships that work well, and coordination in the approaches that decision-makers, including Indigenous governing bodies, take to emergency management.

### Indigenous governing bodies

The new legislation will use the concept of Indigenous governing bodies. This aligns with the Declaration on the Rights of Indigenous Peoples Act and reflects that Indigenous Peoples have the right of self-determination. Provincial or local governments do not designate, appoint, or have tests to recognize Indigenous governing bodies; rather, the determination as to which entities are Indigenous governing bodies is wholly made by the Indigenous Peoples who authorize them to act on their behalf. For the purposes of this legislation, Indigenous Peoples might authorize existing governmental entities (such as a tribal council, chief and council of an Indian Act Band, the governing entity of a self-governing Nation, or another existing entity) or Indigenous Peoples may choose to authorize new entities for the specific purpose of emergency management.

### Modern Treaty Nations

The legislation is also designed to recognize the unique relationship between the provincial government and the Modern Treaty Nations, which are the Nations that have entered into modern final agreements (treaties) with the Province and Canada. Currently these are the Nisga'a Nation, Tsawwassen Nation, Tla'amin Nation and the Maa-nulth Nations (the Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht and Yuułu'ı̨ı̨'ath First Nations). Treaties identify treaty lands owned and governed by each Modern Treaty Nation. Modern Treaty Nations have the rights, powers, duties and obligations of local authorities for the purposes of emergency management in respect of their treaty lands.

The new legislation will define Modern Treaty Nations as local authorities in relation to their treaty lands. However, given the unique government-to-government relationship Modern Treaty Nations have with the Province, sections of the legislation that give the Minister the ability to order a local authority to take certain actions, approve extensions of local states of emergency or cancel local emergency orders will not apply. Similarly, the legislation will not require Modern Treaty Nations to complete risk assessments or emergency management plans, but will allow the minister to request that these best practices for emergency management be followed.

Beyond their treaty lands, Modern Treaty Nations will have the same rights as other Indigenous governing bodies. This means that throughout their broader treaty areas (broader areas not limited to their treaty lands) these Nations can approach the Province to enter into agreements and must be consulted on any other agreements being considered.

### Traditional territories and treaty areas

The Province understands traditional territory to refer to the geographic area identified by an First Nation as the land they and their ancestors traditionally occupied and used. Geographic descriptions of treaty areas (referenced above) will be included in a regulation made under the new statute.

Traditional territories and treaty areas will be important concepts in the legislation. The consultation and cooperation obligations of government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be determined according to traditional territories and treaty areas. Agreements with Indigenous governing bodies will also be made on the basis of the traditional territory or treaty area of the First Nations Peoples represented by an Indigenous governing body.

The legislation was designed to accommodate the reality that the traditional territories identified by different First Nations Peoples may overlap, and overlap will not create impediments to the proper functioning of the legislation.



## Agreements

The new legislation will enable different types of agreements with Indigenous governing bodies.

### **Collaborative emergency management agreements**

Currently, B.C. is a party to one tripartite collaborative emergency management agreement (CEMA) with the T̓silhqot'in Nation and the Government of Canada. This agreement will continue, and the modernized legislation will authorize CEMAs for other interested Indigenous governing bodies. While not named specifically in the legislation, CEMAs can be used to create structures for collaboration and to accomplish other objectives, such as promoting cultural safety or formalizing plans to work together to achieve shared goals and objectives.

### **Coordination agreements**

The legislation will authorize coordination agreements to be made between the minister and an Indigenous governing body. Other entities, such as local governments, can also be parties to coordination agreements.

Coordination agreements can be made for the purpose of coordinating the exercise of statutory response and recovery powers held by the Province or by local authorities with the exercise of an Indigenous governing body's rights-based authority. For example, through agreement, the Province may exercise a power differently to make space for the exercise of inherent rights within traditional territories.

An agreement could also be made to promote the harmonization and coordination of plans, policies, and programs related to the response and recovery phases of emergency management.

Provisions of a coordination agreement could affect the statutory response and recovery powers held by the Province or by a local authority by:

- requiring that a power be exercised or a duty performed;
- requiring the Province or a local authority to refrain from exercising a power or performing a duty;
- setting limits or conditions on the exercise of a power or the performance of a duty;
- imposing requirements for the exercise of a power or the performance of a duty; or,
- requiring consultation and cooperation to occur in relation to the exercise of a power or the performance of a duty.

For example, a coordination agreement might provide that if a state of emergency has been declared provincially or locally, the Province or the local authority (as applicable) will make orders to prohibit entry by the public onto certain land so that measures can be taken to protect a site of heritage value. Or an Indigenous governing body may intend to take full conduct of emergency management matters for

a group of homes occupied by members of a First Nations community, so an agreement might provide that the Province or the local authority will not make orders that affect those homes or their occupants.

### **Joint and consent-based decision-making agreements**

The Declaration on the Rights of Indigenous Peoples Act includes agreements for joint and/or consent-based decision making. The new emergency management legislation will authorize these agreements for the purposes of the new emergency management legislation. This means that the minister will, with the approval of Cabinet, be authorized to negotiate and enter into agreements that provide for statutory powers and statutory powers of decision under the emergency management legislation to be exercised either jointly (between the decision-maker named in the legislation and an Indigenous governing body) or on a consent basis (where the consent of an Indigenous governing body is required).

## Consultation and Cooperation

Under the Declaration on the Rights of Indigenous Peoples Act, the government must take all measures necessary to ensure the laws of B.C. are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In recognition of the rights outlined in UNDRIP, the new emergency management legislation will provide that consultation and cooperation is required in all phases of emergency management.

Consultation and cooperation requirements begin in the early stages of emergency management. Government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to consult and cooperate with Indigenous governing bodies when developing or reviewing risk assessments and emergency management plans. For municipalities and regional districts this includes Indigenous governing bodies authorized to act on behalf of First Nations Peoples whose traditional territory or treaty area includes an area within the jurisdiction of a municipality or regional district. As part of consulting, regulated entities will need to consider both any comments received from an Indigenous governing body and the rights of the First Nations Peoples on whose behalf the Indigenous governing body is authorized to act. The Ministry of Emergency Management and Climate Readiness is developing additional supporting guidance on consultation and cooperation.

When the legislation receives royal assent, municipalities and regional districts will be required to contact Indigenous governing bodies and make reasonable efforts to reach agreement on the areas to be described in local authority emergency management plans for the purposes of consultation and cooperation. Through this process, the entities authorized by First Nations Peoples to act on their behalf for the purposes of emergency management can be identified. While the relevant areas and Indigenous governing bodies must be described in local authority emergency management plans, how agreement on these matters is resolved will not be prescribed, but best practice is to confirm agreement in writing.

Municipalities and regional districts may wish to begin these discussions before the legislation is introduced, as early identification of Indigenous governing bodies and agreement concerning areas for consultation and cooperation will position all decision-makers—including Indigenous governing bodies, local authorities, and the Province—in a good position for collaborative and effective emergency management. Local authorities are welcome to [contact the Ministry of Emergency Management and Climate Readiness](#) with questions or requests for assistance with this process. Whenever a local authority reaches agreement with an Indigenous governing body concerning areas for consultation and cooperation, the details of that agreement must be shared with the Ministry of Emergency Management and Climate Readiness.

There will also be a requirement for the Ministry of Emergency Management and Climate Readiness to make reasonable efforts to reach agreements with Indigenous governing bodies regarding areas for consultation and cooperation. However, if agreements have already been reached between local authorities and Indigenous governing bodies, the parameters in those agreements will apply to consultation and cooperation required of the Province and no further agreements will be necessary. The requirement for the Ministry of Emergency Management and Climate Readiness to seek agreements will be phased in to avoid overlap with efforts to reach agreements at the local level.

For the response and recovery phases, consultation and cooperation will be required when either the Province or a local authority plans to use certain response or recovery powers. Table 2.2 in Appendix 2 includes a list of the response and recovery powers that require consultation and cooperation prior to issuing an order or emergency instrument.

It is expected that there will be areas with overlapping traditional territory, where multiple Indigenous governing bodies will identify an interest in consultation and cooperation. These requirements are not exclusive, and one geographic area can be the subject of agreements with multiple Indigenous governing bodies.

Further guidance and support from the Ministry of Emergency Management and Climate Readiness will assist with the implementation of consultation and cooperation requirements.

## Indigenous Knowledge

Indigenous Peoples have stewarded the lands now called British Columbia since time immemorial, including through all types of hazardous events, such as flooding and wildfires. Indigenous knowledge based on these millennia of accumulated experience can provide wisdom and insight into how we manage emergencies now. The United Nations Office for Disaster Risk Reduction has recognized that Indigenous knowledge is a valuable contributor to planning and decision-making in emergency management. B.C.'s new legislation will recognize the value and importance of Indigenous knowledge.

Government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to include any available Indigenous knowledge in risk assessments and emergency management plans. The legislation will include protections for Indigenous knowledge. This means that if Indigenous knowledge is provided in confidence, it must only be disclosed if certain conditions are met.

# Assessing Risks and Planning for Emergencies

## Risk Assessments

Understanding the risks we face is a key part of being prepared, and it's the first priority of the United Nations Sendai Framework for Disaster Risk Reduction. Under the new legislation, lead ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to prepare and maintain risk assessments. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

Risk assessments will gauge the degree of risk posed by a hazard, including the likelihood the hazard may lead to an emergency and the potential scope and scale of that emergency. Risk assessments will include a focus on people who may be disproportionately impacted by emergencies. See [Cultural Safety and Consideration of Disproportionate Impacts](#), below, for more information on this. There will also be special attention paid to animals and places that may be more vulnerable.

To ensure that emergency management is done with a future focus, risk assessments will incorporate expected climate change or extreme weather events.

Risk assessments will also be based on science, available Indigenous and local knowledges, and the results of actions taken to consult with local authorities (see [Local Authorities](#), below) and Indigenous governing bodies (see [Consultation and Cooperation](#), above).

## Emergency Management Plans

Lead ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies will be required to have emergency management plans that address all four phases of emergency management. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

For each phase, plans will describe appropriate measures that may be taken. Plans will also include descriptions of the roles, powers, and duties of key persons, requirements for emergency resources, procedures for engaging emergency systems, and plans for training and exercise programs. As with risk assessments, plans will need to reflect measures to mitigate the effects of emergencies on people, animals, places, and things that are vulnerable or on people who may be disproportionately impacted by emergencies. Measures to promote cultural safety must also be described. See [Cultural Safety and Consideration of Disproportionate Impacts](#), below, for more information on this.

The plans of municipalities and regional districts will need to include plans for evacuating and caring for people and animals (e.g., pets, livestock, or animals in zoos or rehabilitation facilities). As agreements are reached with Indigenous governing bodies on areas for consultation and cooperation, these details will need to be reflected in municipal and regional district plans; for more information, see [Consultation and Cooperation](#), above.

