Executive Committee Acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Regular Meeting Agenda

Date: April 19, 2023
Time: 10:30 am
Location: Electronic Meeting

Pages

1. CALL TO ORDER 10:30 AM - 10:35 AM

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

2. APPROVAL OF AGENDA 10:35 AM - 10:40 AM

3. PUBLIC COMMENTS 10:40 AM - 10:50 AM

4. MINUTES

4.1 Local Trust Committee Minutes - none

4.2 Section 26 Resolutions-Without-Meeting Report March 28, 2023 3 - 3

5. BUSINESS ARISING FROM MINUTES 10:50 AM - 11:00 AM

5.1 Follow-up Action List dated April 6, 2023 4 - 4

6. APPLICATIONS AND REFERRALS - none

7. LOCAL TRUST COMMITTEE PROJECTS - none

8. DELEGATIONS - none

9. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

9.1 Mount Arrowsmith Biosphere Region Roundtable Gathering Agenda - for information 5 - 5

9.2 Sea Duck Atlas - for information 6 - 11

10. NEW BUSINESS 11:00 AM - 11:10 AM

	10.1	Draft Freedom of Information and Protection of Privacy Bylaw - Request for Decision	12 - 17
11.	REPORTS		11:10 AM - 11:40 AM
	11.1	Trustee Reports	
	11.2	Chairs Report	
	11.3	Trust Conservancy Report - February 2023	18 - 19
	11.4	Regional District of Nanaimo Electoral Area E Director Update	
	11.5	Snaw-naw-as (Nanoose) First Nation Representative Report (verbal report)	
	11.6	Applications Report - none	
	11.7	Trustee and Local Expense Report	20 - 20
	11.8	Adopted Policies and Standing Resolutions	21 - 21
	11.9	Local Trust Committee Webpage	
12.	WORK PROGRAM		11:40 AM - 12:00 PM
	12.1	Active Projects Report dated April 6, 2023	22 - 22
	12.2	Future Projects Report dated April 6, 2023	23 - 23
	12.3	Minor Project Selection - verbal for discussion	
13.	CLOSED MEETING		12:00 PM - 12:20 PM
	13.1	Motion to Close the Meeting	

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90 (1) (a) for the purpose of considering appointments of Board of Variance members and that Staff and the Recorder attend the meeting.

	13.2	Recall to Order	
	13.3	Rise and Report	
14.	UPCOMING MEETINGS		
	14.1	Next Regular Meeting Scheduled for Wednesday, October 4, 2023 at 10:30 am at	
15.	ADJOURNMENT		12:20 PM - 12:20 PM

Print Date: March 28, 2023

Resolutions Without Meetings Log

Ballenas-Winchelsea Islands

Resolution Number	Action	Date
2022-005	**Carried**	**16-Dec-2022**
Adopt LTC meeting dates for 2023 "THAT the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) schedule its regular business meetings at 10:30 AM on the following dates in 2023: April 19 and October 4 and to be held electronically."		
2022-004	**Carried**	**14-Sep-2022**
Adopt LTC minutes of June 29, 2022 "That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) adopt the Local Trust Committee Minutes dated June 29, 2022."		
2022-003	**Carried**	**01-Jun-2022**
Annual Report - endorse text "That the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) endorse the following text for inclusion in the 2021-2022 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing: The Executive Committee Acting as a Local Trust Committee (Ballenas - Winchelsea Islands) (EC as LTC (B-W)) held three regular business meetings and one special meeting in the 2021/22 fiscal year, for a total of four meetings. Work for this period focused on advancing amendments to the Fees bylaw and Meeting Procedures bylaw to allow all EC as LTC (B-W) meetings to be electronic when needed. From April 1, 2021 to March 31, 2022, no development applications were received or processed."		

Print Date: April 6, 2023

Follow Up Action Report

Ballenas-Winchelsea Islands

12-Dec-2018

Activity	Responsibility	Dates	Status
1 Send Nanoose FN and RDN Electorial Area director a link to the BW LTC meeting agenda packages one week prior to each meeting and remind them of the opportunity to provide verbal or written or phone in updates to the LTC. *ONGOING*	Nadine Mourao		In Progress

MABR Roundtable Gathering Vol. 25
Friday, March 10th, 2023 from 09:00am to 11:30am
Location: Town of Qualicum Beach - 201-660 Primrose Street, Qualicum Beach BC V9K 2R5, Canada

Roundtable contact: Graham Sakaki (250) 802-4826

United Nations Educational, Scientific and Cultural Organization

MOUNT ARROWSMITH BIOSPHERE REGION

Objectives

The main objectives of this Roundtable gathering are for participants to:

1. Continue to engage in respectful and meaningful dialogue with one another.
2. Hear from one another about regional/organizational/community updates.
3. Discuss past, present, and future events and research for the MABR/RI.
4. Welcome our new Community Representatives to the MABR Roundtable.

