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West Coast Environmental Law Submission on the Policy Intentions Paper for a Coastal Marine Strategy for British Columbia

We provide the following feedback regarding the Policy Intentions Paper for a Coastal Marine Strategy for British Columbia ("Intentions Paper") on behalf of West Coast Environmental Law ("WCEL"). WCEL is one of the oldest and largest public interest environmental law organizations in Canada. Along with the Canadian Parks and Wilderness Society – BC Chapter, WCEL started the Blueprint for the Coast campaign in 2019 calling for the adoption of a coastal strategy and law for British Columbia.

We want to congratulate staff from the Ministry of Water, Land, and Resource Stewardship and Coastal Indigenous nations on co-drafting the Intentions Paper. We strongly support the six outcomes in the Intentions Paper and related policy intentions.

The need for comprehensive coastal zone legislation

This feedback is focused on Policy Intention C-4 "Evaluate the Need for Comprehensive Coastal Zone Legislation." Law reform will be crucial to ensuring the strategy is effective at meeting its outcomes, that it is resilient over time, and that it implements the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP")[1] and meaningful co-management in BC's coastal and marine areas.

Currently, the provincial government makes decisions affecting coastal and marine areas under several different statutes and regulations which were not specifically designed for the holistic management of these areas. This approach has led to many of the problems that the Coastal Marine Strategy is intended to address, such as "cumulative effect" problems and the failure to properly respect Indigenous rights and title.

Thus, if we want to bring about the transformative change that the Coastal Marine Strategy intends to achieve, we need to address the underlying legal framework for coastal and marine management in BC. In what follows, we provide recommendations for the content of a strong "Coastal Marine Act" which will support the Coastal Marine Strategy in achieving its objectives. We recommend that this Act contain two main parts: the first part should address the governance, accountability, and co-management aspects of coastal marine management; the second part should address marine tenures and planning. A summary of all recommendations is provided at the end of the document.

Part 1 of the Act: Governance/Accountability/Co-Management

1. **Governance bodies**

We applaud the Intentions Paper for identifying the following as policy intentions for the Coastal Marine Strategy: respecting and upholding Indigenous rights, advancing

[1] UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295, online: https://www.refworld.org/docid/471355a82.html ["*UNDRIP*"].

collaborative stewardship, and engaging British Columbians in coastal marine management. As the Intentions Paper recognizes, "[c]oastal marine management [in this province] currently relies on a patchwork of regulations and laws overseen by different orders of government" and "this division of responsibility creates barriers to achieving good outcomes for people and the marine environment." These issues can be addressed by creating more inclusive and collaborative governance bodies for coastal and marine management.

The need for greater collaboration between the Province and Indigenous peoples is particularly great, given BC's legal commitment to implementing the UNDRIP.[2]

Legally recognized governance bodies have been core components of many successful coastal strategies and management frameworks around the world.[3] In New South Wales, Australia, under its *Marine Estate Management Act 2014*, the state created a Marine Estate Management Authority which is responsible for:

- preparing a draft marine estate management strategy (New South Wales' equivalent of a Coastal Marine Strategy),
- advising Ministers on marine management and the implementation of the strategy,
- undertaking assessments of threats and risk to the marine estate,
- promoting collaboration and co-ordination, and
- fostering consultation with the public.[4]

New South Wales' *Marine Estate Management Act 2014* also created a Marine Estate Expert Knowledge Panel whose role is to provide advice to the Management Authority on any matter referred to it by the Management Authority.[5]

The benefit of creating governance bodies by statute is that it makes clear the powers and responsibilities of these governance bodies and ensures that they will persist over time, rather than leaving their future to the whims of successive governments. In BC's case, where outcomes for marine management have been set 20 years into the future, and the Province and Indigenous nations have invested time and capacity into creating trusting and respectful relationships, legally recognizing such co-management bodies would give all partners the necessary assurance to commit to them.

A BC *Coastal Marine Act* should create a body with representatives from both the Province and coastal Indigenous nations to oversee coastal marine management. This body could also include federal representatives to coordinate coastal marine management more comprehensively. The responsibilities of this Co-Management Body should include:

- Periodically reporting on the health of the coastal marine environment and progress towards the Coastal Marine Strategy's outcomes (discussed below);
- Consulting with the public and providing recommendations on how to improve coastal marine management, including recommended changes to the Coastal Marine Strategy;
- Overseeing and providing capacity, support and guidance for the development of marine and shoreline plans (discussed below);

[2] See the *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c 44.
[3] See, for example the California Coastal Commission created under its *California Coastal Act* (Pub. Res. Code, §§ 30000-30900), the Washington Marine interagency team created Washington's *Marine Waters Planning and Management Act* (RCW 43.372.030).
[4] *Marine Estate Management Act 2014* No 72, at Division 1.
[5] *Marine Estate Management Act 2014* No 72, at Division 2.

