

Council Meeting

Tuesday March 26th, 2024

Meeting by Zoom

AGENDA

<https://us02web.zoom.us/j/81097814151?pwd=U0lYZHJncVUzRFNYUmFXS21CTTlvZz09>

Meeting ID: 810 9781 4151

Passcode: 336690

Start time: 3:00 p.m.

Guest: Trudy Warner

Convening the meeting

Adoption of Agenda

Approval of minutes from March 19, 2024

STARTS CM00665

REGULAR BUSINESS

1) PETITIONS, DELEGATIONS & PRESENTATIONS

2) REQUEST FOR DECISION AND LEGISLATION

a) Request for Decision

i) 3rd Reading of Annual Budget Act 2024-2025

(1) Receive recommendation for the People's Assembly

March 23, 2024 People's Assembly meeting

MOVED: SECONDED:

THAT the People's Assembly recommend that Toquaht Council adopt the draft Toquaht Nation Government Annual Budget Act 2024-2025.

Motion Carried

THAT Council receive the recommendation from the Toquaht People's Assembly and resolve to enact the Annual Budget Act 2024-2025 in the form now laid before the Council as TNS 1/2024 of the Toquaht Nation.

b) Request for Decision

i) 3rd Reading of Five-Year Financial Plan Act 2024-2025 to 2027-2028

(1) Receive recommendation from the finance committee

February 26, 2024 Finance Committee mtg

MOVED: Kevin Mack SECONDED: Anne Mack

To report the Act complete without amendment and recommend adoption.

YES: 3

NO: 0

Motion Carried

March 7, 2024 Council committee of the whole mtg

MOVED: Kevin Mack SECONDED: Noah Plonka

To report the Act complete as amended and recommend adoption.

YES: 4

NO: 0

Motion Carried

THAT Council resolve to enact the Public Works and Services Act Amending Act in the form now laid before the Council as TNS 5/2024 of the Toquaht Nation.

3) INFORMATION FOR RECEIPT

4) CORRESPONDANCE FOR RECEIPT

5) QUARTERLY DEPARTMENT REPORTS

6) LATE ADDITIONS

Additions/deletions

-
-

Adjourn meeting

Council

Tuesday March 19th, 2024

Meeting by Zoom

DRAFT Meeting Minutes

Present: Kirsten Johnsen, Lisa Morgan, Anne Mack, Kevin Mack, Noah Plonka

Absent:

Guest: Trudy Warner, Robyn Rea

Chair: Kirsten Johnsen

Recorder: K Johnsen

Quorum was present throughout the meeting

Convened 3:00 p.m.

Agenda adopted by consensus

Minutes from March 12, 2024 approved by consensus

STARTS CM00664

1) PETITIONS, DELEGATIONS & PRESENTATIONS

2) REQUEST FOR DECISION AND LEGISLATION

a) Request for Decision

i) 2nd Reading of Annual Budget Act 2024-2025

(1) Receive recommendation for the Finance Committee

(2) Send Annual Budget Act to the People's Assembly

CM00664 MOVED: Anne Mack SECONDED: Kevin Mack

THAT Council receives the recommendation from the finance committee and resolve to send the Annual Budget Act 2024-2025 to the March 23rd, 2024 People's Assembly for citizen's review.

YES: 5

NO: 0

Motion Carried

3) INFORMATION FOR RECEIPT

4) CORRESPONDANCE FOR RECEIPT

5) Quarterly Department Reports

6) LATE ADDITIONS

Adjourned 3:10 p.m.

Minutes prepared by

Chairperson

Law Clerk

Date

TOQUAHT NATION GOVERNMENT
OFFICIAL COMMUNITY PLAN ACT
TNS 3/2024



This law enacted on _____, 2024

Signed _____
Anne Mack, taayii ḥawil of the Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS AND
OFFICIAL RECORDS

ON ____ / ____ / ____

Signature of Law Clerk

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PART 1 - GENERAL PROVISIONS

Short title

1.1 This Act may be cited as the Official Community Plan Act, TNS ◆/2024.

Executive oversight

1.2 The member of the Executive holding the lands, public works and environmental protection portfolio is responsible for the executive oversight of this Act.

Adoption of official community plan

1.3 The official community plan attached as Schedule 1 is adopted as the official community plan of the Toquaht Nation for all

- (a) Toquaht lands, and
- (b) Toquaht foreshore.

Repeal

1.4 The Official Community Plan Act, TNS 1/2016 is repealed.

Commencement

1.5 This Act comes into force on the date it is enacted.

SCHEDULE 1 – OFFICIAL COMMUNITY PLAN

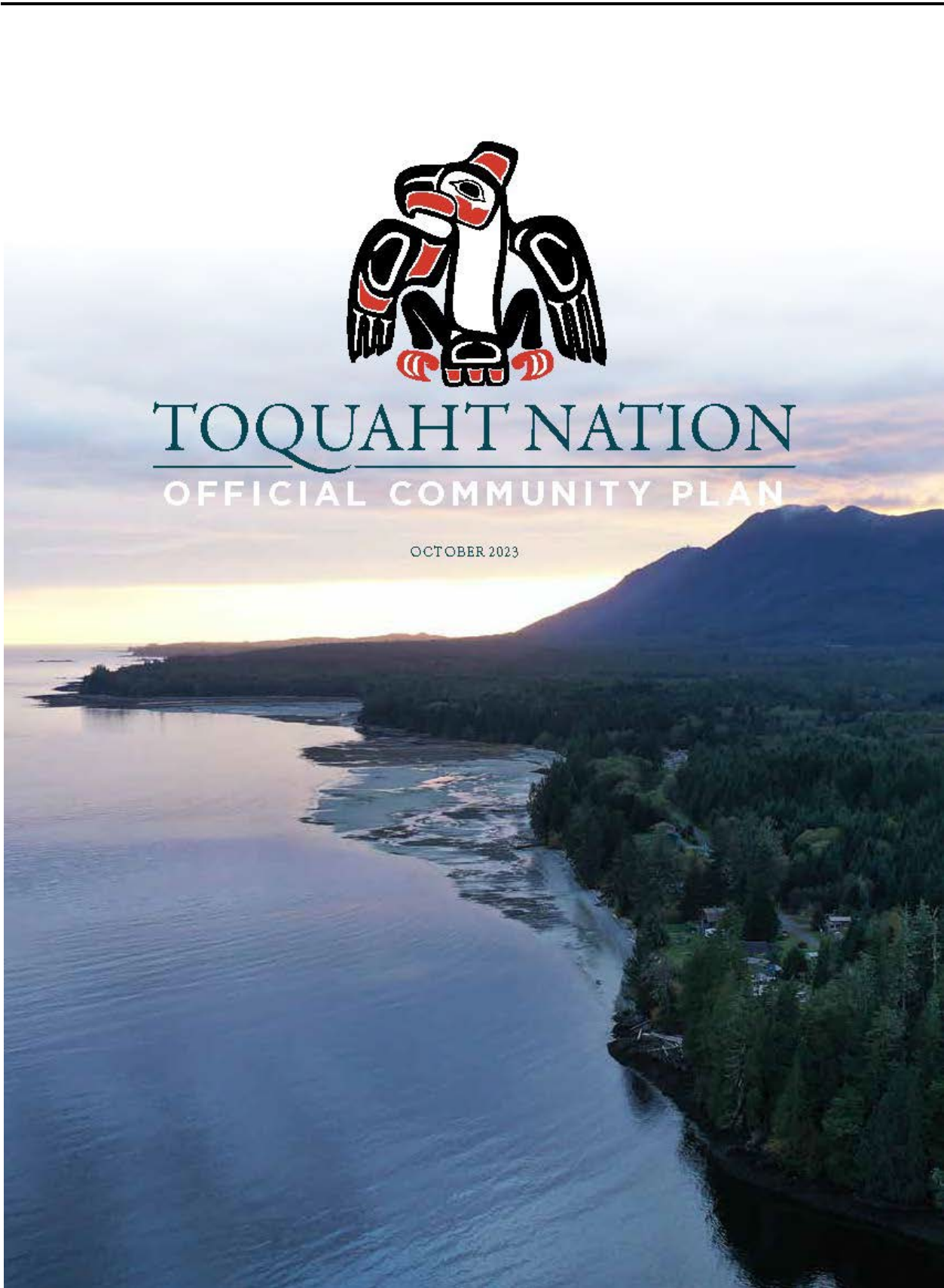
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TOQUAHT NATION

OFFICIAL COMMUNITY PLAN

OCTOBER 2023



Acknowledgements

This Official Community Plan reflects the work of our leadership, staff, and Toquaht Nation Citizens who contributed to it.

This plan also reflects the work and contributions of staff, leadership, and Toquaht Nation Citizens who contributed to our Nation's first plan that was developed between 2012 and 2016.

A working group made up of Toquaht staff and leadership (Chief Anne Mack, *taayii ḥawil*; Angela Polifroni, Director of Operations; David Johnsen, Director of Lands, Public Works and Resources; Brett Freake, Manager of Lands and Resources; Rick Shafer, Economic Development/Capital Projects).

Technical support was provided by EcoPlan (www.ecoplan.ca).

Dedication and Preamble

To all our ancestors, Elders, and youth.

Toquaht Nation has occupied, benefited from, and governed our lands, waters, and resources since time immemorial. We honour our connections to our lands and waters, which provide for our physical and spiritual needs.

Through our inherent right to self-government, Toquaht Nation has preserved and protected our traditional territory and we accept the obligations and responsibilities inherent in governing Toquaht Treaty Settlement Lands and pledge to protect them for future generations of our Citizens.

It is our desire that Toquaht Treaty Settlement lands continue to provide the resources necessary to sustain us, encourage self-sufficiency and security through economic development and growth, and provide a home for Toquaht Nation Citizens, while being in harmony with our *ḥaḥuuli* where health and wellbeing, social and spiritual needs are met.

Toquaht Nation adopts this Official Community Plan based on these values.

čuu.

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1. Executive Summary

This Official Community Plan (OCP) provides a framework for land use and development on Toquaht Treaty Settlement Lands. It is informed and guided by our laws (*Planning and Land Use Management Act TNS 13/2011*, *Building and Development Authorization Act TNS 2/2013*) and core values and guiding principles:

- hišukma ćawaak – *Everything is one.*
- qwaaʔaλin ćawaak – *How we are one.*
- ʔuʔaałuk – *Taking care of one another.*
- ʔiisaak – *Respecting.*

Toquaht people have occupied, used, possessed, and benefitted from the lands identified in this OCP for time immemorial. This OCP is an extension of our rights and recognizes our inherent responsibility to protect our lands and cultural resources for future generations.

The OCP provides clear and transparent land management policies to guide future development (e.g., housing, utilities and servicing, business development) on Toquaht Treaty Settlement Lands.

Our OCP has three main policy sections:

- **Land Designations** describe what kinds of land uses are supported in different areas of our lands. There are five designations:
 - Protected
 - Home Lands
 - Working Lands
 - Foreshore and Marine
 - Stewardship

Each designation is based on current land uses, physical attributes and constraints, and Toquaht community input (Citizens, staff, leadership). They were also informed by our 2016 Official Community Plan that this OCP replaces.

- **Development Guidelines** outline basic best practices to minimize any impacts associated with land use and development (e.g., damage to environmentally sensitive areas, protection of cultural resources) and mitigate existing hazards (e.g., coastal flooding and sea level rise, wildfire). This OCP includes four kinds of guidelines:
 - Environmental Protection
 - Cultural Protection
 - Hazards (Coastal, Steep Slopes, Wildfire)
 - Residential and Commercial Development.



SECTION 11

· **A Procedures** section outlines a high-level process for reviewing development proposals that is coordinated with the procedures outlined in the *Building and Development Authorization Act TNS 2/2013*. This section also provides information on reviewing and updating our OCP.



2. Toquaht Nation – TRADITION TRANSCENDING TIME

People of the Narrow Place in Front

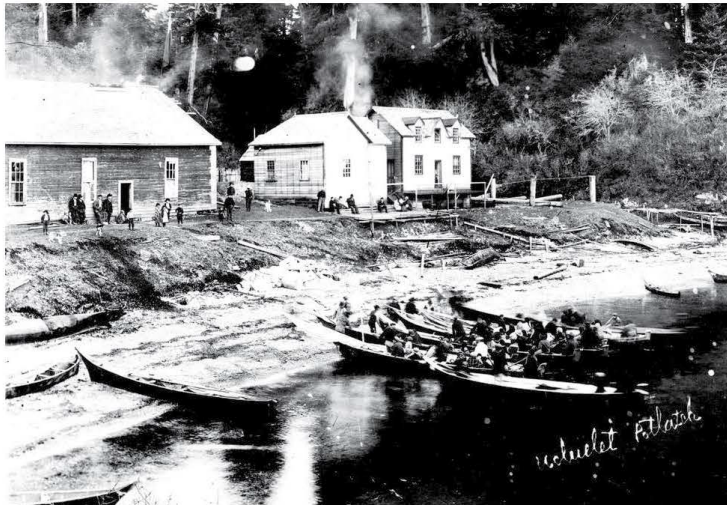
We are the people of Toquaht Bay, Mayne Bay, and western Barkley Sound (h̓tsuuʔisukq̓in). We are one of the 15 nuučaah̓ (Nuu-chah-nulth) family of Nations who have lived along Vancouver Island's west coast since time immemorial.

Toquaht means “people of the narrow place in front”, “people of the long narrow beach”, or “people of the narrow channel” in Nuu-chah-nulth. As marine people, we have always lived in respectful harmony with the sea and coastal environment. Like other Nuu-chah-nulth communities, our Nation’s cultural focus was on whaling, but we were also hunters and gatherers. Salmon was a focus for us in fishing, along with sea mammals and shellfish.

“The whale hunters used to come from this area, and they sited here in Macoah. There was a village here....and that was very important because of a big waterfall. This is where Chief Bert Mack and I lived. In the winter times, [you can get] winter springs. They were so plentiful because the small herring would come over here. All around, no matter where you are from, you can live year-round on fish... there are fish all around us. If you want clams, it's over here. So, there's no shortage of anything at all. If you wanted some deer, you could go up the river and there they were. That is why I

always say water is very important whether you are an animal or you're a human being. So, I mentioned we have our cleansing areas. We have our waterfalls which are meaningful and have a great history to them.”

- ARCHIE THOMPSON
(1923-2009)



◀ **PHOTO:** Part of East Ucluelet Reserve Near Stewart Bay; Little Toquaht circa 1910 (BC Archives)

Toquaht people have always lived in respectful harmony with the sea and coastal environment.

Our people relied heavily on red and yellow cedar. It was used to house and clothe our population. Large canoes were carved for whaling and fishing, and to move our community from one village site to another at different times of the year.

Cedar was also used in basket weaving and box making to store everything from personal possessions to food and hunting gear. Planks were pulled off living cedars for house construction. Cedar bark was used in making clothing and mats for house floors. Berries, shoots, and camas bulbs were gathered in the spring and summer.

Historically, our people lived among seven traditional village sites within the 38,000-hectare traditional territory. Pre-contact, we were in a dominant position in western Barkley Sound. Our main summer village was *tukʷaa*, situated at the mouth of Ucluelet Inlet.

After contact, we were greatly impacted by disease and warfare throughout the 19th century. Over time, our Nation became one of the smallest of the Nuuchahnulth Nations. After European contact, Toquaht management, ownership, and use of traditional lands and resources also gradually shifted as new laws and management regimes were imposed on our people. The establishment of both the reserve system and the *Indian Act* (1876) severely restricted traditional forms of governance and land management. In effect, Toquaht claims to traditional lands were ignored, and Toquaht was gradually confined to five small reserves under the federal *Indian Act* that regulated many aspects of Toquaht on-reserve land management.

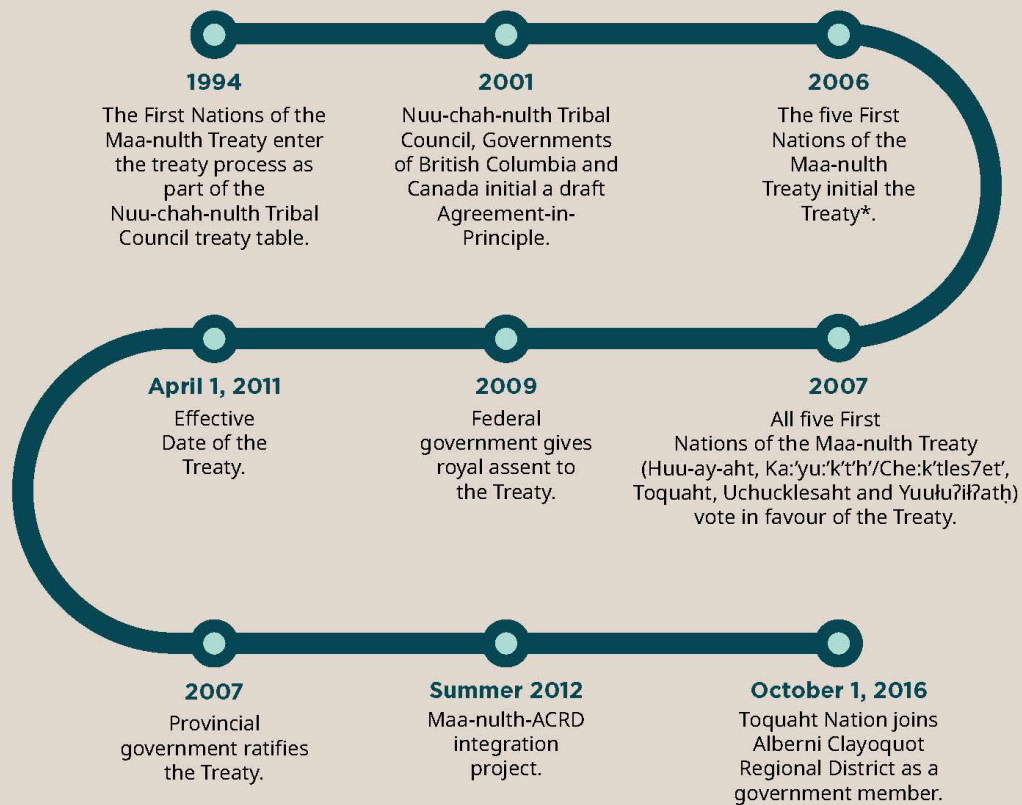
One of these is the main homesite for our Nation, Macoah (*máʔaquuʔa*), located along the Macoah Passage west of Toquaht Bay on the north side of Barkley Sound. Macoah had been uninhabited for a time, but our Citizens moved back to the area in the 1990s when nine homes were built there. With only a small number of our Citizens living in the traditional village of Macoah, our Nation's goal is to bring the *masčim* (*the people*) back home to the *həhuuli* (*territory*).



Maa-nulth Treaty

In April 2011, the Maa-nulth First Nations Final Agreement (the Treaty) came into effect. It represents five Nuu-chah-nulth Nations along Vancouver Island’s West Coast (Toquaht, Huu-ay-aht, Yuułuʔiłʔatḥ, Ka:’yu:’k’t’ḥ/Che:k’tles7et’h, Uchucklesaht).

The Maa-nulth Treaty was negotiated as part of the BC Treaty Commission’s six-stage treaty process. This was a tri-partite negotiation involving the Federal Government, the Province of BC, and the Maa-nulth First Nations Treaty Society. The Maa-nulth Treaty is one of only a few modern-day treaties signed in British Columbia, and the first on Vancouver Island. It is also unique in that it encompasses a group of Nations, whereas other treaties (Tsawwassen, Tla’amin, Nisga’a) involved only one Nation.



** Six of the 12 First Nations negotiating as part of the Nuu-chah-nulth Tribal Council approved the Agreement-in-Principle. Five of these First Nations joined together to form the Maa-nulth First Nations Treaty Society.*

3. Toquaht Nation Land Management

The Maa-nulth Treaty is a detailed legal document that lays out the governing powers of each Nation. As with the other Nations, Toquaht Nation has a constitution, which spells out the rights and responsibilities of Toquaht Nation Citizens and provides for standards consistent with other governments in Canada. Our Constitution spells out law-making powers on a broad range of issues, including lands and land management. This authority is further clarified under our *Planning and Land Use Management Act TNS 13/2011*.



Section two of the *Toquaht Planning and Land Use Management Act TNS 13/2011* outlines the content required for official community plans to promote good stewardship of Toquaht lands, foreshore, and cultural heritage sites and the protection of culturally and environmentally sensitive areas.

Modelled on the provincial *Local Government Act*, some requirements are not particularly relevant to Toquaht Nation, such as requirements around the protection of farmland (there is none on Toquaht Land) and are not addressed in this plan.

All future land use decisions must be consistent with the OCP.

Toquaht Nation may review and amend the OCP, following careful consideration by the Toquaht Nation Legislature and consultation with Toquaht people to ensure that it is reflective of changing planning context within the community.

4. Introduction and Overview

This section introduces our Official Community Plan and explains what it is, how it will be used, and how we developed it.

Our Official Community Plan: What is it?

Our Official Community Plan (OCP) is a clear and transparent land management policy that provides useful information and direction for land use and development on Toquaht Treaty Settlement Land. This OCP is an update of our 2016 OCP, which was created with Toquaht staff and planning students from Vancouver Island University.

In addition, this plan is developed with the knowledge that the designations may be used on additional lands that will come under the jurisdiction of the Toquaht Nation in future.

This OCP also recognizes our inherent responsibility to protect our lands and cultural resources for future generations.

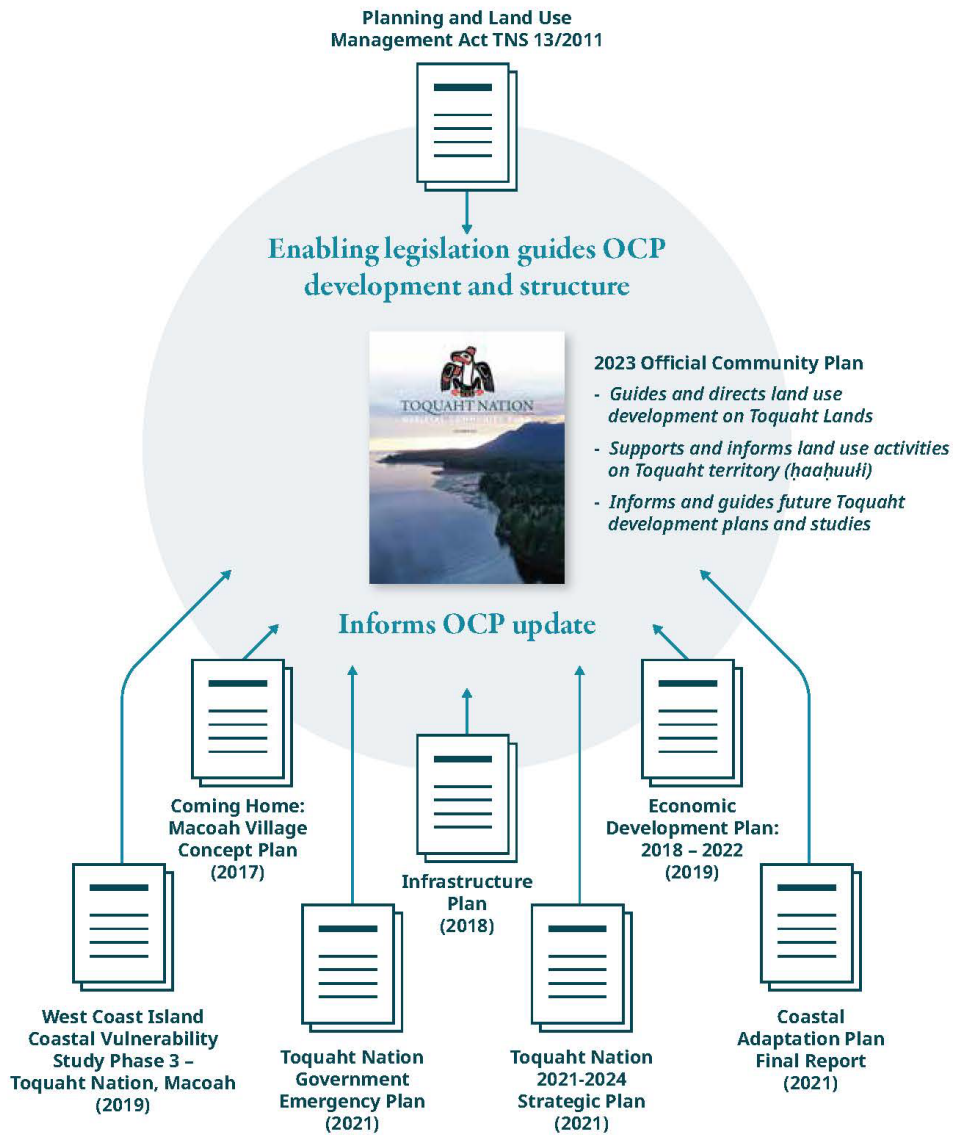
▼ FIGURE: OCP Update timeline



Our Official Community Plan: Where does it “fit”?

Our OCP “fits” under our *Planning and Land Use Management Act TNS 13/2011* as our guiding land use planning document. As illustrated, its development considered several important supporting and related studies and plans. New plans and strategies to be developed will need to consider this OCP. Development review and approvals are outlined in the *Building and Development Authorization Act TNS 2/2013*.

FIGURE: Toquaht OCP – where it fits



Our Official Community Plan: How will it be used?

As a planning tool, our OCP includes three main policy sections:

- **Land Designations** describe what kinds of land uses are supported in different areas of our lands. There are five designations:
 - Protected
 - Home Lands
 - Working Lands
 - Foreshore and Marine
 - Stewardship

Each designation is based on current land uses, physical attributes, and Toquaht community input (Citizens, staff, leadership). They were also informed by our 2016 Official Community Plan that this OCP replaces.

- **Development Guidelines** outline basic best practices to minimize any impacts associated with land use and development (e.g., damage to environmentally sensitive areas, protection of cultural resources) and mitigate existing hazards (e.g., coastal flooding and sea level rise, wildfire). This OCP includes four kinds of guidelines:
 - Environmental Protection
 - Cultural Protection
 - Hazards (Coastal, Steep Slopes, Wildfire)
 - Residential and Commercial Development.
- **A Procedures** section outlines a high-level process for reviewing development proposals that is coordinated with the procedures outlined in the *Building and Development Authorization Act TNS 2/2013*. This section also provides information on reviewing and updating our OCP.

We expect our OCP to grow and change as our population grows and new housing, infrastructure and facilities are constructed in Macoah (má?aquu?á) we will need to revise and update it. Our plan anticipates this. Toquaht Nation will monitor and evaluate our OCP and intend to update every five to seven years to ensure that it is up-to-date and consistent with our planning needs and our community development objectives.