AGENDA

Time	Activity
09:05 – 09:15	**Welcome/Opening** • Words of welcome • Acknowledgement of First Nation unceded Territory • Around the circle brief introductions • Review and collectively adopt agenda • Reminder of the MABR Roundtable Culture of Engagement
09:15 - 09:45	**Community Representative Updates** • Ray Woroniak – Biosphere Awareness Day, SDGs (specifically #2 and how it relates to SD69), questions and feedback on report. • Catherine Watson – TBD • Discussions
09:45 – 10:30	**Roundtable Member Updates** • What's new with your organization?
10:30 – 10:40	**Coffee Break/Health Break**
10:40 – 11:00	**MABR Updates** • MABRRI Strategic Research Plan • CBRA Regional Reconciliation Hubs • Snaw-naw-as Signage Project • TRANSECTS MABR TILL 2024 – What is our overarching research question? • ECCC OECM Project • KBA Update
11:00 – 11:25	**Letters of Support** • Can we support the requests of Broombusters and Parksville Community Centre **Brant Wildlife Festival** • Do we want to take this on under the MABR
11:25 – 11:30	**Closing** • Final reflections • Next Roundtable date and host • Closing words

Key Site 2: Salish Sea, Washington and British Columbia

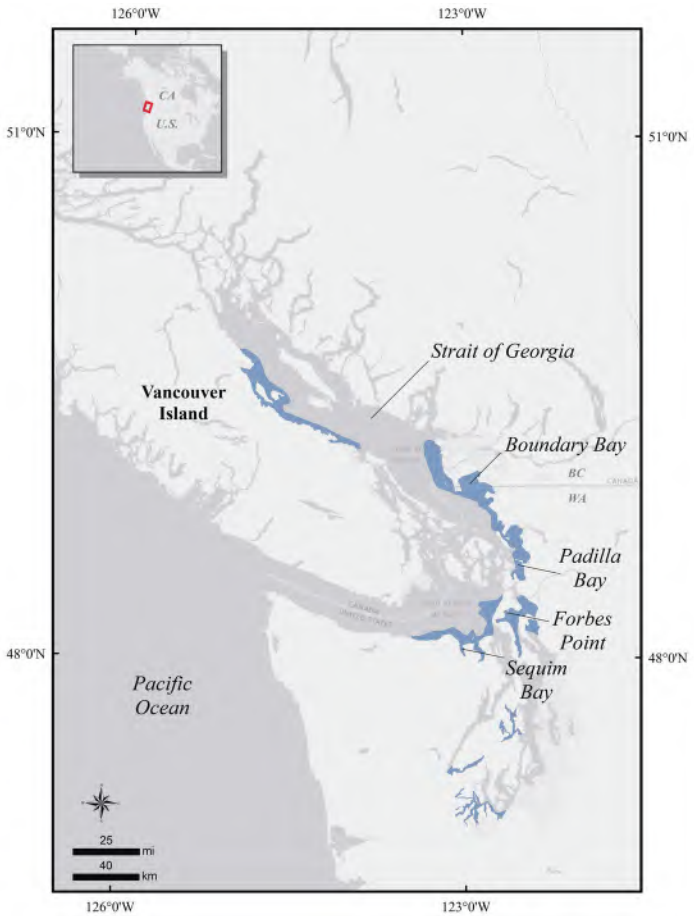
Location: 49°2'35"N, 123°4'22"W

Size: 18,000 km^2

Description: The Salish Sea is a fjord estuary network of coastal marine waters located in southwestern British Columbia (BC), Canada, and northwestern Washington, United States, that includes four major water bodies: the Strait of Georgia, Desolation Sound, Puget Sound, and the Strait of Juan de Fuca (Appendix 1). The name Salish Sea is a relatively new term for the region that unifies this ecosystem across its international border. The Salish Sea extends from Desolation Sound and Discovery Passage at the northern end of the Strait of Georgia along the eastern side of Vancouver Island, and south to Olympia, Washington in Puget Sound. The northern portion is comprised of more "typical" fjord characteristics of steep slopes with deep basins and the southern portion is comprised of less steep slopes with shallower basins. To the west, the Salish Sea opens to the Pacific Ocean via the Strait of Juan de Fuca. It is one of the largest estuarine ecosystems in North America. The Salish Sea key site does not include the entire watershed, but several areas within the Salish Sea watershed that are extremely important to sea ducks. Those areas include a portion of the Strait of Georgia on the east side of Vancouver Island, and Boundary Bay in British Columbia waters, and Padilla Bay, Sequim Bay, and the Forbes Point area in Washington waters.