Plans will be based on completed risk assessments and on the results of actions taken to consult with local authorities (see [Local Authorities](#), below) and Indigenous governing bodies (see [Consultation and Cooperation](#), above).

## Cultural Safety and Consideration of Disproportionate Impacts

In developing the legislation, the Ministry of Emergency Management and Climate Readiness heard about the importance of recognizing the disproportionate impacts of emergencies on different people, places, or things within the province. We also heard the need for emergency management to help combat discrimination, including racism, and to ensure that services are culturally safe.

To respond to this feedback, risk assessments and emergency management plans will need to consider factors such as the physical proximity of people, animals, places, or things to hazards. They will also need to be sensitive to environmental factors such as the types of structures in which people

reside or work, and other considerations like age, disability, socioeconomic status, or susceptibility to discrimination in relation to factors like racialized status, gender identity, or sexual orientation. Emergency management plans will include actions to reduce those disproportionate impacts and promote cultural safety. To do this effectively, local governments will likely want to engage with members of their community.

Cultural safety is an outcome based on respectful engagement that recognizes and strives to address power imbalances inherent in the emergency response system. It results in an environment free of racism and discrimination, where people feel safe when receiving services.

## Local Authorities

Municipalities and regional districts will be required to ensure that risk assessments are prepared for all reasonably foreseeable hazards within their jurisdictions. They will also need to ensure that there is at least one emergency management plan for each area within their jurisdiction. Generally, this means that municipalities will need to have a plan that covers municipal boundaries, and regional district plans can exclude areas for which municipal plans exist.

The government intends to make regulations that will limit the minimum required scope of regional district plans to geographic areas for which the making of plans is most critical. The Ministry of Emergency Management and Climate Readiness will

be consulting with regional districts on the design of this regulation before local authority planning requirements come into effect.

Municipal authority under the legislation will apply within municipal boundaries. Regional district authority will apply within the boundaries of any electoral areas within a regional district. Modern Treaty Nations may exercise powers within the boundaries of their own treaty lands. If Crown land falls within municipal or regional district boundaries, a municipality or regional district will be authorized to use powers and will be required to perform their duties under the legislation within these Crown lands.

When a lead government minister, municipality, regional district, critical infrastructure owner, or public sector agency is required to prepare or revise a risk assessment or emergency management plan, they will be required to consult and coordinate with municipalities and regional districts according to rules that will be made in future regulations or, in the case of a municipality or regional district, with each municipality or regional district that has jurisdiction over an area adjacent to the municipality or regional district that is preparing or revising their risk assessment or plan.

While the legislation will not impose legal requirements for the Modern Treaty Nations to have risk assessments or emergency management plans, the legislation will authorize the minister to request that they take these steps.

## Multijurisdictional Emergency Management Organizations

Hazards and emergencies do not align with jurisdictional boundaries and collaboration can greatly enhance effective planning, response, and recovery. Across the province there are many instances of successful ongoing collaborations between local governments and First Nations. Under the new legislation, requirements such as risk assessments and emergency management planning can be met collaboratively. The creation of a multijurisdictional emergency management organization (MJEMO) will allow for requirements (such as preparing risk assessments and emergency management plans) to be fulfilled as a collective. MJEMOs will also be able to undertake response or recovery actions as a single body. MJEMOs can consist of any combination of local authorities, Indigenous governing bodies, and the provincial government. Further details on the implementation of MJEMOs will be included in the upcoming local authority regulation.

## Business Continuity Plans

The legislation will require government ministers, municipalities, regional districts, critical infrastructure owners, and public sector agencies to have business continuity plans. These plans will need to describe ways of ensuring the continued delivery of services during an emergency. Similar plans will be required for the Legislative Assembly, Cabinet, the office of the Lieutenant Governor in Council, and the courts. This requirement will be phased in as regulations for each of these types of regulated entities are completed, and regulated entities will be given time to complete this work. Timelines for each will be announced as the regulations are made.

## Accountability and Transparency

This legislation is important: It helps shape our collective efforts to promote safety and well-being through the four phases of emergency management, it includes a range of powers that can temporarily suspend our normal way of life in times of crisis, and it repositions the relationships of the Province, local governments, and critical infrastructure owners with Indigenous governing bodies. When legislation is capable of doing these things, it makes sense that it should include features to ensure accountability and transparency.

## Reporting Requirements

The legislation will include a variety of new reporting requirements:

- Annually, the **minister** must provide the Speaker of the Legislative Assembly with a report on expenditures made using the statutory appropriation. This report will outline any spending that occurs outside of the base budget allocated to the Ministry of Emergency Management and Climate Readiness.
- As and when required by the minister, **local governments** must prepare a report on any matter and provide that report to the provincial administrator.<sup>1</sup>
- Within five business days of the Province exercising a response or recovery power under the legislation, the **minister** must provide a report to the Speaker of the Legislative Assembly. Further, if consultation and cooperation was required in relation to the power exercised, but due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property, the Province exercised the power without consulting relevant Indigenous governing bodies, the report must provide reasons for that decision.
- Within 120 days of the expiry or cancellation of a state of provincial emergency or provincial recovery period, the **provincial administrator** must prepare a report describing the nature of the emergency and the response or recovery powers exercised. Within five business days of receiving the report, the **minister** must provide a copy to the Speaker of the Legislative Assembly.
- Within 120 days of the expiry or cancellation of a state of local emergency or local recovery period, a **local government** must prepare a report describing the nature of the emergency and the response or recovery powers exercised, and provide that report to the provincial administrator. Further, if consultation and cooperation was required in relation to the power exercised, but due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property, the local government exercised the power without consulting relevant Indigenous governing bodies, the report must provide reasons for that decision. The minister may request a report on a state of local emergency or local recovery period, comparable to the reports required from local governments, from a Modern Treaty Nation.

<sup>1</sup> The provincial administrator will be a person within the Ministry of Emergency Management and Climate Readiness designated by the minister to administer B.C.'s emergency management legislation.

## Annual Meetings Regarding Agreements

The provincial administrator will be required to invite Indigenous governing bodies that are parties to agreements made under the legislation to meet with the Ministry of Emergency Management and Climate Readiness at least once per calendar year to discuss the effectiveness of the agreements.

These meetings will also provide opportunities to build and maintain relationships and to discuss how other features of the legislation, such as consultation and cooperation, have been working.

## Five-Year Review

This legislation will introduce some significant changes to the way emergency management is practiced in B.C. It has been built on the strength of several years of engagement with partners and stakeholders and reflects some intensive co-development work to ensure that it aligns with the United Nations Declaration on the Rights of Indigenous Peoples and is responsive to the valuable input we received from Indigenous organizations and First Nations.

With the degree of change introduced by this legislation, it will be important to take stock of what worked well and what may need improvement in the future. For this reason, the legislation will include a requirement for the minister to initiate a review of the Act and regulations within five years of the Act receiving royal assent. The review must involve local governments and be done in consultation and cooperation with Indigenous governing bodies, including the Modern Treaty Nations. It must also consider the rights of Indigenous Peoples.

When the review is completed, the minister must issue a public report.

# Preparing for B.C.'s New Emergency Management Legislation

## Phasing-In

Implementation of the new emergency management legislation will take place over time. Different requirements will be effective at different times, with some becoming effective when new regulations are made. Most of the legislation will become effective when it receives royal assent. This phasing is designed to make new tools available early in the transition while providing more time before new requirements must be met.

The legislation will also include transitional provisions to help ensure the move from the Emergency Program Act to the new legislation is smooth. For example, there will be transitional provisions to provide certainty around any states of local or provincial emergency that may be in place when the new legislation becomes effective.

Key things that will become effective when the legislation receives royal assent include:

- Definitions and guiding principles
- The role of the provincial emergency management organization (i.e., the Ministry of Emergency Management and Climate Readiness)
- Authority to enter into agreements with Indigenous governing bodies
- Requirements for local authorities to begin work to reach agreement with Indigenous governing bodies for the purposes of consultation and cooperation during the response and recovery phases, and to consult and cooperate accordingly
- Increased timelines for states of emergency
- Authority to declare recovery periods
- All response and recovery powers that are available during a declared state of emergency or recovery period
- Annual and post-emergency reporting requirements

The government intends to focus on six core subject areas for regulations over the next two years, with new regulations targeted for fall 2023 and mid-2024. The Ministry of Emergency Management and Climate Readiness will be conducting further engagement and co-development to draft the new regulations.

These subject areas include:

- 1. General:** A collection of smaller concepts required to supplement the legislation (e.g., establishing definitions or rules for parts of the legislation that contemplate regulations for this purpose).
- 2. Provincial government ministries:** Regulations will include the assignment of hazards to provincial ministries. Requirements for lead ministers to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
- 3. Local authorities:** Regulations will supplement and complete rules from the statute as they pertain to the roles and responsibilities of local authorities. The regulation will also finalize the framework for multijurisdictional emergency management organizations. Requirements for local authorities to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
- 4. Critical infrastructure:** Regulations will define critical infrastructure and will supplement and complete rules from the statute as they pertain to the roles and responsibilities of critical infrastructure owners. Requirements for critical infrastructure owners to complete risk assessments and emergency management plans will become effective through this regulation. Once these requirements are in force, additional time will be provided to meet the new requirements.
- 5. Compensation and financial assistance:** Regulations will set out parameters for the payment of compensation and financial assistance. Until new compensation and financial assistance regulations become effective, disaster financial assistance will continue to be administered under the Compensation and Disaster Financial Assistance Regulation made under the Emergency Program Act.
- 6. Compliance and enforcement:** Regulations will supplement and complete compliance and enforcement rules from the statute, such as those pertaining to cost recovery and administrative monetary penalties.

## Supports

The release of this technical paper is just one of many actions planned by the Ministry of Emergency Management and Climate Readiness to help prepare B.C.'s emergency management community for the modernized legislation.

Additional support will be made available over the summer and early fall. Watch our website for up-to-date information on supports and upcoming engagement and co-development activities:

<https://www2.gov.bc.ca/gov/content/safety/emergency-management/emergency-management/legislation-and-regulations/modernizing-epa>

You can subscribe to the page to be notified of updates.

If you have questions about the legislation, you can email [ModernizeEM@gov.bc.ca](mailto:ModernizeEM@gov.bc.ca).