Our Official Community Plan: How we did it

The updating of our 2016 OCP was a participatory process that involved staff and leadership. This OCP update was guided by a staff and leadership working group, but also included Citizen outreach and engagement. This outreach included:

- People's Assembly (Macoah) - September 2022
- Project webpage - September 2022
- Peoples' Assembly - December 2022
- Place names and cultural resources workshop with Elders and knowledge keepers - May 2023
- Macoah Open House - May 2023
- Port Alberni Open House - May 2023
- People's Assembly - June 2023



Q: *What about our existing OCP?*

A: *In 2016, we adopted our Nation's first OCP. The plan was finalized in 2014 and formally adopted in 2016. The plan was developed with support of planning students from Vancouver Island University and included considerable Citizen engagement. Input from this engagement informed the development of the plan and was brought back to the Citizens to review as part of the update.*

Our 2023 OCP formally replaces our 2016 plan.



5. Vision and Guiding Principles

Our guiding vision describes a future for Toquaht Nation that this OCP will help us realize. It was developed by leadership and Citizens and is used in all our guiding plans.

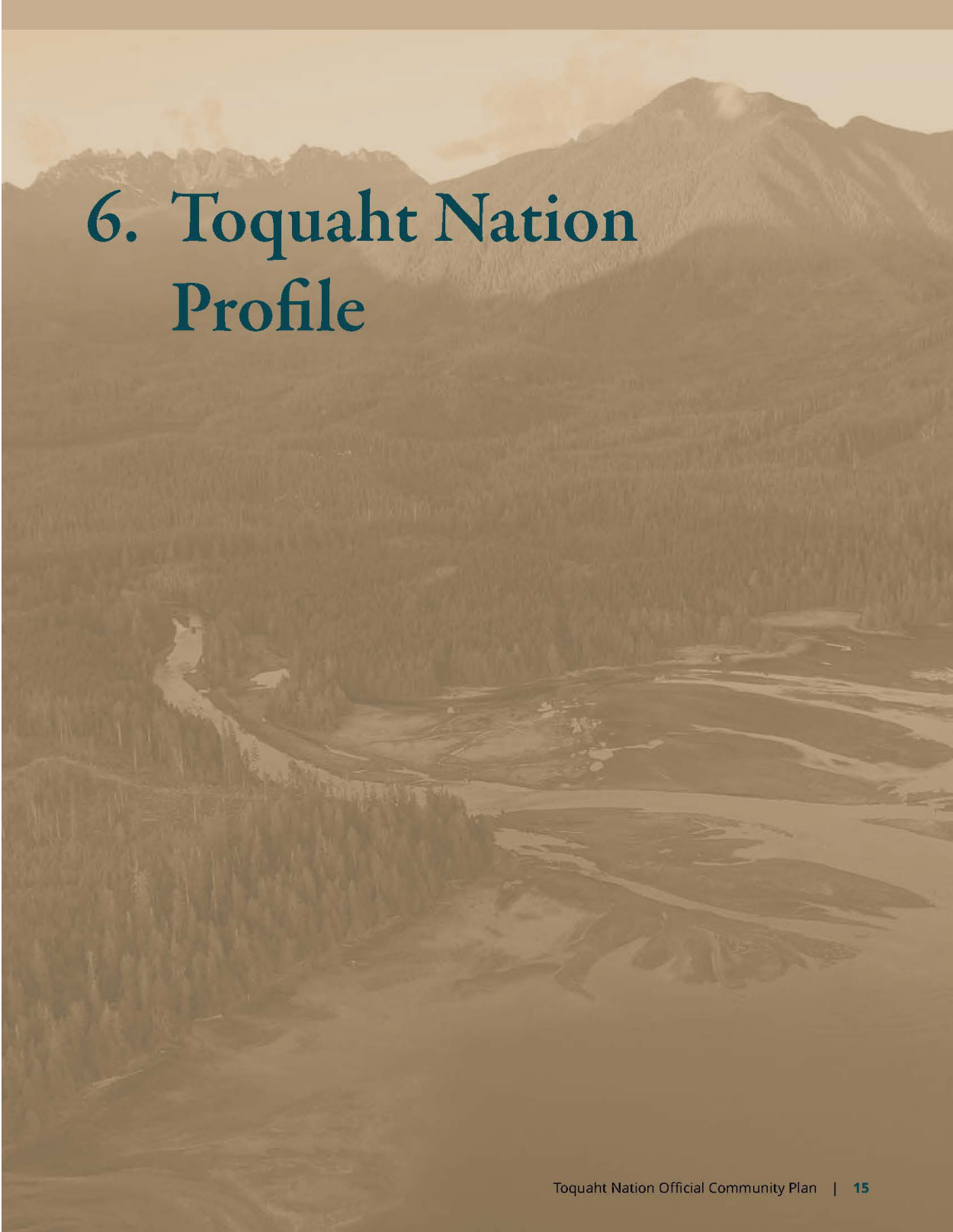
Toquaht envisions a healthy community where our masčim have the opportunity to meet their social, spiritual, and economic needs.

Our culture continues to guide us. Toquaht Nation has committed to utilizing these four guiding principles as our foundation for decision-making, including this OCP. All components of this OCP are intended to be for the benefit of all Toquaht Nation Citizens.

Guiding Principles

- hišukma cawaak – *Everything is one.*
- qʷaaʔaλin čawaak – *How we are one.*
- ʔuuʔaλuk – *Taking care of one another.*
- ʔiisaak – *Respecting.*





6. Toquaht Nation Profile

6.1 Treaty Settlement Land

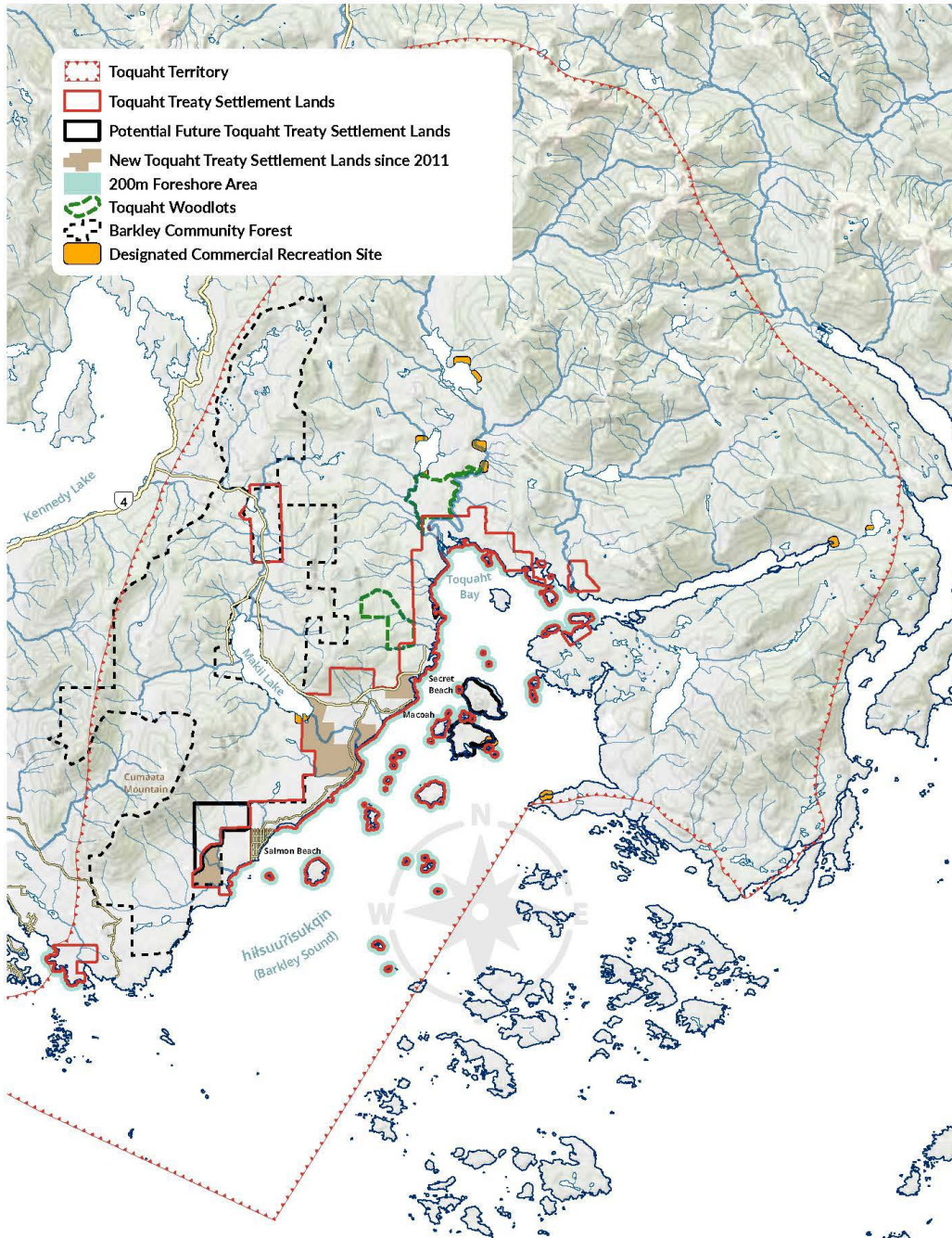
Through our Treaty, Toquaht Nation took jurisdiction over 196 hectares of former reserve lands and an additional 1,361 hectares of former provincial Crown land in full, fee-simple ownership. Our treaty also lays out a process by which we can add other fee-simple land in the future, which we have done since our treaty came into force. Toquaht Treaty Settlement Land now totals 1815 hectares, including 355.4 hectares of new Treaty Settlement Lands. This number may grow in the future.

We also have jurisdiction over the waters contained within the lands and interests in the foreshore areas (the foreshore boundary generally extends 200 metres into the ocean from the high-water mark).

Toquaht Nation has law-making authority over all Toquaht Treaty Settlement Land, although some federal and provincial laws also apply. Our Treaty lays out which jurisdiction will prevail if any laws conflict.

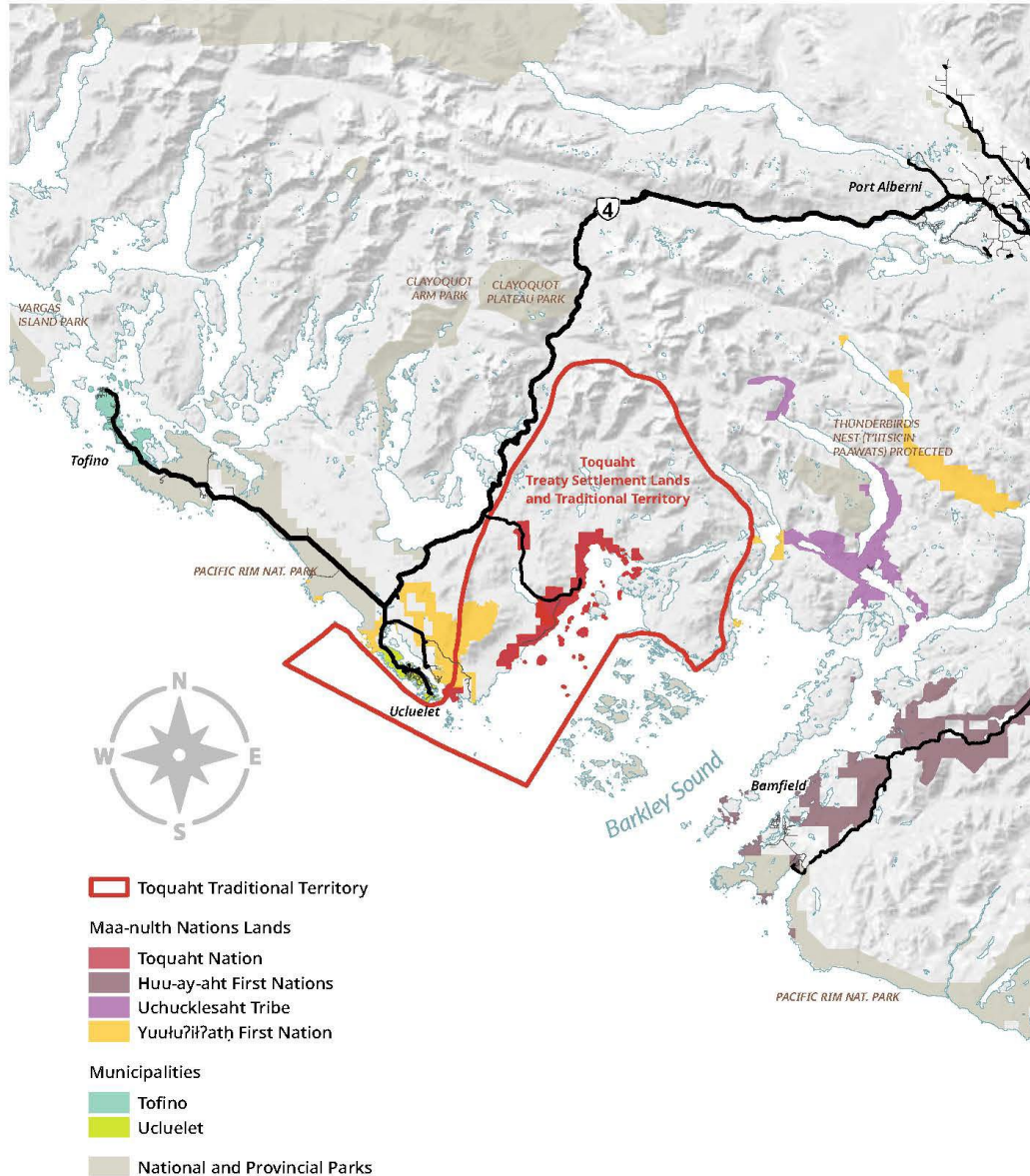


MAP: Toquaht Lands



Toquaht Treaty Settlement Lands are located on the west coast of Vancouver Island on the northern shores of Barkley Sound. The following map shows our existing lands and those of other Maa-nulth Nations in the region, nearby local governments (Tofino, Ucluelet, Port Alberni) and the Alberni-Clayoquot Regional District, of which we are a member.

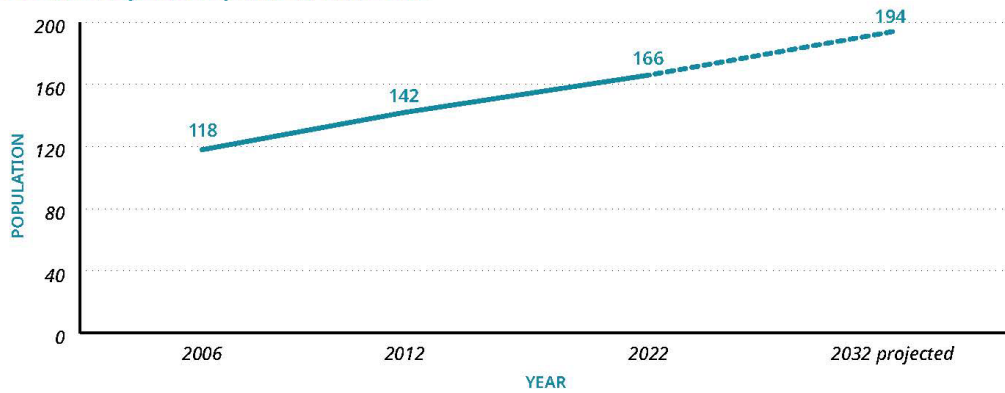
MAP: Toquaht Treaty Settlement Lands Regional Context



6.2 Our People

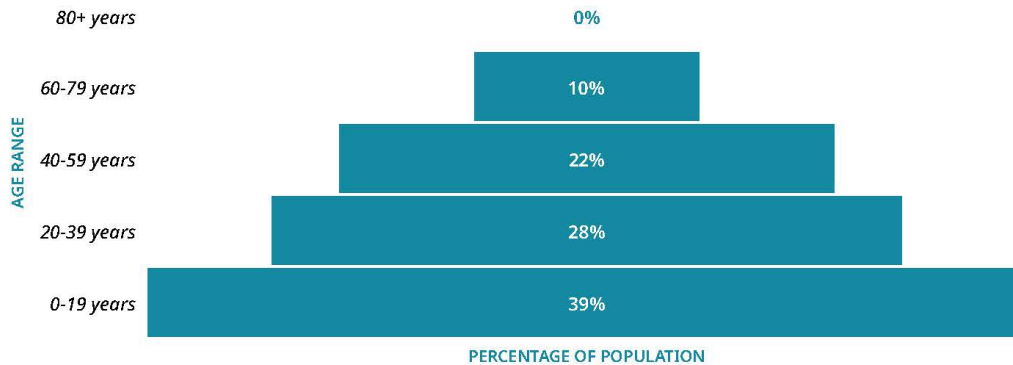
Our Nation has approximately 166 Citizens in total (as of 2022). About 33 Citizens live in our main community of Macoah, and the rest live in Ucluelet, Port Alberni, Victoria, and elsewhere.

Past and Projected Population, 2006 - 2032



Our population has grown from 118 Citizens in 2006 to 166 Citizens in 2022. If this growth pattern continues, Toquaht Nation could have 194 Citizens by 2032.¹

Citizens by Age Range, 2022



Toquaht Nation people are relatively young, with the largest portion of the population (39%) between the years of 0-19 years old. The median age of Toquaht Nation Citizens is 25 years of age, compared to 43 years for BC overall.

There were no Citizens recorded above the age of 80.

¹ This projection is based on the average annual growth rates between 2012 and 2022 and should be considered as a rough estimate due to the difficulty in producing accurate projections with such small population sizes.

6.3 Macoah

Macoah (maʔaquuʔa) is a small coastal community located along the northern shore of Barkley Sound (hɪsuuʔisukqin). It is Toquaht Nation's only populated village. The community is currently home to approximately 40 Toquaht Citizens and other residents. The village is comprised of 25 occupied homes that are comprised of 17 single-family dwellings and eight duplex units (four dwellings). In 2023, a multi-room lodge was developed to accommodate visiting Citizens, staff, other people working on projects in the area, and community gatherings.

A recent 2021 Housing Needs Report called for new housing development to allow more Toquaht Citizens to return to Toquaht lands, which is in keeping with our Nation's goal of bringing masčim back home to our haʔuuli. Over the past few years, new infrastructure has been built in and around Macoah to improve quality of life and support additional growth for this area.

Toquaht Nation owns and operates a wastewater treatment plant and a water treatment plant. The wastewater treatment plant was constructed in 2017 and the water treatment plant was constructed in 2014. Other improvements include bringing highspeed internet to Macoah, upgrading electrical service, a new water tower, and fibre optic services through the Connected Coast initiative. Our 2018 Infrastructure Plan imagines additional infrastructure improvements in and around Macoah.

Over the longer-term, future housing and community facilities will be developed in a new subdivision. The area is on higher ground and above the tsunami flood inundation zone and sea level rise, coastal flooding, and coastal erosion hazard area.

These coastal hazards, among other climate risks, were assessed through an Integrated Vulnerability Report (2020) and Coastal Adaptation Plan (2021). Both reports recommended developing future housing and community facilities outside of the coastal flood hazard area to ensure the safety of Toquaht Citizens and other Macoah residents, and to protect our community capital assets.



MAP: Macoah Village



6.4 Toquaht Nation Plans and Planning

Toquaht Nation has completed several recent important plans and strategies relevant to this OCP Update. All the following projects were completed following completion of the 2016 OCP and were reviewed as part of this update. The below list provides a summary of each plan and why it is relevant for Toquaht Nation's current OCP work.



(2017) Coming Home: Macoah Village Concept Plan

This plan was created to provide direction in decision-making for Toquaht staff and leadership to support Toquaht Nation Citizens returning to their homelands at Macoah. Across the goal areas of housing, economy, culture, and environment, the plan outlines and prioritizes a variety of actions with measures and indicators to track progress towards each goal.

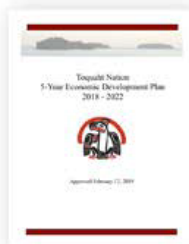
The plan provides a set of goals and actions for Macoah that supports future development in the area. Community engagement and feedback from staff and leadership gives this plan weight and meaning for future work. Recommendations for future development across housing, economy, culture, and environment are outlined.



(2018) Toquaht Infrastructure Plan Final Draft

The plan outlines the priorities and goals for infrastructure, the current state of existing infrastructure, as well as projections and cost estimates for future development in the community across the short, medium, long, and future term. The plan contains supporting land use and infrastructure maps that help to provide detailed information on current and future infrastructure development across water, sanitation, roads, drainage, and hydro development.

The plan outlines linkages between Toquaht's 2016 OCP implementation strategies and future proposed infrastructure. Recommendations for future development are also outlined.



(2019) Toquaht 5-Year Economic Development Plan 2018 - 2022

The 5-Year Economic Development Plan 2018 - 2022 outlines the current, proposed, and future opportunities for existing and proposed economic development projects for Toquaht Nation. Nine projects are assessed and given an overall summary of background, progress, and revenue information. Five projects are measured using the Toquaht Project Assessment System (TPAS), which provides an objective way of measuring wellbeing across four areas: economy, environment, community, and culture. This plan was partially updated in 2023 during the development of this OCP.



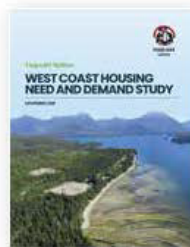
(2019) West Coast Island Coastal Vulnerability Study Phase 3 - Toquaht Nation, Macoah

This study evaluated Toquaht's vulnerability to sea level rise, tidal water levels, storm surge, wind speed, earthquakes, and tsunamis. The findings provide information for the Macoah shoreline and area where erosion and a lack of protection are highlighted. Modelling determined in this study highlight that a tsunami could reach approximately 14m in this area, and water inundation from storm events could reach as high as 8 meters. The plan provides findings that support future considerations on development in the Macoah area.



(2021) West Coast Land Use Demand Study

The Tofino - Ucluelet Land Use Demand Study is a collaborative plan between First Nations and municipalities in the region that outlines the status of sectors and options for development. This study gives direction as to where and what kind of development is happening in the region. The plan highlights vacant and underutilized lands, low, medium, and high development scenarios for large single-family lots, commercial tourism areas, and low-density commercial areas, as well as providing an overview of service levels (with descriptions) for Toquaht Nation.



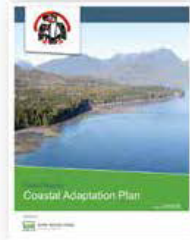
(2021) West Coast Housing Need & Demand Study - Toquaht Nation

Toquaht Nation's West Coast Housing Need and Demand study provides a thorough review of key demographic, economic, and housing data, paired with data from the Housing Need and Demand Study engagement. It highlights four recommendations: (1) Expand housing portfolio to enable Citizens to return to Toquaht Lands/Macoah; (2) Continue to build internal housing capacity; (3) Monitor housing needs and changing housing demands; and (4) Deepen housing partnerships and participate in regional initiatives.



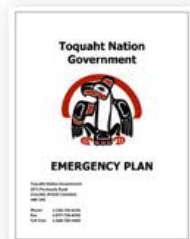
(2021) Toquaht Nation 2021-2024 Strategic Plan

This strategic plan outlines an overarching vision and mission for Toquaht between 2021 and 2024. It also outlines four guiding principles as well as four strategic priorities that will guide and focus the future development of Toquaht Nation. These four priorities include: (1) build government and mas̓čim capacity, (2) build infrastructure, (3) grow the economy, and (4) foster mas̓čim and community wellbeing. Specific goals and strategies are linked with each priority area, outlining the amount of time each will take to achieve.



(2021) Coastal Adaptation Plan

The plan focuses on strategies to build resilience on the Macoah coastline and address vulnerabilities across Toquaht lands. A total of 66 strategies were identified, with a focus on 10 priority coastal adaptation strategies for 10 coastal and climate change hazards including: coastal flooding, coastal erosion, intertidal area change, tsunamis, ocean changes, extreme heat, drought and water shortage, wildfire, creek flooding and debris, and surface flooding. Strategies outlined include policies, education programs, studies, planning update projects, and site-specific actions.



(2021) Toquaht Nation Government Emergency Plan

The Toquaht Nation Government Emergency Plan outlines the major threats and protocols for a variety of emergencies in Toquaht. The plan contains contact information, maps, images, images of high-risk areas, organizational structure diagrams, response guidelines, procedures, checklists, and community lists to support different emergency circumstances. The plan outlines different emergencies and every course of action for all types.

6.5 Regional Context

Toquaht Nation is located within a region that is experiencing economic and population growth. Neighbouring centres such as the Districts of Ucluelet and Tofino have grown in population over the past several census periods. Ucluelet grew from 1,717 in 2016 to 2,066 in 2021, which is a percentage change of 20.3%. During the same period, Tofino grew from 1,967 to 2,516 people, which is a percentage change of 27.9%. These population increases show strong regional growth and increasing demand for housing in the region.

The largest labour sectors for the area surrounding Toquaht Nation (Alberni-Clayoquot C, 2016) are Accommodation and food services (27.7%), Construction (10.8%) and Agriculture, Forestry and Fishing (9.2%).

A 2019 study found that tourism in Tofino generated 3,600 jobs and \$400 million in economic output.² Toquaht Nation benefits from the tourism industry and has the potential to grow its participation in the sector even further. Community assets such as Secret Beach Campground and Kayak Launch are well suited to continue generating employment and revenue for Toquaht Nation.

² Economic Impact of Tourism in Tofino, B.C. Final Report, InterVISTAS Consulting Inc. (2019).