The Strait of Georgia is roughly 200 km long and 40 km wide, with a maximum depth of 400 m. The Vancouver Island Range to the west and the Coast Range to the east border the Strait of Georgia. Archipelagos and narrow channels mark each end of the Strait of Georgia, the Discovery Islands within Desolation Sound in the north, including a narrow ocean influence, and the Gulf Islands and San Juan Islands in the South. The Fraser River Delta, in the southeast accounts for 80% of the fresh water entering the Strait of Georgia.

Puget Sound is characterized by five deep basins including Whidbey Basin, Central Puget Sound, South Puget Sound, Hood Canal, and Admiralty Inlet. The maximum depth of Puget Sound is 280 m (Freelan 2018). The Strait of Juan de Fuca is approximately 25 km wide and 150 km long, connecting



northern Puget Sound to the Pacific Ocean. The majority of ocean influence enters the Salish Sea through the Strait of Juan de Fuca. The Strait is bisected by the international boundary between the United States and Canada.

Precision and Correction of Abundance Estimates Presented: Data on the distribution and abundance of sea ducks have been collected for the inner marine waters of Washington State during a long-term annual aerial winter survey conducted by the Washington Department of Fish and Wildlife (WDFW) (WDFW 2020, Appendix 2). Canadian waters are surveyed periodically by Canadian Wildlife Service (CWS) in collaboration with the WDFW survey protocol and crew (Appendix 2). Winter bird abundance and density estimates presented for this key habitat do not account for incomplete detection by applying species-specific visibility correction factors, and do not include estimates of several known important areas for sea ducks in Canadian waters including Boundary Bay and the Fraser River estuary, therefore the winter abundance

figures (Appendix 3) provided should be considered minimum estimates.

Biological Value: The Salish Sea is a biologically rich and dynamic system comprised of a wide variety of habitats including intertidal zones, pelagic waters, rocky reefs, coastal wetlands, and freshwater river estuaries. It is especially important to sea ducks of the Pacific Flyway during wintering, staging, spring migration, and molting. The site is a major wintering location for 11 species of sea ducks, including Surf Scoter (*Melanitta perspicillita*), White-winged Scoter (*Melanitta deglandi*), Black Scoter (*Melanitta americana*), Bufflehead (*Bucephala albeola*), Common Goldeneye (*Bucephala clangula*), Barrow's Goldeneye (*Bucephala islandica*), all three mergansers (*Mergus* spp.), Long-tailed Duck (*Clangula hyemalis*), and Harlequin Duck (*Histrionicus histrionicus*) (Appendix 3). The total wintering population of sea ducks in surveyed areas of the Salish Sea (Appendix 2) was estimated to be a minimum abundance of about 247,000 birds in 2013 (Appendix 3; Evenson et al. 2013, WDFW 2020). This estimate is biased low because the survey area in British Columbia did not include Boundary Bay or the Fraser River estuary, both high density sea duck areas (Evenson et al 2013). The most abundant species or species group was scoters, followed by Bufflehead, goldeneyes, mergansers, Long-tailed Duck, and Harlequin Duck (Appendix 3). Nyeswander et al. (2005) and Evenson et al. (2013) summarized abundance estimates by species and species groups in near-shore versus offshore waters, and, in the case of Puget Sound, among basins. WDFW (2020) summarized sea duck trends in Washington marine waters of the Salish Sea from 1994 to 2019. Trends in BC areas of the Salish Sea are less understood.