# B.C.'s Modernized Emergency Management Legislation:

A New Framework for Disaster Risk Reduction, Response, and Recovery

## Appendix 1: Roles in Emergency Management

### Ministry of Emergency Management and Climate Readiness

- Provide oversight, leadership, and coordination of activities
- Prepare, maintain, and implement the comprehensive emergency management plan (CEMP)
- Make information public on potential emergencies
- Can exercise statutory response and recovery powers, and must report accordingly

### Provincial Ministries

- Prepare risk assessments for hazards
- Prepare and maintain emergency management plans
- Take measures outlined in the CEMP
- Prepare a business continuity plan

### Municipalities and Regional Districts

- Prepare risk assessments for hazards within their jurisdiction
- Prepare, maintain, and implement emergency management plans
- Prepare a business continuity plan
- Can exercise statutory response and recovery powers, and must report accordingly

### First Nations Peoples

- Have inherent authority to make laws relating to emergency management
- Take actions, in reliance on this inherent authority, in their traditional territories
- Authority is respected by other partners
- Through Indigenous governing bodies, may enter into agreements

### Nisga'a Nation / Modern Treaty Nations

- May choose to prepare risk assessments and emergency management plans
- Can exercise statutory response and recovery powers
- As Indigenous governing bodies, may enter into agreements

### Critical Infrastructure Owners

- Prepare risk assessments for the hazards that may affect critical infrastructure
- Prepare, maintain, and implement emergency management plans
- Prepare a business continuity plan

### Volunteer Organizations

- May apply to be authorized as public safety providers
- Volunteers may then be deployed by the Province

# B.C.'s Modernized Emergency Management Legislation:

A New Framework for Disaster Risk Reduction, Response, and Recovery

## Appendix 2: Response and Recovery Powers

The following tables:

- summarize the powers that will be available under the modernized legislation for emergency response and recovery;
- describe who will be authorized to exercise the powers;
- describe when the powers can be exercised; and,
- indicate when consultation and cooperation is required.

Unless otherwise indicated in **Table 2.2**, powers held by a provincial decision-maker (the minister, the provincial administrator, or the Lieutenant Governor in Council) require a provincially-declared state of emergency or recovery period, as applicable, to be in place. Powers held by a non-provincial decision-maker (a municipality, regional district, or Modern Treaty Nation) require a locally-declared state of emergency or recovery period, as applicable, to be in place.

Note that the term “local authority,” used under the Emergency Program Act, will also be used in B.C.’s modernized emergency management legislation. One difference is that the Modern Treaty Nations will be distinct forms of local authorities for the purposes of the new legislation. Under the new legislation, while municipalities, regional districts, and Modern Treaty Nations are all local authorities, the powers available to each differ in some cases. For simplicity, the tables below refer to each of these entities separately, rather than using the collective term “local authority.”

**Table 2.1: Powers Available at Any Time**

	Description of Power	Power Available To	Power Available at Any Time <sup>2</sup>
1	Require a public sector agency, municipality, regional district, or critical infrastructure owner to take one or more of the following actions: <ul style="list-style-type: none"> <li>■ provide information</li> <li>■ consult and coordinate</li> <li>■ take one or more emergency measures</li> <li>■ provide resources or the use of land</li> <li>■ comply with directions</li> </ul>	Minister	
2	In circumstances where a person who is authorized to exercise response or recovery powers is unable to adequately respond or recover, require a municipality or regional district to take one of the following actions either within its own jurisdiction or within another jurisdiction: <ul style="list-style-type: none"> <li>■ take one or more emergency measures</li> <li>■ provide resources or the use of land</li> <li>■ comply with directions</li> </ul>	Minister	

<sup>2</sup> Not Restricted to Declared State of Emergency or Declared Recovery Period.

**Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (1/8)**

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
3	Do all acts and implement all procedures necessary to respond to an emergency	Minister	✓		
		Modern Treaty Nations	✓		
4	Require a person to provide information	Minister	✓		
5	Identify essential goods, services, property, or facilities and, in relation to those things, do any of the following: <ul style="list-style-type: none"> <li>■ establish price controls</li> <li>■ ration or provide for their distribution or use</li> <li>■ provide for their restoration</li> </ul>	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
6	Identify essential goods, services, property, or facilities and, in relation to those things, prohibit or limit seizures or evictions	Minister	✓		
		Lieutenant Governor in Council		✓	
		Modern Treaty Nations	✓		
7	Authorize a qualified person to provide a service or give assistance	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	

**Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (2/8)**

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
8	Require a qualified person to provide a service or give assistance	Minister	✓		
		Municipalities and Regional Districts	✓		
		Modern Treaty Nations	✓		
9	Provide for the provision and maintenance of necessities	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
10	Appropriate, use, or control the use of goods	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
11	Use or control the use of land	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	

**Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (3/8)**

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
12	Authorize entry into structures or onto land to take emergency measures	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
13	Prohibit entry into structures or onto land so that emergency measures can be taken	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
14	Authorize or require alterations, removal, or demolition of trees, crops, structures, or landscapes	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	

**Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (4/8)**

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
15	Authorize or require the construction, alteration, removal, or demolition of works	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
16	Require structures to be assessed for damage	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
17	Require the evacuation of persons or authorize the evacuation of persons or animals	Minister <sup>3</sup>	✓		✓
		Provincial administrator (with respect to areas not in the jurisdiction of a local authority)	✓		✓
		Municipalities and Regional Districts	✓		✓
		Modern Treaty Nations	✓		

<sup>3</sup> Unless the minister directs otherwise, powers 17 and 18 can also be exercised by the provincial administrator for areas not within the jurisdiction of a local authority.

**Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (5/8)**

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
18	Authorize the removal of goods	Minister <sup>3</sup>	✓		✓
		Provincial administrator (with respect to areas not in the jurisdiction of a local authority)	✓		✓
		Municipalities and Regional Districts	✓		✓
		Modern Treaty Nations	✓		
19	Control or prohibit travel	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
20	Control or prohibit business activities	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	

<sup>3</sup> Unless the minister directs otherwise, powers 17 and 18 can also be exercised by the provincial administrator for areas not within the jurisdiction of a local authority.

**Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (6/8)**

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
21	Control or prohibit events	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
22	Require a person to stop doing an activity, or put limits or conditions on doing an activity	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
23	Assume control over one or more fire services and designate the fire commissioner to exercise authority over those services	Minister responsible for the Fire Services Act	✓		
24	Make exemptions from requirements under enactments <sup>4</sup>	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
25	Modify requirements under enactments <sup>4</sup>	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	

<sup>4</sup> A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency: they cannot be made during a recovery period.

**Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (7/8)**

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
26	Establish limits on how enactments apply <sup>4</sup>	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
27	Establish powers or duties that replace or add to those in an enactment <sup>4</sup>	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
28	Establish terms and conditions in relation to things done using powers 24 through 27 <sup>4</sup>	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
29	Authorize issuers of licences, permits, or other authorizations made under enactments to modify, add, or remove limits or conditions, or the term, of the licences, permits, or other authorizations <sup>4</sup>	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
30	Suspend or change (without shortening) time periods under enactments <sup>4</sup>	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	

<sup>4</sup> A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency: they cannot be made during a recovery period.

**Table 2.2: Powers Available During Declared State of Emergency or Declared Recovery Period (8/8)**

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
31	Provide that a failure to comply with a regulation made using powers 24 through 30 is to be treated as a failure to comply with the enactment modified using those powers <sup>4</sup>	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
32	Prohibit entry into structures or onto land so that emergency measures for recovery can be taken, or to protect persons or objects or sites of heritage value	Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts		✓	✓
		Modern Treaty Nations		✓	
33	Adopt a bylaw to borrow money to pay response or recovery expenses	Municipalities and Regional Districts	✓	✓	

<sup>4</sup> A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 24 through 31 must be made during a state of emergency: they cannot be made during a recovery period.

Issued: July 4, 2023

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Corrected minor error in Table 2.2 of Appendix 2, where power 24 was omitted and power 26 was duplicated (as power 25).  
Corrected page number references in the table of contents.





# **BC's Modernized Emergency Management Legislation: Regulations for Local Authorities**



**Emergency Management and Climate Readiness**

# Introduction

The Province intends to introduce a modernized emergency management statute during the fall 2023 legislative session to replace the Emergency Program Act. The new statute will reflect several key policy shifts that have been informed by best practices in emergency management, partner engagement and co-development with First Nations. While the Emergency Program Act focuses primarily on emergency response, the new statute incorporates the principles of the UN Sendai Framework on Disaster Risk Reduction and includes the four phases of emergency management—preparation, mitigation, response, and recovery—and clarifies what is required from partners in each phase.

The Ministry of Emergency Management and Climate Readiness is preparing to draft regulations to accompany the new statute, including a new regulatory approach for local authority emergency management. The proposed statute allows the Province to provide additional details on certain requirements through regulation, while others will be addressed through policy and guidance.

While the new statute identifies several key partners, this paper focuses on regulations for local authorities. Feedback received in response to this paper will inform the design and drafting of these regulations, which are currently targeted for completion in 2024.

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# Process

## *How to Provide Feedback*

Feedback on the content of this paper can be submitted to [modernizeEM@gov.bc.ca](mailto:modernizeEM@gov.bc.ca).

**Submissions will be accepted until  
December 31, 2023.**

This discussion paper has been publicly released and posted for feedback on the govTogetherBC website. We welcome your feedback on the two focused topics highlighted in this paper, on the key questions presented throughout, and on any other ideas you have related to emergency management regulations for local authorities.

In fall 2023, the Ministry of Emergency Management and Climate Readiness will engage local governments through virtual sessions. Information on engagement opportunities will be posted on our [website](#).

## *How the Regulations Will Be Made*

Responses to this paper will help inform provincial government decision-making as the regulations for local authorities are being designed.

The Ministry of Emergency Management and Climate Readiness will also be co-developing the regulations with First Nations in alignment with the Province's obligation to ensure that the laws of B.C. are consistent with the United Nations Declaration on the Rights of Indigenous Peoples. For background on why B.C.'s modernized emergency management legislation is being co-developed, see the [Declaration on the Rights of Indigenous Peoples Act](#) and the [Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act](#).

*With your help, we will create  
safer, more resilient communities  
for all British Columbians.*

# Context

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## *Modernizing B.C.'s Emergency Management Legislation*

Climate-related emergencies are impacting communities around the globe at an unprecedented rate and B.C. has not been immune. In recent years, we have endured some of the most challenging emergency conditions of our lifetimes, including the COVID-19 pandemic, catastrophic wildfire seasons, devastating floods, and increasingly extreme weather events. Since 2019, B.C. has been working on developing new provincial emergency management legislation to reflect this changing world by incorporating best practices, learnings from recent events, and the Province's commitment to reconciliation.

In 2018, B.C. adopted the United Nations Sendai Framework for Disaster Risk Reduction, which outlines international best practices to address and reduce disaster risk, and we have been taking action to align with this global strategy to increase preparedness and resilience. The following year, the

Declaration on the Rights of Indigenous Peoples Act became law in B.C. and the principles of that Act are key to the foundation of the modernized emergency management legislation.

For more information on B.C.'s road to modernizing our emergency management legislation, visit [www.gov.bc.ca/emergencymanagementact](http://www.gov.bc.ca/emergencymanagementact).

