



Ministry of
Emergency Management
and Climate Readiness

Consultation and Cooperation in the *Emergency and Disaster Management Act* Presentation to the LGLA Leadership Forum

March 14, 2025

Acknowledgements



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and Climate Readiness



Ministry of Emergency Management and Climate Readiness (EMCR)

- EMCR is responsible as the primary coordinating agency in BC for reducing climate risk impacts and responding to provincial-level emergencies and disasters.
- The Ministry is responsible for providing cross-ministry coordination to enhance BC's readiness and resilience towards climate and disaster risks.
- EMCR leads provincial emergency management through the four-phased approach of:
 - Mitigation
 - Preparedness
 - Response
 - Recovery
- Delivery of the Ministry's mandate is supported by the *Emergency and Disaster Management Act (EDMA)*



Emergency and Disaster Management Act (EDMA)

- The EDMA came into force November 2023 and emphasizes the importance of consultation and cooperation with Indigenous peoples and contains requirements for engaging with Indigenous governing bodies (IGB) across all phases of emergency management.
- Requirements are being phased in through regulation.
- Key policy shifts in the EDMA include:
 - new guiding principles
 - recognition of Indigenous governance
 - agreements framework for shared decision making
 - requirements for consultation and cooperation
 - addressing disproportionate impacts and cultural safety
 - including Indigenous knowledges in emergency management



Declaration on the Rights of Indigenous Peoples Act (Declaration Act)

- In 2019, the Province passed the *Declaration on the Rights of Indigenous Peoples Act (Declaration Act)*.
- The Declaration Act requires consultation and cooperation with Indigenous peoples in BC.
- Indigenous governing body (IGB), as defined in the Declaration Act, means an entity that is authorized to act on behalf of Indigenous Peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act (1982)*.

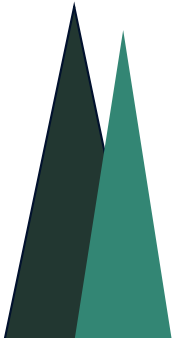


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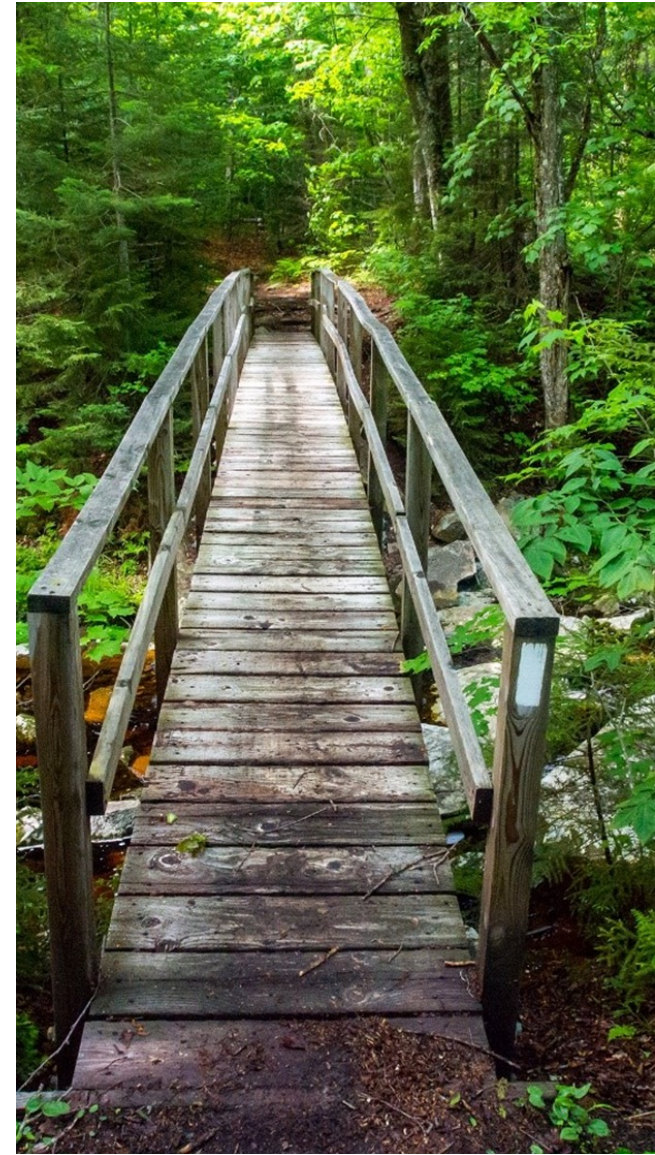


Indigenous governing body (IGB)

- For the purposes of the EDMA, Indigenous peoples might authorize existing governmental entities (e.g., a tribal council, chief and council of an Indian Act Band, the governing entity of a self-governing Nation, or another existing entity) or Indigenous Peoples may choose to authorize new entities for the specific purpose of emergency management.