While winter survey estimates clearly indicate the importance of the Salish Sea during winter, this site also hosts thousands of sea ducks, particularly scoters, during spring staging and during late summer molt. Several areas in the Salish Sea are particularly important to sea ducks at various times of the year. In British Columbia, Baynes Sound, in the northwest of the Strait of Georgia, hosts tens of thousands of sea ducks in winter and especially during herring spawning in spring, particularly around Hornby and Denman Islands (D. Esler, USGS pers. comm). Recent CWS surveys in coastal BC have identified sea duck use of estuaries and rivers where Eulachon (*Thaleichthys pacificus*) spawn. Mergansers are particularly abundant on estuaries and rivers where Eulachon spawn. Bufflehead is the most common sea duck species in BC coastal estuaries and large aggregations of goldeneyes have been observed in the estuaries at the head of some mainland coast inlets (Toba, Knight and Kingcome Inlets) in late March, suggesting that these estuaries are the last coastal stop prior to inland migration. Other areas in BC important to sea ducks in spring include Boundary Bay, Fraser River Delta, and Howe Sound (Evenson et al. 2007).

Herring spawning is important to several species of sea ducks during spring, but habitats lacking herring spawn and bivalves, like eelgrass beds where soft-bodied prey are found (e.g., polychaetes) are also important to sea ducks (Anderson et al. 2008). In Salish Sea waters in Washington, Padilla Bay supports one of the largest continuous native eelgrass (*Zostera marina*) beds on the Pacific Coast (Bulthuis 1995), and as such is important particularly for molting scoters that return in thousands during late-July and August. Areas of particular importance to sea ducks in Washington during spring included Padilla Bay north through Lummi Bay, and Boundary Bay dominated by Surf Scoter, White-winged Scoter, Harlequin Duck, and the only consistent concentrations of Long-tailed Duck found in Washington waters (Evenson et al. 2007).

Detailed information about abundance and site use for species or species groups is as follows.

Scoters. Surf, White-winged, and Black Scoters are common species in the Salish Sea, with Surf Scoter being the predominant species of the three (Evenson et al. 2013, 2020). Numbers of scoters wintering in inner marine waters of Washington have declined significantly since the late 1970s (Nysewander et al. 2005). Nysewander et al. (2005) reported higher densities of scoters in near-shore habitats (<20 m) than in deep waters (>20 m), and that scoters used most near-shore marine waters in the survey area. Highest winter densities of scoters occurred in southern and central Puget Sound. Hot spots for scoters also included the Washington portion of Boundary Bay, Bellingham Bay and Padilla-Samish Bay. Densities ranged annually from 55.0 to 70.4 scoters per km^2 in near-shore waters. In BC, the majority of Scoters are also found in near-shore waters. Hot spots in BC for scoters include Boundary Bay, the Fraser River Delta, Baynes Sound, and the east

Coast of Vancouver Island from Campbell River to Nanaimo. Numbers of scoters in Baynes Sound in the early 2000s were much higher than during a CWS survey in 1981 (D. Esler, CWS, pers. comm.).

In summer, Nysewander et al. (2005) found high densities of scoters in Padilla Bay, Crescent Harbor, Penn Cove, and in three locations in the Strait of Juan de Fuca: Dungeness Bay, Crescent Bay and Neah Bay and Boundary Bay, on the Washington border with British Columbia. Anderson et al. (2006) documented year-round use by Surf and White-winged Scoters among three sites in Puget Sound: Penn Cove, Birch Bay, and Padilla Bay. Penn Cove largely lacks vegetation and has extensive mussel beds over sand and gravel and harbors roughly 5000–7000 Surf Scoters during early winter. Scoter use of Birch Bay peaked during spring staging when herring spawn was available. Padilla Bay was used during both spring staging and molting in summer. Molt surveys in 2007–2009 revealed roughly 8000 scoters in Padilla Bay, 2500–3000 at Forbes Point (between Oak Harbor and Crescent Bay, Washington), approximately 6000–8000 in Boundary Bay, and 8000–10,000 in the Fraser River Delta (Joe Evenson, WDFW pers. comms.). Only Birch Bay held substantial numbers of White-winged Scoters. Telemetry revealed scoters that wintered from Mexico to British Columbia used the Salish Sea from mid-March to mid-May (Evenson et al. 2007). The southern Gulf Islands of British Columbia are important to Surf Scoters during spring migration including Gabriola Island, Porlier Pass, Active Pass and Saturna Island, as well as the northern entrance of Howe Sound (Evenson et al. 2007).

Bufflehead. Bufflehead occur in Washington waters in similar densities to scoters, but tend to favor shallower waters and heads of bays or inlets (Nysewander et al. 2005). The shoreline of southern Strait of Juan de Fuca is important to Bufflehead in some years. Densities of Bufflehead ranged from 34.1 to 64.3 birds per km^2 in near-shore waters. In British Columbia, Bufflehead were primarily associated with estuaries and near-shore waters, with less than 10% associated with offshore waters (Evenson et al. 2013). Wintering Bufflehead populations have been generally stable since the late 1970s (Nysewander et al. 2005).