## *Technical Resource*

The Province anticipates introducing the new emergency management legislation in fall 2023. When the legislation is introduced, the full text of the proposed legislation will be accessible through the [website of the Legislative Assembly of British Columbia](#). In the meantime, we have released a technical paper, [B.C.'s Modernized Emergency Management Legislation: A New Framework for Disaster Risk Reduction, Response, and Recovery](#), which provides an overview of the major policy concepts included in the proposed legislation.

## What are Regulations?

The statute, also referred to as an Act, sets the overall framework for emergency management in B.C. It establishes the key requirements, powers, and responsibilities of regulated entities.



Figure 1 Hierarchy of Legislation

Regulations provide finer details on areas identified in the statute. For example, the emergency management statute will require regulated entities to prepare risk assessments, and the regulations can specify certain details, such as whether risk assessments need to be reviewed on a set schedule. The process for amending regulations to reflect learnings or needs from future events is also more streamlined than the process for amending the statute.

The statute will identify what may be outlined or required in regulation. In other words, it will provide authority for regulations. However, while certain topics will be authorized to

be addressed in regulations, the existence of this authorization does not necessarily mean that regulations will be made for those topics. Some matters may be better addressed through policy. Policy, along with operational plans and procedures, can provide guidance to ensure the legislation functions as intended.

This engagement process will help determine which details should be considered for inclusion in regulation rather than in policy, plans, or procedures.

## Key Changes for Local Authorities

The new statute will reflect several key policy shifts that have been informed by best practices in emergency management, partner engagement, and co-development with First Nations. While the Emergency Program Act focuses primarily on emergency response, the new statute includes the four phases of emergency management—preparation, mitigation, response, and recovery—and clarifies what is required from identified actors in each phase.

Under the existing regulations, local authorities must:

- prepare local emergency plans that reflect potential emergencies and disasters that may affect any or all of an area within their jurisdiction;
- include an assessment of the relative risk that a given type of emergency will occur, along with its potential impact on people and property; and

**BC's Modernized Emergency Management Legislation:**  
Regulations for Local Authorities

- establish priorities for restoring essential services provided by the local authority.

Some of the key changes for local authorities in the proposed legislation that may be further detailed through regulations include:

- clear requirements for risk assessments, emergency management plans, and business continuity plans;
- a framework for multijurisdictional emergency management organizations; and
- requirements to consult and cooperate with Indigenous governing bodies.

### *Emergency planning requirements*

Municipalities and regional districts will be required to ensure that risk assessments are prepared for all reasonably foreseeable hazards within their jurisdictions. They will also need to ensure that there is at least one emergency management plan for each area within their jurisdiction. Generally, this means that municipalities will need to have a plan that covers municipal boundaries, and regional district plans can exclude areas for which municipal plans exist. Additionally, in recognition of the unique nature of regional districts, [Key Question A6](#) seeks input on how the regulations could focus regional district risk assessments and emergency management plans on geographic areas for which the making of plans is most critical.

Municipal authority under the legislation will apply within municipal boundaries. Regional district authority will apply within the boundaries of any electoral areas within a regional district. As local authorities, Modern Treaty Nations may exercise powers within the boundaries of their own treaty lands. If Crown land falls within municipal or regional district boundaries, a municipality or regional district will be authorized to use powers and will be required to perform their duties under the legislation within these Crown lands.

### *Emergency management organizations*

Hazards and emergencies do not respect jurisdictional boundaries and collaboration can greatly enhance effective mitigation, preparedness, response, and recovery. The legislation will enable the creation of multijurisdictional emergency management organizations that include any combination of local authorities, Indigenous governing bodies, and the provincial government. The creation of a multijurisdictional emergency management organization will allow for requirements (such as preparing risk assessments and emergency management plans) to be fulfilled as a collective.

### *Consultation, coordination and cooperation*

When a municipality or regional district prepares or revises a risk assessment or emergency management plan, they will be required to consult and coordinate with each municipality or regional district that has jurisdiction over an area adjacent to the municipality or regional district that is preparing or

revising their risk assessment or plan. Further consultation and coordination requirements could be included in regulations.

In alignment with the United Nations Declaration on the Rights of Indigenous Peoples, the new emergency management legislation will require consultation and cooperation in all phases of emergency management. Municipalities and regional districts will be required to consult and cooperate with Indigenous governing bodies when developing or reviewing risk assessments and emergency management plans. This includes Indigenous governing bodies authorized to act on behalf of First Nations Peoples whose traditional territory or treaty area includes an area within the jurisdiction of a municipality or regional district.

When the legislation receives royal assent, municipalities and regional districts will be required to contact Indigenous governing bodies and make reasonable efforts to reach agreement on the areas to be described in local authority emergency management plans for the purposes of consultation and cooperation. Entities authorized by First Nations Peoples to act on their behalf for the purposes of emergency management can be identified through this process.

For the response and recovery phases, consultation and cooperation will be required when either the Province or a local authority plans to use certain response or recovery powers. The Ministry of Emergency Management and Climate Readiness is developing additional supporting guidance on consultation and cooperation.



# Focus "A" : Regulations for Local Authority Planning

The following sections outline key areas for which regulations concerning local authority planning could be made. Questions are included to prompt feedback. Please refer to the appendix for a summary of relevant regulation-making authorities.

When regulations for local authorities are made, requirements to prepare risk assessments, emergency management plans, and business continuity plans will take effect. Additional time will be provided to meet these new requirements.

## *Key Question A1: Phasing-In*

*How much time does your local authority need to prepare these materials?*

# Risk Assessments

Under the proposed legislation, risk assessments will need to consider:

- the degree of risk posed by a hazard;
- the likelihood of the hazard leading to an emergency;
- the potential scope and scale of an emergency;
- available Indigenous and local knowledge;
- potential impacts from expected climate change or extreme weather events; and
- impacts on people, animals and places that may be disproportionately impacted by emergencies and may be more vulnerable due to physical location or prescribed circumstances.

Modernized statute will require risk assessments to:	Regulations could:	Questions
be prepared in accordance with the statute	add to statutory rules for how risk assessments must be prepared	<p>Key Question A2: Preparing risk assessments</p> <p><b>Should there be rules in the regulations for how risk assessments are prepared? If yes, what do you suggest?</b></p>
identify all reasonably foreseeable hazards, and assess: <ul style="list-style-type: none"> <li>• the extent of risk presented by a hazard</li> <li>• the potential consequences if an emergency occurs, with special consideration to (1) people who may experience intersectional disadvantage, and (2) vulnerable people, animals, places, or things</li> </ul>	add to statutory rules for what risk assessments must contain	<p>Key Question A3: Additional contents for risk assessments</p> <p><b>Should there be additional matters assessed in relation to hazards?</b></p>

# Emergency Management Plans

Municipalities and regional districts will be required to have emergency management plans that are based on the results of risk assessments and that describe:

- measures necessary for each of the four phases of emergency management;
- the roles, powers, and duties of key persons;
- requirements for emergency resources;
- procedures for engaging emergency systems;
- plans for training and exercise programs; and
- how cultural safety will be promoted.

Modernized statute will require emergency management plans to:	Regulations could:	Questions:
be prepared in accordance with the statute	add to statutory rules for how emergency management plans must be prepared	Key Question A4: Preparing emergency management plans  <b>Should there be rules in the regulations for how emergency management plans are prepared? If yes, what do you suggest?</b>
describe: <ul style="list-style-type: none"> <li>• measures for each phase of emergency management</li> <li>• roles, powers, and duties of key persons</li> <li>• emergency resource requirements</li> <li>• procedures for engaging emergency systems (e.g., notification systems)</li> <li>• training and exercise programs</li> <li>• measures to mitigate the effects of emergencies on (1) people who may experience intersectional disadvantage, and (2) vulnerable people, animals, places, or things</li> <li>• measures to promote cultural safety</li> </ul>	add to statutory rules for what emergency management plans must contain	Key Question A5: Additional contents for emergency management plans  For example, regulations may specify that local authority emergency management plans must also describe measures to reduce the incidence of gender-based violence during emergencies.  <b>Should there be additional matters described for the purposes of emergency management plans?</b>

## Regional Districts: Risk Assessment and Emergency Management Plan Scope

Regional districts are responsible for unincorporated areas within their jurisdiction, many of which are rural, remote, and/or sparsely populated. The Province intends to make regulations that will limit the minimum required scope of regional district plans to geographic areas where plans can have the greatest impact.

Modernized statute will:	Regulations could:	Question:
require a municipality or regional district to prepare and maintain risk assessments for the hazards within their jurisdiction, and prepare and maintain an emergency management plan for their jurisdiction	create rules regarding the requirement for a municipality or regional district to prepare risk assessments and emergency management plans, including rules that could reduce the required geographic scope of these risks assessments and emergency management plans for regional districts	Key Question A6: Scope of regional district planning requirements  <b>How should the regulations establish a minimum required scope for regional district plans?</b>

## Consultation, Collaboration, and Cooperation for Risk Assessments and Emergency Management Plans

The modernized emergency management legislation will include a series of principles which, broadly speaking, aim to foster collaboration, coordination, and relationship-building. In alignment with the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act, consultation and cooperation will be required in all phases of emergency management.

Modernized statute will require local authorities, when preparing, reviewing, or revising a risk assessment or emergency management plan, to:	Regulations could:	Questions:
consult and coordinate with adjacent local authorities	add to statutory rules for how a local authority must consult and coordinate with other local authorities, and potentially prescribe other persons for the purpose of consultation and coordination	<p>Key Question A7: Consultation and coordination with neighbouring local authorities</p> <p><b>Should there be rules in the regulations for how local authorities consult and coordinate with neighbouring local authorities in the course of preparing, reviewing, or revising a risk assessment or emergency management plan? If yes, what do you suggest?</b></p>
consult and cooperate with Indigenous governing bodies and, if adjacent to the treaty lands of a Modern Treaty Nation, to consult and cooperate with that Nation	add to statutory rules for how a local authority must consult and cooperate with Indigenous governing bodies	<p>Key Question A8: Consultation and cooperation with Indigenous governing bodies and Modern Treaty Nations</p> <p><b>Should there be rules in the regulations for how local authorities consult and cooperate with Indigenous governing bodies and (if applicable) Modern Treaty Nations in the course of preparing, reviewing, or revising a risk assessment or emergency management plan? If yes, what do you suggest?</b></p>

## Business Continuity Plans

Municipalities and regional districts will be required to have business continuity plans that describe how they will ensure the continued delivery of essential services during an emergency.

Modernized statute will require business continuity plans to:	Regulations could:	Question:
be prepared in accordance with the statute	add to statutory rules for how business continuity plans must be prepared	<p>Key Question A9: Business continuity plans</p> <p><b>Should there be rules in the regulations for how business continuity plans are prepared? If yes, what do you suggest?</b></p>

## Reviewing and Revising Planning Materials

As the risk landscape continues to evolve, regular review of risk assessments, emergency management plans, and business continuity plans is necessary to ensure all information is current. One consideration in establishing review cycles is community capacity to meet the requirements. The goal is to strike a balance between ensuring risks are being regularly reviewed and reflected in plans and recognizing the differences in community capacities and contexts.