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Indigenous Engagement Requirements (IER)

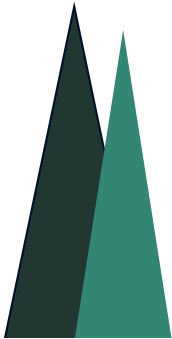
IER is an umbrella term to refer to a number of engagement requirements in the EDMA including:

- consultation and cooperation prior to using certain land-based response or recovery powers
- consultation and cooperation when developing risk assessments and emergency management plans including to:
 - incorporate available Indigenous knowledge
 - describe measures to promote cultural safety
 - consider comments received and the rights of IGB
 - coordinate emergency management plans with IGBs' plans
 - include reference to agreements reached for areas for consultation and cooperation in the response and recovery phases



Consultation and cooperation during response and recovery

- Consultation and cooperation with IGBs is required to exercise land and property-based response powers for:
 - evacuation alerts, orders, and rescissions
 - use of land or property
 - travel restrictions
- First Nations continue to manage emergencies on reserve lands and are recognized as decision-makers in traditional territories
- Modern Treaty Nations have the rights, powers, duties and obligations of local authorities for the purposes of emergency management in respect of their treaty lands



Imminent or immediate risk

- Actions can still be taken without *consultation and cooperation* if there is:
 - imminent risk of loss of life
 - imminent risk of injury to individuals or animals
 - immediate risk of significant loss or damage to property
- Local authorities must engage with IGBs as soon as possible after order is made
- Rationale must be included in post-event reporting

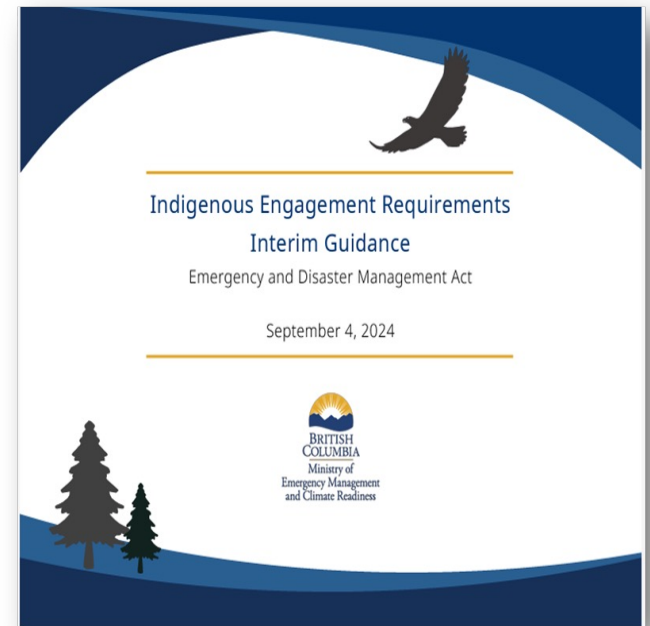


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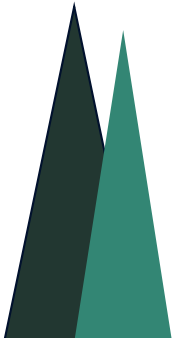
Indigenous Engagement Requirements (IER) Interim Guidance

- In July 2024, the IER Interim Guidance document was first published.
- The document provides interim guidance and interpretation for regulated entities as regulations are phased in.
- Engagement terminology is explained including:
 - consult and cooperate
 - engage and cooperate
 - consult and coordinate
- Supplemental guidance is in development including factsheets about cultural safety, Indigenous knowledge, and reaching agreement.



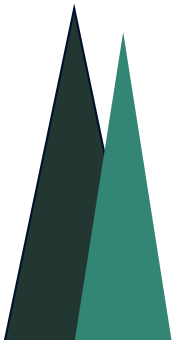
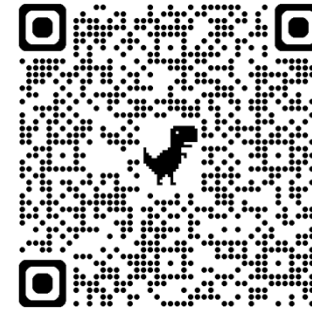
Reaching Agreement

- Local authorities are required to make reasonable efforts to reach agreement with IGB whose traditional territory or treaty area overlaps with their jurisdiction for the purposes of consultation and cooperation during the response and recovery phases.
 - consultation and cooperation obligations during response and recovery have legal effect when agreements have been reached
- The consultation and cooperation obligations required for risk assessments and emergency management planning come into force with regulation.
- Once an agreement has been reached, local authorities will be required to provide information to the provincial administrator about the areas where agreements were reached and each IGB that reached agreement with the local authority.



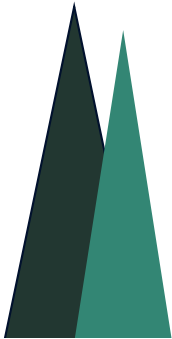
IER Funding Program

- In January 2024, the Province offered funding to First Nations and local authorities through the Indigenous Engagement Requirements Funding Program.
- Upcoming key timeline: March 31, 2025.
- Funding is to support the implementation of IER. Activities are described in the program guide under the following categories:
 - consultation and cooperation
 - relationship building
 - planning
 - reconciliation and capacity building
 - reaching agreement to support engagement



IER Funding Program Examples

- A local authority and First Nation co-hosted a workshop to advance collaboration during emergency response, bringing together staff and elected officials from neighboring communities. They reviewed past successes, identified improvements, and began developing a collaboration agreement for disaster response, with a draft expected by March 2025.
- A First Nation is creating an internal map of culturally sensitive sites and key consultation areas. A shared version will inform external agencies and local authorities of consultation areas during emergencies while keeping sensitive areas confidential.
- In one area of the province, collaboration has been challenging due to role uncertainty. Indigenous knowledge, including land and tide expertise, has improved coordination. A two-day tabletop exercise is planned that will identify gaps and enhance cross-jurisdiction collaboration in regional emergency preparedness.





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