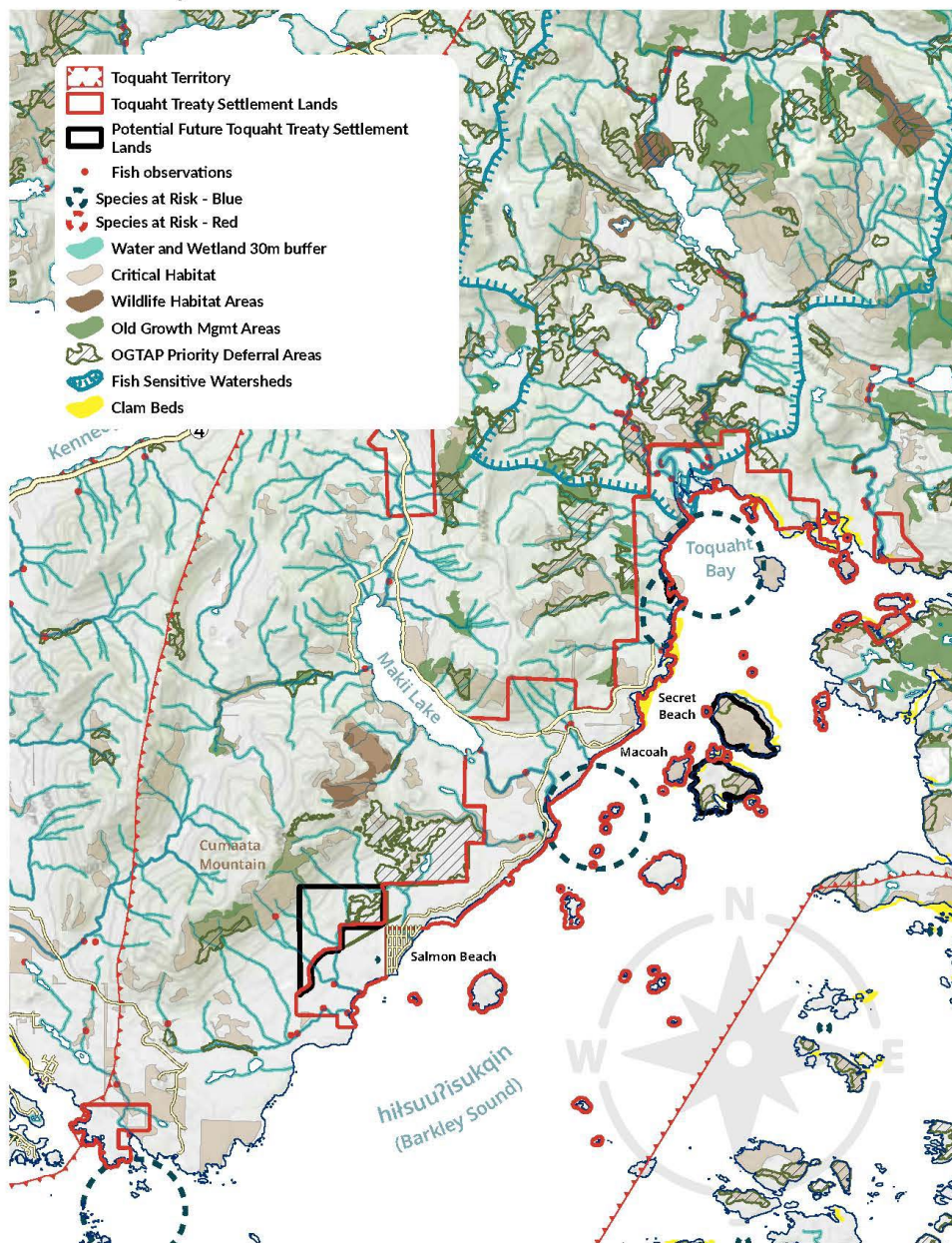
7. Treaty Settlement Lands

The following section provides an overview of Toquaht Treaty Settlement Lands. It summarizes existing conditions and constraints the OCP update reviewed and considered in creating this plan.

7.1 Environmentally Sensitive Lands

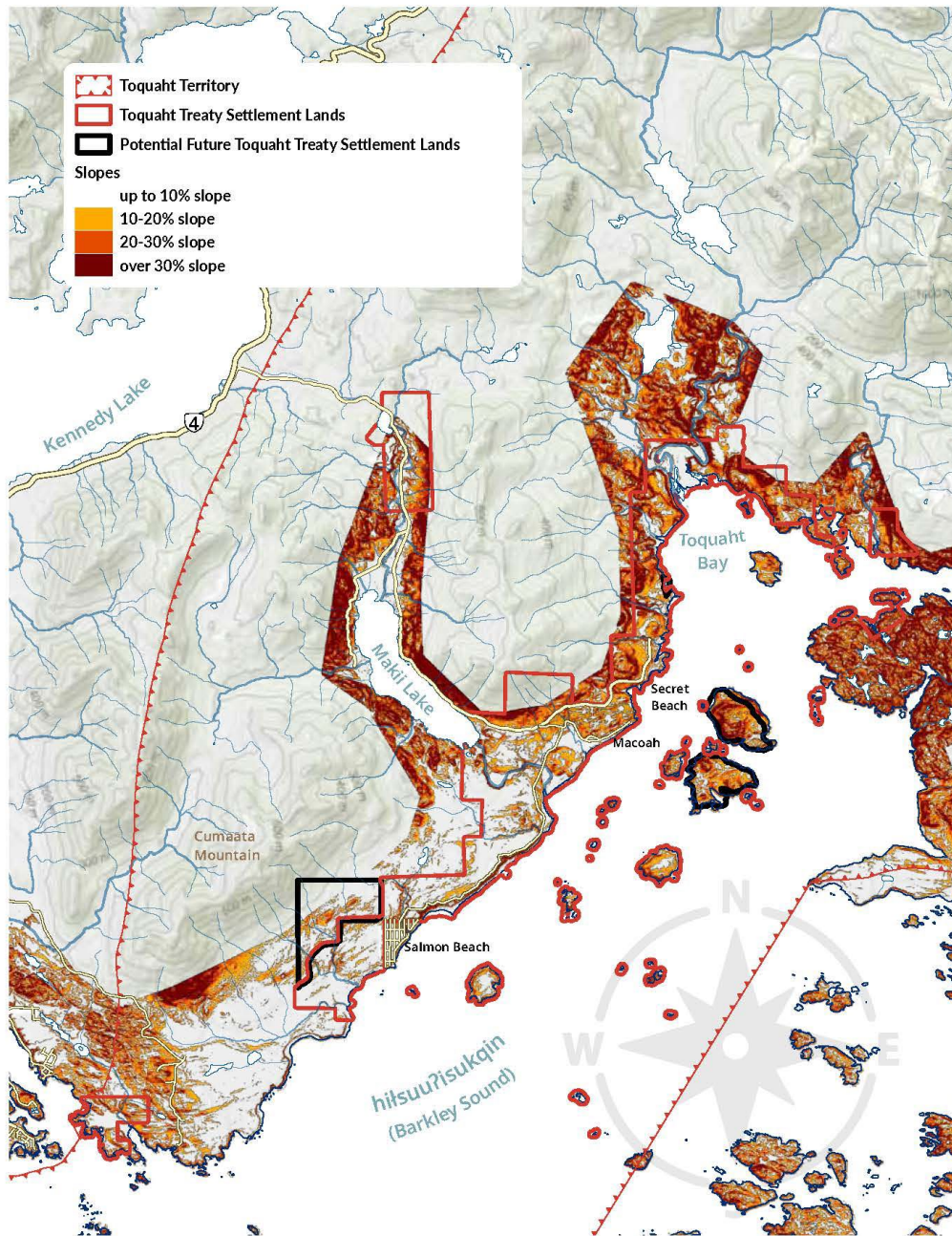
This map identifies provincially designated 'Wildlife Habitat Areas' and 'Critical Habitat Areas,' red and blue-listed species occurrences, Old Growth Management Areas, fish-sensitive watersheds, fish observations, marine habitats, and 30m buffers around wetlands, waterways, and water bodies.

MAP: Environmentally Sensitive Lands

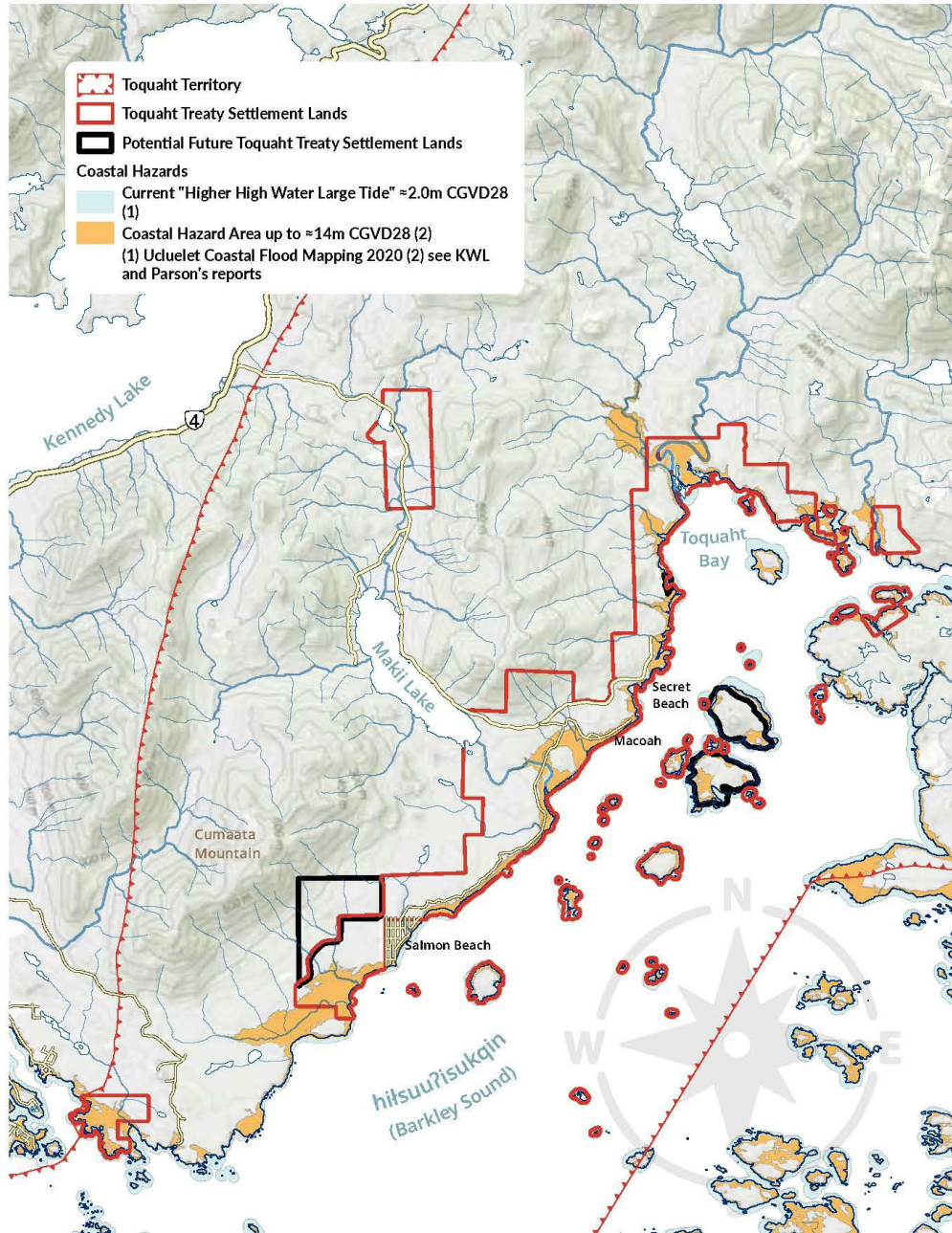


7.2 Hazards

MAP: Steep Slopes (note: these slopes are derived from provincial data)



MAP: Coastal Hazards (note: Higher High Water is the higher of the two high waters of a tidal day)



7.2.1 Coastal Hazards

As a coastal community, Toquaht Nation faces natural hazards from coastal storms, sea level rise, and tsunamis. Work to assess these hazards has included the *Coastal Adaptation Plan* (2021) and the *West Vancouver Island Coastal Vulnerability Study Phase 3 Toquaht Nation, Macoah* (2019). The *Coastal Adaptation Plan* catalogued the following coastal and climate hazards that are relevant to Toquaht Nation territory.

HAZARD	POTENTIAL IMPACT
Tsunami	<ul style="list-style-type: none"> · Flooding and damage to all homes and main road in Macoah · Flooding and damage to Secret Beach development, campground, and log sort
Coastal Erosion	<ul style="list-style-type: none"> · Less beach and slope stability · Damage to waterfront structures · Loss of land over time · Changes to shorelines and beaches
Coastal Flooding	<ul style="list-style-type: none"> · Flooding and damage to homes in Macoah · Flooding and damage to the campground, Secret Beach, and waterfront properties · Possible damage to dry land log sort
Intertidal Area Change	<ul style="list-style-type: none"> · Loss of intertidal species habitat area (including shellfish and salmon rearing grounds) · Impacts to traditional practices and knowledge sharing
Ocean Changes	<ul style="list-style-type: none"> · Impacts to the health of marine and intertidal species, including shellfish and salmon · Secondary impacts to birds and other species that rely on marine and intertidal food sources

The *Coastal Adaptation Plan* also ranked overall vulnerabilities to climate and coastal hazards. These vulnerabilities were prioritized, based on input from members of the Coastal Adaptation Advisory Committee.

HIGHEST PRIORITY	VERY HIGH PRIORITY	HIGH PRIORITY	MODERATE PRIORITY
<ul style="list-style-type: none"> · Existing Housing in Macoah 	<ul style="list-style-type: none"> · Roads and Emergency Services · Tourism Sites 	<ul style="list-style-type: none"> · Community Health · Beaches · Shellfish 	<ul style="list-style-type: none"> · Community Cultural Practices

Both plans identified the need to identify a safe flood construction level (FCL) for Macoah. An FCL is an elevation that buildings and homes would need to be constructed at to be safer for tsunamis, sea level rise, and coastal storm surge.

The *Coastal Adaptation Plan* also identified priority vulnerabilities for existing housing, infrastructure, and facilities in Macoah. Priority adaptation strategies recommended by the *Coastal Adaptation Plan* included the following, which this OCP also addresses:

- Consider options for a future townsite at a higher elevation outside flood hazard areas.
- Participate in individual coastal flood and tsunami inundation analysis in areas with planned development (e.g., Secret Beach).
- Establish Development and Design Guidelines for Macoah and Secret Beach.
- Update the Toquaht Official Community Plan to manage future residential and economic development within high-risk areas.
- Consider structural measures for flood and erosion protection at Macoah.

7.2.2 Climate Hazards

In addition to climate change-driven sea level rise and storm surge considerations, the *Coastal Adaptation Plan* also identified other vulnerabilities to climate hazards that we are facing on our lands. The following vulnerabilities are the elements that have the highest exposure and sensitivity to climate hazards.

HAZARD	POTENTIAL IMPACT
Extreme Heat	<ul style="list-style-type: none"> · Heat stress (vulnerable groups like Elders and youth) · Impacts on marine and intertidal species, including shellfish and salmon
Wildfire	<ul style="list-style-type: none"> · Health risk from interface fire and smoke · Potential damage to homes, infrastructure, economic enterprises, forests, and forest service roads
Surface Flooding	<ul style="list-style-type: none"> · Risk of overtopping and damage to creek crossings · Risk to worker health and safety · Loss to productive harvest area
Drought and Water Shortage	<ul style="list-style-type: none"> · Risk of water shortage in summer · Lower creek flows affecting salmon health · Impacts on traditional and medicinal plant species · Potential loss of stand health for some species (e.g., cedar)
Creek Flooding and Debris Flow	<ul style="list-style-type: none"> · Potential damage to Macoah main access bridge · Overtopping and damage to creek crossings along Maggie Lake FSR, potentially blocking access to Macoah, Secret Beach, forestry, and campground · Potential landslide damage to DSRs and timber
Ocean Changes	<ul style="list-style-type: none"> · Impacts to the health of marine and intertidal species including shellfish and salmon · Secondary impacts on birds and other species that rely on marine and intertidal food sources

7.3 Forestry and Resource Lands

The following map illustrates forestry tenures within Toquaht territory that are outside of the Treaty Settlement Lands. These include:

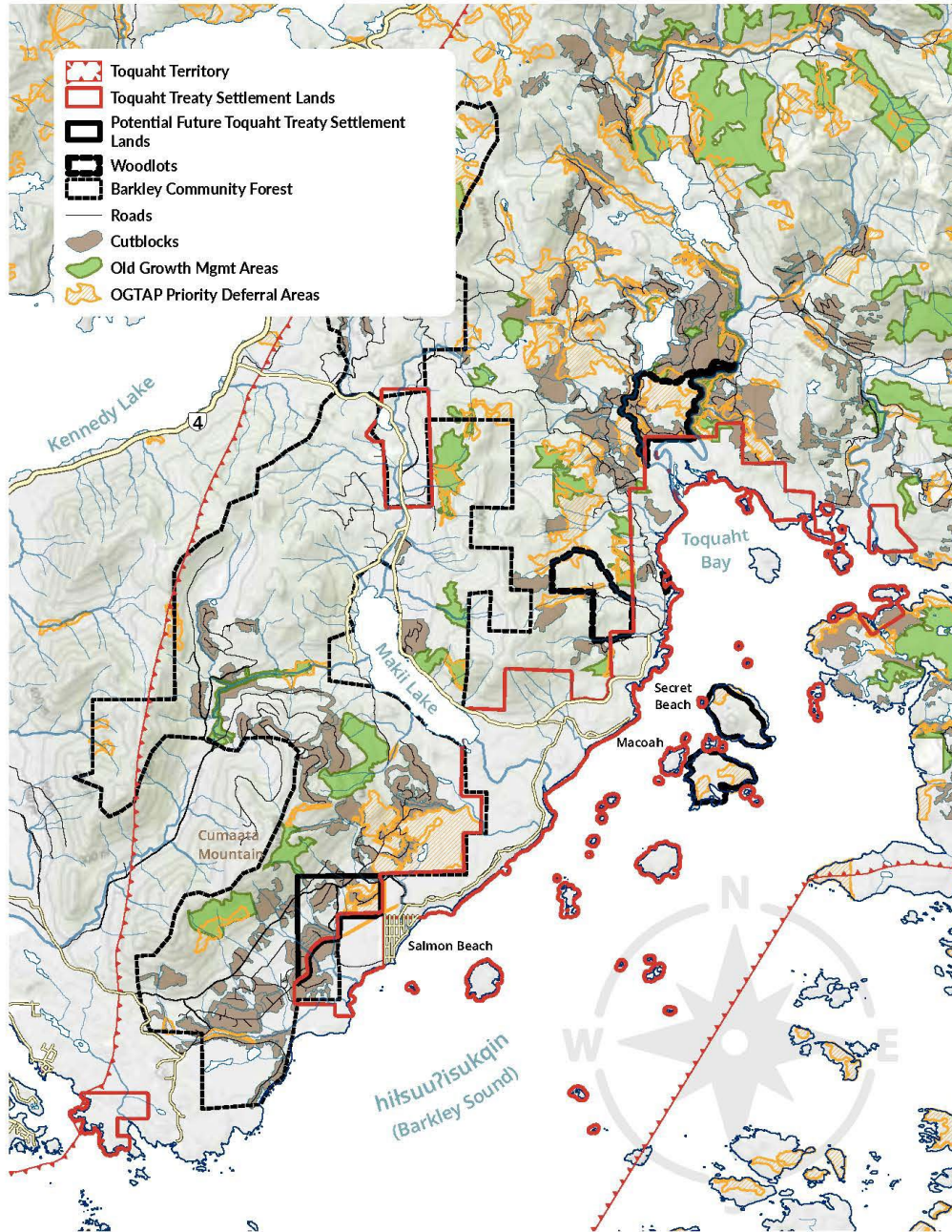
- Barkley Community Forest Licence K3S, which is held by the Barkley Community Forest Corporation. This corporation is jointly owned by the Toquaht Nation and the District of Ucluelet.
- Woodlot Licence W1903, which is held by Toquaht Enterprises Limited Partnership.
- Forest Licence A19234, which is held by Toquaht Forestry Limited Partnership.

Additional forested lands exist on treaty settlement lands within the Protected, Working Lands and Home Lands designations.

The map also shows the results of the Old Growth Technical Advisory Panel's research indicating old growth forest types by size of tree, and recommended priority deferral areas. According to the panel, deferrals are intended to temporarily (2-4 years) pause the harvest of at-risk forests to allow time to develop the new forest management approaches that shift the emphasis from managing for timber, subject to constraints, to managing for ecosystem health, as per the recommendations of the Old Growth Strategic Review (OGSR). Some of these deferral areas are within our Woodlot License, Forest Licence, and the Barkley Community Forest.



MAP: Forestry and Resource Lands



7.3.1 Barkley Community Forest

The Barkley Community Forest Corporation is jointly owned by Toquaht Nation and the District of Ucluelet. It is authorized by the Province under the Barkley Community Forest Agreement to harvest an allowable annual cut of 27,000 cubic metres. This licence has an initial term of 25-years but is replaced with a new 25-year term every 10 years. The agreement area covers more than 6,760 hectares next to and within the Makii (Maggie) Lake watershed.

The following goals from the forest's management plan guide our stewardship of the area.

- Establish and maintain a healthy and productive working forest that provides economic, social, cultural, and environmental benefits to both current and future generations living on the west coast.
- Fully realize the optimal potential of the forest land to host a diversity of viable economic activities with an emphasis on local employment while, maximizing local value-added opportunities, which contribute to the long-term strength and diversity of the Ucluelet and area economy.
- Encourage and advance a sustainable, and profitable non-timber harvest sector.
- Undertake progressive forest management practices that protect ecosystems, promote forest regeneration, and which ensure a sustainable base that allows long-term benefits to be realized.
- Restore the degraded capacity of forest lands to contribute economic benefits.
- Uphold the Clayoquot Sound Biosphere Reserve Charter vision and principles within the Clayoquot Sound Biosphere Reserve Region.
- Provide the local community with long-term access to a land base and associated forest resources.
- Promote partnerships between Indigenous and non-Indigenous people where all people and their values and priorities are respected.
- The Makii Lake watershed and the Stopper Islands are distinct areas to be managed with the objective of preserving water quality and cultural heritage values respectively.

An updated management plan for the community forest is in progress.

7.3.2 Forest Licence A19234

Toquaht Forestry Limited Partnership holds this licence which authorizes an annual allowable cut of 37,031 m³ per year from an operating area that covers the Toquaht, Lucky Creek and Cataract/Pipestem watershed areas. This licence is part of the Arrowsmith Timber Supply Area. Toquaht and Toquaht Forestry Limited Partnership are actively working to convert this licence to an area-based tenure which would allow development of a new management plan.

7.3.3 Woodlot Licence W1903

Toquaht Enterprises Limited Partnership holds this licence an annual allowable cut of 1,103 m³ per year from two small parcels of Crown land that total 295 ha. The licence that has a 20-year term but is replaced every 10 years with a new 20-year term. As with the Barkley Community Forest, development of a new management plan is underway.

8. Treaty Settlement Lands

GUIDING PRINCIPLES & BROAD GOALS

Through our inherent right to self-government, Toquaht Nation has preserved and protected our traditional territory. We accept the obligations and responsibilities inherent in governing Toquaht Treaty Settlement Lands and commit to protecting them for future generations of our Citizens.

At the highest level, all development and land use activities our Treaty Settlement Lands is directed by the following guiding principles:

- hišukma cawaak – *Everything is one.*
- qʷaaʔaʕin éawaak – *How we are one.*
- ʔuuʔaʕuk – *Taking care of one another.*
- ʔiisaak – *Respecting.*

In addition to these guiding principles, the following broad goals reflect the input and priorities of Toquaht Nation and further direct this Official Community Plan. These goals will be used by Toquaht Nation to help guide future land use and development decisions and to inform similar decisions on Toquaht traditional territory.



1. Culture

We honour our deep connections to the lands and waters which continue to sustain our physical and spiritual needs.



2. Health and Wellbeing

Any development we pursue will be in harmony with our ʕaʕuʕi and support our Citizen's health and wellbeing.



3. Natural Environment

Toquaht have always lived in respectful harmony with the sea and coastal environment. We will steward our lands and waters so that our Nation's future generations can continue our traditional activities and cultural practices.



4. Climate Change

We will continue to build our climate resilience and support ongoing adaptation initiatives to minimize the hazards we are facing, including sea level rise, coastal flooding, wildfire, and drought.



5. Infrastructure and Services

We will provide infrastructure and services where it is needed to support Toquaht people's wellbeing.



6. Transportation

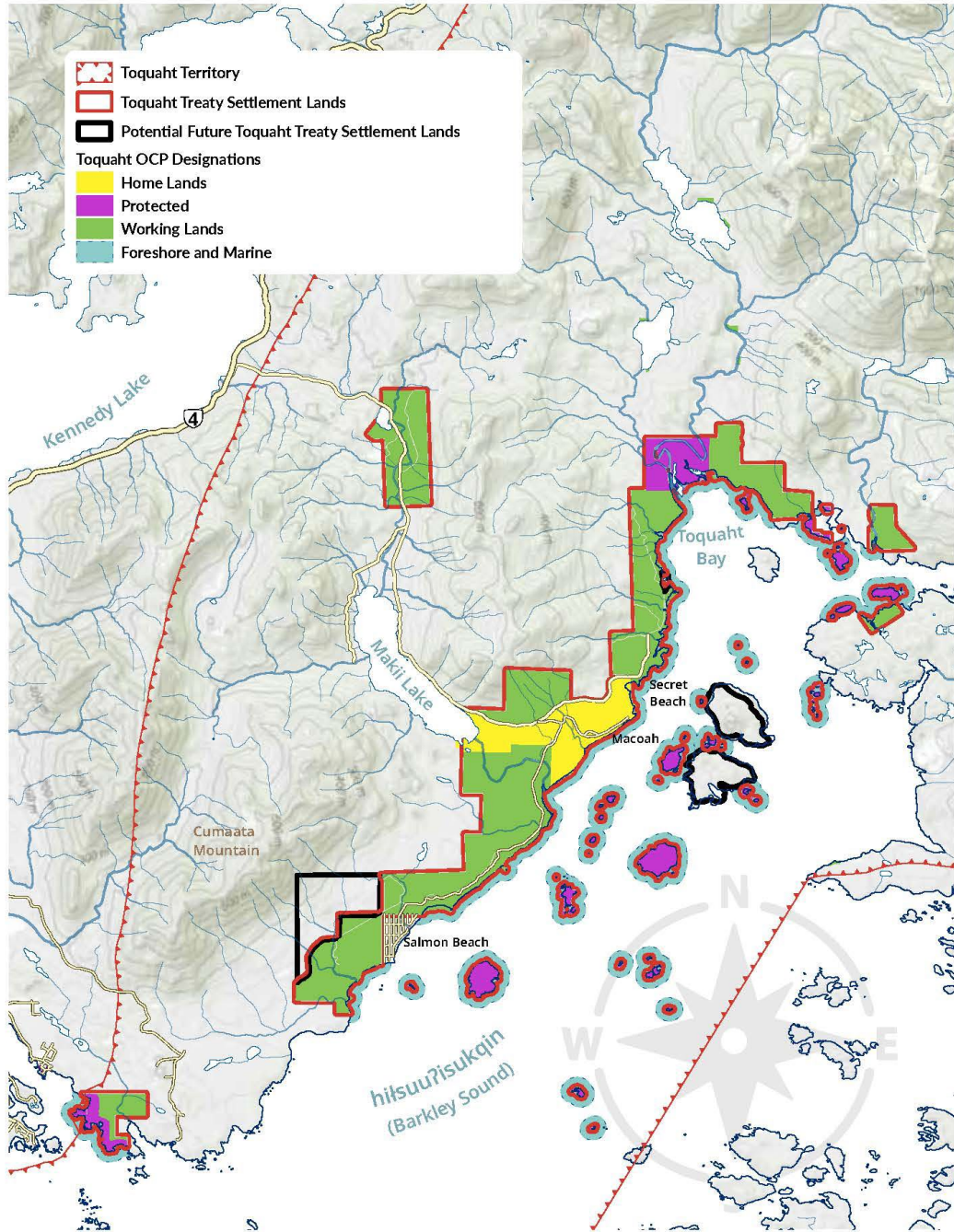
We will develop and maintain safe, sustainable, and efficient access to Macoah.