Goldeneyes. Goldeneye species (Barrow's Goldeneye and Common Goldeneye) are widely distributed in Washington (Nysewander et al. 2005, WDFW 2020). Densities ranged from 17.3 to 38.3 birds per km^2, much lower than Bufflehead and scoters (Nysewander et al. 2005). Goldeneye densities were higher in southern and central regions than in northern areas of Puget Sound, and they were often found where no other sea duck species were present (Nysewander et al. 2005). Numbers of goldeneye have declined in Puget Sound (Nysewander et al. 2005, WDFW 2020). In British Columbia, goldeneyes were more abundant in fjords and less abundant along the exposed waters of the Strait of Georgia and Strait Juan de Fuca (Evenson et al. 2013). Hot spots for Barrow's Goldeneye in BC include Burrard Inlet, Desolation Sound, and Mainland Coast Inlets (particularly Toba, Kingcome, Knight, and Jervis Inlets).

Mergansers. Mergansers were common throughout Washington marine waters, but occurred in lower numbers compared to other sea duck species, except Long-tailed Duck and Harlequin Duck. Of the merganser species, Red-Breasted Mergansers (*M. serrator*) were most common during winter surveys, followed by Common (*M. merganser*) and Hooded Mergansers (*Lophodytes cucullatus*) in both Washington and British Columbia, but only Common and Hooded Mergansers also breed in this region (Nysewander et al. 2005, Evenson et al. 2013, WDFW 2020). In Washington, Hooded Merganser favored the San Juan Islands and selected portions of south and central Puget Sound (Nysewander et al. 2005). In British Columbia, Red-breasted Merganser were evenly distributed among coastal and fjord habitats, and Common and Hooded Mergansers were most common in near-shore habitats (Evenson et al. 2013). Mergansers in Puget Sound are considered stable to increasing (Nysewander et al. 2005), WDFW 2020).

Long-Tailed Duck. Nysewander et al. (2005) reported Long-tailed Duck distribution differed from other sea ducks in that they were found in eastern portions of Strait of Juan de Fuca and Georgia Strait in deeper near-shore waters. Similarly, in British Columbia, Evenson et al. (2013) found Long-tailed Duck exclusively near the coastline of the Strait of Georgia and Strait Juan de Fuca. Numbers of Long-tailed Duck have declined substantially over the past few decades (Nysewander et al. 2005, WDFW 2020).

Harlequin Duck. Harlequin Duck were associated with intertidal habitats as well as kelp beds along the southern shore of the Strait of Juan de

Fuca (Nysewander et al. 2005). Similarly, Evenson et al. (2013) found Harlequin Duck predominantly along coastlines of the Straits and were less commonly observed in the deeper fjords. WDFW (2020) reported relatively stable Harlequin Duck population in the Washington portions of the Salish Sea between 1999 through 2019. Harlequin Ducks are widespread throughout the BC portion of the key site. Of note, large numbers of Harlequin Ducks congregate around Hornby Island and nearby areas in BC during herring spawn. The shores of nearby Hornby Island are a major roost site for molting Harlequin Ducks (K'omoks IBA CANADA).

Sensitivities: Sea duck populations may be vulnerable to habitat loss, loss of prey due to climate change, ocean acidification, marine pollution, disease, harmful algal bloom events (Phillips et al. 2011), and disturbance from shipping and recreational boating (De La Cruz et al. 2014). These threats have the greatest potential impact during the flightless molt period in late summer and spring foraging events when energetic demands are high and birds are more vulnerable and sensitive to disturbance.