- Providing public education and information on marine health and threats facing coastal areas;
- Undertaking assessments of emerging industries and of threats and risks to the coastal marine environment (discussed below); and
- Coordinating with local governments, Indigenous nations, and others to determine and address shared coastal infrastructure needs.

In order to support the work of the Co-Management Body, and to foster more collaborative stewardship, the *Coastal Marine Act* should also create a coastal marine Expert Knowledge Body (which should help with the gathering of Indigenous knowledge and science) and a Stakeholder Advisory Body.

2. Accountability through regular reviews

For the Coastal Marine Strategy to meet outcomes 20 years in the future, it must be accountable during the interim 20 years. States around the world have used legislated reporting requirements as a key tool in ensuring long-term strategies are accountable and resilient over time. For example, New South Wales' *Marine Estate Management Act 2014* requires a periodic review of its Marine Estate Management Strategy (its equivalent to a Coastal Marine Strategy) every 10 years by an independent person, body or panel.[6]

In British Columbia, the provincial government faced a similar issue with its climate change plan (CleanBC) where commitments had been made many years into the future to reduce its carbon emissions. The Province enacted the *Climate Change Accountability Act* which created a climate change accountability legal framework and includes an independent advisory committee and annual reporting on actions taken to reduce emissions and manage climate change risks.[7] However, the reporting requirements were found by the BC Supreme Court to be insufficient to require the Province to disclose whether it is on track to actually *meet* its targets[8] (as described in a 2022 lawsuit launched by Sierra Club BC) – an issue that must be remedied in the context of the proposed *Coastal Marine Act*. At the federal level, the *Canadian Net-Zero Emissions Accountability Act* establishes a legally binding process to set five-year national emissions-reduction targets 10 years in advance, and science-based emissions reduction plans to achieve the targets (it was enacted in 2021 so reporting has yet to occur).[9]

A BC *Coastal Marine Act* should also require periodic reviews of the state of the coastal marine environment and progress on the outcomes of the Coastal Marine Strategy. The review should be overseen by the Coastal Marine Co-Management Body. This review should provide the government and the public with much needed information on the state of the coast and the results of monitoring efforts. This would make coastal marine management more accountable and facilitate adaptive management (i.e., the Coastal Marine Strategy could be amended if the review reveals necessary changes). In addition to holding governments accountable, ongoing reporting requirements keep the issue on the public's

[6] *Marine Estate Management Act 2014* No 72, at s. 18.
[7] *Climate Change Accountability Act*, SBC 2007, c 42.
[8] *Sierra Club of British Columbia Foundation v. British Columbia (Minister of Environment and Climate Change Strategy)*, 2023 BCSC 74, at paras 73-80, online: https://www.bccourts.ca/jdb-txt/sc/23/00/2023BCSC0074.htm.
[9] *Canadian Net-Zero Emissions Accountability Act*, SC 2021, c 22.

mind, so that it is less likely to be ignored at both the citizen and government level – particularly important in successive governments.

3. Monitoring the coastal marine environment

The Intentions Paper lists monitoring coastal ecosystem health as one the policy intentions of the Coastal Marine Strategy. The Intentions Paper also correctly recognizes that a *Coastal Marine Act* could include legal provisions to ensure critical coastal marine habitats are regularly monitored. We commend the government for recognizing the importance of robust monitoring, backed by law, to enable adaptive management of the coastal marine environment. In 2020, West Coast Environmental Law published a British Columbia Coastal Habitat Review prepared by marine biologist Marianne Watson[10] that found that BC lacks the long-term scientific data and monitoring capacity to be able to properly measure changes in coastal ecosystems and species against baselines. To remedy this, we recommend that the *Coastal Marine Act* include provisions to ensure BC has a strong co-managed monitoring program.