9. Treaty Settlement Lands DESIGNATIONS

Toquaht maintains a strong commitment to the stewardship of healthy lands and waters while allowing for the growth and development of the community in appropriately designated areas. Land designations describe what land uses are supported in different areas. There are five designations:

- Protected
- Home Lands
- Working Lands
- Foreshore and Marine
- Stewardship

MAP: Land Designations



9.1 Protected

This designation includes environmentally and/or culturally sensitive areas that should not be developed. This includes areas used for cultural activities, traditional uses, and spiritual practices. The teaching and passing down the practices, traditions, and culture to new generations is critical, as is the protection and stewardship of the lands and waters that support these activities.

Areas designated as Protected on the Land Designations Map help us preserve our natural environment, support Citizen health and wellbeing, and allow for the holistic growth and development of the larger Toquaht Nation community.

Due to the limits of available mapping, Protected areas shown on the Land Designations Map may not indicate all culturally or environmentally sensitive areas.

Environmental Protection and Cultural Protection development guidelines found in the Development Guidelines section provide additional information for land use activities and development in or near culturally or environmentally sensitive areas.

9.1.1 Management Objectives

- .1 Protect and steward sensitive traditional sites and culturally important areas.
- .2 Protect archaeological sites.
- .3 Support traditional and cultural activities.
- .4 Protect the land and water, including old growth forest areas, fish sensitive watersheds, and riparian areas around streams and waterways.

9.1.2 Supported Activities and Uses

- .1 Protected cultural heritage areas, including areas of spiritual importance (e.g., traditional use areas, archeological sites).
- .2 Protected environmental areas (e.g., islets, foreshore and beaches, creeks, wetlands).
- .3 Protected wildlife areas (e.g., den sites, nesting sites).
- .4 Traditional and cultural uses and activities, including gathering, fishing, and hunting.
- .5 Cemeteries and burial grounds (historic and new).
- .6 Low impact ecotourism and cultural tourism activities.
- .7 Habitat restoration, protection, stewardship, and field research and monitoring activities.

9.1.3 Policies

Toquaht Nation:

HOUSING

- .1 Supports Toquaht Citizens establishing seasonal, temporary camps for traditional and cultural practices.
- .2 Discourages any other form of residential development in designated Protected Areas.

COMMUNITY AND CULTURE

- .3 Will ensure environmentally and culturally sensitive Toquaht Lands are managed with ?iisaak – respecting.
- .4 Supports cultural learning opportunities and programs with Citizens in Protected areas.
- .5 Recognizes the health, social, economic, and environmental benefits of cultural activities and limited ecotourism and cultural tourism activities in Protected areas.
- .6 Encourages the use of signage to indicate Toquaht Land, welcome visitors, and to inform people about acceptable and respectful practices on all Toquaht Treaty Settlement Land, including access restrictions to sensitive areas.
- .7 Recognizes that traditional use, harvest, and gathering areas may overlap with other Nations and will resolve any issues through shared traditional customs.
- .8 m̓ee?isiik and aní'citakwul (Stopper Islands) are highly important for conservation of cultural heritage values. They will be designated as Protected when they are added to Toquaht Lands. Activities there will be restricted to culturally respectful practices, including traditional timber harvesting for cultural purposes.

ENVIRONMENT

- .9 Supports retaining Protected areas in their natural state wherever possible.
- .10 Supports habitat restoration, protection, and stewardship activities in Protected areas that have been disturbed and/or require restoration.
- .11 Will foster an atmosphere of environmental stewardship for Citizens and visitors to Protected areas through signage and programming.

ECONOMIC DEVELOPMENT

- .12 Discourages development of permanent facilities, utilities, or infrastructure of any kind in Protected areas except when the development is necessary for the health and safety of Citizens or to protect environmentally or culturally sensitive features.

ACCESS AND TRANSPORTATION

- .13 Discourages public (non-Toquaht) access to culturally and/or environmentally sensitive areas.
- .14 Supports the limited development of walking trails and boardwalks in Protected areas where they are part of larger community network projects, and/or providing access to sensitive areas for cultural programs, and/or approved and appropriate ecotourism and cultural tourism activities.
- .15 Discourages motorized access (ATVs, 4x4s, trucks, etc.) into or across Protected areas except to support access for cultural programming and activities.
- .16 Discourages infrastructure required for motorized access (roads) with limited exceptions to support access for environmental restoration, wildlife monitoring, cultural practices, Elders, safety, maintenance, and fire suppression.
- .17 Specifically prohibits the construction of utility infrastructure such as communication towers, transmission lines, and pipelines, along with any associated access roads for such infrastructure.

9.2 Home Lands

Macoah is the heart of Toquaht Nation and the place we call *home*. The Home Lands area is where we will develop homes for Citizens, community buildings, guest lodges, and the infrastructure needed to support these developments.

Areas designated as Home Lands on the Land Designations Map help us continue to bring Citizens home and support the ongoing social, economic, and physical development of the Toquaht Nation community.

All OCP development guidelines (Environmental Protection, Cultural Protection, Coastal Hazards, Wildfire Hazard, and Residential and Commercial Development) apply to Home Lands.

9.2.1 Management Objectives

- .1 Support Citizens' housing needs.
- .2 Encourage a diversity of housing options and tenures to meet a range of needs, including families with children, individuals, couples, youth, and Elders.
- .3 Anticipate and meet future housing needs as Toquaht Nation's population grows.
- .4 Support Citizen wellbeing with recreation and gathering spaces, cultural and educational spaces, and other amenities and services.
- .5 Protect Citizen safety, health, and wellbeing.
- .6 Support Toquaht Nation government administrative services and needs.
- .7 Support local and home-based businesses.

9.2.2 Supported Activities and Uses

- .1 Toquaht Nation Citizen housing (single-family, duplex, triplex, multifamily, small homes, etc.).
- .2 Elders housing and care facilities.
- .3 Supported housing for youth.
- .4 Toquaht Nation government facilities (administration and programs).
- .5 Community recreation facilities (gym, meeting space, program offices, youth centre).
- .6 Community health and wellbeing facilities, including a healing centre.
- .7 Cultural facilities and buildings.
- .8 Public works and safety facilities (fire hall, recycling facility, public works building).
- .9 Parks and recreation facilities (fields and ancillary buildings).
- .10 Cemeteries and burial grounds.
- .11 Cultural tourism and ecotourism-related businesses.
- .12 Local-serving commercial businesses, including home-based businesses.

- .13 Habitat restoration, protection, and stewardship activities.
- .14 Traditional and cultural uses and activities.
- .15 Limited forestry.
- .16 Agricultural operations, including community greenhouses.

9.2.3 Policies

Toquaht Nation:

HOUSING

- .1 Recognizes Citizen housing as a critical goal and will improve the availability of housing types and tenures to meet community needs and support Citizens in coming home.
- .2 Encourages new housing to be accessible to Elders and individuals with limited mobility.
- .3 Encourages new housing to be built to allow for multiple generations in the same home and to allow aging in place.
- .4 Encourages and facilitates the development of a more complete community that provides the social, economic, and community opportunities, services, and amenities to support year-round living in Macoah.
- .5 Respects the rights to privacy and home life at Macoah and will not permit uses that conflict with these rights.

COMMUNITY AND CULTURE

- .6 Will ensure Home Lands are safe and welcoming for our Citizens.
- .7 Establishes Macoah as the focus for teaching language and culture to our Citizens in facilities that reflect our heritage.
- .8 Establishes Home Lands and Macoah as the centre of health and healing facilities, programs, and services for our Nation.
- .9 Will ensure that core services, including water, sewage, hydro, and communications, meet Citizen needs and can support future population growth and development.
- .10 Supports the development of a 'gateway' or similar signature feature at the entry point to Macoah to welcome visitors and inform them about acceptable and respectful practices on all Toquaht Treaty Settlement Lands.
- .11 Supports the incorporation of art, carving, and Nuuchahnulth designs into the community buildings, structures, and site planning at Macoah.
- .12 Requires that new facilities are accessible to Elders and individuals with limited mobility.
- .13 Supports agricultural uses, including community greenhouses and community gardens/farms to support local food security.

ENVIRONMENT

- .14 Requires new homes and facilities to be developed in ways that respect the natural environment and minimize negative impacts.

- .15 Fosters an atmosphere of environmental stewardship for Citizens and visitors to Home Lands through signage and programming.
- .16 Supports protection of environmentally and culturally sensitive areas within Home Lands designated areas.
- .17 Encourages the protection of views to Barkley Sound from community buildings and homes.

ECONOMIC DEVELOPMENT

- .18 Encourages and supports Citizen-owned home-based businesses.
- .19 Encourages and supports Citizen-owned home-based businesses that promote recreation and cultural learning, and provide youth with opportunities for engagement, employment, and skills development.
- .20 Encourages the use of local building materials and labour whenever possible.
- .21 Supports limited forestry operations for wildfire management, forest stewardship, and land clearing for development of housing and infrastructure.

ACCESS AND TRANSPORTATION

- .22 Supports working with partners to upgrade and improve the safety of the Maggie Lake FSR, including the potential of paving the road.
- .23 Will work to develop a second access road for emergency access and egress.
- .24 Supports a public trail system which would allow residents of Macoah to travel from residences to community facilities without a vehicle.
- .25 Encourages the development of access points to the waterfront for residents, Citizens, and visitors.
- .26 Will improve emergency preparedness in Macoah to respond to increasing climate-driven hazards, including extreme weather events, wildfire, heat events, and drought.



9.3 Working Lands

Toquaht Nation has the responsibility to control, manage, and develop natural resources under our jurisdiction. As we advance and grow our economy, Toquaht Nation will continue pursuing new and traditional ways to benefit from our lands and location.

Working Lands includes those areas that have development potential for Toquaht Nation. They are lands where a higher intensity of use and development is supported by the community and the lands can be feasibly developed to support the economic success of the Nation.

Largely forested, the designation includes portions of two community woodlots, and lands around Secret Beach and the industrial area which have been identified for a range of site-specific economic development uses. They also include other lands around Stuart Bay that have been considered for long-term potential tourism development as destination resorts. Collectively, these lands provide employment opportunities for our people and provide lands for future development that will help grow our economy as we work to become economically self-sufficient.

Areas designated as Working Lands on the Land Designations Map support the ongoing social, economic, and physical development of the Toquaht Nation community. Lands designated as Working Lands may contain a mix of land uses including residential, recreational, local commercial, tourist commercial, and cultural/interpretive uses. Working Lands may also support forestry and natural resource operation (e.g., gravel pits) and related light industrial and light manufacturing uses to support value-added forestry and natural resource processing.

All OCP development guidelines (Environmental Protection, Cultural Protection, Coastal Hazards, Wildfire Hazard, and New Buildings and Renovations) apply to Working Lands.

9.3.1 Management Objectives

- .1 Balance economic development with Toquaht values and guiding principles.
- .2 Support Toquaht Nation economic development, growth, and diversification.
- .3 Manage and steward natural resources for future generations.
- .4 Ensure natural resource or forestry operations meet the highest possible environmental standards.
- .5 Ensure the benefits from Toquaht Nation natural resources support our people.
- .6 Support employment and business opportunities for Citizens.
- .7 Support Toquaht Nation ecotourism and cultural tourism initiatives.
- .8 Support education and training programs for Citizens in economic activities, including forestry, value-added light manufacturing, value-added forestry processing, and green power generation.
- .9 Maintain opportunities to generate own-source green power.
- .10 Develop Secret Beach as a high-quality recreational and tourism area for visitors and a strong economic generator for Toquaht Nation.

9.3.2 Supported Activities and Uses

- .1 Forestry.
- .2 Light manufacturing and processing, including temporary or permanent sawmills, and log sort yards.
- .3 Light industry and utilities infrastructure.
- .4 Aggregate extraction.
- .5 Energy production and micro-hydro projects (Lucky Creek).
- .6 Cultural tourism and ecotourism-related business, including campgrounds.
- .7 Resort development, including rental and leasehold recreational housing.
- .8 Retail commercial.
- .9 Marine-based commercial activities.
- .10 Toquaht Nation community facilities.
- .11 Toquaht Nation housing.
- .12 Traditional and cultural uses and activities.
- .13 Agricultural operations, including community greenhouses.

9.3.3 Policies

Toquaht Nation:

HOUSING

- .1 Supports the development of housing with different tenure models at Secret Beach (rentals, short-term leases, long-term leases, fee simple ownership) to foster a regionally competitive mix of visitor accommodations.
- .2 Supports Toquaht Nation Citizens establishing seasonal, temporary camps for traditional and cultural practices.
- .3 Will work with Toquaht Nation Citizens interested in developing permanent residences and residential areas where they will not conflict with or constrain other development activities, will not introduce any public risk, and will not require any commitment of resources by Toquaht.
- .4 Does not permit housing, including worker housing in the industrial area around near the former Toquaht Bay Campground due to high levels of arsenic and cobalt in the soils.

COMMUNITY AND CULTURE

- .5 Supports traditional use activities on Working Lands, including gathering and harvesting of medicinal plants, cedar bark, and foods.
- .6 Fosters visitor education around environmental stewardship and Toquaht Nation culture through signage and programming, including information on acceptable and respectful practices on Toquaht Treaty Settlement Lands, how to avoid wildlife conflicts, and local flora and fauna.

ENVIRONMENT

- .7 Will ensure all natural resources are managed sustainably.
- .8 Requires completion of a management plan prior to the commercial harvest of any resources in Working Lands.
- .9 Supports restoring degraded forest lands to contribute economic and ecological benefits.
- .10 Will minimize disturbance to and protect shoreline and upland areas with high environmental values.
- .11 Will consider the impacts on intertidal and subtidal ecosystems from economic development initiatives in Working Lands abutting coastal areas.
- .12 Will minimize loss of existing greenspace and buffer light industrial operations from community facilities, housing, and tourism developments.
- .13 Supports “dark sky” development with the careful use of outdoor lighting to limit light pollution while providing sufficient light for safe pedestrian passage at night.

ECONOMIC DEVELOPMENT

- .14 Supports small-scale, light industrial, including sawmills and timber processing and marine use light industrial, including boat storage in the former log sort area.
- .15 Supports building on the existing campground and marine facilities to facilitate wider recreational and tourism experiences and options for visitors to Toquaht Nation.
- .16 Encourages entrepreneurial business ideas for Citizens and will investigate ways to assist Citizens interested in starting their own businesses.
- .17 Requires the preparation of a detailed feasibility and concept plan for any longer-term destination resort development in Stuart Bay.
- .18 Supports investigating opportunities for provincial Commercial Recreation Tenures on Toquaht Nation traditional territory as future potential development and management opportunities for Toquaht Nation.
- .19 Supports cultural tourism and ecotourism operations and businesses in Working Lands provided they do not conflict with natural resource operations or pose a safety hazard to visitors.
- .20 Supports the development of commercial recreation tenures where appropriate and where this development fits with overall economic development plans across Toquaht Nation traditional territory.
- .21 Will maintain a healthy and productive working forest that provides economic, social, cultural, and environmental benefits to both current and future generations.
- .22 Supports secondary and value-added processing of resources from Working Lands to keep profits and jobs in the hands of our people, while building community capacity.
- .23 Recognizes the development of new Working Lands employment opportunities as an important way to bring our Citizens home.

- .24 Will manage community woodlot areas in the Working Lands designation to retain the natural beauty, provide employment and economic development opportunities, and provide cultural and educational opportunities for generations to come.
- .25 Encourages and supports continued investigation of green energy development in Working Lands, including small-scale run of the river and wind power generation to improve energy resiliency.
- .26 Will consider higher intensity heavy industrial uses subject to additional environmental, economic, and social assessments, Toquaht Nation review, and Citizen input.
- .27 Industrial operations in the industrial area around near the former Toquaht Bay Campground should limit any excavations on site due to high levels of arsenic and cobalt in the soils.

ACCESS AND TRANSPORTATION

- .28 Will ensure that any development accommodates Toquaht Nation Citizen access to the waterfront.



9.4 Foreshore and Marine

Our foreshore areas are fundamental to our culture, environment, and wellbeing. Toquaht Nation has law-making authority over foreshore areas where we can regulate land and marine uses up to 200 metres extending from the high-water mark³ from Toquaht Lands.

The Foreshore and Marine designation allows for a range of coastal activities, stewardship, and economic activities, including marine commercial and recreation and tourism and the facilities that support them (docks, piers, boat launches). Central to any developments in this designation is the balancing of economic, environmental, social, and cultural values, and maintaining the ecological and environmental integrity of the foreshore.

Areas designated as Foreshore and Marine on the Land Designations Map support the cultural, social, and environmental wellbeing of Toquaht Nation.

The Coastal Hazards development guideline applies to Coastal and Marine areas.

9.4.1 Management Objectives

- .1 Maintain a healthy foreshore environment where ecosystems and cultural sites remain intact.
- .2 Manage and steward the foreshore for future generations.
- .3 Restore degraded foreshore areas to a more productive state for future generations.
- .4 Balance marine-focused economic development with Toquaht values and guiding principles.
- .5 Support Toquaht Nation marine-focused economic development, growth, and diversification.
- .6 Support marine-focused employment and business opportunities for Citizens.
- .7 Support Toquaht Nation ecotourism and cultural tourism initiatives.
- .8 Provide access to the foreshore for Citizens and, where appropriate, visitors to Toquaht Treaty Settlement Lands.

9.4.2 Supported Activities and Uses

- .1 Protected foreshore cultural heritage areas.
- .2 Protected foreshore environmental areas (e.g., beaches, tidal flats).
- .3 Protected wildlife areas (e.g., nesting sites).
- .4 Traditional and cultural uses and activities, including gathering and fishing.
- .5 Habitat restoration, protection, and stewardship activities.
- .6 Limited ecotourism and cultural tourism activities, including marine access (boat/kayak/canoe launches).

³ "high water mark" means the visible high-water mark of a watercourse where the presence and action of the water are so common as to mark on the soil of the watercourse bed a character distinct from that of its banks and vegetation, as well as in the nature of the soil itself, and includes the active floodplain.

- .7 Cultural tourism and ecotourism-related business.
- .8 Beach and foreshore access for tourism operations, including Secret Beach campground and future resort developments.
- .9 Marine access for light industrial uses (piers, docks, wharves).
- .10 Marine-based commercial activities.
- .11 Mariculture operations, including shellfish operations.

9.4.3 Policies

Toquaht Nation:

HOUSING

- .1 Will not consider marine residences, such as float homes.

COMMUNITY AND CULTURE

- .2 Will consider installing informational signage to educate visitors and support the conservation and stewardship of foreshore areas.

ENVIRONMENT

- .3 Will ensure foreshore and marine uses do not significantly alter important natural features and habitat.
- .4 Supports retaining sites in their natural state where possible, preserving indigenous vegetation and trees.
- .5 Will consider the removal of trees and vegetation only in those cases where an area must be cleared to support a development.
- .6 Will not support development that disrupts or impacts the foreshore environment and ecology.
- .7 Will consider the goals and objectives of new aquatic marine planning that Toquaht Nation may undertake in the future in any economic development initiatives in the foreshore area.
- .8 Requires a foreshore assessment for marine works (docks, piers) prepared by a qualified environmental professional (QEP)⁴ that includes an assessment of siltation and impact on foreshore habitat as well as recommendations to minimize that impact, including habitat restoration.
- .9 Will buffer light marine industrial operations from marine tourism developments.

ECONOMIC DEVELOPMENT

- .10 Supports Toquaht Nation mariculture (shellfish) operations and related infrastructure in suitable areas.
- .11 Supports approved marine-based recreational and cultural tourism operations.

⁴ A qualified environmental professional (QEP) is an applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under a Provincial Act.

ACCESS AND TRANSPORTATION

- .12 Will consider Citizen and public accessibility to the foreshore as part of any waterfront development.
- .13 Will ensure new foreshore access points respect environmental and cultural values of the foreshore.



9.5 Stewardship

Toquaht Nation has defined interests in the stewardship and management of lands within Toquaht traditional territory.⁵ The intent of this designation is to maintain Toquaht Nation land use interests outside of Treaty Settlement Lands but within our ʔaʔuʔi and to ensure these lands are stewarded according to Toquaht Nation values and principles.

The Stewardship designation includes lands that are currently within the Barkley Community Forest, a 6,760-hectare forest area that is jointly managed by Toquaht Nation and the District of Ucluelet. It also includes Forest Licence A19234 and Woodlot Licence W1903.

Areas designated as Stewardship on the Land Designations Map will help support a healthy and productive ʔaʔuʔi for the cultural, social, economic, and environmental wellbeing of Toquaht Nation.

Development guidelines do not apply to Stewardship areas but can be used to support development review and referrals on Toquaht Nation ʔaʔuʔi.

9.5.1 Management Objectives

- .1 Manage and steward our ʔaʔuʔi for the wellbeing of future generations.
- .2 Restore degraded areas of our ʔaʔuʔi to a healthier state for future generations.
- .3 Ensure development in our ʔaʔuʔi is consistent with Toquaht values and guiding principles.
- .4 Ensure Toquaht Nation is an active participant in land use and resource planning within our ʔaʔuʔi.
- .5 Maintain collaborative, respectful relationships with other Maa-nulth Treaty Nations, First Nations, local governments, and communities within or adjacent to our ʔaʔuʔi.

9.5.2 Supported Activities and Uses

- .1 Protected cultural, traditional use, and spiritual areas.
- .2 Protected environmental areas, including Old Growth Management Areas.
- .3 Protected wildlife areas (e.g., nesting sites, den sites).
- .4 Traditional use activities, including gathering, fishing, and hunting.

9.5.3 Conditionally Supported Activities and Uses

- .1 Habitat restoration, protection, and stewardship activities.
- .2 Cultural tourism and ecotourism-related business.
- .3 Forestry.
- .4 Marine-based commercial activities.

⁵ Among our interests and rights, Toquaht Nation has reasonable access to provincial Crown Land to enable us to exercise our Section 35 Rights and the opportunity to harvest monumental cedar and cypress on Crown Land as well as to harvest renewable resources in Renewable Resource Harvesting Areas.

- .5 Green energy production, including micro-hydro projects.
- .6 Low impact, low density sustainable housing that does not impact culturally and/or environmentally sensitive areas.

9.5.4 Policies

Toquaht Nation:

- .1 Will work with other governments (provincial, regional, local, First Nation) and development partners to maintain a healthy and productive ḥaḥuuli that provides economic, social, cultural, and environmental benefits to current and future generations of Toquaht Nation Citizens.
- .2 Will consult with adjacent jurisdictions, including the Alberni-Clayoquot Regional District, on land use decisions that may have impacts on both Toquaht Nation Treaty Settlement Lands and ḥaḥuuli.
- .3 Will provide opportunities for adjacent communities to give input on Toquaht Nation development proposals that may impact their lands.
- .4 Will collaborate with the Alberni-Clayoquot Regional District, federal and provincial agencies, and other First Nations on topics of Toquaht Nation interest and concern, such as climate change adaptation.
- .5 Supports forestry and other natural resource operations that respect Toquaht Nation ḥaḥuuli while contributing to the long-term health of the local economy.
- .6 Encourages and supports development of a sustainable and profitable non-timber harvest sector.
- .7 Supports environmentally progressive forest management practices that protect ecosystems and promote forest regeneration.
- .8 Will work with other First Nations, governments, and regional partners to restore the degraded capacity of forest lands to contribute ecological and economic benefits.
- .9 Will uphold the Clayoquot Sound Biosphere Reserve Charter vision and principles within the Clayoquot Sound Biosphere Reserve Region.
- .10 Supports the development of commercial recreation tenures where appropriate and where this development fits with overall economic development plans across Toquaht Nation ḥaḥuuli.
- .11 Supports the development of and maintains co-operative relationships and partnerships with other First Nations, governments, and communities to achieve our shared goals.

10. Treaty Settlement Lands

DEVELOPMENT GUIDELINES

Development guidelines provide a clear set of basic best practices and considerations to help minimize impacts associated with land use and development (e.g., damage to environmentally sensitive areas, protection of cultural resources) and mitigate existing hazards (e.g., coastal flooding and sea level rise, wildfire). This OCP includes four guideline areas:

- Environmental Protection
- Cultural Protection
- Hazards (Coastal, Steep Slopes, Wildfire)
- Residential and Commercial Development

Whether a new building is built independently by a Citizen, developed by Toquaht Nation government, or third-party, **all new development on Treaty Settlement Land should consider best practices in relation to these guidelines.**

10.1 Environmental Protection

Toquaht have always lived in respectful harmony with our natural environment. We take our role as stewards of our lands and waters and take the challenge very seriously.