Modernized statute will:	Regulations could:	Question:
require a municipality or regional district to review and revise their risk assessments, emergency management plan, and business continuity plan	create rules regarding the requirement to review and revise risk assessments, emergency management plans, and business continuity plans, including rules that could establish a regular review cycle	<p>Key Question A10: Review cycle</p> <p><b>Should there be rules in the regulations to establish a cycle for the regular review and revision of risk assessments, emergency management plans, and business continuity plans? If yes, what would be an appropriate cycle?</b></p>

# Focus “B”: Regulations for Emergency Management Organizations

Under the Emergency Program Act, local authorities are required to establish emergency management organizations. These organizations develop and implement emergency management plans as well as response and recovery measures. This requirement will continue under the modernized legislation, but multijurisdictional emergency management organizations will also be enabled.

## *Emergency Management Organizations Other Than Multijurisdictional Emergency Management Organizations*

Modernized statute will:	Regulations could:	Question:
<p>require a local authority, if it does not join a multijurisdictional emergency management organization, to establish, appoint members to, and maintain its own emergency management organization</p>	<p>create rules for establishing, appointing members to, and maintaining emergency management organizations (other than multijurisdictional emergency management organizations)</p>	<p>Key Question B1: Local authority emergency management organizations</p> <p><b>Should there be rules in the regulations for establishing, appointing members to, and maintaining emergency management organizations? If yes, what do you suggest?</b></p>

# Multijurisdictional Emergency Management Organizations

The new multijurisdictional emergency management organization framework will allow members to undertake response actions as a single body. The framework will allow cross-jurisdictional collaborative relationships to be formalized and permit legislative and operational requirements to be met collaboratively. Multijurisdictional emergency management organizations can consist of any combination of local authorities, Indigenous governing bodies, and the provincial government.

Modernized statute will:	Regulations could:	Questions:
<p>authorize a multijurisdictional emergency management organization to be established by any combination (two or more) of local authorities, Indigenous governing bodies, and the Province</p>	<p>create rules for the establishment, governance, and responsibilities of multijurisdictional emergency management organizations</p>	<p>Key Question B2: Establishing multijurisdictional emergency management organizations  <b>What rules should the regulations provide to govern the formation of multijurisdictional emergency management organizations?</b></p> <p>Key Question B3: Governance and responsibilities of multijurisdictional emergency management organizations  <b>Should there be rules in the regulations about the governance and responsibilities of multijurisdictional emergency management organizations? If yes, what do you suggest?</b></p>
<p>provide that a local authority in a multijurisdictional emergency management organization must provide information required by the provincial administrator, and comply with directions given by the provincial administrator</p>	<p>create rules as to which records relevant to a local authority's participation in a multijurisdictional emergency management organization must be given to the provincial administrator</p>	<p>Key Question B4: Multijurisdictional emergency management organization records  <b>Should there be rules in the regulations to specify the types of records relevant to a local authority's participation in a multijurisdictional emergency management organization that must be given to the provincial administrator? If yes, what do you suggest?</b></p>

# Conclusion

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Thank you for taking the time to participate in this engagement to help shape the future regulatory approach for local authority emergency management.

The deadline for written submissions is December 31, 2023. Please send your submission to [modernizeEM@gov.bc.ca](mailto:modernizeEM@gov.bc.ca).

Your feedback will help the Ministry of Emergency Management and Climate Readiness:

- understand the needs of local authorities in implementing the modernized legislation;
- identify policy options and pathways that provide the legislative foundation for strong local authority emergency management programs; and
- develop regulations and supporting policy and operational tools that reflect the needs and experiences of local governments.

Regulations are currently targeted for completion in 2024. Watch our website for up-to-date information on supports and upcoming engagement and co-development activities: [www.gov.bc.ca/EmergencyManagementAct](http://www.gov.bc.ca/EmergencyManagementAct). You can subscribe to the page to receive updates.

# Appendix: Summary of Regulation-Making Authorities

Theme	Regulations Authorized To
Focus "A": Local Authority Planning	1. Add meaning to the term "vulnerable" by prescribing characteristics that make a person, animal, place, or thing vulnerable
	2. Add to statutory rules for how risk assessments must be prepared
	3. Add to statutory rules for what risk assessments must contain
	4. Add to statutory rules for what risk assessments must be based on
	5. Add to statutory rules for how emergency management plans must be prepared
	6. Add to statutory rules for what emergency management plans must contain
	7. Add to statutory rules for what an emergency management plan must be based on
	8. Add to statutory rules for how a local authority must consult and coordinate with other local authorities, and potentially prescribe other persons for the purpose of consultation and coordination
	9. Add to statutory rules for how a local authority must consult and cooperate with Indigenous governing bodies when preparing, reviewing, or revising a risk assessment or emergency management plan
	10. Add to statutory rules for how business continuity plans must be prepared
	11. Add to statutory rules for what business continuity plans must contain
	12. Create rules regarding the areas within the jurisdiction of a regional district where the regional district is not required to prepare a risk assessment or emergency management plan or both
	13. Create rules for reviewing and revising risk assessments, emergency management plans, and business continuity plans

Theme	Regulations Authorized To
Focus "B": Emergency Management Organizations	1. Create rules for establishing, appointing members to, and maintaining emergency management organizations (other than multijurisdictional emergency management organizations)
	2. Create rules for establishing multijurisdictional emergency management organizations, including governance and responsibilities, as well as terms and conditions of agreements to join multi-jurisdictional emergency organizations
	3. Create rules as to which records relevant to a local authority's participation in a multijurisdictional emergency management organization must be given to the provincial administrator
Miscellaneous	1. Add types of information, in addition to those that will be described in the statute, that the minister may, by order, require a municipality or regional district to provide to the government
	2. Add types of actions, in addition to those that will be described in the statute, that the minister may, by order, require a municipality or regional district to take
	3. Specify prohibitions, requirements, limits, or conditions that would apply to the exercise of response or recovery powers of a municipality or regional district
	4. Add matters, in addition to those that will be described in the statute, that municipalities and regional districts must summarize in a report following a state of local emergency, and create rules that would require the publication of these final reports



# REPORT/RECOMMENDATION TO COUNCIL

**REPORT DATE:** Jan 08, 2024

**FILE:** 7130-01

**SUBMITTED BY:** Fire Chief

**MEETING DATE:** January 22, 2024

**SUBJECT:** 2024 UBCM Community Emergency Preparedness Fund

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## **PURPOSE:**

The purpose of this report is to seek Council support for an application to the current intake of the 2024 UBCM Community Emergency Preparedness Fund (CEPF), Emergency Support Services for the supply of equipment required for training and implementation of a new District of Hope Emergency Support Services (ESS) Activation Plan.

## **RECOMMENDATION:**

Recommended Resolution:

THAT Council supports the District of Hope application to the 2024 UBCM Community Emergency Preparedness Fund for grant funding up to the amount of \$30,000 to improve the efficiency of the District of Hope Emergency Support Services through the provision of equipment required for training and implementation of a new District of Hope Emergency Support Services Plan; and

FURTHER THAT Council commit the District of Hope to provide overall grant management.

## **ANALYSIS:**

### **A. Rationale:**

The intent of this funding stream is to support eligible applicants to build local capacity through the purchase of equipment and supplies required to maintain or improve the ESS provision and to enhance ESS operations through training and equipment. This will provide designated equipment to ESS Volunteers and support evacuees within the District of Hope.

### **B. Attachments:**

2024 CEPF ESS Program and Application [Guide](#).

**C. Strategic Plan Objectives:**

Emergency Management:

1.5 Pursue appropriate funding programs (UBCM/DMAF) to support emergency planning activities

**D. Resources:**

The project will be managed internally.

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Prepared by:

*Original Signed by Thomas Cameron*  
Fire Chief

Approved for submission to Council:

*Original Signed by John Fortoloczky*  
Chief Administrative Officer

# Community Emergency Preparedness Fund

## Emergency Support Services Equipment and Training

### 2024 Program and Application Guide (Updated December 2023)

Applications will be accepted January 1 to January 26, 2024 using new [LGPS Online Application Tool](#)

#### 1. Introduction

The [Community Emergency Preparedness Fund](#) (CEPF) is a suite of funding programs intended to support First Nations and local governments to better prepare for disasters and reduce risks from natural hazards in a changing climate. Funding is provided by the Province of BC, and is administered by Union of BC Municipalities (UBCM).

As of April 2023, the funding streams include:

- Disaster risk reduction-climate adaptation
- Emergency operations centres equipment and training
- Emergency support services equipment and training
- Extreme temperature risk mapping, assessment, and planning
- Indigenous cultural safety and cultural humility training
- Public notification and evacuation route planning
- Volunteer and composite fire departments equipment and training

Please refer to [Appendix 1](#) for definitions of terms used in this guide. All defined terms are in **bold** in the program guide.

#### Background

**Emergency Support Services** (ESS) is a First Nations Government and Local Authority based provincial emergency response program designed to meet the basic needs of British Columbians impacted by disasters by providing short-term support in a compassionate manner. ESS is designed to provide support for disasters ranging from a single house fire to provincial level events involving large evacuations. These supports enable people to re-establish themselves as quickly as possible after an emergency or disaster.

Under the *Emergency Program Act*, municipalities and regional districts are responsible for responding to emergencies in their areas, including providing emergency support services. Under the 10-year agreement between Indigenous Services Canada and the Province, First Nations in BC may elect to provide **emergency support services** to their residents.

#### Emergency Support Services Equipment and Training Funding Stream

The intent of this funding stream is to support eligible applicants to build local capacity to provide **emergency support services** through ESS volunteer/responder recruitment, retention and training, and the purchase of ESS equipment.

The focus of the ESS funding stream for the 2024 intake continues to be support of the modernization of local ESS programs in order to move toward digital registration and reporting through the [Evacuee Registration & Assistance \(ERA\) Tool](#).



Additionally, the intake will focus on promoting knowledge sharing, enhancing mutual aid, and for applicants to act as host communities.

## 2. Eligible Applicants

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All First Nations (bands and Treaty First Nations) and local governments (municipalities and regional districts) in BC are eligible to apply.

Eligible applicants can submit one application per funding stream intake. This includes applying as a sub-applicant in a regional application.

## 3. Grant Maximum

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The Emergency Support Services Equipment and Training funding stream can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$30,000.00.

The Evaluation Committee may recommend that an application be approved in part, based on available funding and the merit of the proposed project.

To ensure transparency and accountability in the expenditure of public funds, all other contributions for eligible portions of the project must be declared and, depending on the total value, may decrease the value of the funding. This includes any other grant funding and any revenue that is generated from activities that are funded by the CEPF.