Many states around the world have legislated monitoring programs and BC can look to these examples. In Washington State, the *Puget Sound Partnership Act* created a nine-member Puget Sound Science Panel that is required by the Act to develop "an ecosystem level strategic science program that addresses monitoring, modelling, data management, and research…"[11] In California, the *Marine Life Protection Act* requires the state to adopt a master plan for marine protected areas, and the master plan must include "[r]ecommendations for monitoring, research, and evaluation in selected areas…to assist in adaptive management of the MPA network, taking into account existing and planned research and evaluation efforts."[12]

The *Coastal Marine Act* should make the Coastal Marine Expert Knowledge Body responsible for establishing a coastal marine monitoring plan for British Columbia that, among other things, identifies, inventories, and ensures the monitoring of critical habitats. The plan should include protocols for seeking prior, informed consent from Indigenous nations for monitoring activities in their territories in keeping with UNDRIP.[13] The law should also empower the Coastal Marine Expert Knowledge Body to enter into agreements with Indigenous nations and organizations for Indigenous Guardians to carry out aspects of the monitoring program.

4. Assessing emerging industries and threats to the coastal marine environment

In the absence of a coastal marine strategy, one of the weaknesses of coastal marine management in British Columbia has been its failure to account for the cumulative effects of the various activities uses and activities in the coastal marine environment. These pressures will only increase as the coastal populations increases and climate change impacts intensify. The Intentions Paper recognizes as a policy intention to manage cumulative effects as well

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[10] Maryann Watson, "British Columbia Coastal Habitat Review" (17 December 2020), online: West Coast Environmental Law https://www.wcel.org/publication/british-columbia-coastal-habitat-review.
[11] *Puget Sound Partnership Act*, Section 49(3), Revised Code of Washington (RCW) 77.85.090(3) at s 10, online: https://app.leg.wa.gov/RCW/default.aspx?cite=90.71.290.
[12] *Marine Life Protection Act*, West's Ann. Cal. Fish & G. Code § 2850 – 2863, at s 2856, online: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=3.&title=&part=&chapter=10.5.&article=.
[13] See *UNDRIP*, at article 19.

as a sub-intention to consider legally creating a framework to guide decisions about emerging industries.

We recommend that the BC *Coastal Marine Act* grant the Coastal Marine Co-Management Body the power to carry out assessments of emerging industries as well as to assess threats, including cumulative effects, on the coastal marine environment. In New South Wales, under the *Marine Estate Management Act 2014*, the Marine Estate Management Authority is granted the power to undertake assessments of threats and risks to the marine estate.[14] Here in BC, *Coastal Marine Act* should also include a mechanism by which Indigenous nations or members of the public could request that an assessment be carried out by the Co-Management Body.

Granting these powers to the Coastal Marine Co-Management Body would help ensure Indigenous nations are full partners in assessments that may impact their territory. It would also help improve upon weaknesses in the BC *Environmental Assessment Act*:[15] the *Environmental Assessment Act* was amended in 2019 to provide for a regional assessment process, but a regulation fleshing out the process has yet to be enacted and no regional assessments have been done. The BC *Coastal Marine Act* could fill in this gap by enabling a robust and comprehensive assessment process for coastal and marine areas.

Part 2: Coastal marine tenures and plans

In keeping with sub-intention C-4-9 of the Intentions Paper, part 2 of the BC *Coastal Marine Act* should change the manner in which provincial coastal and marine tenures are granted. The legal framework for granting these tenures should acknowledge the qualities that distinguish marine ecosystems from terrestrial ones, respect the rights and title of Indigenous nations, and consider cumulative effects. A new tenure system should also support the policy intentions in the Intentions Paper of shifting to nature-based solutions to coastal protection, protecting and restoring nearshore habitat, and preventing further loss of habitat from shoreline armouring by incentivizing the use of natural marine shoreline design guidelines.

Currently, both provincial land and seabed tenures are granted under the *Land Act*.[16] In the terrestrial context, certain areas of the province are also subject to the *Riparian Areas Protection Regulation* ("RAPR"),[17] which provides a specific legal framework for local governments for areas adjacent to fish bearing streams. The RAPR establishes an assessment area adjacent to the stream, in which certain activities are not permitted to occur without first obtaining an assessment by a qualified environmental professional (which is reviewed by the Minister, in consultation with local government) that determines that the activity will not result in any harmful alteration, disruption or destruction of natural features, functions and conditions within the assessment area and any adjacent area that the professional determines supports the life processes of protected fish. However, the RAPR does not apply to marine shoreline areas, and no equivalent legal framework exists for these areas.[18]