APPLICATION OF THE GUIDELINES

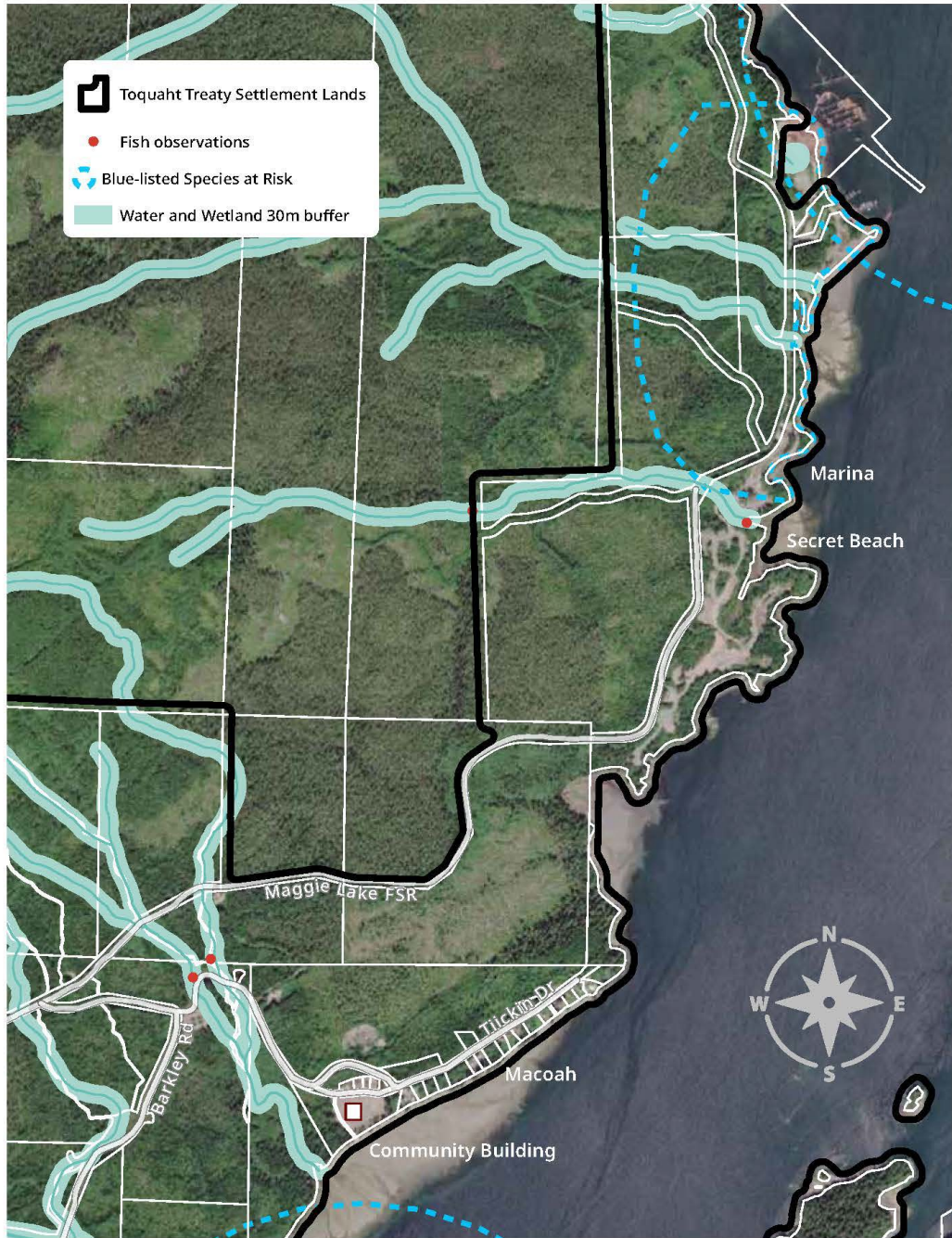
Environmental protection guidelines outline how to protect our important ecological areas from development impacts. These guidelines should be used for development on Treaty Settlement Lands, however, specific areas have been identified for reference and additional consideration. These places are identified on the map, **Toquaht Environmentally Sensitive Areas**.

ENVIRONMENTALLY SENSITIVE AREAS

1. **Environmentally sensitive areas include:**
 - a. Any waterways or waterbodies and the forested areas adjacent to these features within 30 metres (100 feet).
 - b. Areas where the landscape or vegetation provides habitat for important species, including raptor nesting sites, and known den sites.
 - c. Areas that connect important habitats together and provide natural movement corridors for animals.
 - d. Areas where there are large trees, particularly old growth trees, and the ecosystems that support them.
 - e. Important wetlands, fishing areas, hunting areas, and gathering areas.
2. On each site that may be developed, important environmental areas may include existing mature vegetation, soils, and topography, which combine to contribute to the natural functioning of the landscape, especially with soil erosion and drainage.



MAP: Environmentally Sensitive Lands – Macoah and Secret Beach



SITE PLANNING AND DESIGN

3. **Mapping.** Pre-planning for development should include site investigations for environmentally sensitive areas. The extent of any environmentally sensitive area should be investigated, mapped, and included in the site plans and construction documents for any site development project.
4. **Setbacks.** No clearing, tree removal, construction, or construction-related activities should occur within 30 metres (100 feet) from the top-of-bank of any waterways or waterbodies. Setback areas should be clearly indicated on all site planning and construction drawings. Structures such as trails or boardwalks for community use that are carefully designed and located to minimize disturbance may be located within these setbacks.

Reduced setbacks of no less than 15 metres (50 feet) can be explored and considered on a case-by-case basis depending on type and use of building and as assessed by a qualified professional.

For natural streams in a ravine (a deep, narrow gorge with steep sides), the setback distance should be measured horizontally from the top of the ravine. There is also a requirement that the building setback from the top of the ravine be 5 metres.

Where bank stability may be a problem, the setback distance from the top of the ravine must be assessed by a professional.

In Working Lands, reduced setbacks for forestry operations may be considered with an accompanying assessment and rationale prepared by a qualified professional.

5. **Preservation of existing natural landscapes.** Beyond the 30 metre (100 feet) setbacks from waterways and water bodies, the natural features of any landscape area should be protected by:
 - a. Identifying and retaining mature trees and woody vegetation on building sites wherever and as much as possible; and
 - b. Designing and planning each site to require as little grading or excavation as possible.
6. **Runoff and protection of waterways.** Waterways should be protected from long-term hydrologic impacts by using drainage strategies that slow down, absorb, and filter rainwater. Basic strategies should focus on landscape and soil-based management practices (rather than underground pipes that carry polluting sediments directly to nearby waterways). Strategies include:
 - a. Minimizing paved or impervious areas such as parking lots and roads; and
 - b. Using rain gardens, swales, ponds, and deep un-compacted soils to collect and filter rainwater, including drainage gardens at the edges of roads and parking lots.

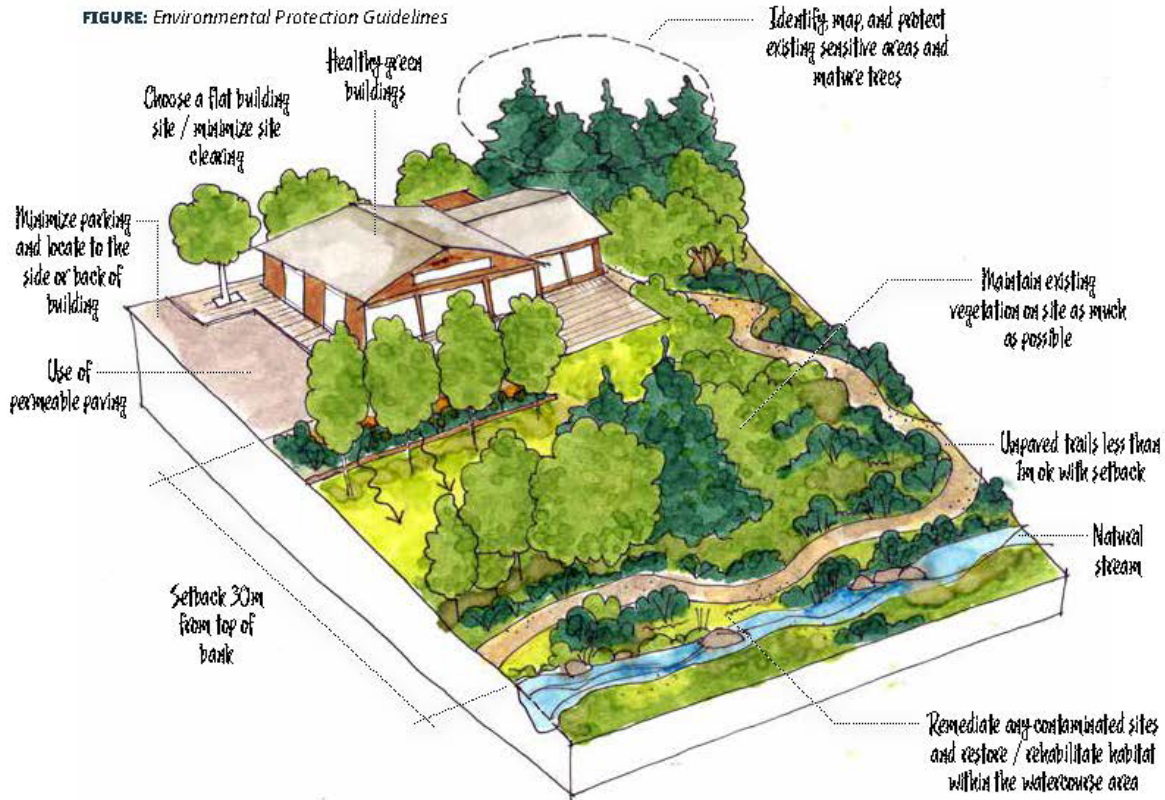
BUILDING DESIGN

7. **Healthy, green buildings.** New community facilities play a central role in promoting good development practices within our community. We will endeavor to build new community facilities that incorporate both our cultural values and the highest standards for energy efficiency, water conservation and occupant health. New community facilities will act as examples or role models for other developments to follow and establish clear expectations around what our best practices should be.

DURING CONSTRUCTION

8. **Setbacks.** During site development and construction, established setbacks from waterways and other protected areas should be indicated with high visibility flagging or fencing.
9. **Preservation of existing natural landscapes.** The natural features of any landscape area should be protected by:
 - a. Identifying and retaining mature trees and woody vegetation on building sites wherever and as much as possible;
 - b. Limiting soil compaction near those trees to the drip line of the tree canopy or the edge of the vegetation; and
 - c. Physically protecting trees and vegetation from damage and soil compaction with construction fencing placed at or outside the drip line of the canopy.
10. **Runoff and protection of waterways.** Water bodies and waterways should be protected from sedimentation and erosion by:
 - a. Installing sediment fencing between the construction site and down slope waterways prior to any other construction activity. This fencing should remain in place until all other construction is complete and bare soils have been completely revegetated.

FIGURE: Environmental Protection Guidelines



10.2 Cultural Protection

Toquaht culture and traditions inform the work of the Nation and enrich the lives of masčim. Toquaht Nation accepts our role as stewards of our culture and history and takes the challenge very seriously.

APPLICATION

Cultural Protection Guidelines outline how to protect our important cultural areas from development impacts.

Protection measures include careful pre-development considerations and specific precautions regarding the method and location of any construction.

These guidelines apply to any development anywhere on Toquaht Treaty Settlement Lands; however, specific areas have been identified for reference and additional consideration. These places are identified on the map, **Toquaht Culturally Sensitive Areas**.

CULTURALLY SENSITIVE AREAS

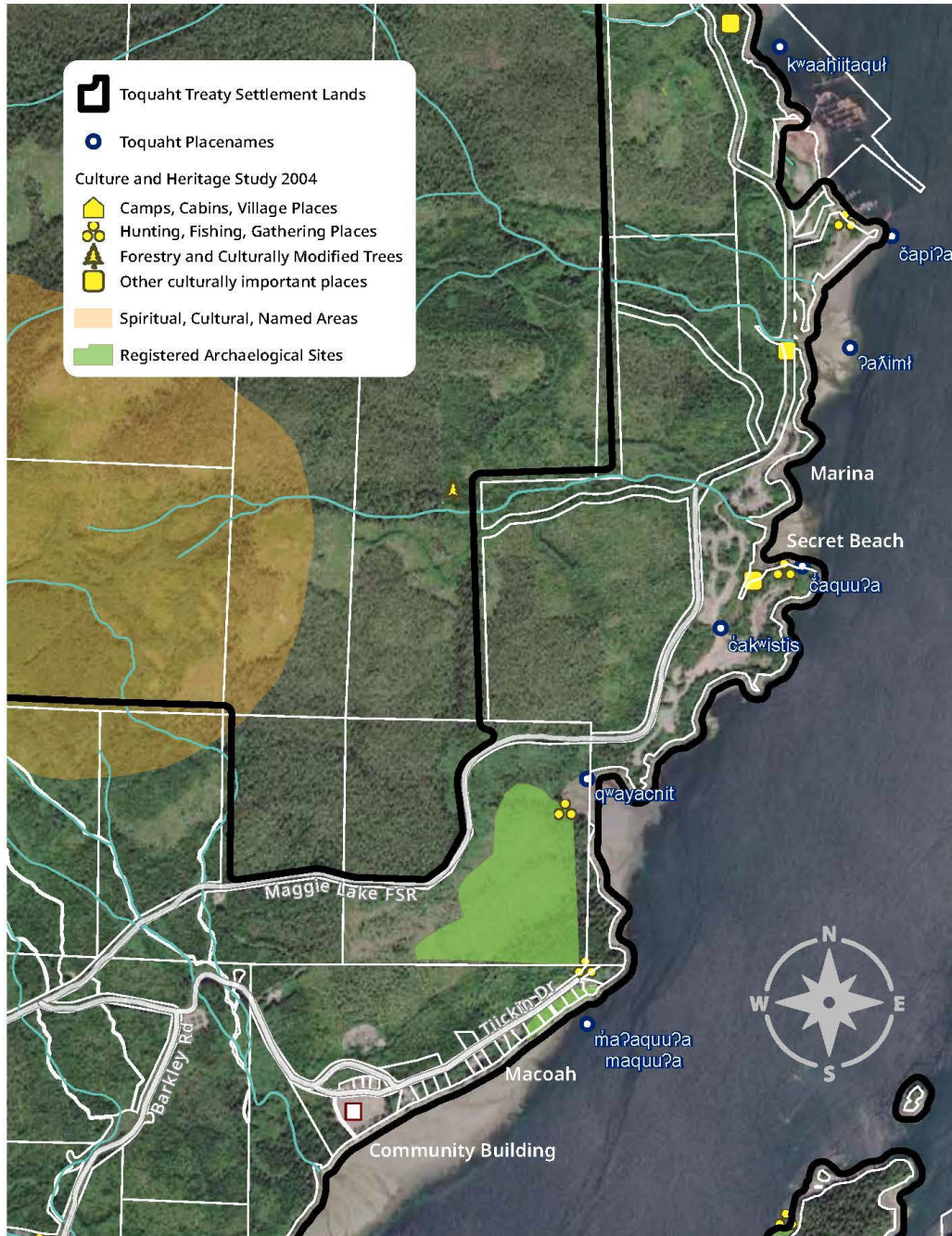
1. Important cultural areas include:

- a. Registered and/or known archaeological sites.
- b. Sites identified during pre-development site investigations.
- c. Sites accidentally discovered during site construction.
- d. Sites identified as important traditional use, historic, or culturally significant areas through pre-planning input from Toquaht Nation knowledge keepers and Elders.

SITE PLANNING AND DESIGN

2. **Mapping.** Pre-planning for development should include site investigations for culturally sensitive areas. The extents of any culturally sensitive area should be investigated, mapped, and included in the site plans and construction documents for any site development project.
3. **Setbacks.** Appropriate setbacks for each area should be established by Toquaht Nation knowledge keepers and Elders based on the nature and use of each cultural area, including archeological sites and traditional use or cultural practice areas. No clearing, tree removal, site grading, digging, storage, construction, or construction-related activities should occur within the established setback. Setbacks should be indicated in any site plans or construction documents.

MAP: Culturally Sensitive Lands – Macoah and Secret Beach

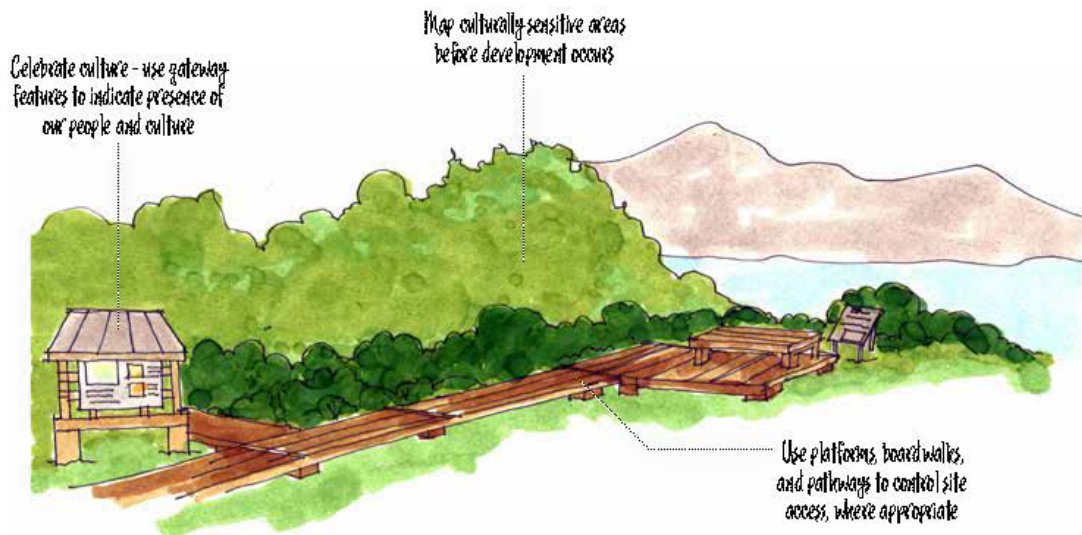


BUILDING DESIGN**4. Celebrate and express Toquaht culture. Developments should:**

- a. Include spaces for expressing and practicing our culture - such as places to display our art, for celebrations and gatherings, and for making traditional crafts or undertaking other cultural activities.
- b. Include 'gateway' or similar signature features at the entry point to Macoah to indicate the presence of our people and our culture.
- c. Architecturally refer to our traditional building styles and practices, including the use of cedar and other traditional building materials.

DURING CONSTRUCTION

5. Protection of culturally sensitive areas should be maintained by indicating the boundaries of setback areas with high visibility flagging or fencing.

FIGURE: *Cultural Protection Guidelines*

10.3 Hazards

Hazard guidelines outline how to safeguard Macoah, Secret Beach, and other areas where Toquaht Nation may develop new buildings or services from natural hazards, including coastal hazards (sea level rise, coastal storm surges, tsunamis), steep slopes, and wildfires.

10.3.1 Coastal Hazards

Our coastline is vulnerable to the impacts of sea level rise and coastal storm surges. We are also in a high-risk seismic zone vulnerable to coastal flooding in the event of a tsunami. Toquaht traditional knowledge and sediment records indicate the recurrence of earthquake and tsunami events in our area. There are known deposits from three tsunamis – the Alaska 1964 tsunami, the Cascadia 1700 event, and a tsunami from an unknown source between 500 to 800 years ago. Recent studies indicate that the probability of a damaging tsunami with more than 1.5m run-up in the West Coast of Vancouver Island is between 40-80% for the next 40 years.

For a coastal people, sea-level rise poses a serious long-term risk that will grow and increase for future generations. While some uncertainty remains around the pace of sea level rise, based on current guidance and projections, we can expect to see at least 50 cm of sea level rise in around 30 years' time and 1 metre or more in 80 years' time. Over the longer-term 2 metres of sea level rise is "locked in" regardless of global greenhouse gas emissions reductions. Coupled with more severe and extreme weather and storms, the challenge climate change-driven sea level rise poses for Toquaht Nation is profound.

In recognition of these risks and hazards, Toquaht Nation has committed to pursuing longer-term community development outside of the coastal hazard area.

APPLICATION

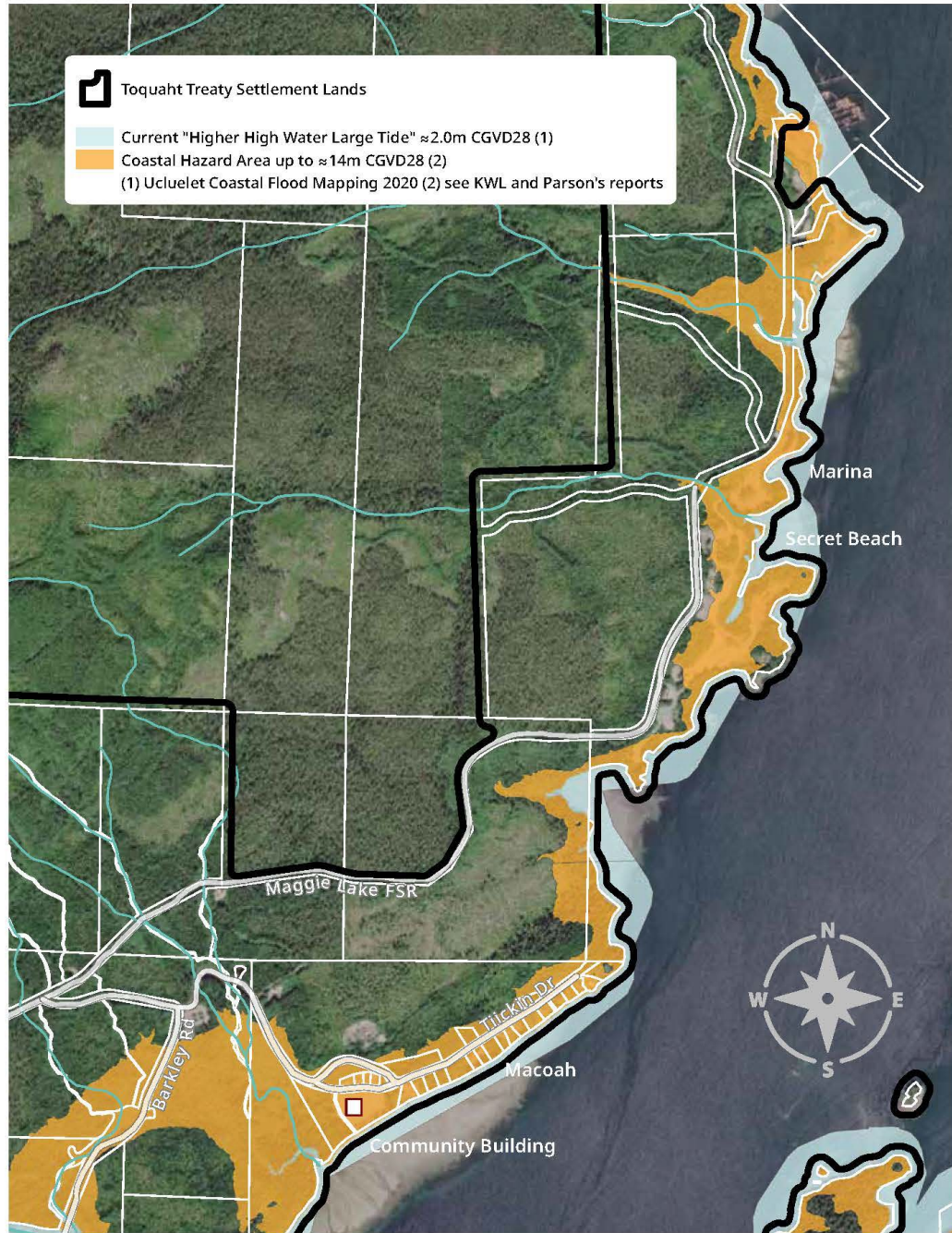
Coastal Hazard Guidelines outline how to protect Toquaht people and buildings from coastal flood hazards, including sea level rise, storm surges, and tsunamis.

These guidelines relate to development in coastal areas in Macoah, Secret Beach, and other coastal Toquaht Treaty Settlement Lands. These places are identified on the map, **Toquaht Coastal Hazards Areas**.

The coastal flood hazard area reaches from the natural boundary (defined in the *Provincial Guidelines* as "the visible high watermark" of the sea landward to the contour elevation of the Toquaht Nation's flood construction level (FCL), which is currently 6.3 m. Due to sea level rise, both the natural boundary and the flood hazard area are subject to change and will require revision and updates over time.

Protection measures include careful pre-development considerations and precautions regarding the method and location of any construction.

MAP: Coastal Hazards Areas – Macoah and Secret Beach



SITE PLANNING

1. **Mapping.** Pre-planning for development should include site investigations for development within or near the coastal hazard area. The extent of the coastal hazard area should be investigated, mapped, and included in the site plans and construction documents for any site development project.
2. **Site analysis.** Site-specific analysis by a suitably qualified professional with experience in coastal engineering is required prior to the construction of buildings or facilities.
3. **Setbacks.** BC Guidelines recommend buildings to be setback on a site-specific basis and to consider tsunami hazards⁶.
 - a. Buildings should be setback at least 30 horizontal metres (100 feet) from the year 2100 estimated natural boundary (the visible high watermark) of the sea.
 - b. Landfill or structural support for a coastal development or type of development shall be permitted a setback of 15 metres (50 feet) from the natural boundary of the sea where the sea frontage is protected from erosion by a natural bedrock formation or works designed by a professional engineer and maintained by the owner of the land.
 - c. The setbacks may be increased on a site-specific basis such as for exposed erodible beaches and/or in areas of known erosion hazard.
 - d. Where the building site is at the top of a steep coastal bluff and where the toe of the bluff is subject to erosion and/or is closer than 15 metres (50 feet) from the natural boundary of the sea, the setback shall be a horizontal distance equal to 3.0 times the height of the bluff as measured from the toe of the bluff. For practical application, this setback condition will require site-specific interpretation and could result in the use of a minimum distance measured back from the crest of the bluff. This setback may be reduced provided the reduction is supported by a report prepared by a suitably qualified professional.
 - e. Where a building may be located near any other steep slope, safe setbacks from the toe or top of that slope must be determined by a qualified professional.

FLOOD CONSTRUCTION LEVEL

4. **Flood Construction Level (FCL).** The FCL sets the minimum elevation for buildings constructed within Toquaht's coastal floodplain. The FCL establishes the elevation of the underside of a wooden floor system or top of a concrete slab for habitable buildings. It is intended to provide safety and security against flooding or related damage in habitable levels of buildings along the shoreline.

The calculation of FCL includes tides, storm surge, and sea level rise, along with the effects of waves at the shoreline during a storm, and a freeboard allowance, that accounts for uncertainties. Two FCLs were established for Toquaht Nation as part of the development of *túkʷaaʔath̓iic hišimiyíʔak* (Toquaht Gathering Place) in Macoah, one for coastal storm surge and sea level rise, and a second for tsunami⁷.

- a. Storm surge and sea level rise – 6.3 metres (CFVD28)
- b. Tsunami floodproofing – 12 metres (CFVD28)

⁶ Coastal Floodplain Mapping – Guidelines and Specifications; Ministry of Forests, Lands and Natural Resource Operations, June 2011

⁷ Technical Memorandum, Flood Construction Level Options – Macoah Community Centre, May 31, 2021, KW: Kerr Wood Leidal Associates Ltd.

5. Flood Construction Levels.

- a. No habitable floor space or framing supporting habitable floors (including sills, joists, and sheathing) should be constructed below the FCL.
- b. Areas below the FCL should not be used for the installation of furnaces, major electrical switchgear, or other fixed equipment susceptible to damage by floodwater.
- c. The following spaces and structures are exempt from the FCL requirement:
 - i. Renovation of an existing building or structure that does not involve an addition or the 'finishing' of a basement for regular habitation.
 - ii. That portion of a building or structure that is to be used as a carport, garage, or entryway.
 - iii. Other minor buildings such as storage buildings, porches, and domestic greenhouses.
 - iv. Parking areas.
 - v. Boat-related facilities such as docks, ramps, and piers.
 - vi. Recreation shelters, stands, campsite washhouses, and other outdoor facilities susceptible to only marginal damage by floodwaters do not require floodproofing by elevation.
 - vii. Industrial and light manufacturing operations located at Secret Beach industrial park.