## 4. Eligible Projects

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To qualify for funding, proposed activities must support eligible applicants to build local capacity to provide **emergency support services** through ESS volunteer/responder recruitment, retention and training, the purchase of ESS equipment, and be:

- A new or a subsequent phase of a project (retroactive funding is not available);
- Capable of completion by the applicant within one year from the date of grant approval;
- Where applicable, eligible for required approvals, authorizations, and permits; and,
- In alignment with [Emergency Support Services](#) policies and operational guidelines.

### Regional Projects

Funding requests from two or more eligible applicants for regional projects may be submitted as a single application for eligible, collaborative projects. In this case, the maximum funding available would be based on the number of eligible applicants included in the application. It is expected that regional projects will demonstrate cost-efficiencies in the total grant request.

The primary applicant submitting the application for a regional project is required to submit a resolution as outlined in [Section 7](#) of this guide. Each sub-applicant is required to submit a resolution that clearly states their approval for the primary applicant to apply for, receive, and manage the grant funding on their behalf.

## 5. Requirements for Funding

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As part of both the development of the application package and the delivery of the approved project, local governments are encouraged to proactively engage with local First Nations and Indigenous organizations. Engagement by local governments both locally and regionally can help build relationships with First Nations, benefit both communities, and enhance reconciliation. More information on engagement best practices is available [here](#).

As part of the Approval Agreement, approved projects must agree to the following requirements for funding:

- Any in-person activities, meetings, or events must meet public health orders and/or guidance;
- Activities must comply with all applicable privacy legislation under the *Freedom of Information and Protection of Privacy Act* in relation to the collection, use, or disclosure of personal information while conducting funded activities. Personal information is any recorded information about an identifiable individual other than their business contact information. This includes information that can be used to identify an individual through association or inference; and,
- Where applicable, the Qualified Professionals that manage the proposed project must be subject matter experts and any professional activities must be developed and signed by a qualified professional as per the *Professional Governance Act*.

## 6. Eligible and Ineligible Costs and Activities

### Eligible Costs and Activities

Eligible costs are direct costs that are approved for funding, properly and reasonably incurred, and paid by the applicant to carry out eligible activities. Eligible costs can only be incurred from the date of application submission until the final report is submitted.

Table 1 identifies activities that are eligible for funding. Other activities that support the intent of the program may be considered for funding. Eligible activities must be cost-effective.

<b>Table 1: Activities Eligible for Funding</b>
<p><b>1. Purchase of supplies and purchase and installation of equipment</b></p> <p><i>For the purpose of CEPF funding, if minor renovations of <b>group lodging</b> facilities or <b>reception centres</b> are proposed, the facilities must be located in a <b>First Nation owned building</b> or <b>publicly owned building</b> or an asset owned by the primary applicant or a sub-applicant.</i></p>
<ul style="list-style-type: none"> <li>• Purchase of supplies and equipment required to build ESS capacity, including:               <ul style="list-style-type: none"> <li>○ <b>Reception centre</b> kits and <b>group lodging</b> kits;</li> <li>○ Storage containers for supplies and equipment;</li> <li>○ Portable generators;</li> <li>○ Trailers for the purpose of transportation, storage, and mobile ESS operations;</li> <li>○ Personal protective equipment for ESS responders (PPE for members of the public is not eligible).</li> </ul> </li> <li>• Purchase of supplies and equipment required to support ESS modernization (e.g., computers, printers, and mobile devices); and,</li> <li>• Minor renovations (wiring, cabling, installation of shelving, etc.) in order to support installation of eligible equipment.</li> </ul>
<p><b>2. Training and exercises for ESS Responders</b></p> <p><i>Applicants are encouraged to identify qualified local providers for training. The following list includes the commonly used course names.</i></p> <p><i>For all virtual courses, eligible costs include: course/registration fee (if any), required course materials, and travel (including accommodations and per diems) only if required for internet connection or access to necessary technology. For all in-person courses, eligible costs include: course/registration fee, required course materials, and travel (including accommodations and per diems).</i></p>

<ul style="list-style-type: none"> <li>• ESS Courses <ul style="list-style-type: none"> <li>○ EMRG-1600: Intro to ESS</li> <li>○ EMRG-1607: Level 1 ESS</li> <li>○ EMRG-1610: Intro to Reception Centres</li> <li>○ EMRG-1612: Intro to Group Lodging</li> <li>○ EMRG-1615: Registration and Referrals</li> <li>○ EMRG-1620: ERA for Responders</li> <li>○ EMRG-1622: ERA for Management</li> <li>○ EMRG-1681: ESS Director</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Emergency Management Courses <ul style="list-style-type: none"> <li>○ EMRG-1100: Intro to Emergency Management in Canada</li> <li>○ EMRG-1200: ICS Level 100</li> </ul> </li> <li>• Mental Health Courses <ul style="list-style-type: none"> <li>○ Psychological First Aid</li> <li>○ Psychological First Aid Train the Trainer</li> </ul> </li> <li>• <b>Updated November 2023</b> – Network of Emergency Support Services Teams conference (NESST)</li> </ul>
<ul style="list-style-type: none"> <li>• Exercises designed to increase the capacity of ESS (i.e. mock <b>reception centre</b> and/or <b>group lodging</b> activations, table-top exercises, mock registration of evacuees using the Evacuee Registration and Assistance Tool.)</li> </ul>	
<p><b>3. Volunteer Recruitment and Retention Activities</b></p>	
<ul style="list-style-type: none"> <li>• Purchasing awards and small gifts for ESS responders;</li> <li>• Hosting volunteer recognition events including venue rentals, food, and non-alcoholic beverages.</li> </ul>	

### Additional Eligible Costs and Activities

The following expenditures are also eligible provided they relate directly to the eligible activities identified in Table 1:

- Incremental applicant staff and administration costs (e.g., creating a new position or adding new responsibilities to an existing position);
- Consultant/contractor costs. Please note: if you intend to hire a qualified professional to support proposed activities, professional consultant rates will only be considered for activities that represent respective professions. For other activities (e.g., planning events) consultant rates are expected to be commensurate with the type of activity being undertaken;
- Identification/incorporation of community and cultural values. This includes seeking advice from Indigenous Knowledge Holders and other experts (e.g., health authorities, First Nations Health Authority, etc.) and the community (e.g., equity-denied populations, Indigenous organizations, Indigenous Nations, local governments, pet-care organizations, organizations involved in a web of support network), etc.;
- Honoraria for cultural leaders, Elders, Indigenous knowledge keepers, and/or cultural keepers. Note: these honoraria should reflect the role of Indigenous Peoples as subject matter experts and be equitable to consultant rates;
- Costs related to local cultural protocols (e.g., gifts, cultural ceremonies);
- Honoraria for equity-denied populations or service organizations that support equity-denied populations;
- Translation costs and the development of culturally appropriate education, awareness, or engagement materials;
- Presentations to Band Council, Treaty First Nation government, local government Council or Board, or community organizations, etc.;
- Where applicable, costs related to required approvals, authorizations, and permits; and,

- Public information costs. Please note: public information costs (e.g., workshops, printed materials) need to align with the intent of the funding stream and provide benefit to the community at large.

### Ineligible Costs and Activities

Any activity that is not outlined in [Table 1](#) or is not directly connected to activities approved in the application is not eligible for grant funding. This includes:

- Routine or ongoing operating costs or activities (e.g., heating, cooling, and lighting; security; software or service subscriptions; or membership fees);
- Routine or ongoing planning costs or planning activities that are not incremental to the project;
- Regular salaries and/or benefits of applicant staff or partners;
- Duplication of recently developed information, maps, imagery (e.g., LiDAR) provided the information remains accurate;
- Project-related fees payable to the applicant(s) (e.g., permit fee for installation of eligible equipment);
- Costs related to individual or household preparedness, including the purchase of emergency supplies (e.g., first aid kits, evacuation supplies);
- Workshops for community members and households;
- Development of curriculum for Kindergarten to Grade 12 education;
- Major capital improvements or major renovations to existing facilities, and/or construction of new, permanent facilities;
- Purchase of promotional items, door/raffle prizes, give-away items, and/or gifts for community members (except costs related to local cultural protocols);
- Delivery of **emergency support services** during an emergency;
- Activities intended to increase the capacity of third-party organizations to deliver **emergency support services** on behalf of the approved applicant;
- Training through EMCR sponsored courses;
- Purchase of vehicles; and,
- Emergency preparedness marketing campaigns.

## 7. Application Requirements and Process

The new [LGPS Online Application Tool](#) is now available. Refer to [Appendix 2](#) for full information.

### Application Deadline and Process

The application deadline is **January 26, 2024**. Applicants will be advised of the status of their application within 90 days of the application deadline.

### Required Application Contents

EMCR and GeoBC respect the First Nations principles of OCAP®. Any product, data, or information which may include Indigenous knowledge may be submitted at the discretion of the applicant.

All applicants are required to complete the Online Application Form and submit an electronic copy of the following:

- Completed Application Worksheet with all required attachments;

- Band Council resolution, Treaty First Nation resolution, or local government Council or Board resolution, indicating support for the current proposed activities and willingness to provide overall grant management;
- Detailed budget that indicates the proposed expenditures from CEPF and aligns with the proposed activities outlined in the Application Worksheet. Although additional funding or support is not required, any other grant funding or in-kind contributions must be identified. Applicants are encouraged to use the new [LGPS Budget and Financial Summary Tool](#);
- For regional projects only: Band Council resolution, Treaty First Nation resolution, or local government Council or Board resolution, from each sub-applicant that clearly states their approval for the primary applicant to apply for, receive, and manage the grant funding on their behalf. Resolutions from sub-applicants must include this language.

## Submission of Applications

Applications are required to be submitted in two steps **prior to the application deadline**:

1. [LGPS Online Application Form](#): This online form must be completed for all applications to LGPS funding programs and includes questions that are common to all grant applications. When the LGPS Online Application Form is submitted, the applicant will receive an email confirmation including the file number that has been assigned to the application, and a copy of the Application Worksheet that must be completed as part of Step 2.
2. Application Worksheet: This worksheet contains questions that are specific to the funding stream and must be submitted by email to UBCM with all other required attachments.

Refer to [Appendix 2](#) for more information on the new process and the information that will be required to be submitted during each step.

Worksheets and required attachments should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB. All materials should be submitted to Local Government Program Services, Union of BC Municipalities by e-mail: [cepf@ubcm.ca](mailto:cepf@ubcm.ca)

## Review of Applications

UBCM will perform a preliminary review of applications to ensure the required application contents have been submitted and to ensure that basic eligibility criteria have been met. Only complete application packages will be reviewed.

As required, the Evaluation Committee will assess and score all eligible applications. Point values and weighting have been established within each of these scoring criteria. Only those applications that meet a minimum threshold point value will be considered for funding.