Potential Conflicts: This site is adjacent to major urban population centers with over 7 million people as of 2012 (Salish Sea Marine Sanctuary 2018) and projected to be over 9 million in 2025 (U.S. Environmental Protection Agency 2017). Major coastal cities include Victoria and Vancouver in British Columbia, and Seattle and Tacoma in Washington. These large port cities, as well as extensive coastline development of other urban centers, present many potential conflicts with sea ducks and the habitats they rely on, such as degraded water quality and habitats, as documented by the Puget Sound Partnership (2018). Specific sources of pollution include oil, gas, paint, fertilizer, flame-retardants, heavy metals, and sewage. Many of these pollutants enter the Salish Sea via storm-water runoff (Ecology and King County 2011). Additional potential impacts on sea ducks include marine boat traffic, mariculture, habitat loss, oil spills, and climate change. The Health of the Salish Sea Report, a joint initiative between the U.S. Environmental Protection Agency (2017) and Environment and Climate Change Canada, tracks ten environmental indicators such as air quality, water quality, species at risk, and toxins in the food web, and found 6 of the 10 indicators were either neutral or worsening in the Salish Sea. For instance, mussels have been used to study toxins in Puget Sound's nearshore biota, and Lanksbury et al. (2014) observed Poly-aromatic hydrocarbons (PAHs) from oil pollution were widespread with highest levels in urban areas. Willie et al. (2017) found that Barrow's Goldeneyes wintering in BC had higher exposure of PAHs in coastal areas with greater anthropogenic influence versus more pristine areas. Finally, expansion of the non-native eelgrass (*Zostera japonica*) threatens intertidal mudflats and bivalve beds, with uncertain implications for competition with the native eelgrass beds (*Z. marina*) and the invertebrate species found to provide food resources for several of the sea duck species in these zones (Ray 1997, Anderson et al. 2008).

Status: This key site includes 21 Important Bird Areas (IBAs) within the state of Washington and 14 IBAs in British Columbia. The IBAs in this key site include bays, inlets, marshes, bends, passes, harbors, coves, lagoons, and a brackish lake important for water birds (IBA Audubon 2018, and IBA Canada https://ibacanada.org/). Additionally, the Washington Department of Fish and Wildlife (WDFW) has designated Marine Protected Areas (MPAs) including Conservation Areas (no take allowed) and Marine Preserves (limited take allowed). The MPAs provide protection for important fisheries in Puget Sound that are often important to sea ducks as well (e.g., herring).

In Washington State, local governments must meet state requirements for development in near-shore waters (Shoreline Management Act (RCW 90.58) and the Growth Management Act (RCW 36.70A)). These regulations require collection of information about critical areas (MRSC website), including eelgrass beds, to characterize shoreline function and ecosystem wide processes. Adopted in 1971 as citizen's initiatives, local governments are tasked with identifying measures to protect and/or restore impacted ecosystems (Envirovision, Herrera Environmental, and Aquatic Habitat Guidelines Program 2010).

The Washington State constitution stipulated that all citizens, not individuals, own aquatic lands; however, until 1971, landowners could purchase tidelands or shore-lands from the state (Washington DNR https://www.dnr.wa.gov/). Tideland usually refers to ownership between the lower low water mark and the mean high water mark. Shore-lands

are submerged lands lying along the edge of rivers or lakes. In 1971 the legislature voted to stop sale of the state's aquatic lands. At present, 70% of tidelands remain privately owned. The state monitors jurisdiction over 75% of shore-lands, all navigable waters, and all bed-lands. Bed-lands are those aquatic lands that are submerged at all times.

Additional state legislation to restore the health of Puget Sound was enacted in 2007 through the Puget Sound Water Quality Protection program (RCW 90.71), designed to use science to develop and meet measurable goals for the recovery of the sound through the Puget Sound Partnership (2018).

In Canada, the jurisdiction of near shore waters lies with both local and provincial governments (Green Shores 2009). Local governments are responsible for land use planning and regulation and the Provincial government issues permits of all near-shore areas in inland seas such as the Strait of Georgia and Strait of Juan de Fuca.

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REQUEST FOR DECISION

To:	Local Trust Committees	**For the Meeting of:**	Various
From:	David Marlor, Director, Legislative Services	**Date Prepared:**	March 6, 2023
SUBJECT:	**Freedom of Information and Protection of Privacy Bylaw**		

RECOMMENDATION:

1. **That Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Bylaw No. 37, cited as "Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Freedom of Information and Protection of Privacy Bylaw No. 37, 2023" be given first, second and third reading.**

2. **That Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Bylaw No. 37, cited as "Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Freedom of Information and Protection of Privacy Bylaw No. 37, 2023" be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.**

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

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1 **PURPOSE:**

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

> *That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.*

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:
Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS:

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:
There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) – Freedom of Information and Protection of Privacy Bylaw No. 37

Alternative:

1. That draft Bylaw No. 37 be amended, and be read a first, second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.

2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	March 6, 2023
Concurrence:	Renée Jamurat, Regional Planning Manager	March 7, 2023

EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE (BALLENAS-WINCHELSEA ISLANDS)
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
BYLAW NO. 37

A Bylaw to designate the head of the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) the authority to designate a person as the head of the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) for the purposes of the Act, and

B. Section 77(c) of the Act gives the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) the authority to set any fees the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) requires to be paid under section 75 of the Act,

THE EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE (BALLENAS-WINCHELSEA ISLANDS) ENACTS AS FOLLOWS:

Citation

1. This bylaw may be cited as “Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Freedom of Information and Protection of Privacy Bylaw No. 171, 2023".

