



## ORDER OF THE EXECUTIVE

Re: Access to Toquaht Lands during State of Emergency

Enacted under the Emergency Preparedness Act section 3.4

TNO 45/2020

### BACKGROUND:

- A. Effective November 19, 2020, pursuant to section 2.4(a) of the Emergency Preparedness Act, the ɥaʔwił extended the state of emergency declared on March 30, 2020 on all Toquaht lands because of the novel coronavirus (COVID-19) pandemic; and
- B. Section 3.4 of the Emergency Preparedness Act provides that while a Toquaht emergency declaration is in effect, the Executive may do all acts and implement all procedures that it considers necessary or advisable to prevent, respond to or alleviate the effects of an emergency, health hazard or disaster.


### NOW THEREFORE THE EXECUTIVE ORDERS AS FOLLOWS:

- 1) Effective as of the date of this Order and in accordance with section 3.4(a)(iii) of the Emergency Preparedness Act, the following response measures are ordered:
  - a. **ALL PERSONS** authorized to enter or be on Toquaht lands must adhere to and abide by the most current orders, directives, protocols and guidelines issued by the Province of British Columbia or British Columbia's Centre for Disease Control with respect to COVID 19 response measures;
  - b. **ONLY RESIDENTS OF MACOAH** will be allowed to enter Macoah and, subject to this Order, individuals who are not resident in Macoah should not travel to, or attempt to enter, Macoah;
  - c. **DELIVERIES OF GOODS AND SERVICES** (screened and approved by the Executive or the director of operations) will be allowed into Macoah as directed by the Province of British Columbia's COVID-19 safety guidelines and with minimal contact with other authorized individuals in Macoah;
  - d. **ONLY AUTHORIZED RESIDENTS OF MACOAH** will be allowed to enter that parcel of land legally described as Block D, District Lot 2219 and 2220, Section 15 and 16 Clayoquot District PID 400-060-004 and locally described as the Secret Beach Marina and Campground near Macoah, BC and, for certainty but subject to subsection f.iii, the Secret Beach Marina and Campground is closed to all other persons;
  - e. **NO OVERNIGHT CAMPING** is allowed on any Toquaht public lands and, for certainty, all Toquaht public lands are closed for temporary recreational purposes, including hunting or fishing, that involves overnight camping;
  - f. **CONSTRUCTION WORKERS AND EQUIPMENT AND DELIVERIES OF CONSTRUCTION MATERIALS** (screened and approved by the Executive or the director of operations) will be allowed to enter the following Toquaht lands to travel

directly to and from the applicable parcel of land in accordance with the “COVID-19 – Standardized Protocols for All Canadian Construction Sites” published by the Canadian Construction Association dated April 16, 2020, as amended from time to time, considered by the Executive on May 21, 2020, and as directed by the Province of British Columbia’s COVID-19 safety guidelines, including WorkSafeBC, and The Vancouver Island Construction Association and with minimal contact with Macoah residents or other individuals on Toquaht lands:

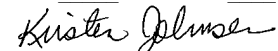
- i. that parcel of land legally described as Lot 7 District Lot 2197 Clayoquot District Plan EPP53212 PID 029-757-690 and civically described as 140 Tiickin Drive, Macoah, BC;
  - ii. that parcel of land legally described as the Remainder of Lot 21 District Lot 2197 Clayoquot District Plan EPP53212 PID 029-757-860 and civically described as unnumbered lot on Mukwaqis Crescent, Macoah, BC; and
  - iii. that parcel of land legally described as Block D, District Lot 2219 and 2220, Section 15 and 16 Clayoquot District PID 400-060-004 and locally described as the Secret Beach Marina and Campground near Macoah, BC; and
- g. **ALL OTHER PERSONS** are prohibited from entering Toquaht lands and will be asked to TURN AROUND and not enter Toquaht lands.
- 2) Failure to comply with this Order is an offence under section 4.2 of the Emergency Preparedness Act and any person committing an offence is liable, on summary conviction, to a fine not exceeding \$10,000 or imprisonment for a term not exceeding six months.
  - 3) The Orders of the Executive TNO 5/2020 made April 16, 2020 and TNO 18/2020 made June 18, 2020 are hereby terminated and cease to have force and effect as of the date of this Order.
  - 4) For certainty, the Orders of the Executive TNO 25 re: Access to Lot 1 at Macoah made July 30, 2020, TNO 26 re: Access to Sawmill at Macoah made July 30, 2020, TNO 29/2020 re: Access to Lot 9 at Macoah made August 13, 2020 and TNO 44/2020 re: CARE Network Access made November 24, 2020 remain in force and have effect as of the date they were made.
  - 5) This Order continues until the earlier of the following dates:
    - a. the date it is terminated by subsequent Order of the Executive;
    - b. the date on which the emergency declaration made March 30, 2020 under section 2.4(a) of the Emergency Preparedness Act expires or is cancelled; and
    - c. if there is an extension of the emergency declaration under section 2.4(a) of the Emergency Preparedness Act, the date on which the last extension of that declaration expires or is cancelled.

This Order enacted on November 24, 2020

Signed   
Anne Mack, ɥaʔwił of the Toquaht Nation

DEPOSITED IN THE  
REGISTRY OF LAWS AND  
OFFICIAL RECORDS

ON 2020/11/25



Signature of Law Clerk