Higher application review scores will be given to projects that:

- Align with the intent of the Emergency Support Services Equipment and Training funding stream:
  - Support the modernization of local ESS programs in order to move toward electronic registration and reporting through the Evacuee Registration and Assistance (ERA) Tool;
  - Clearly demonstrate how the capacity of the eligible applicant to deliver **emergency support services** in their community and act as a host community will be increased;
- Demonstrate evidence of engagement with First Nations and/or Indigenous organizations in advance of submitting the application and as part of the proposed project (e.g., collaborative planning tables; incorporating First Nation values and perspectives in proposed activities; existing outreach, plans, engagement reports or processes; including First Nation engagement costs in the budget; completion of Indigenous **Cultural Safety** and Cultural Humility Training);
- Effectively engage with neighbouring jurisdictions, and other impacted or affected parties (e.g., equity-denied populations, pet-care organizations, organizations involved in a web of support network) as appropriate to the project. Rural and remote communities may want to consider engaging with regional districts and/or health authorities, and First Nation applicants may want to

consider engaging with the First Nations' Emergency Services Society or the First Nations Health Authority;

- Contribute to a comprehensive, cooperative, and regional approach; and,
- Are cost-effective.

As required, the Evaluation Committee may consider the provincial, regional, and urban/rural distribution of proposed projects, and previous CEPF funding. Recommendations will be made on a priority basis. All funding decisions will be made by UBCM.

UBCM may share all applications with the Province of BC  
and the First Nations' Emergency Services Society.

## 8. Grant Management and Applicant Responsibilities

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Grants are awarded to approved applicants only. The approved applicant is responsible for completion of the project as approved, and for meeting reporting requirements.

Approved applicants are responsible for proper fiscal management, including maintaining acceptable accounting records for the project. UBCM reserves the right to audit these records.

### Notice of Funding Decision and Payments

All applicants will receive written notice of funding decisions. Approved applicants will receive an Approval Agreement, which will include the terms and conditions of any grant that is awarded. The Approval Agreement is required to be signed and returned to UBCM within 30 days.

Grants are paid at the completion of the project and only when the Final Report requirements have been met.

Please note that in cases where revisions are required to an application, or an application has been approved in principle only, the applicant has 30 days from the date of the written notice of the status of the application to complete the application requirements. Applications that are not completed within 30 days may be closed.

### Progress Payments

To request a progress payment, approved applicants are required to submit the [Interim Report Form](#). The form will require the following information:

- Description of activities completed to date;
- Description of funds expended to date (applicants are encouraged to use the new [LGPS Budget and Financial Summary Tool](#)); and,
- Written rationale for receiving a progress payment.

### Changes to Approved Projects (Amendment Requests)

Approved grants are specific to the project as identified in the approved application, and grant funds are not transferable to other projects. Generally speaking, this means funds cannot be transferred to an activity that was not included in the approved application or to a new or expanded location.

Approval from UBCM and/or the Evaluation Committee will be required for any variation from the approved project. Depending on the complexity of the proposed amendment, requests may take up to 90 days to review.

To propose changes to an approved project, applicants are required to submit the [Interim Report Form](#). If UBCM determines the amendment is eligible for consideration, applicants will be required to submit:

- Amended application package, including updated Application Worksheet, detailed budget (applicants are encouraged to use the new [LGPS Budget and Financial Summary Tool](#)), required attachments, and an updated resolution;

- For regional projects only: evidence of support from sub-applicants for proposed amendments will be required; and,
- Written rationale for proposed changes to activities and/or expenditures.

Applicants are responsible for any costs above the approved grant unless a revised application is submitted and approved prior to work being undertaken.

### **Extensions to Project End Date**

All approved activities are required to be completed within the time frame identified in the Approval Agreement and all extensions beyond this date must be requested in writing and be approved by UBCM.

The [Interim Report Form](#) will be required to be submitted for all extension requests over six months. Extensions will not exceed one year from the date of the original Final Report deadline.

## **9. Final Report Requirements and Process**

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All funded activities must be completed within one year of notification of funding approval and the Final Report is due within 30 days of project completion.

EMCR and GeoBC respect the First Nations principles of OCAP®. Any product, data, or information which may include Indigenous knowledge may be submitted at the discretion of the applicant.

### **Final Reports**

Applicants are required to submit an electronic copy of the completed Final Report, including the following:

- Completed Final Report Form with all requirement attachments;
- Detailed financial summary that indicates the actual expenditures from CEPF and other sources (if applicable) and that aligns with the actual activities outlined in the final report form. Applicants are encouraged to use the new [LGPS Budget and Financial Summary Tool](#);
- Copies of any training or capacity-building materials that were produced with grant funding;
- Photos of funded activities and/or completed projects; and,
- Links to media related to the funded project.

### **Submission of Reports**

Reports should be submitted as Word, Excel, or PDF files. Total file size for email attachments cannot exceed 20 MB.

All reports should be submitted to Local Government Program Services, Union of BC Municipalities by email: [cepf@ubcm.ca](mailto:cepf@ubcm.ca).

### **Review of Final Reports**

UBCM will review Final Reports to ensure the required report contents have been submitted.

UBCM may share all report materials with the Province of BC  
and the First Nations' Emergency Services Society

## **10. Additional Information**

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Union of BC Municipalities

E-mail: [cepf@ubcm.ca](mailto:cepf@ubcm.ca)

Phone: 604-270-8226 ext. 220

## Appendix 1: Definitions

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Please refer to [CEPF Definitions](#) for defined terms used throughout the Community Emergency Preparedness Fund program and application materials.

The following definitions apply to the Emergency Support Services Equipment and Training funding stream.

**Cultural Safety:** Indigenous cultural safety is the process of making spaces, services, and organizations safer and more equitable for Indigenous people by considering current and historical colonial impact and seeking to eliminate structural racism and discrimination. ([BC Centre for Disease Control](#))

**Emergency Operations Centres:** Designated facility established by an organization or jurisdiction to coordinate the overall organizational or jurisdictional response and support to an emergency response ([Emergency Support Services Program Guide](#)).

For the purpose of CEPF funding, EOCs must be located in a **First Nation owned building** or **publicly owned building** or an asset owned by the primary applicant or a sub-applicant.

**Emergency Support Services:** Services provided on a short-term basis to evacuees in emergency situations ([Emergency Support Services Program Guide](#)).

**First Nations land:** First Nation reserve land, land owned by a Treaty First Nation (as defined by the *Interpretation Act*), land under the authority of an Indigenous National Government, or other land owned by a First Nation or Treaty First Nation.

**First Nations owned buildings:** Buildings owned by a Treaty First Nation (as defined by the *Interpretation Act*) or buildings owned by a First Nation band.

**Group Lodging:** Congregate care facility for the lodging and feeding of evacuees ([Emergency Support Services Program Guide](#)).

For the purpose of CEPF funding, if minor renovations of group lodging facilities are proposed, the group lodging must be located in a **First Nation owned building** or **publicly owned building** or an asset owned by the primary applicant or a sub-applicant.

**Hazard:** A process, phenomenon, or human activity that may cause loss of life, injury, or other health impacts, property damage, social and economic disruption, or environmental degradation ([Sendai Framework for Disaster Risk Reduction](#)).

**Mitigation:** the lessening or minimizing of the adverse impacts of a hazard (modified from [Sendai Framework for Disaster Risk Reduction](#)).

**Publicly owned buildings:** Buildings owned by a local government or public institution (such as health authority or school district).

**Publicly owned land:** Provincial Crown land, land owned by a local government, or land owned by a public institution (such as a health authority or school district).

**Publicly, provincially, and First Nations owned Critical Infrastructure:** Assets owned by the Provincial government, local government, public institution (such as health authority or school district), First Nation, or Treaty First Nation that are either:

- Identified in a Local Authority Emergency Plan;
- Essential to the health, safety, security, or economic wellbeing of the community and the effective functioning of society.

**Reception Centre:** A safe gathering place where evacuees can register, are interviewed to determine their immediate emergency needs, and are referred to suppliers for assistance ([Emergency Support Services Program Guide](#)).

For the purpose of CEPF funding, if minor renovations of reception centre facilities are proposed, the reception centre must be located in a **First Nation owned building** or **publicly owned building** or an asset owned by the primary applicant or a sub-applicant.

## **Appendix 2: LGPS Online Application Tool**

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As outlined in Section 7, applications are required to be submitted in two steps **prior to the application deadline**:

1. [LGPS Online Application Form](#): This online form must be completed for all applications to LGPS funding programs and includes questions that are common to all grant applications. When the LGPS Online Application Form is submitted, the applicant will receive an email confirmation including the file number that has been assigned to the application, and a copy of the Application Worksheet that must be completed as part of Step 2.
2. Application Worksheet: This worksheet contains questions that are specific to the funding stream and must be submitted by email to UBCM with all other required attachments.

### **STEP ONE: LGPS Online Application Form**

The following questions are required to be answered on the LGPS Online Application Form:

1. Name of the intake of the funding program that you want to apply for (select from menu)
2. Name of the Primary Applicant (select from menu). Please note: if the name of your organization is not included in the menu, contact UBCM in order to determine eligibility and next steps
3. Primary and secondary contact information: name, position, phone, email
4. For regional projects only: name of sub-applicant(s) and rationale for regional project
5. Project title
6. Proposed start and end date
7. Total project budget
8. Total grant request
9. Other funding amount and source
10. Project summary
11. Progress to date. Provide an update on the status of previously approved projects if previously funded under same funding program/funding stream
12. Certification that the information is complete and accurate

When the LGPS Online Application Form is submitted, the applicant will receive an email confirmation including the file number that has been assigned to the application, and a copy of the Application Worksheet that must be completed as part of Step 2.

### **STEP TWO: Application Worksheet and Required Attachments**

#### Application Worksheet

The following questions will be required to be answered on the Application Worksheet:

1. Primary Applicant full name (local government or First Nation)
2. File Number (this can be found on the confirmation email you will receive after the LGPS Online Application Form is submitted)
3. Proposed Activities: description of the proposed specific activities that will be undertaken:
  - a) Equipment and supplies
  - b) Training and exercises
  - c) Volunteer recognition and retention

4. Alignment with funding stream: description of how activities will align with the intent of the funding stream (build local capacity to provide emergency support services through ESS volunteer/responder recruitment, retention and training, and the purchase of ESS equipment):
  - a) Description of how proposed activities will support the modernization of the local ESS program? Will the Evacuee Registration and Assistance (ERA) Tool be implemented?
  - b) Description of how the proposed project will increase emergency response capacity as a host community.
5. Engagement with First Nations and/or Indigenous Organizations:
  - a) Which First Nations and/or Indigenous organizations were proactively engaged as part of the development of this application?
  - b) Which First Nations and/or Indigenous organizations will participate in the proposed activities and what specific role will they play?
  - c) Please indicate the extent to which staff and/or elected officials have undertaken Indigenous Cultural Safety and Cultural Humility Training.
6. Engagement with Neighbouring Jurisdictions and Affected Parties: description of any neighbours and/or partners (e.g., equity-denied populations, pet-care organizations, organizations involved in a web of support network) you will engage with as appropriate to the project.
7. Comprehensive, cooperative, regional approach and benefits: description of how your project will contribute to a comprehensive, cooperative, and regional approach to ESS and any regional benefits.
8. Additional Information: Any other information you think may help support your submission.