Definitions and Interpretation

2. In this Bylaw:

“Act”	means the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, Chapter 165, as amended.
“Commercial Applicant”	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
“Head”	means the person designated under Section 3 of this Bylaw as the head of the of the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Island Trust Committee for the purposes of the Act.
“Request”	means a request for information under Section 5 of the Act.
“Records”	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer

program or any other mechanism that produces records.

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) for the purposes of the Act.

4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Island Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 87, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME this _____ DAY OF _____ ,20___

READ A SECOND TIME this _____ DAY OF _____ ,20___

READ A THIRD TIME this _____ DAY OF _____ ,20___

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ ,20___

ADOPTED THIS
_____ DAY OF _____ ,20___

_____ _____
Chairperson Secretary

Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands)
Freedom of Information and Protection of Privacy
Bylaw No. 171 - Schedule 'A'

Schedule of Maximum Fees

Item	Description of Services			Fees
1	(a)	Application Fee		$10.00 (non-refundable)
	(b)	An applicant's request for his/her own personal information is not subject to any fees.		
2	For applicants other than commercial applicants:			
	(a)	for locating and retrieving a record		$7.50 per ¼ hour after the first 3 hours
	(b)	for producing a record manually		$7.50 per ¼ hour
	(c)	for producing a record from a machine readable record from a server or computer		$7.50 per ¼ hour for developing a computer program to produce the record
	(d)	for preparing a record for disclosure and handling a record		$7.50 per ¼ hour
	(e)	for shipping copies		actual costs of shipping method chosen by applicant
	(f)	for copying records		
		(i)	floppy disks	$2 per disk
		(ii)	CDs and DVDs, recordable or rewritable	$4 per disk
		(iii)	computer tapes	$40 per tape, up to 2 400 feet
		(iv)	microfiche	$3 per fiche
		(v)	microfilm duplication	$25 per roll for 16mm microfilm $40 per roll for 35mm microfilm
		(vi)	microfiche or microfilm to paper duplication	$0.50 per page (8.5" x 11")
		(vii)	photographs, colour or black and white	$5 to produce a negative
				$12 each for 16" x 20" photograph
				$9 each for 11" x 14" photograph
				$4 each for 8" x 10" photograph
				$3 each for 5" x 7" photograph
		(viii)	photographic print of textual, graphic or cartographic record, black and white	$12.50 each (8" x 10")
		(ix)	dot matrix, ink jet, laser print or photocopy, black and white	$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(x)	dot matrix, ink jet, laser print or photocopy, colour	$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(xi)	scanned electronic copy of a paper record	$0.10 per page
		(xii)	photomechanical reproduction of 105 mm cartographic record/plan	$3 each
		(xiii)	slide duplication	$0.95 each
		(xiv)	audio cassette tape (90 minutes or fewer)	$5 per cassette plus $7 per ¼ hour of

			duplication	recording
		(xv)	video cassette recorder (VHS) tape (120 minutes or fewer) duplication	$5 per cassette plus $7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2			the actual cost to the public body of providing that service

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY January 24, 2023 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit https://islandstrust.bc.ca/whats-happening/meetings-and-events/