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[14] *Marine Estate Management Act 2014* No 72, at s. 8(2)(b).
[15] *Environmental Assessment Act*, SBC 2018, c 51.
[16] *Land Act*, RSBC 1996, c 245.
[17] *Riparian Areas Protection Regulation*, BC Reg 178/2019.
[18] See the "Riparian Areas Technical Protection Assessment Regulation MANUAL, v. 1.1" (November 2019), at 11, online: https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-

In Nova Scotia, the government acknowledged that its *Crown Grants Act*[19] (equivalent to the BC *Land Act*) was inadequate to manage coastal areas and supplemented it with a *Coastal Protection Act*. Like the RAPR, the Nova Scotia *Coastal Protection Act* designates a "Coastal Protection Zone" that includes areas where the provincial government assumes title over the seabed as well as areas immediately adjacent to the high-water mark on the landward side.[20] Within the Coastal Protection Zone, the Act prohibits any person from constructing a structure, altering a wetland, or carrying on an activity that interferes with the natural dynamic and shifting nature of the coast, unless permitted under the Act. The *Coastal Protection Act* also requires that an application for a permit to construct or alter a structure be accompanied by a recommendation from an independent designated professional certifying that the proposed structure or modification and its location comply with the Act and its regulations.[21]

1. Designate a Coastal Marine Zone

The proposed BC *Coastal Marine Act* should designate a coastal marine zone that includes seabed areas where BC assumes the Crown title, as well as areas a certain distance landward from the high-water mark.[22] Unlike the RAPR, which is intended to protect fish habitat, the coastal marine zone should include all of the described areas simply by virtue of being coastal and marine areas (which carry with them a host of ecosystem, cultural and human wellbeing benefits over and above their value as fish habitat).

2. Regulate marine and coastal tenures

Within the coastal marine zone, the *Coastal Marine Act* should create a tenure system focused on protecting and restoring biodiversity, preserving Indigenous cultural values, reducing shoreline hardening and anticipating sea level rise and other climate change impacts. The Act should include outright prohibitions on the granting of certain tenures for some of the most ecologically damaging activities (for example, seabed mining) and for developing some of the most ecological sensitive areas (for example, coastal wetlands and estuaries).

Applications for other types of tenures within the coastal marine zone should require, like the RAPR, an assessment from a qualified environmental professional that the tenure will not result in any harmful alteration, disruption or destruction of natural features, functions and conditions within the coastal marine zone and any adjacent area the professional deems vulnerable.

Some activities and tenures that promote the goals and purposes of the proposed *Coastal Marine Act*, could also be exempt from requiring a permit (or an assessment) under the Act.

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ecosystems/fish-fish-habitat/riparian-areas-regulations/rapr_assessment_methods_manual_for_web_11.pdf. We note however that these areas may also be subject to some protections afforded by the federal *Fisheries Act*, RSC, 1985, c F-14 and provincial *Water Sustainability Act*, SBC 2014, c 15.

[19] *Crown Lands Act*, R.S., c. 114, s. 1.

[20] Bill No. 106 Coastal Protection Act, 2nd Session, 63rd General Assembly Nova Scotia, 2019.

[21] Bill No. 106 Coastal Protection Act, 2nd Session, 63rd General Assembly Nova Scotia, 2019, at s 12.

[22] In California, the *California Coastal Act* (Pub. Res. Code, §§ 30000-30900) designates a coastal zone that extends generally 1000 yards landward from the mean high tide line.

This could include, in keeping with UNDRIP[23], exempting certain traditional Indigenous cultural uses in the coastal marine zone.

The BC *Coastal Marine Act* should include incentives for those properties on which hard shoreline infrastructure already exists. For example, local governments should be permitted to use incentives, such as a streamlined development permitting process, to encourage restoring these shorelines to a natural state. Alternatively, or in addition to that incentive, a temporary property tax reduction may be considered to compensate for the restored ecosystem services provided by a shoreline being returned to a natural state.

3. Coastal Marine Plans

The tenure system described above will provide a necessary baseline of protections for the coastal marine zone. However, to encourage more holistic and collaborative management of the coastal marine zone, the BC *Coastal Marine Act* should also legally recognize coastal and marine plans and provide a legal framework for developing plans in areas where they do not already exist.