#### Required Attachments

The following attachments will be required to be submitted with the completed Application Worksheet:

- Band Council resolution, Treaty First Nation resolution, or local government Council or Board resolution, indicating support for the current proposed activities and willingness to provide overall grant management.
- Detailed budget that indicates the proposed expenditures from CEPF and aligns with the proposed activities outlined in the Application Worksheet. Although additional funding or support is not required, any other grant funding or in-kind contributions must be identified. Applicants are encouraged to use the new [LGPS Budget and Financial Summary Tool](#).
- For regional projects only: Band Council resolution, Treaty First Nation, or local government Council or Board resolution, from each sub-applicant that clearly states their approval for the primary applicant to apply for, receive, and manage the grant funding on their behalf.

**Documents should be submitted as Word, Excel, or PDF files.  
Total file size for email attachments cannot exceed 20 MB.**

**All documents should be submitted to Local Government Program Services,  
Union of BC Municipalities by e-mail: [cepf@ubcm.ca](mailto:cepf@ubcm.ca)**

**Please note “2024-ESS” in the subject line.**



## DISTRICT OF HOPE BYLAW NO. 1570, 2024

### *A bylaw to adopt the Financial Plan for the years 2024 - 2028*

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WHEREAS Section 165 of the *Community Charter* requires the District to annually prepare and adopt a 5 Year Financial Plan, by bylaw; and

WHEREAS expenditures not provided for in the financial plan or the financial plan as amended, are not lawful except in the event of an emergency;

NOW THEREFORE the Council of the District of Hope, in open meeting assembled, enacts as follows:

#### 1. **Citation:**

This bylaw may be cited for all purposes as the “**District of Hope 2024 – 2028 Financial Plan Bylaw No. 1570, 2024**”.

#### 2. **Objectives and Policies:**

- Schedule “A”, attached to and forming part of this bylaw, sets out the objectives and policies for the period January 1, 2024 to December 31, 2028.
- Schedule “B”, attached to and forming part of this bylaw, outlines the Financial Plan for 2024 to 2028.

#### 3. **Consultation:**

Pursuant to Section 166 of the *Community Charter*, a public consultation meeting was held on the 13<sup>th</sup> day of December, 2023.

Read a first, second and third time this 8<sup>th</sup> day of January, 2024.

Adopted this XX day of January, 2024.

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Mayor

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Director of Corporate Services

## Schedule "A"

### Statement of Objectives and Policies

In accordance with Section 165(3.1) of the *Community Charter*, municipalities are required to include in the Five-Year Financial Plan, objectives and policies regarding each of the following:

- (a) For each of the funding sources described in Section 165(7) of the *Community Charter*, the proportion of total revenue that is proposed to come from that funding source;
- (b) The distribution of property value taxes among the property classes that may be subject to taxes; and
- (c) The use of permissive tax exemptions.

Over the five-year period of the financial plan, the taxation requirement is estimated to increase annually by a growth factor of (4 - 9%) which covers increases in cost-of-living expenses and increases to contributions to reserves.

The current financial plan provides for \$10,738,600 to be generated from District of Hope property tax base for General Government, Infrastructure Reserve and Policing purposes.

The District has various objectives or policies that govern and affect the budget process and include:

### Revenue Objective

- (a) The District will review fees/charges annually to ensure that they keep pace with changes in the cost-of-living as well as changes in the methods or levels of service delivery;
- (b) The District will actively pursue alternative revenue sources to help minimize property taxes;
- (c) The District will consider market rates and charges levied by other public and private organizations for similar services in establishing rates, fees and charges;
- (d) The District will establish cost recovery policies for fee-supported services. The Policies will consider whether the benefits received from the service are public and/or private;
- (e) The District will establish cost recovery policies for services provided for other levels of government;
- (f) General Revenues will not be dedicated for specific purposes, unless required by law or Canadian Public Sector Accounting Standards; and
- (g) The District will develop and pursue new and creative partnerships with government, community institutions (churches, schools), and community groups as well as private and non-profit organizations to reduce costs and enhance service to the community.

### Surplus Funds

The *Community Charter* does not allow municipalities to plan an operating deficit (i.e., where expenditures exceed revenues). To ensure this situation does not occur, revenue projections are conservative and authorized expenditures are closely monitored. The combination of conservative revenue projections and controlled expenditures should produce a modest annual operating surplus.

## Use of Surplus Funds

- (a) Council will review options and provide direction to staff regarding the allocation of any operating surplus prior to completion of the budget process for the following year.
- (b) To ensure the Accumulated Surplus is not excessive, the balance in the accumulated surplus account should not exceed a specific amount or guideline. The guideline is that Accumulated Surplus should not exceed 10% of the net operating budget.
- (c) Accumulated Surplus funds above the 10% guideline shall be used to:
  - i. fund capital expenditures or to increase reserves;
  - ii. pay off capital debt, including internal borrowings;
  - iii. stabilize District property tax and utility rate increases;
  - iv. fund other items as Council deems appropriate.
- (d) Staff will facilitate Council's review of the amount of Accumulated Surplus funds available on an annual basis.

## Debt Objective

- (a) One-time capital improvements and unusual equipment purchases;
- (b) When the useful project life will exceed the term of financing;
- (c) Major equipment purchases;
- (d) Debt servicing is limited to no more than a 3% tax increase per year;
- (e) The maximum borrowing amount be limited to 25% (*Community Charter* allows for 25%) of the District's revenues as defined by the *Community Charter*; and
- (f) Reserves are to be considered as a funding source before debt.

## Reserve Funds

Reserve funds shall be set aside to:

- (a) Provide sources of funds for future capital expenditures;
- (b) Provide a source of funding for areas of expenditure that fluctuate significantly from year to year (equipment replacement, special building maintenance, etc.);
- (c) Protect the District from uncontrollable or unexpected increases in expenditures or unforeseen reductions in revenues, or a combination of the two; and
- (d) Provide for working capital to ensure sufficient cash flow to meet the District's needs throughout the year.

## Proportion of Taxes Allocated to Classes

It is Council’s goal to ensure that there is a fair and equitable apportionment of taxes to each property class. The apportionment to each class is calculated using the multipliers determined by Council prior to preparing the annual tax rate bylaw. The tax multipliers will be reviewed and set by Council annually.

	General taxes	Infrastructure levy	Policing	Total	Multiplier	Percentage of tax revenue
Residential	4,317,700	258,600	1,616,100	6,192,400	1.00	57.7%
Utilities	1,781,200	107,500	666,700	2,555,400	13.12	23.8%
Supportive Housing				0		0.0%
Major Industry				0	2.25	0.0%
Light Industry	82,400	5,000	30,800	118,200	2.25	1.1%
Business	1,279,300	77,200	478,800	1,835,300	1.80	17.1%
Managed Forest				0		0.0%
Recreational	23,000	1,500	8,600	33,100	1.70	0.3%
Farm	2,900	200	1,100	4,200	4.98	0.0%
<b>Total</b>	<b>7,486,500</b>	<b>450,000</b>	<b>2,802,100</b>	<b>10,738,600</b>		<b>100.0%</b>

It should be noted that the multiplier is an estimate based on the approved tax rate increase.

### Permissive Tax Exemptions

Permissive tax exemptions will be approved annually by Council. All applications for permissive tax exemptions will be considered in accordance with the Permissive Tax Exemption Policy.

### Revitalization Tax Exemption

A revitalization tax exemption was available within a defined downtown area and provided a financial incentive to encourage development in the town center. The current bylaw has expired, however there are some active agreements still in effect until they expire.

### Development Cost Charges

Development cost charges will be used to help fund capital projects deemed to be required in whole or in part due to development in the community. These charges will be set by bylaw and reviewed at a minimum every year to ensure that project estimates remain reasonable and the development costs charges are aligned with the strategic goals of Council.

1. Information Bulletin dated December 27, 2023 from the Ministry of Labour re: Asbestos licensing, certification required by Jan. 1, 2024
2. Information Bulletin dated December 28, 2023 from the Ministry of Transportation and Infrastructure re: DriveBC webcams provide new views for drivers.
3. Information Bulletin dated December 29, 2023 from the Ministry of Labour re: Return-to-work requirements for injured workers come into effect Jan. 1.
4. Information Bulletin dated January 2, 2024 from the Ministry of Finance re: Homeowner grant provides property tax relief for people in B.C.
5. News Release dated January 3, 2024 from the Ministry of Housing re: Funding extended to support people experiencing homelessness in Duncan.
6. News Release dated January 3, 2024 from the Ministry of Tourism, Arts, Culture and Sport and the Honours and Awards Secretariat re: Province honours people providing extraordinary community service.
7. News Release dated January 4, 2024 from the Ministry of Emergency Management and Climate Readiness re: Province seeking input on support for evacuees.
8. News Release dated January 4, 2024 from the Ministry of Jobs, Economic Development and Innovation re: Funding supports new manufacturing jobs for people in B.C.
9. News Release dated January 5, 2024 from the Ministry of Finance re: Money from Climate Action Tax Credit helps people after the holidays.
10. News Release dated January 5, 2024 from the Intergovernmental Relations Secretariat and Francophone Affairs re: British Columbia introduces French-language policy.
11. News Release dated January 8, 2024 from the Ministry of Agriculture and Food re: Buy BC supports success of farmers, producers and processors.
12. Information Bulletin dated January 9, 2024 from the Ministry of Emergency Management and Climate Readiness re: People encouraged to prepare for winter weather.
13. Information Bulletin dated January 10, 2024 from the Honours and Awards Secretariat re: Nominations open for B.C.'s top honours.
14. News Release dated January 10, 2024 from the Ministry of Health and the Office of the Provincial Health Officer re: Vaccines providing better protection still available in B.C.
15. News Release dated January 11, 2024 from the Ministry of Emergency Management and Climate Readiness re: Funding will support local volunteer fire departments, keep people safe.
16. Information Bulletin dated January 11, 2024 from the Ministry of Emergency Management and Climate Readiness re: More shelters open, prepare for plummeting temperatures.
17. Information Bulletin dated January 12, 2024 from the Ministry of Water, Land and Resource Stewardship re: Better water management practices coming to B.C.
18. News Release dated January 15, 2024 from the Office of the Premier and the Ministry of Attorney General re: New changes will make family law work better for families.