1. ORGANIZATION UPDATES/TEAM

- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was elected Chair of ITC Board, Trustee Smith was elected Vice-Chair, and Trustee Yates was elected as the FPC representative.
- The ITC Board discussed the ITC ex officio seat on the Governance Committee, noting the ITC Chair will appoint a member to the committee. Shortly after the ITC meeting, the ITC Chair appointed Trustee Grant Scott as the ITC Board's ex-officio member on the Islands Trust Council's Governance Committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the Crown Agencies and Board Resourcing Office regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan in November 2022 and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval. A meeting has been set to discuss the plan with Ministry staff. Staff will inform the ITC Board of the outcomes.
- The ITC Board reviewed and approved the 2026-2030 ITC Plan Project Charter.
- The ITC Board reviewed and approved the 2023-2026 Species at Risk Program Project Charter.
- The ITC Board reviewed the 2023/24 ITC Budget briefing from the Financial Planning Committee. The ITC Board discussed potential budget reductions and moved that ITC Budget has been carefully considered potential budget reductions and their implications, and concluded that its budget request is necessary and responsible going forward.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.
- ITC registered a 11.35 hectare covenant, known as the Livingstone Covenant on Lasqueti island. This covenant is the first covenant on Lasqueti and is part of the Natural Area Protection Tax Exemption (NAPTEP) Program. It was gifted through the Federal Ecological Gifts Program.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board reviewed and approved the ITC NAPTEP Covenants Monitoring Report for 2022, and directed staff to address management concerns as identified in the report.
- ITC Board reviewed and approved the ITC Nature Reserve Monitoring Report 2022.

5. COMMUNICATIONS AND OUTREACH

- ITC has updated its website to include information about the species at risk program, see https://islandstrust.bc.ca/conservancy/species-at-risk/
- ITC is hosting Species at Risk focussed speaker series between February 16 and April 12, 2023. For more information, see https://islandstrust.bc.ca/conservancy/species-at-risk/

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board received a legacy donation of $25,000 for the purposes of implementing a Western Screech-Owl research project on Link Island.
- The ITC Board reviewed an application from the Nature Conservancy of Canada and awarded a $50,000 Opportunity Fund Grant for the acquisition of 161 ha (397 acres) of conservation lands on Reginald Hill on Salt Spring Island.
- The ITC Board awarded a $4,614.75 grant from the Morrison Waxler Biodiversity Legacy Fund Grant program to expand the existing Nighthawk Hill NAPTEP covenant on North Pender Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: https://islandstrust.bc.ca/conservancy/

Shortcuts of interest:

- **Goals:** https://islandstrust.bc.ca/conservancy/conservation-planning/
- **Opportunity Fund:** (context) https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/ ; (to donate online) https://islandstrust.bc.ca/donate-to-conservancy/
- **Request key updates via email:** https://islandstrust.bc.ca/subscribe/ (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

Islands Trust

LTC EXP SUMMARY REPORT F2023

Invoices posted to Month ending February 2023

610 Executive	Invoices posted to Month ending February 2023	Budget	Spent	Balance
LTC Local				
TOTAL LTC Local Expense		0.00	0.00	0.00
Projects				
TOTAL Project Expenses		0.00	0.00	0.00

Executive Committee Acting as a Local Trust Committee (Ballenas-Winchelsea) Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 19, 2015	EX-LTC-2015-007	Adoption of Minutes via RWM	**It was MOVED and SECONDED** that the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea) request staff to issue an Resolution Without Meeting for adoption of the minutes on a regular basis.
2.	March 4, 2020	EX-LTC-2020-004	Model Radio Antenna Strategy-Briefing	**It was MOVED and SECONDED,** that the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) adopt the model strategy for radio antennas as presented in the "Model Strategy for Antenna Systems - Local Planning Committee" report dated May 3, 2018.
3.	March 12, 2020	EX-LTC-RWM-2020.1	Reconciliation engagement with local First Nations	**It was MOVED and SECONDED** that the Executive Committee Acting as a Local Trust Committee (Ballenas-Winchelsea Islands) adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

Islands Trust

Print Date: April 6, 2023

Follow Up Action List

Active Projects Report

Ballenas-Winchelsea Islands

1. *OCP / LUB Review*	Responsible	Dates
Possible OCP & LUB Project: - Conduct early engagement with First Nations and others to provide input to define the project. - Identify significant un-fragmented forest and non-forest ecosystems and ensure these are noted on mapping for environmental and carbon sequestration value. - Implement the Protection of Coastal Douglas fir and Associated Ecosystems toolkit and Islands Trust Conservancy Regional Conservation Plan.		Rec'd: 29-Jun-2022

Islands Trust

Print Date: April 6, 2023

Follow Up Action List

Future Projects Report

Ballenas-Winchelsea Islands

1. *OCP & LUB*	Responsible	Date Received
N/A		29-Jun-2022

2. *OCP*	Responsible	Date Received
N/A		29-Jun-2022

3. *LUB*	Responsible	Date Received
N/A		

4. *Administrative*	Responsible	Date Received
N/A		

5. *Advocacy and Communications*	Responsible	Date Received
N/A		

6. *Bylaw Enforcement*	Responsible	Date Received
N/A		