- 6. Future development FCL.** New critical infrastructure (e.g., health care, Elders' housing, core infrastructure, etc.), Toquaht community assembly buildings, and future housing should be developed outside of the longer-term coastal hazard zone at an FCL of 14 metres⁸. This FCL accounts for the long-term sea level rise of 2 metres, which is considered "locked in" regardless of future emissions reductions.

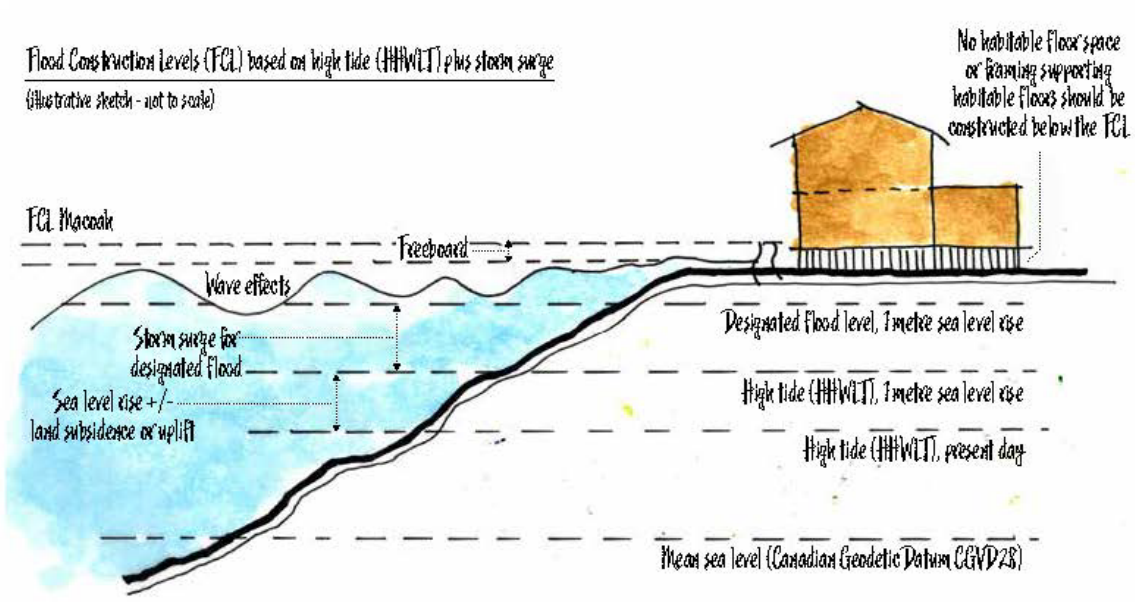
FLOODPROOFING

7. Existing buildings.

- a. Structures built prior to these guidelines, and lots being redeveloped, should consider flood protection options during any significant renovation or additions.

⁸ West Vancouver Island Coastal Vulnerability Study, Toquaht Nation for Nuuchahnulth Tribal Council; Parsons, March 2019

FIGURE: Coastal Hazards Guidelines



10.3.2 Steep Slope Hazards

APPLICATION

Steep Slope Hazard Guidelines outline how to avoid building new homes or facilities on or near steep slopes unsuitable for development.

These guidelines relate to development in coastal areas in Macoah, Secret Beach, and other coastal Toquaht Treaty Settlement Lands. These places are identified on the map, **Steep Slopes - Macoah**.

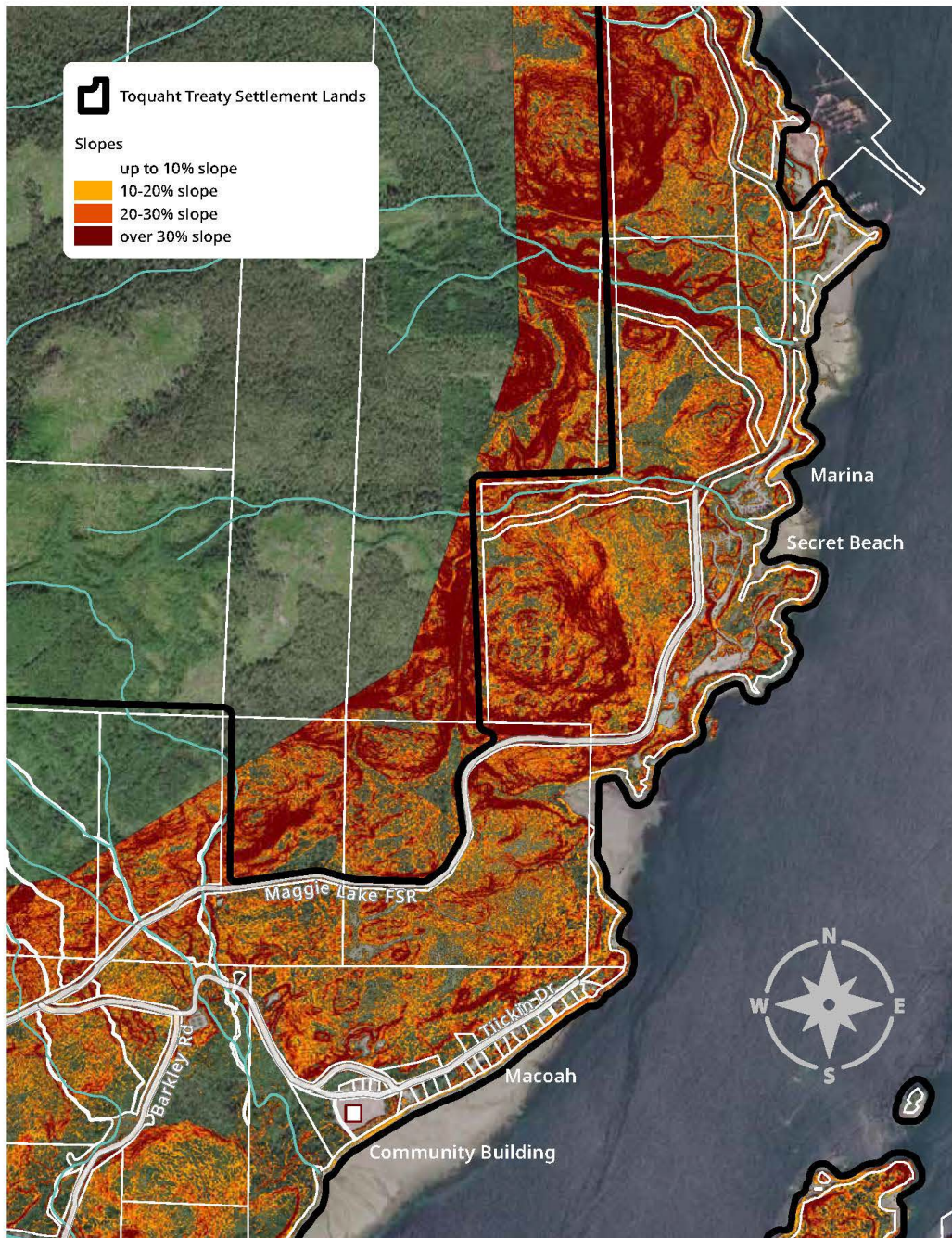
SITE PLANNING

1. **Mapping.** Pre-planning for development should include site investigations for steep slopes. The extent of any steep slope hazardous area should be investigated, mapped, and included in the site plans and construction documents for any site development project.
2. **Setbacks and steep slopes.** No clearing, tree removal, construction, or construction-related activities should occur within 30 metres (100 feet) from the top-of-bank of any waterways or waterbodies and on slopes greater than 30%. Setback areas and steep slopes should be clearly indicated on all site planning and construction drawings.

FIGURE: Steep Slope Hazard Guidelines



MAP: Steeps Slopes – Macoah and Secret Beach



10.3.3 Wildfire Hazards

While the current wildfire risk on Toquaht Lands is comparatively low compared to other regions in the province, climate change has been increasing the risk of wildfires in coastal BC and the west coast of Vancouver Island with increased incidents of summer drought and lightning storms, and increased human activity in the area.

APPLICATION

Wildfire Hazard Guidelines outline how existing homes and buildings in Macoah can be more resistant to wildfire risk and are based on FireSmart guidelines.

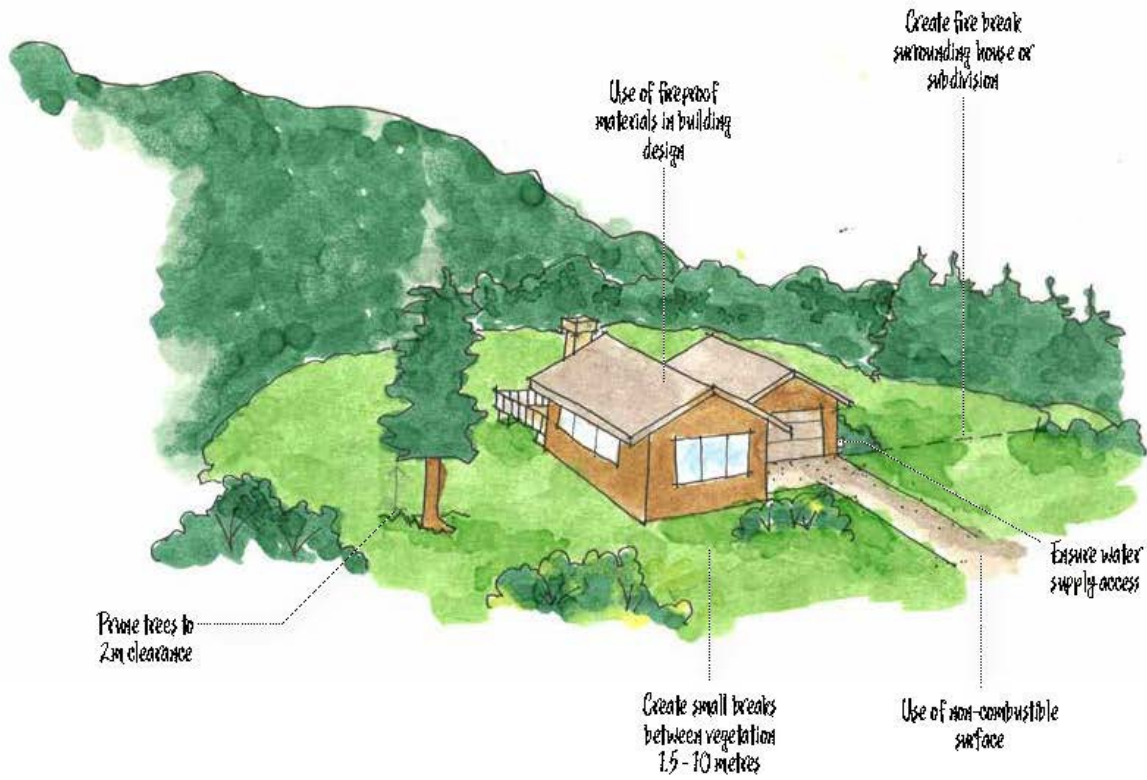
EXISTING BUILDINGS AND SITE MAINTENANCE

1. **Buildings.** Toquaht Nation will support Citizens living in Macoah to carry out an inspection of their home and property using the BC FireSmart guide.
2. **Landscaping.**
 - a. Where practical, prune trees to create a two-meter clearance from the ground to the lowest branches.
 - b. Use non-combustible surface (e.g., mineral soil, pavement, concrete, concrete pavers, stone/rock, brick) 0 to 1.5 metres from perimeter of structure and any extensions, including under projections (balconies, porches, decks, cantilevered floors, pier foundations).
 - c. Manage cultivated/natural vegetation to minimize ember ignition or create small breaks between buildings and vegetation 1.5-10 metres from perimeter of structure and any extensions, including under projections (balconies, porches, decks, cantilevered floors, pier foundations).

NEW BUILDINGS AND DEVELOPMENT

3. **Subdivisions.** Pre-planning for new subdivision development should include site investigations by a qualified professional with recommendations concerning but not limited to the following:
 - a. incorporating fuel breaks adjacent to, or on, subdivision.
 - b. establishing zones around proposed building sites which are clear of debris and highly combustible materials.
 - c. Utilizing fireproofing techniques and fireproof materials in building design.
 - d. Ensuring availability of water supply facilities adequate for fire suppression.
 - e. Implementing setbacks, interface fire protection standards, building material standards, and vegetation pursuant to Provincial FireSmart guidelines.

FIGURE: Wildfire Hazards Guidelines



10.4 Residential and Commercial Development

nuučaañuł architecture featured the relationship between structural form and cultural values. Beyond the primary need for shelter, building forms, including longhouses, met environmental requirements while also expressing spiritual beliefs. Our way of life, culture, and traditional forms of building should inform the look and feel of our modern community buildings.

APPLICATION

Residential and Commercial Development Guidelines outline how we will make sure that houses are built in a safe and healthy way and grow and express ourselves as a community. These guidelines are in addition to the Cultural Protection Guidelines and Environmental Protection Guidelines. These guidelines apply to any new development or existing residential building lots within the Home Lands and Working Lands designations.

Guidelines include recommendations for pre-development considerations and specific measures regarding the method, location, and design of new construction. Residential and Commercial Development includes:

- All new administration, community use or commercial buildings.
- All new residential subdivisions, multifamily, or single-family homes, either permanent, temporary or for seasonal or rental use.

BUILDING DESIGN AND SITING

1. Should consider and respond to:
 - a. the overall development context, landscape, and scale of the site;
 - b. existing adjacent development and the general look and feel of the area;
 - c. any future planned development;
 - d. accommodate any pedestrian and vehicular access and circulation needed now or for future planned developments;
 - e. topography;
 - f. geology/soils conditions;
 - g. hydrology, drainage, and floodplain considerations;
 - h. vegetation, including existing mature trees, and;
 - i. preserve important views and view corridors for the site and those surrounding it.
2. A range of housing types may be considered, including single-family detached houses, single-family detached houses with suite(s), attached duplexes on a common lot or separated by a party wall on the lot line, tandem duplexes (front/back on lot), and tandem houses (front/back on lot) separated by a courtyard.
3. Separate buildings and shape their rooflines so that buildings do not shade each other from southern exposure.
4. Home heights may be two storeys above grade or FCL with a finished attic under the roof.

5. Aligning the larger sides of buildings with the sea (south, within 30°) to expose more of the building to the sun and passive heat gain.
6. South-facing walls should have more and larger windows than north-facing walls.
7. Maximum building coverage of homes, including building foundations and any garage, should not exceed 40% of the lot.
8. The incorporation of art, carving, and nuučaañ traditional architecture, and building materials is encouraged.
9. Community buildings should be oriented to the sea as Toquaht buildings traditionally were.
10. The use of cedar and natural materials as building cladding is encouraged.
11. The use of timber from the Barkley Community Forest or Toquaht Forestry Limited Partnership is encouraged. Where that is not possible, the use of sustainably harvested and certified (e.g., Forest Stewardship Council) building materials is encouraged.
12. New residential and recreational buildings constructed in the coastal flood hazard zone should consider modular building approaches or other types of buildings that could be relocated and moved outside of the flood hazard area in the future as sea levels rise.

PARKING

13. At a minimum, one parking space should be provided with each lot, campsite/cabin.
14. Parking areas should be beside or behind the building or house on each lot where practical and possible, and only drop off areas and accessible parking spots at the front or adjacent to the front entry.

SIGNAGE

15. All signage should be developed with a common theme in mind.
16. The use of wood facing for all signs is encouraged.

LIGHTING

17. A “dark sky” policy is supported. Outdoor lighting should be directed downward with full cut-off and fully shielded fixtures that provide only the amount of light necessary for safe pedestrian passage at night.

LANDSCAPING

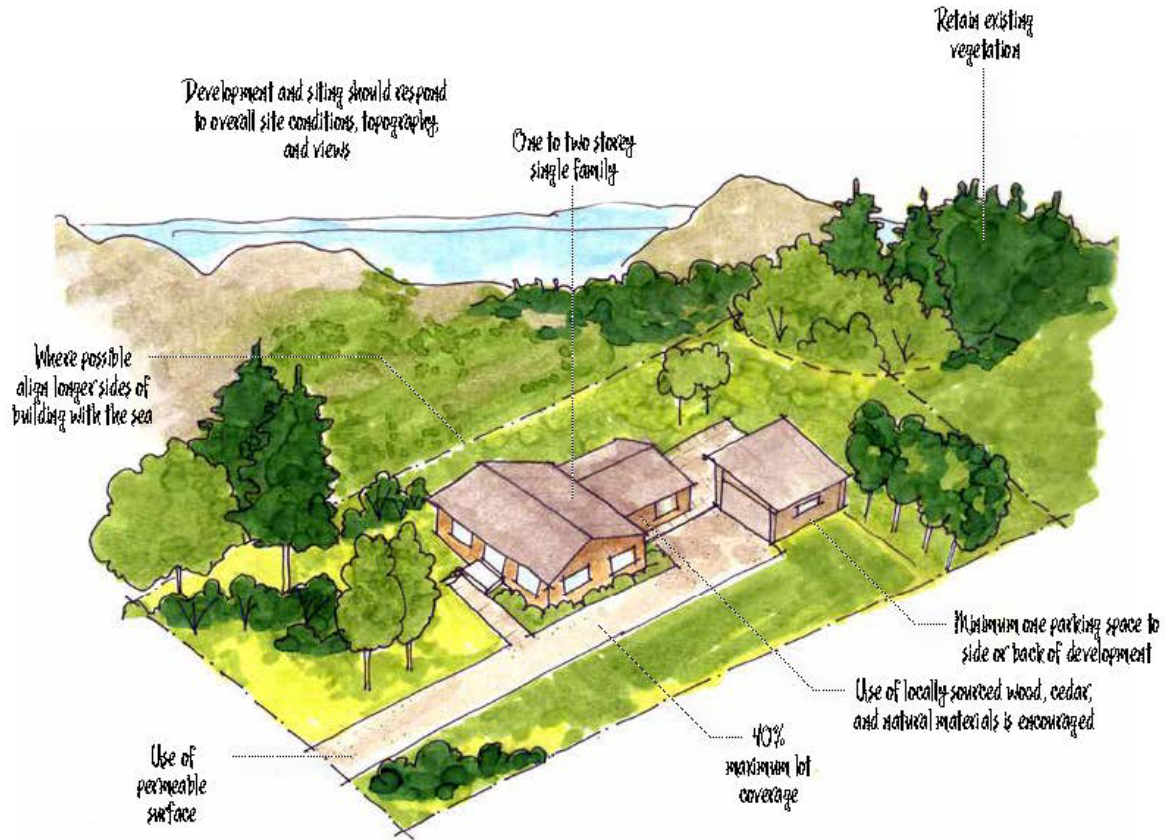
18. Should include revegetation of areas disturbed by construction and focus on plants native to the area.
19. Existing vegetation and trees should be retained as much as possible.
20. A landscape plan for the development, including the parking area, is required.
21. Drainage and runoff from each property should be managed on-site wherever possible and not directed toward adjacent lots.
22. Impervious surfaces (all buildings and any pavement) should not exceed one-half (50%) of the site.

MARINE AND FORESHORE

23. Shoreline stabilization devices are not supported on parcels that are not subject to active erosion, nor are they supported on parcels that erode more rapidly because of vegetation removal.
24. Shoreline stabilization devices are supported where a qualified professional with experience to advise on such matters has determined that a Greenshores⁹ approach to shoreline stabilization, such as vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement, tree anchoring, or gravel placement, are not appropriate given site-specific conditions.
25. Shoreline stabilization measures, pilings, floats, wharves, and other structures which disrupt light penetration to the water column or obstruct public access to the foreshore are discouraged.
26. Impervious surfaces, including materials to construct docks and wharves, shall be kept to a minimum.
27. Docks, wharves, floats, rafts, and other infrastructure on the foreshore should use non-toxic building materials (including treated wood).
28. Piers on pilings and floating docks are preferred over solid-core piers or ramps.
29. Structures in contact with the water should be constructed of stable materials, including finishes and preservatives that will not degrade water quality.
30. Docks should be constructed so they do not rest on the bottom of the foreshore at low water levels.
31. Any plastic foams or other non-biodegradable materials used in the construction of floats and docks should be well contained to prevent escape into the natural environment.
32. Piers should use the minimum number of pilings necessary, with a preference to large spans over more pilings.
33. Piers should be constructed with a minimum clearance of 1 m above the elevation of the natural boundary of the sea.

⁹ Green Shores is an initiative of the Stewardship Centre of BC that provides science-based tools and best practices to help people minimize the impacts of new developments and restore shoreline ecosystem function of previously developed sites.

FIGURE: Building and Development Guidelines



11. Procedures

The section outlines how to use this OCP in the development review process. It also outlines additional studies that may be required to keep the OCP up to date, and a guidance on updating the plan.

11.1 Development Review

The Development Review Framework provides a general outline for reviewing development projects on Toquaht Lands. It is informed by and coordinated with the procedures outlined in the *Building and Development Authorization Act TNS 2/2013*.

As illustrated on the following page, **Toquaht Nation Executive makes decisions related to development** for “major projects” as they are defined by the *Building and Development Authorization Act TNS 2/2013*.

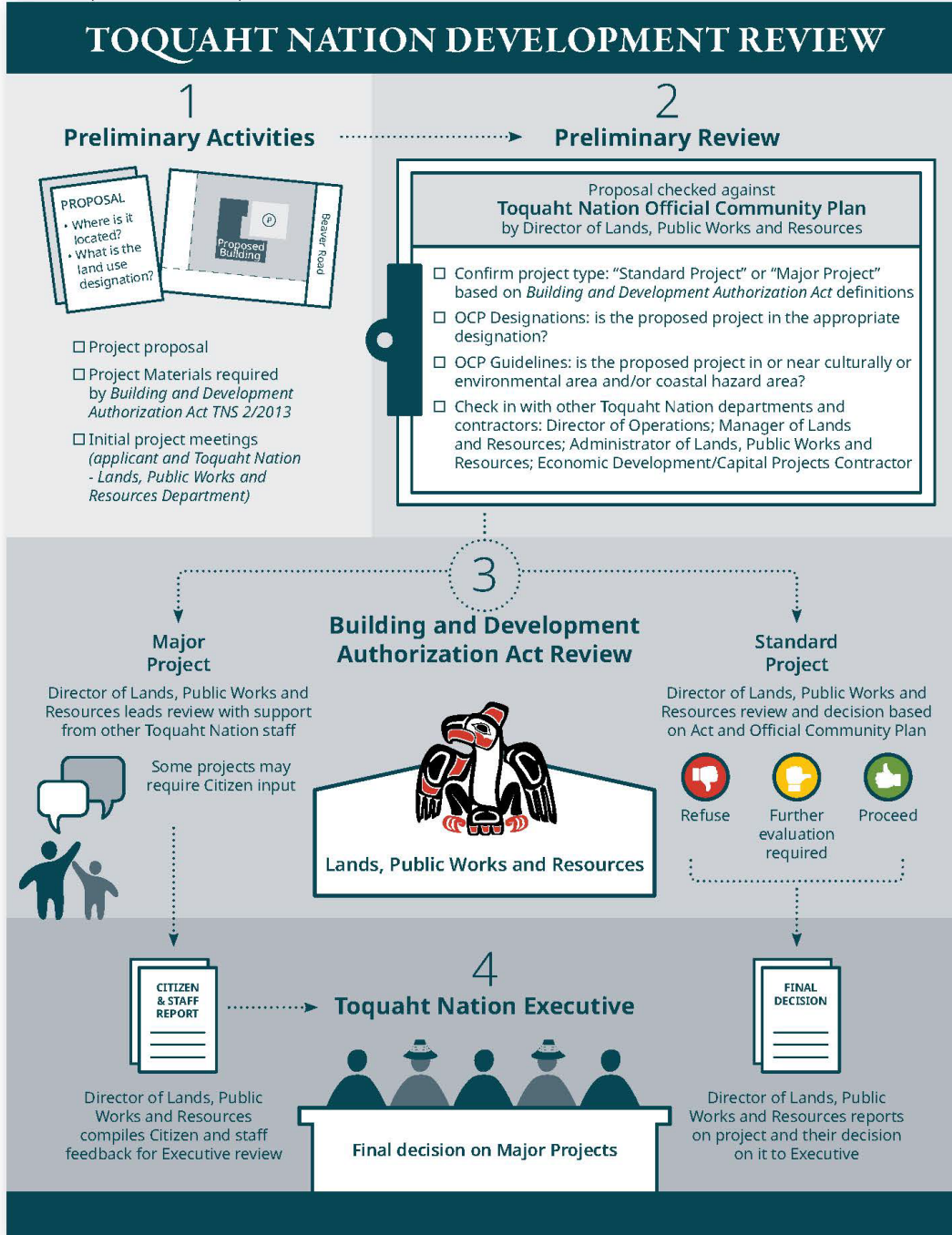
Smaller-scale developments defined as “standard project” may proceed based on the review and decision of the Director of Lands, Public Works and Resources. These approvals would still be reported to the Executive during their regularly scheduled meetings.

As noted, the development review process includes a role for other core Toquaht Nation staff and contractors (Director of Operations, Director of Lands, Public Works and Resources, Administrator of Lands, Public Works and Resources, Economic Development Officer, Capital Projects contractor).

Updates would be provided to Toquaht Nation Citizens during People’s Assemblies. Some larger developments may require input from Citizens.

An illustrated development review framework is provided on the following page.

FIGURE: Toquaht Nation Development Review



The following checklist is intended to support how the Director of Lands, Public Works and Resources, other staff, and Executive work together to review major projects. The checklist is provided as a guide only.

TABLE: *Additional Development Review Checklist*

	Y	N	?	Notes
Alignment with Official Community Plan				
Proposed use and location fit the OCP designation in which it is located?				
Proposed use informed by development guidelines (Environmental, Cultural, Hazards, Residential and Commercial Design)				
Alignment with current plans				
Strategic Plan				
Economic Development Strategy				
Other				
Citizen support				
Was there any additional Citizen engagement and did the results indicate support?				
Use of Land				
There is no better use or more important future need that could be met in the proposed location.				
There is no way to improve the proposed development or expand its use to serve multiple community needs.				
Utilities and Services				
Do existing services and utilities adequately provide for the needs of the proposed development, or does the plan include necessary improvements?				

11.2 Updates

The Toquaht Nation Official Community Plan should be considered a “living document.” As new information becomes available and as community needs change.