Marine plans are a widely used tool to further ecosystem-based management and to enable governments to effectively collaborate on coastal marine management. The Marine Planning Partnership ("MaPP"), a partnership between Indigenous nation and the Province, has created marine plans for most of the northern waters of British Columbia. However, there is no provincial statute that recognizes these plans – which have been in the process of being created and implemented since 2011 – or ensures that provincial decision-makers abide by them. Past coastal plans, such as the Fraser Estuary Management Plan, were also not recognized and implemented by statute and as a result met their end when government funding was withdrawn. Legally recognizing and implementing plans is one more way to ensure the Coastal Marine Strategy lives on in successive governments.

Washington State has legally recognized and provided a framework for plans under its *Shoreline Management Act of 1971* ("SMA")[24] and its *Marine Waters Planning and Management Act*.[25] Under the SMA, the Washington Department of Ecology established guidelines for local government Shoreline Master Plans, and local governments were required to develop plans in keeping with those guidelines.[26] Moreover, certain areas were also designated under the Act as "Shorelines of statewide significance," such as large portions of Puget Sound and areas below the high-water mark on the Pacific Coast – in these Shorelines of statewide significance, the State exercises more control.[27]

Washington state has adopted a principle of "no net loss of ecological functions associated with the shoreline" to direct its shoreline planning. However, there is a growing recognition in Washington State that there is a need to move beyond just conserving *existing* shoreline ecological functions to actually *restoring* watersheds, wetlands and other environmental

[23] See *UNDRIP*, at articles 11, 12 and 26.
[24] *Shoreline Management Act of 1971*, chapter 90.58 RCW.
[25] *Marine Waters Planning and Management Act*, chapter 43.372 RCW.
[26] *Shoreline Management Act of 1971*, c. 90.58 RCW, at § 90.58.065.
[27] Department of Ecology, State of Washington, "Shorelines of statewide significance" (accessed 13 April 2023), online: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-Management-Act-SMA/Shoreline-Management-Act-jurisdiction/Shorelines-of-statewide-significance.

features. As a result, the State is now considering adopting a "Net Ecological Gain" standard for its shoreline planning.[28]

The Washington *Marine Waters Planning and Management Act* creates a marine interagency agency which is responsible, once funding is obtained, to coordinate the development of a comprehensive marine management plan for the State's marine waters.[29] Once a marine management plan is adopted, the state legally requires that "each state agency and local government…make decisions in a manner that ensures consistency with applicable legal authorities and conformance with the applicable provisions of the marine management plan to the greatest extent possible."[30]

BC's *Coastal Marine Act* should task the Coastal Marine Co-Management Body with overseeing and supporting the development of marine and shoreline plans in British Columbia.

Local governments should be encouraged to adopt shoreline plans that, like bylaws with respect to the RAPR, meet or exceed the requirements for the granting of tenures under the Act. The Coastal Marine Co-Management Body should also support Indigenous nations who would like to lead the development of marine plans for their territories and help facilitate the inclusion of other orders of governments in the development of the plans. This should be a collaborative process between all orders of government.

The Act should include criteria that would need to be met for the Province to approve these plans. One criterion, in keeping with sub-intention A-4 in the Intentions Paper to "protect and restore nearshore habitat", should be to adopt a "net ecological gain" standard for coastal and marine plans. Lastly, the Act should require provincial and local decision-makers to abide by marine plans that have been approved by the Province.

4. Right of first refusal for Indigenous Nations

Ensuring that tenures are granted in keeping with marine use plans co-developed with Indigenous nations is a key tool to implementing UNDRIP. However, we must also acknowledge that many tenures have already been granted in the marine territories of Indigenous nations without their consent (and for many tenures, especially those granted before the Supreme Court of Canada's decision in the Haida case in 2003,[31] without even consulting with Indigenous nations). These historical tenures can make it difficult for nations to implement their marine plans and to steward their territories in keeping with their Indigenous laws.