Considerations for minor updates or revisions include:

- Changes to the known geographic extents of land use designations as determined by, or a result of, the review of plans, reports, and larger development projects that may emerge over time.
- Changes resulting from transportation planning and capital improvements (e.g., new Government building, roads, water service).
- Changes resulting from research and studies, such as updated flood hazard mapping.
- Coordination with new or revised Toquaht Nation plans (e.g., updated Strategic Plan, updated Economic Development Strategy).

Changes to designations, particularly changes from Protected areas to other uses, should involve a qualified environmental professional (QEP) to confirm and assess boundary changes to ensure changes would not impact fish, wildlife, and environmental values.

When new development occurs (e.g., new Toquaht Nation Government building, community facilities, housing), these changes and new facilities should be included in OCP mapping and noted in the OCP document itself.

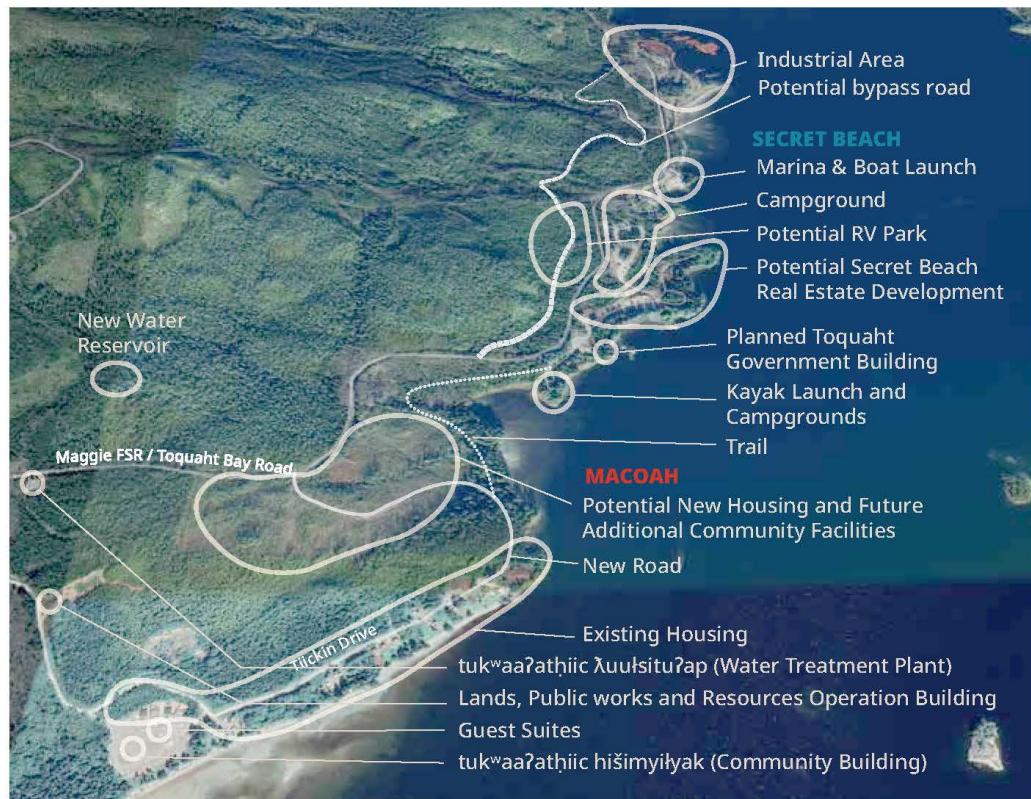
Recommended changes and updates can be compiled by the Director of Lands, Public Works and Resources and reported to the Executive, Council, and staff. Recommended changes can be periodically brought to Council for amendments. Any significant amendments should also be communicated on the Toquaht Nation webpage.

Every five- to seven-years the plan should go through a full review and update. The full update process should include staff, Council, and Citizens. During major updates, all population and housing needs projections should be updated.

12. Macoah / Secret Beach / Industrial Area Planning

This section provides additional information to support current and future development planning in Macoah, Secret Beach, and the industrial area. It incorporates past planning and infrastructure development work, including the Macoah Village Concept Plan (2017).

FIGURE: Macoah / Secret Beach / Industrial Area Current, Planned, and Potential Development



The figure outlines land use and access roads for the existing Macoah Village and surrounding areas including:

- the existing Macoah village site
- a proposed area for future residential and community facility expansion and growth
- surrounding existing, proposed, and potential projects
- existing and proposed future access roads

Macoah

The Macoah village area includes existing homes along tiickin Drive and recently developed duplexes and community building. This area will remain into the future, but these areas have been identified as significantly vulnerable to coastal hazards, in particular sea level rise, storm surge, and tsunami inundation. As such, a site has been identified for all future housing and development of community facilities over the longer term.

Macoah Expansion

Toquaht Nation is a small, but growing Nation. Over the longer-term, as our population grows and Citizens seek opportunities to come home, future housing and community facilities will be expanded within a new subdivision area on higher ground and above the coastal hazard area identified in this OCP.

This hazard area accounts for sea level rise and coastal flooding and includes a tsunami inundation area that was modelled by coastal engineers in 2021.

Additional planning and feasibility work is required for the expansion area. Following a geotechnical assessment and cultural resource survey of the area, a detailed neighbourhood plan should be developed for the area.

Surrounding Areas – Existing, Proposed and Potential Projects

Several projects are proposed and in various stages of development in the Secret Beach area, which is designated as Working Lands in this OCP. Additional information on these projects is provided in Toquaht's Five Year Economic Development Plan and related updates. These developments include:

- Industrial expansion (log sort, sawmill, boat storage) in industrial area
- Recreational cabin rentals and lodge development
- Marina expansion
- A serviced RV park
- A recreational cabin resort development (serviced lots for sale)
- A new Toquaht Nation Government Building
- A potential industrial haul road bypass to the industrial area

Existing and Proposed Access Roads

A future access road from tiickin Drive to Maggie FSR/Toquaht Bay Road will connect Macoah to the upper Macoah community expansion area and provide a secondary emergency access to the lower existing Macoah village site. Additional considerations should be provided for trails and pathways between the two areas and to community facilities located in the existing Macoah village area.

There are known cultural resources at the northeast end of tiickin Drive which is where the proposed new road would connect to new housing area and Maggie FSR / Toquaht Bay Road. Further investigation and planning of the road connection would be required.

13. Glossary

This glossary of terms in a non-exhaustive list of Nuu-chah-nulth words used by the Toquaht Nation Government that are related to land use planning. Through our language revitalization efforts, we have committed to using international phonetics when spelling Nuu-chah-nulth words. We recognize there are different dialects and spellings used by other Nations, and that spelling may change slightly over time as we gain a deeper understanding of spoken sounds. The purpose of this list is to ensure we are consistent throughout Toquaht Nation Government as we work to include more language and cultural practices in all government activities as envisioned in the 2021-24 Strategic Plan.

hahułi	the chiefly territories of the chief — there is no plural of this word
hačaaqis	Stuart Bay
hawiih	plural of hawil
hawil	chief, noble
hišukma čawaak	everything is one
hišuk ^w in čawaak	we are one with the earth, the air, the sea, etc.
hlsuu?isukqin	Barkley Sound
?iisaak	respecting
?iisaakmis	respect (noun)
há?aquu?a	Macoah
masčim	people who make up the community, Citizens
ńuk ^w aqis	pebbly beach (and street name in Macoah)
nuučaańuł	Nuu-chah-nulth
ńiickin	thunderbird (and name of main street in Macoah)
?uušyakšile?ic	thank you (everyday use)
ńičhuł	This rock of about 15 m height is a landmark of light colour between Toquaht Bay and Stuart Bay. It used to be the boundary marker between tuk ^w aa?ath and yuułu?i?ath
qwaa?ałin	how we are one
ńuk ^w aa?ath	Toquaht people
ńuk ^w aa?athiiic hišimyíyak	Toquaht Gathering Place (name of new community building)
ńuk ^w aa?athiiic łuułsitu?ap	Toquaht's Wastewater Treatment plant
?u?aałuk	look after, care for



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TOQUAHT NATION GOVERNMENT

**MACOAH ZONING AND STRUCTURES
ACT AMENDMENT ACT**

TNS 4/2024



This law enacted on _____, 2024

Signed _____
Anne Mack, taayii ḥawit̓ of the Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS

ON ____/____/____

Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

- 1.1** This Act may be cited as the Macoah Zoning and Structures Act Amendment Act, TNS ◆/2024.

Executive oversight

- 1.2** The member of the Executive holding the lands, public works and environmental protection portfolio is responsible for the executive oversight of this Act.

PART 2 - MACOAH ZONING AND STRUCTURES ACT AMENDMENTS

Macoah Zoning and Structures Act amendments

2.1 The Macoah Zoning and Structures Act, TNS 3/2018 is amended as follows:

- (a) section 2.6 is amended by inserting the following subsection:
 - “(f) For certainty, in addition to subsections (a) to (e), all buildings and structures must conform to the setback and elevation requirements set out in the Official Community Plan Act.”;
- (b) section 3.1(a) is amended by striking out the words “section 6” and substituting the words “Part 9.2”;
- (c) section 4.1(a) is amended by striking out the words “section 6” and substituting the words “Part 9.2”;
- (d) section 4.6 is amended by striking out the word “25%” and substituting the word “40%”;
- (e) section 5.1(a) is amended by striking out the words “section 6” and substituting the words “Part 9.2”;
- (f) section 5.6 is amended by striking out the word “30%” and substituting the word “40%”;
- (g) section 6.1(a)(i) is amended by striking out the words “resource and open space lands under section 6” and substituting the words “stewardship lands under Part 9.5”;
- (h) section 6.1(a)(ii) is amended by striking out the words “section 6” and substituting the words “Part 9.2”;
- (i) section 7.1(a) is amended by striking out the words “traditional use lands under section 6” and substituting the words “protected lands under Part 9.1”;
- (j) section 8.1(a) is amended by striking out the words “traditional use lands under section 6” and substituting the words “foreshore and marine lands under Part 9.4”;
- (k) section 8.2(b)(i) is amended by striking out the word “and”;
- (l) section 8.2(b)(ii) is amended by striking out the period “.” and substituting the word “; and”;
- (m) section 8.2(b) is amended by inserting the following subsection:

- “(iii) shoreline stabilization devices, in accordance with Part 10.4 of Schedule 1 of the Official Community Plan Act.”; and
- (n) by repealing section 14.3 and substituting the following:

“Exemption order

- (a) The Executive may, by Order, exempt any person from any requirement or restriction under this Act, if the Executive determines that the exemption
- (a) is in the best interests of Toquaht Nation, and
- (b) furthers the goals and objectives and is in accordance with the general principles and policies set out in the official community plan of the Toquaht Nation, being Schedule 1 of the Official Community Plan Act.
- (b) For certainty, in accordance with section 1.4 of the Interpretation Act, nothing in this Act binds or affects the Toquaht government in the use or development of land, or in the planning, construction, alteration, servicing, maintenance or use of buildings and other structures.”.

PART 3 - GENERAL PROVISIONS

Commencement

- 3.1** This Act comes into force on the date it is enacted.

TOQUAHT NATION GOVERNMENT

**PUBLIC WORKS AND SERVICES ACT
AMENDMENT ACT**

TNS 5/2024



This law enacted on _____, 2024

Signed _____
Anne Mack, taayii ḥawit of the Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS

ON ____/____/____

Signature of Law Clerk

TOQUAHT NATION GOVERNMENT
PUBLIC WORKS AND SERVICES ACT AMENDMENT ACT TNS ♦/2024
CONFIDENTIAL DRAFT FOR DISCUSSION PURPOSES ONLY

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TOQUAHT NATION GOVERNMENT
PUBLIC WORKS AND SERVICES ACT AMENDMENT ACT TNS ♦/2024
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PART 1 - INTRODUCTORY PROVISIONS

Short title

- 1.1** This Act may be cited as the Public Works and Services Act Amendment Act, TNS ♦ /2024.

Executive oversight

- 1.2** The member of the Executive holding the lands, public works and environmental protection portfolio is responsible for the executive oversight of this Act.

TOQUAHT NATION GOVERNMENT
PUBLIC WORKS AND SERVICES ACT AMENDMENT ACT TNS ♦/2024
CONFIDENTIAL DRAFT FOR DISCUSSION PURPOSES ONLY

PART 2 - PUBLIC WORKS AND SERVICES ACT AMENDMENTS

Public Works and Services Act amendments

2.1 The Public Works and Services Act, TNS 4/2018 is amended as follows:

- (a) the Preamble is amended by striking out the words “entitlement to” and substituting the word “eligibility”;
- (b) section 1.1 is amended by adding the words “, TNS 4/2018” after the words “Services Act”;
- (c) the heading to section 1.3 is amended by striking out the word “Application” and substituting the words “Authority and application”;
- (d) section 1.3(a)(i) is amended by adding the words “13.12.1, 13.12.2, 13.14.1 and” before the word “13.27.1”;
- (e) section 1.3(b)(i) is amended by striking paragraphs (A)-(C) and substituting the following:
 - “(A) the Toquaht sewer service,
 - (B) the Toquaht water service, and
 - (C) the Toquaht garbage and recycling service, and”;
- (f) section 1.4 is amended by:
 - (i) striking out the words “an application under section 2.2, 2.11, 2.16, 3.2, 3.10 or 3.15” and substituting the words “a sewer application or a water application” in the definition of “applicant”;
 - (ii) inserting the following definition:

““application fee” means a fee in the amount prescribed;”;
 - (iii) inserting the following definition:

““approved contractor” means a contractor on a list maintained by the director;”;
 - (iv) striking out the definition of “building official”;
 - (v) inserting the following definition:

““condition of service” means a condition under section 4.2(c) or section 4.4(a);”;

- (vi) moving the definition of “construction waste” before the definition of “core Toquaht service”;
- (vii) striking out the words “a Toquaht service referred to in section 1.3(b)(i)” and substituting the words “the Toquaht sewer service, the Toquaht water service or the Toquaht garbage and recycling service” in the definition of “core Toquaht service”;
- (viii) striking out the words “on behalf of the Toquaht Nation” and substituting the words “with authorization from the Toquaht government” in the definition of “curb value”;
- (ix) striking out the words ““director” means the director of lands, public works and resources” and substituting the words ““director” means the director of assets;”
- (x) striking out the definition of “garbage” and substituting the following:
““garbage” means solid waste other than recycling;”;
- (xi) striking out the definition of “garbage bin” and substituting the following:
““garbage bin” means a public garbage bin or a garbage bin utilized by an owner or occupier for the Toquaht garbage and recycling service;”;
- (xii) striking out the definition of “interest holder”;
- (xiii) striking out the definition of “internet connection application”;
- (xiv) striking out the definition of “internet connection fee”;
- (xv) striking out the definition of “internet disconnection application”;
- (xvi) striking out the definition of “internet extension”;
- (xvii) striking out the definition of “internet extension application”;
- (xviii) striking out the definition of “internet extension deposit”;
- (xix) striking out the definition of “internet extension fee”;
- (xx) striking out the definition of “internet service fee”;
- (xxi) striking out the definition of “Toquaht internet service”;

- (xxii) striking out the definition of “Toquaht internet works”;
- (xxiii) striking out the words “or Toquaht enrollees” in the definition of “Toquaht service”;
- (xxiv) striking out the word “or” and substituting the word “and” in the definition of “Toquaht sewer system”;
- (xxv) inserting the following definition:
- ““owner” means a person or persons who hold a
- (a) fee simple interest, or
 - (b) lease,
- or a person authorized in writing to act on behalf of that person or persons;”;
- (xxvi) striking out the definition of “private sanitary sewer system” and substituting the following:
- ““private sanitary sewer system” means a sanitary sewer system installed, constructed, operated, maintained, repaired, upgraded and replaced in substantial compliance with
- (a) the British Columbia Building Code,
 - (b) the Building and Development Authorization Act, TNS 2/2013,
 - (c) this Act,
 - (d) the British Columbia Sewerage System Standard Practice Manual,
 - (e) the Sewerage System Regulation (British Columbia), and
 - (f) any other applicable enactment;”;
- (xxvii) striking out the definition of “recycling” and substituting the following:
- ““recycling” means any material or substance the director determines to be recyclable, by directive;”;
- (xxviii) striking out the definition of “recycling bin” and substituting the following:
- ““recycling bin” means a public recycling bin or a recycling bin utilized by an owner or occupier for the Toquaht garbage and recycling service;”;

- (xxix) striking out the definition of “registered professional”;
- (xxx) inserting the following definition:
 - ““sewer application” means a sewer connection application, a sewer extension application or a sewer disconnection application;”;
- (xxxix) striking out all instances of the words “on behalf of the Toquaht Nation” and substituting the words “with authorization from the Toquaht government” in the definition of “sewer connection”;
- (xxxii) striking out the definition of “sewer connection fee”;
- (xxxiii) inserting the following definition:
 - ““sewer disconnection” means a disconnection from the Toquaht sewer service under section 2.17;”;
- (xxxiv) striking out the definition of “sewer disconnection fee”;
- (xxxv) striking out the definition of “sewer extension deposit”;
- (xxxvi) striking out the definition of “sewer extension fee”;
- (xxxvii) striking out the definition of “temporary discontinuance”;
- (xxxviii) striking out the definition of “waste bin”;
- (xxxix) inserting the following definition:
 - ““water application” means a water connection application, a water extension application or a water disconnection application;”;
- (xl) striking out the words “on behalf of the Toquaht Nation” and substituting the words “with authorization from the Toquaht government” in the definition of “water connection”;
- (xli) striking out the definition of “water connection fee”;
- (xlii) inserting the following definition:
 - ““water disconnection” means a disconnection from the Toquaht water service under section 3.16;”;
- (xlili) striking out the definition of “water disconnection fee”;
- (xliv) striking out the definition of “water extension deposit”; and

- (xlv) striking out the definition of “water extension fee”;
- (g) section 1.5 is amended by striking out the words “sections 2.3, 2.4, 2.7, 3.3, 3.4 and 3.7” and substituting the words “this Act”;
- (h) by repealing section 2.2 and substituting the following:

“The owner of Toquaht lands or Toquaht foreshore may apply

 - (a) to connect an existing building or structure, or a building or structure to be constructed, on those Toquaht lands or Toquaht foreshore, to the Toquaht sewer system, or
 - (b) in the case of a renovation referred to in section 2.4(a)(iv), to install or construct a replacement sewer connection and reconnect the applicable building or structure to the Toquaht sewer system,

by submitting a sewer connection application in the prescribed form, together with the applicable application fee, to the director.”;
- (i) section 2.3(b) is amended by striking out the words “his or her” and substituting the words “the director’s”;
- (j) section 2.4(a) is amended by:
 - (i) adding the words “, TNS 2/2013” after the words “Authorization Act”;
 - and
 - (ii) striking out the words “sewer connection” and substituting the word “application”;
- (k) section 2.4(b) is amended by striking out the words “his or her” and substituting the words “the director’s”;
- (l) section 2.5(a) is amended by striking out the words “sewer connection” and substituting the word “application”;
- (m) section 2.5(a)(ii)(B) is amended by adding the words “or any other condition the director considers appropriate” after the words “by the director”;
- (n) section 2.5(a)(iv)(D) is amended by striking out the words “in accordance with section 2.11”;
- (o) section 2.5(a)(iv)(E) is amended by:
 - (i) striking out the words “his or her” and substituting the words “the director’s”; and

- (ii) striking out the words “in accordance with section 2.11”;
- (p) section 2.5(b)(i) is amended by striking out the words “by resolution,”;
- (q) section 2.6 is amended by:
 - (i) striking out the words “sewer connection” and substituting the word “application”; and
 - (ii) striking out the words “his or her” and substituting the words “the director’s”;
- (r) by repealing section 2.7;
- (s) by repealing section 2.8 and substituting the following:
 - “(a) If the owner of Toquaht lands
 - (i) on which there is a building or structure designed or used for human occupancy, and
 - (ii) that front on the Toquaht sewer system for the entire frontage or flankage of those Toquaht lands,fails to cause that building or structure to be connected to the Toquaht sewer system in accordance with section 2.3, the director may, with prior approval of the Executive and 60 days’ written notice to the owner, cause that building or structure to be connected to the Toquaht sewer system at the owner’s cost.
 - (b) Any cost incurred by the Toquaht Nation under subsection (a) is due and payable by the applicable owner to the Toquaht Nation within 30 days of a written demand for payment by the director of finance, if that demand is delivered in accordance with Toquaht law to the owner, and may be collected by the Toquaht Nation in accordance with sections 5.6 to 5.11 of the Financial Administration Act, TNS 6/2011.”;
- (t) by repealing section 2.9 and substituting the following:
 - “(a) If
 - (i) a road improvement,
 - (ii) an improvement to the Toquaht sewer system, or
 - (iii) an extension of the Toquaht sewer system,

is scheduled along a road or right of way and parcel of Toquaht lands fronts on that road or right of way, the director may direct that a sewer connection be installed or constructed to the property line of that parcel.

- (b) If a sewer connection is installed or constructed in accordance with subsection (a), the owner of that parcel must pay to the Toquaht Nation the portion of the construction or installation cost determined by the director, acting reasonably.
- (c) An amount payable under subsection (b) is due and payable by the applicable owner to the Toquaht Nation within 30 days of a written demand for payment by the director of finance, if that demand is delivered in accordance with Toquaht law to that owner, and may be collected by the Toquaht Nation in accordance with sections 5.6 to 5.11 of the Financial Administration Act, TNS 6/2011.”;
- (u) section 2.10 is amended by striking out the words “Subject to subsection (b)” and substituting the words “Unless otherwise approved by the director, in writing”;
- (v) by repealing section 2.10(c);
- (w) by repealing section 2.10(d);
- (x) section 2.11(c)(ii) is amended by adding the words “, in writing” after the word “director”;
- (y) by repealing section 2.12 and replacing it with the following:
 - “(a) The owner of Toquaht lands or Toquaht foreshore may apply to extend the Toquaht sewer system to a point opposite those Toquaht lands or Toquaht foreshore by submitting a sewer extension application in the prescribed form, together with the applicable application fee, to the director.
 - (b) On receipt of a sewer extension application, together with the applicable application fee, and after considering the following factors, the director may approve or deny the application with any conditions the director considers appropriate:
 - (i) whether the capacity of the Toquaht sewer system is sufficient to provide service to the building or structure set out in the application;
 - (ii) whether the sewage generated, or to be generated, in that building or structure is suitable for discharge into the Toquaht sanitary sewer system; and

- (iii) the cost of operating and maintaining that sewer extension relative to the revenues from buildings or structures serviced by that sewer extension.
- (c) If a sewer extension application is in relation to a parcel of Toquaht foreshore,
 - (i) the director must not approve the application without the prior approval of the Executive, and
 - (ii) the director must deny the application if, in the opinion of the Executive, that parcel is not suitable for a sewer extension.
- (d) As soon as practicable after receipt of a sewer extension application, together with the applicable application fee, the director must deliver in accordance with Toquaht law to the applicant notice of the director's decision on the application.”;
- (z) by repealing section 2.13(a) and substituting the following:
 - “(a) The Toquaht sewer system, including any sewer connections and sewer extensions, must not be installed, constructed, operated, maintained, repaired, upgraded or replaced by any person except
 - (i) a Toquaht government employee, or
 - (ii) an approved contractor.”;
- (aa) by repealing section 2.13(b) and substituting the following:
 - “(b) For certainty, if the director approves a sewer application, the director may require the applicant to retain an approved contractor directly to carry out the sewer connection, sewer extension or sewer disconnection, as applicable.”;
- (bb) section 2.13(d) is amended by:
 - (i) striking out the words “, at the Toquaht Nation’s cost, cause” and substituting the words “make reasonable efforts to remedy”; and
 - (ii) striking out the words “to be remedied”;
- (cc) by repealing section 2.14(a) and replacing it with the following:
 - “(a) The owner of Toquaht lands or Toquaht foreshore must cause any plumbing system on or under those Toquaht lands or Toquaht foreshore to

be installed, constructed, operated, maintained, repaired, upgraded and replaced in substantial compliance with

- (i) the British Columbia Building Code,
 - (ii) the Building and Development Authorization Act, TNS 2/2013,
 - (iii) this Act, and
 - (iv) any other applicable enactment.”;
- (dd) by repealing section 2.14(b);
- (ee) by repealing section 2.14(c);
- (ff) section 2.14(e) is amended by:
- (i) striking out the words “an interest holder” and substituting the words “the owner of Toquaht lands or Toquaht foreshore”;
 - (ii) striking out the words “, at his or her cost, cause” and substituting the words “make reasonable efforts to remedy”; and
 - (iii) striking out the words “to be remedied”;
- (gg) section 2.15(b) is amended by adding the word “material” after the words “becomes aware of a”;
- (hh) section 2.16(b) is amended by striking out the word “One” and substituting the word “On”;
- (ii) section 2.16(f) is amended by:
- (i) striking out the words “there are” and substituting the words “an owner of Toquaht lands or Toquaht foreshore has”; and
 - (ii) striking out the words “for a building or structure disconnected from the Toquaht sewer system”;
- (jj) by repealing section 2.16(g);
- (kk) by repealing section 2.16(i) and substituting the following:

“For certainty, the fact that a sewer connection or sewer extension is installed or constructed at an owner’s cost does not in any way exempt the owner from any sewer service fee payable under this section.”;

- (ll) section 2.16(j)(ii)(A) is amended by striking out the words “Toquaht Nation” and substituting the word “director”;
- (mm) section 2.17(a) is amended by:
- (i) striking out the word “have” and substituting the word “disconnect”;
 - (ii) striking out the word “disconnected”; and
 - (iii) striking out the words “prescribed sewer disconnection” and substituting the words “applicable application”;
- (nn) by repealing section 2.17(b) and substituting the following:
- “On receipt of a sewer disconnection application, together with the applicable application fee, the director may approve or deny the application with any conditions the director considers appropriate”;
- (oo) section 2.17 is amended by inserting the following subsection:
- “(c) As soon as practicable after receipt of a sewer disconnection application, the director must deliver in accordance with Toquaht law to the applicant notice of the director’s decision on the application.”;
- (pp) section 2.18(c) is amended by:
- (i) striking out the words “an interest holder” and substituting the words “an owner”;
 - (ii) striking out the word “after” and substituting the word “with”; and
 - (iii) striking out the words “, by resolution,”;
- (qq) section 2.19(a) is amended by:
- (i) adding the word “an” before the words “occupier of a building”;
 - (ii) striking out the word “after” and substituting the word “with”;
 - (iii) striking out the words “, by resolution,”; and
 - (iv) adding the word “each” before the words “known occupier”;
- (rr) section 2.19(c) is amended by adding the word “an” before the words “occupier may”;
- (ss) section 2.20(c) is amended by:

- (i) striking out the words “an interest holder” and substituting the words “in writing, the owner”; and
- (ii) adding the word “an” before the words “occupier of Toquaht lands”;
- (tt) by repealing section 2.20(j)(ii) and substituting the following:

“to a Toquaht official in the performance of the Toquaht official’s duties or the exercise of the Toquaht official’s powers under this Part.”;
- (uu) section 2.21(a) is amended by:
 - (i) striking out the words “, a trained public works operations and maintenance worker, or an enforcement officer”; and
 - (ii) striking out the words “or to ascertain whether or not this Part is being complied with”;
- (vv) section 2.21(a)(i) is amended by striking out the word “, including” and substituting the words “or, with 24 hours’ written notice,”;
- (ww) section 2.21(a)(iii) is amended by adding the word “an” before the words “occupier of those”;
- (xx) by repealing section 2.21(b) and substituting the following:

“A person must not interfere with or obstruct the director when exercising a power under subsection (a).”;
- (yy) section 2.22(b) is amended by:
 - (i) striking out “(a)(ii)” and substituting “(a)”; and
 - (ii) striking out the words “environment or minimize” and substituting “environment, public health or property or to minimize”;
- (zz) section 2.22(c) is amended by:
 - (i) striking out the words “applicable interest holder” and substituting the words “applicable person”; and
 - (ii) striking out the words “that interest holder” and substituting the words “the person”;
- (aaa) section 2.24(b) is amended by striking out the words “Toquaht Nation” and substituting the word “director”;
- (bbb) section 3.1 is amended by striking out the word “continued/”;

- (ccc) section 3.2 is amended by striking out the words “prescribed water connection” and substituting the words “applicable application”;
- (ddd) section 3.2(a) is amended by:
 - (i) striking out the word “have” and substituting the word “connect”; and
 - (ii) striking out the word “connected”;
- (eee) section 3.2(b) is amended by:
 - (i) striking out the word “have” and substituting the words “install or construct”;
 - (ii) striking out the words “installed or constructed and” and substituting the words “and reconnect”; and
 - (iii) striking out the word “reconnected”;
- (fff) section 3.3(b) is amended by striking out the words “his or her” and substituting the words “the director’s”;
- (ggg) section 3.4(a) is amended by:
 - (i) adding the words “, TNS 2/2013” after the words “Development Authorization Act”; and
 - (ii) striking out the words “water connection” and substituting the word “application”;
- (hhh) section 3.4(b) is amended by striking out the words “his or her” and substituting the words “the director’s”;
- (iii) section 3.5(a) is amended by striking out the words “water connection” and substituting the word “application”;
- (jjj) section 3.5(a)(ii) is amended by striking out the words “must deny the application.” and substituting the words “may approve or deny the application with any conditions the director considers appropriate, and”;
- (kkk) section 3.5(a)(iii)(D) is amended by striking out the words “in accordance with section 3.10”;
- (lll) section 3.5(a)(iii)(E) is amended by:
 - (i) striking out the words “his or her” and substituting the words “the director’s”;

- (ii) striking out the words “in accordance with section 3.10”;
- (mmm) section 3.5(b)(i) is amended by striking out the words “by resolution,”;
- (nnn) section 3.6 is amended by:
 - (i) striking out the words “water connection” and substituting the word “application”; and
 - (ii) striking out the words “his or her” and substituting the words “the director’s”;
- (ooo) by repealing section 3.7;
- (ppp) section 3.8(a) is amended by:
 - (i) striking out the word “after” and substituting the word “with”; and
 - (ii) striking out the words “, by resolution,”;
- (qqq) by repealing section 3.9 and substituting the following:
 - “(a) If
 - (i) a road improvement,
 - (ii) an improvement to the Toquaht water system, or
 - (iii) an extension of the Toquaht water system,is scheduled along a road or right of way and a parcel of Toquaht lands fronts on that road or right of way, the director may direct that a water connection be installed or constructed to the property line of that parcel.
 - (b) If a water connection is installed or constructed in accordance with subsection (a), the owner of that parcel must pay to the Toquaht Nation the portion of the construction or installation cost determined by the director, acting reasonably.
 - (c) An amount payable under subsection (b) is due and payable by the applicable owner to the Toquaht Nation within 30 days of a written demand for payment by the director of finance, if that demand is delivered in accordance with Toquaht law to the owner, and may be collected by the Toquaht Nation in accordance with sections 5.6 to 5.11 of the Financial Administration Act, TNS 6/2011.”;

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- (rrr) section 3.10(a) is amended by striking out the words “Subject to subsection (b)” and substituting the words “Unless otherwise approved by the director, in writing”;
- (sss) by repealing section 3.10(b);
- (ttt) by repealing section 3.10(c);
- (uuu) section 3.11(a) is amended by:
- (i) striking out the word “have” and substituting the word “extend”;
 - (ii) striking out the word “extended”; and
 - (iii) striking out the words “water extension deposit” and substituting the words “application fee”;
- (vvv) by repealing section 3.11(b) and substituting the following:
- “On receipt of a water extension application, together with the applicable application fee, and after considering the following factors, the director may approve or deny the application with any conditions the director considers appropriate:
- (i) whether the capacity of the Toquaht water system is sufficient to provide service to the building or structure set out in the application; and
 - (ii) the cost of operating and maintaining that water extension relative to the revenues from buildings or structures services by that water extension.”;
- (www) section 3.11(c)(i) is amended by striking out the words “by resolution.”;
- (xxx) section 3.11(d) is amended by:
- (i) striking out the words “water extension deposit” and substituting the words “application fee”; and
 - (ii) striking out the words “his or her” and substituting the words “the director’s”;
- (yyy) by repealing section 3.11(e);
- (zzz) by repealing section 3.11(f);
- (aaaa) by repealing section 3.11(g);
- (bbbb) by repealing section 3.12(a) and substituting the following:

“The Toquaht water system, including any water connections and water extensions, must not be installed, constructed, operated, maintained, repaired, upgraded or replaced by any person except

- (i) a Toquaht government employee, or
- (ii) an approved contractor.”;

(cccc) by repealing section 3.12(c) and substituting the following:

“For certainty, if the director approves a water application, the director may require the applicant to retain an approved contractor directly to carry out the water connection, water extension or water disconnection, as applicable.”;

(dddd) section 3.12(e) is amended by:

- (i) striking out the words “, at the Toquaht Nation’s cost, cause” and substituting the words “make reasonable efforts to remedy”; and
- (ii) striking out the words “to be remedied”;

(eeee) by repealing section 3.13(a) and substituting the following:

“The owner of Toquaht lands or Toquaht foreshore must cause any plumbing system on or under those Toquaht lands or Toquaht foreshore to be installed, constructed, operated, maintained, repaired, upgraded and replaced in substantial compliance with

- (i) the British Columbia Building Code,
- (ii) the Building and Development Authorization Act, TNS 2/2013,
- (iii) this Act, and
- (iv) any other applicable enactment.”;

(ffff) by repealing section 3.13(b);

(gggg) by repealing section 3.13(c);

(hhhh) by repealing section 3.13(d) and substituting the following:

“As soon as practicable after the owner of Toquaht lands or Toquaht foreshore becomes aware of any damage to or failure, breakdown or malfunction of any plumbing system on or under those Toquaht lands or Toquaht foreshore, the owner must make reasonable efforts to remedy that damage, failure, breakdown or malfunction.”;

- (iii) section 3.14(b) is amended by adding the words “material blockage or” before the words “leak in a plumbing system”;
- (jjj) section 3.15(f) is amended by:
- (i) striking out the words “there are” and substituting the words “an owner of Toquaht lands or Toquaht foreshore has”; and
 - (ii) striking out the words “for a building or structure disconnected from the Toquaht water system”;
- (kkk) by repealing section 3.15(g);
- (lll) by repealing section 3.15(i) and substituting the following:
- “For certainty, the fact that a water connection or water extension is installed or constructed at an owner’s cost does not in any way exempt the owner from any water service fee payable under this section.”;
- (mmm) section 3.15(j)(ii)(A) is amended by striking out the words “Toquaht Nation” and substituting the word “director”;
- (nnn) by repealing section 3.15(k) and substituting the following:
- “For certainty, the fact that a water service fee is due to a leak from a plumbing system on or under Toquaht lands or Toquaht foreshore does not in any way exempt the owner of those Toquaht lands or Toquaht foreshore from any water service fee payable under this section.”;
- (ooo) section 3.16(a) is amended by:
- (i) striking out the word “have” and substituting the word “disconnect”;
 - (ii) striking out the word “disconnected”; and
 - (iii) striking out the words “prescribed water disconnection” and substituting the words “applicable application”;
- (ppp) by repealing section 3.16(b) and substituting the following:
- “On receipt of a water disconnection application, together with the applicable application fee, the director may approve or deny the application with any conditions the director considers appropriate.”;
- (qqq) section 3.16 is amended by inserting the following subsection:

“(c) As soon as practicable after receipt of a water disconnection application, the director must deliver in accordance with Toquaht law to the applicant notice of the director’s decision on the application.”;

(rrrr) section 3.17(c) is amended by:

- (i) striking out the word “after” and substituting the word “with”; and
- (ii) striking out the words “, by resolution,”;

(ssss) section 3.18(a) is amended by:

- (i) adding the word “an” before the words “occupier of a building”;
- (ii) striking out the word “after” and substituting the word “with”;
- (iii) striking out the words “, by resolution,”; and
- (iv) adding the word “each” before the words “known occupier”;

(tttt) section 3.18(c) is amended by striking out the words “An interest holder or” and substituting the words “The owner or an”;

(uuuu) by repealing section 3.19(c) and substituting the following:

“A person must not use or transport, or allow or cause to be used or transported, any water from the Toquaht water system, except for a purpose and in accordance with any conditions approved by the director, in writing.”;

(vvvv) section 3.19(d) is amended by adding the words “the owner of a building or structure” before the words “willfully or knowingly failing”;

(wwww) by repealing section 3.19(h)(ii) and substituting the following:

“to a Toquaht official or an enforcement officer in the performance of the Toquaht official’s duties or the exercise of the Toquaht official’s powers under this Part.”;

(xxxx) section 3.20(a) is amended by:

- (i) striking out the words “, a trained public works operations and maintenance worker or an enforcement officer”; and
- (ii) striking out the words “or to ascertain whether or not this Part is being complied with”;

(yyyy) section 3.20(a)(i) is amended by striking out the word “, including” and substituting the words “or, with 24 hours’ written notice,”;

(zzzz) section 3.20(a)(iii) is amended by adding the word “an” before the word “occupier”;

(aaaaa) by repealing section 3.20(b) and substituting the following:

“A person must not interfere with or obstruct the director when exercising a power under subsection (a).”;

(bbbbb) section 3.22(b) is amended by striking out the words “Toquaht Nation” and substituting the word “director”;

(ccccc) section 3.22(c) is amended by striking out the word “sewer” and substituting the word “water”;

(ddddd) by repealing section 4.2 and substituting the following:

- “(a) The director must, by directive, identify properties serviced by the Toquaht garbage and recycling service.
- (b) The owner of Toquaht lands or Toquaht foreshore may apply to be added to or removed from a directive under subsection (a) by submitting a written request to the director, in a form approved by the director.
- (c) The director may approve or deny a request under subsection (b) with any conditions the director considers appropriate.”;

(eeee) by repealing section 4.4;

(ffff) by repealing section 4.5;

(ggggg) by repealing section 4.6 and substituting the following:

- “(a) The director may, by directive, establish conditions of service for the Toquaht garbage and recycling service.
- (b) The director may refuse to collect garbage or recycling from a property serviced by the Toquaht garbage and recycling service if the owner or an occupier fails to comply with a condition of service.”;

(hhhhh) section 4.7(f) is amended by:

- (i) striking out the words “there are” and substituting the words “an owner of Toquaht lands or Toquaht foreshore has”; and
- (ii) striking out the words “for Toquaht lands or Toquaht foreshore discontinued from the Toquaht garbage and recycling service”;

- (iiii) by repealing section 4.7(g);
- (jjjj) section 4.7(i)(i) is amended by adding the word “an” before the word “occupier”;
- (kkkk) section 4.7(i)(ii) is amended by:
- (i) striking out the words “Toquaht Nation” and substituting the word “director”; and
 - (ii) striking out the words “under section 4.6” and substituting the words “due to non-compliance with a condition of service”;
- (llll) section 4.7(i)(iii) is amended by adding the words “by the director” after the words “temporarily suspended”;
- (mmmm) section 4.8(a) is amended by:
- (i) adding the word “an” before the words “occupier of Toquaht lands”;
 - (ii) striking out the words “prior approval of the Executive, by resolution, and”; and
 - (iii) striking out the words “notice to each interest holder or known occupier” and substituting the words “notice to the owner and each known occupier”;
- (nnnn) section 4.8(c) is amended by striking out the words “An interest holder or” and substituting the words “The owner or an”;
- (oooo) by inserting the following section between sections 4.8 and 4.9:
- “Temporary suspension**
- 4.8.1 The director may, at any time without notice, temporarily suspend the Toquaht garbage and recycling service for any purpose.”;
- (pppp) by repealing section 4.9 and substituting the following:
- “(a) A person must not place anything other than garbage into a garbage bin.
 - (b) A person must not place anything other than recycling into a recycling bin.
 - (c) A person must not place into a garbage bin or recycling bin any material or substance prohibited by the director, by directive.
 - (d) A person must not break, damage, destroy or deface any garbage bin or recycling bin.

- (e) A person must not deposit garbage or recycling into a public garbage bin or recycling bin, except garbage or recycling produced during personal use of the public space where the garbage bin or recycling bin is located.”;
- (qqqqq) by repealing Part 5 and substituting the following:

“PART 5 - DEPARTMENT OF ASSETS

Department of Assets established

- 5.1 The Department of Assets is established as a division of the Toquaht administration.

Mandate

- 5.2 The mandate of the Department of Assets is to carry out the day-to-day management and administration of Toquaht government assets as required:

- (a) under this or any other Toquaht enactment, or
- (b) by the director of operations.

Office of the director of assets established

- 5.3 (a) The office of the director of assets is established.
- (b) The Executive must appoint an individual to hold the office of director after considering the recommendation of the director of operations on the appointment.
- (c) The director reports to the director of operations.

Duties of the director

- 5.4 The director must perform the following duties and may exercise the following powers:
- (a) manage the Department of Assets;
 - (b) ensure that Toquaht government employees within the Department of Assets perform the duties assigned to them
 - (i) under this or any other Toquaht enactment,

- (ii) by the director of operations, or
- (iii) by the director;
- (c) report, as required by the director of operations, to the Executive on the Department of Assets and its activities; and
- (d) perform any additional duties or exercise any additional powers assigned to the director
 - (i) under this or any other Toquaht enactment, or
 - (ii) by the director of operations.

Director delegation authority

- 5.5
- (a) Upon the approval of the director of operations, the director may delegate, in writing, the performance of any of the director's duties or the exercise of any of the director's powers to
 - (i) another Toquaht director,
 - (ii) a Toquaht government employee, or
 - (iii) an independent contractor of the Toquaht Nation.
 - (b) Despite the delegation of any duties or powers under subsection (a), the director remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

Asset management authorities

- 5.6 The Executive may
- (a) establish Toquaht public institutions under Toquaht law, and
 - (b) incorporate entities under federal or provincial laws,
- to manage, administer, or assist the Department of Assets in the management or administration of, Toquaht government assets.

Executive delegation authority

- 5.7 (a) Subject to subsection (b), the Executive may, by regulation, delegate to any body or persons any duty or power of the Department of Assets relating to the management or administration of Toquaht government assets.
- (b) Despite subsection (a), the Executive may not delegate to any body or person any of the following duties or powers of the Executive:
- (i) to enact a Toquaht enactment; or
 - (ii) to delegate a duty or power of the Executive under this or any other Toquaht enactment.
- (c) For certainty,
- (i) a delegation by the Executive to a body or person under subsection (a)
 - (A) may include all or any part of a duty or power of the Department of Assets relating to the management or administration of Toquaht government assets,
 - (B) may pertain to all or a specified area of Toquaht lands or Toquaht foreshore,
 - (C) is subject to any terms or conditions established by the Executive under the regulation making the delegation, and
 - (D) does not restrict the Executive from delegating any additional duties or powers of the Department of Assets to the body or person under another regulation, and
 - (ii) a body or person to which the Executive delegates a duty or power under subsection (a) may only perform the duty or exercise the power in accordance with this Act, the regulation making the delegation and all other applicable laws.”;

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- (rrrrr) by repealing section 6.3;
- (sssss) section 6.5 is amended by striking out the words “Director of Operations” and substituting the words “director of operations”;
- (ttttt) by adding the words “, TNS 7/2011” after every occurrence of the words “Administrative Decisions Review Act”;
- (uuuuu) by adding the words “, TNS 6/2011” after every occurrence of the words “Financial Administration Act”;
- (vvvvv) by striking out every occurrence of the words “interest holder’s” and substituting the word “owner’s”;
- (wwwww) by striking out every occurrence of the words “any interest holder” and substituting the words “the owner”;
- (xxxxx) by striking out every occurrence of the words “each interest holder” and substituting the words “the owner”;
- (yyyyy) by striking out every occurrence of the words “the interest holder” and substituting the words “the owner”;
- (zzzzz) by striking out every occurrence of the words “that interest holder” in sections 2.14(e), 2.15(a), 2.15(c), 2.16(d)(ii), 2.18(a), 2.18(c), 2.18(d), 2.19(d), 3.8(a), 3.8(b), 3.14(a), 3.14(c), 3.15(d)(ii), 3.17(a), 3.17(c), 3.17(d), 3.18(d), 4.7(d)(ii) and substituting the words “the owner”;
- (aaaaa) by striking out every occurrence of the words “an interest holder” in sections 2.3(a), 2.15, 2.16(b), 2.16(j), 2.17(a), 2.18(a), 2.19(a), 2.19(c), 3.2, 3.3(a), 3.8(a), 3.11(a), 3.14(a), 3.15(b), 3.15(j), 3.16(a), 3.17(a), 3.18(a), 4.7(b), 4.7(i), 4.7(i)(i), 4.8(a) and substituting the words “the owner”; and
- (bbbbb) by striking out every occurrence of the words “interest holder” in sections 2.11, 2.15(b), 2.15(c), 2.16(a), 2.16(e), 2.16(f), 2.18(d), 2.19(b), 2.19(d), 3.8(b), 3.14(b), 3.14(c), 3.15(a), 3.15(e), 3.15(f), 3.17(c), 3.17(d), 3.18(b), 3.18(d), 4.7(a), 4.7(e), 4.8(b) and substituting the word “owner”.

TOQUAHT NATION GOVERNMENT
PUBLIC WORKS AND SERVICES ACT AMENDMENT ACT TNS ♦/2024
CONFIDENTIAL DRAFT FOR DISCUSSION PURPOSES ONLY

PART 3 - CONSEQUENTIAL AMENDMENTS

Interpretation Act amendments

3.1 The Interpretation Act TNS 17/2011 is amended as follows:

- (a) section 3.3 is amended by striking out “director of lands, public works and resources” and substituting with the following:

““director of lands and resources” means the office established under section 2.3 of the Land Act or the individual appointed to hold that office;”;

- (b) section 3.3 is amended by adding the following definition in alphabetical order:

““director of assets” means the office established under section 7.2 of the Public Works and Services Act or the individual appointed to hold that office;”;

- (c) section 3.3 is amended by striking out “Toquaht director” and substituting with the following:

““Toquaht director” means a director of a department or similar division of the Toquaht administration and, for certainty, includes the director of operations, the director of finance, the director of community services, the director of lands and resources and the director of assets, but does not include

- (a) a director of a Toquaht public institution, or
(b) a director of a Toquaht corporation;”;

Building and Development Authorization Act amendments

3.2 Section 1.4(a) of the Building and Development Authorization Act TNS 2/2013 is amended by striking out ““director” means the director of lands, public works and resources” and substituting ““director” means the director of lands and resources;”;

Business Licensing Act amendments

3.3 Section 1.4 of the Business Licensing Act TNS 9/2014 is amended by striking out ““director” means the director of lands, public works and resources” and substituting ““director” means the director of lands and resources;”;

Economic Development Act amendments

3.4 The Economic Development Act TNS 3/2012 is amended as follows:

- (a) section 2.4(a)(ii) is amended by striking out “the director of lands, public works and resources” and substituting “the director of lands and resources”;

- (b) section 2.7(d) is amended by striking out “the director of lands, public works and resources” and substituting “the director of lands and resources”;

Environmental Protection Act amendments

- 3.5** Section 1.4 of the Environmental Protection Act TNS 15/2011 is amended by striking out ““director” means the director of lands, public works and resources” and substituting ““director” means the director of lands and resources”;

Housing Act amendments

- 3.6** The Housing Act TNS 1/2019 is amended as follows:

- (a) section 2.1 is amended by striking out “Department of Lands, Public Works and Resources” and substituting “Department of Assets”;
- (b) section 2.2(d) is amended by striking out “director of lands, public works and resources” and substituting “director of assets”;
- (c) section 2.2(d)(ii) is amended by striking out “director of lands, public works and resources” and substituting “director of assets”;
- (d) section 2.2(e) is amended by striking out “director of lands, public works and resources” and substituting “director of assets”;
- (e) section 2.3(b) is amended by striking out “director of lands, public works and resources” and substituting “director of assets”;
- (f) section 2.3(c) is amended by striking out “director of lands, public works and resources” and substituting “director of assets”;
- (g) section 2.4(h) is amended by striking out “director of lands, public works and resources” and substituting “director of assets”;
- (h) section 2.4(l)(ii) is amended by striking out “director of lands, public works and resources” and substituting “director of assets”;
- (i) section 2.5(a) is amended by striking out “director of lands, public works and resources” and substituting “director of assets”;
- (j) section 8.10(b) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;

Land Act amendments

- 3.7** The Land Act TNS 12/2011 is amended as follows:

- (a) section 2.1 is repealed and the following substituted:

Department of Lands and Resources established

The Department of Lands and Resources is established as a division of the Toquaht administration;

- (b) section 2.2 is amended as follows:
- (i) in subsection (a) by striking out “the Department of Lands, Public Works and Resources” and substituting “the Department of Lands and Resources”;
 - (ii) in subsection (a)(v) by striking out “the Department of Lands, Public Works and Resources” and substituting “the Department of Lands and Resources”;
 - (iii) in subsection (b)(iii) by striking out “the Department of Lands, Public Works and Resources” and substituting “the Department of Lands and Resources”;
- (c) section 2.3 is repealed and the following substituted:

“Director of lands and resources

- (a) The office of the director of lands and resources is established.
 - (b) The Executive must appoint an individual to hold the office of director.
 - (c) The director reports to the director of operations.”;
- (d) section 2.4 is repealed and the following substituted:

“Duties of the director

2.4 The director must perform the following duties and may exercise the following powers:

- (a) manage the Department of Lands and Resources;
- (b) ensure that Toquaht government employees within the Department of Lands and Resources perform the duties assigned to them
 - (i) under this or any other Toquaht enactment,
 - (ii) by the director of operations, or
 - (iii) by the director;

- (c) report, as required by the director of operations, to the Executive on the Department of Lands and Resources and its activities;
- (d) act as the approving officer under this Act and section 77.21 of the Land Title Act (British Columbia); and
- (e) perform any additional duties or exercise any additional powers assigned to the director
 - (i) under this or any other Toquaht enactment, or
 - (ii) by the director of operations.”;
- (e) section 2.7 is amended by striking out “the Department of Lands, Public Works and Resources” and substituting “the Department of Lands and Resources”;
- (f) section 2.8 is amended as follows:
 - (i) in subsection (a) by striking out “the Department of Lands, Public Works and Resources” and substituting “the Department of Lands and Resources”;
 - (ii) in subsection (c)(i) by striking out “the Department of Lands, Public Works and Resources” and substituting “the Department of Lands and Resources”;
 - (iii) in subsection (c)(iv) by striking out “the Department of Lands, Public Works and Resources” and substituting “the Department of Lands and Resources”;
- (g) section 2.9 is amended by striking out “the Department of Lands, Public Works and Resources” and substituting “the Department of Lands and Resources”;

Macoah Zoning and Structures Act amendments

3.8 The Macoah Zoning and Structures Act TNS 3/2018 is amended as follows:

- (a) section 1.4(a) is amended by striking out ““director” means the director of lands, public works and resources” and substituting ““director” means the director of lands and resources”;
- (b) section 12.4(c)(ii) is amended by striking out “department of lands, public works and resources” and substituting “department of lands and resources”;

Planning and Land Use Management Act amendments

3.9 The Planning and Land Use Management Act TNS 13/2011 is amended as follows:

- (a) section 5.6(h) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (b) section 5.7(b)(ii) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (c) section 5.7(c) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (d) section 5.7(d) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (e) section 5.8(b)(ii) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (f) section 5.8(c) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (g) section 5.8(d) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (h) section 5.8(e) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (i) section 5.9(b) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (j) section 6.2(i) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (k) section 6.2(j) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (l) section 6.4(g) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (m) section 6.4(h) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (n) section 8.6(c) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (o) section 8.6(d) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (p) section 10.2(b)(i) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;

- (q) section 10.2(b)(ii) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (r) section 10.2(b)(iii) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;

Public Order, Peace and Safety Act amendments

3.10 The Public Order, Peace and Safety Act TNS 2/2014 is amended as follows:

- (a) section 4.3(c)(i) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (b) section 4.3(c)(ii) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (c) section 5.7(a) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (d) section 5.7(b) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (e) section 5.7(b)(ii) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (f) section 5.7(c) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (g) section 6.2(a) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (h) section 6.3 is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (i) section 6.5 is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (j) section 6.6(a) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (k) section 6.8(a) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (l) section 6.8(b) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;

Referendum Act amendments

3.11 The Referendum Act TNS 9/2011 is amended as follows:

- (a) section 6.2(d) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;
- (b) section 6.2(d)(i) is amended by striking out “director of lands, public works and resources” and substituting “director of lands and resources”;

Resource Harvesting Act amendments

3.12 The Resource Harvesting Act TNS 14/2011 is amended as follows:

- (a) section 1.4 is amended by striking out ““director” means the director of lands, public works and resources” and substituting ““director” means the director of lands and resources;”; and
- (b) section 1.6(k) is amended by striking out “Department of Lands, Public Works and Resources” and substituting “Department of Lands and Resources”.

TOQUAHT NATION GOVERNMENT
PUBLIC WORKS AND SERVICES ACT AMENDMENT ACT TNS ♦/2024
CONFIDENTIAL DRAFT FOR DISCUSSION PURPOSES ONLY

PART 4 - GENERAL PROVISIONS

Commencement

4.1 This Act comes into force on the date it is enacted.