One legal tool that has been employed elsewhere in the world to address this issue is to provide Indigenous nations with a right of first refusal when Crown tenures are being issued. For example, in New Zealand, before selling Crown land, Crown agencies give priority to

[28] Department of Fish and Wildlife, State of Washington, "Net Ecological Gain Standard Proviso Summary Report 2022", December 2022, online: https://wdfw.wa.gov/sites/default/files/publications/02375/wdfw02375.pdf.
[29] *Marine Waters Planning and Management Act*, chapter 43.372 RCW, at §§ 43.372.020, 43.372.040.
[30] *Marine Waters Planning and Management Act*, chapter 43.372 RCW 43, at § 372.050(1).
[31] *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 SCR 511.

purchase to Indigenous nations.[32] In Nunavut, a designated Inuit organization ("DIO") has a right of first refusal to set-up a sport or naturalist lodge anytime an application to do so is made by anyone other than an Inuk or another DIO, per the Nunavut Agreement.[33]

The BC *Coastal Marine Act* should include a right of first refusal for Indigenous nations when the Crown contemplates granting certain tenures and permits in the coastal marine zone. The Act should set out the situations and preconditions for granting a right of first refusal (this may include having an existing marine plan for the area, for example).

Conclusion: Comprehensive coastal marine zone legislation and funding are needed

We thank you for the opportunity to provide recommendations on developing strong comprehensive coastal marine zone legislation for British Columbia. A BC *Coastal Marine Act* based on the framework we have outlined above has the promise to remedy many of the problems with BC's current coastal marine management and to support the transformative work of the Coastal Marine Strategy. Such a law could also be a key tool to legally implement co-management with Indigenous nations in BC's coastal and marine areas and to further the implementation of UNDRIP and BC's *Declaration on the Rights of Indigenous Peoples Act* and associated action plan.[34]

We appreciate that there is a lot of work yet to be done to develop a strong and transformative Coastal Marine Strategy that will achieve the outcomes listed in the Intentions Paper. Given the long timeframes involved, the ambitious outcomes envisioned, and that multiple governments and stakeholders are involved, it will be crucial that the Coastal Marine Strategy is resilient. During the 20-year outlook of the Intentions Paper, BC will experience several changes of government and increasing impacts from climate change that will test the strength of the Coastal Marine Strategy. A BC *Coastal Marine Act* can be a key tool to build resilience into the Strategy. However, crucially, it will also require dedicated long-term funding. As mentioned above, past marine plans and strategies have failed when their funding was cut, and it is critical that this not happen here.

[32] OECD, "Chapter 3. The importance of land for Indigenous economic development" in OECD Linking Indigenous Communities with Regional Development in Canada, online: https://www.oecd-ilibrary.org/sites/fc2b28b3-en/index.html?itemId=/content/component/fc2b28b3-en.
[33] The Nunavut Agreement, Article 5 (last accessed 14 April 2023), online: https://nlca.tunngavik.com/?page_id=268#ANCHOR640
[34] *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019 c 44; "Declaration on the Rights of Indigenous Peoples Act Action Plan 2022-2027" (2022), online: https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration_act_action_plan.pdf.

Summary of Recommendations for a BC *Coastal Marine Act*

- Legally create three **governance bodies**:
    1. **Coastal Marine Co-Management Body** with representatives from the Province, coastal Indigenous nations and the federal government
    2. **Expert Knowledge Body**
    3. **Stakeholder Advisory Body**

- Require **periodic reviews** of the state of the coastal marine environment and progress on the Coastal Marine Strategy outcomes (overseen by the Coastal Marine Co-Management Body)

- Require a coastal marine **monitoring plan** for BC (overseen by the Expert Knowledge Body)
    - Indigenous Guardians to carry out aspects of the monitoring program
    - Include protocols for seeking prior, informed consent from Indigenous nations for monitoring activities in their territories

- Empower the Coastal Marine Co-Management Body to carry out **assessments of emerging industries** and threats, including cumulative effects, to the coastal marine environment

- Create a **tenure and permitting regime** similar to the provincial *Riparian Areas Protection Regulation* in which:
    - A coastal marine zone is designated
    - The most ecologically damaging activities and development in the most ecologically sensitive areas are prohibited
    - Applications for other types of tenures require an assessment from a qualified environmental professional showing no harmful alteration, disruption or destruction of natural features, functions and conditions
        - Some activities may be exempted from the requirement for an assessment (like Indigenous cultural uses)
    - Provide incentives for property owners to restore shorelines (and other key ecosystem components) to a natural state

- Legally recognize and support collaborative development of **marine and shoreline plans** (overseen by the Co-Management Body)
    - Support Indigenous nations who would like to lead the development of marine plans for their territories
    - Include criteria for provincial approval of marine and shoreline plans
    - Require a standard of “Net ecological gain”

- Include a **right of first refusal** for Indigenous nations when the Crown contemplates granting certain tenures and permits in the coastal marine zone