Denman Island Local Trust Committee
Regular Meeting Agenda

Date:	**May 2, 2017**
Time:	**9:30 pm**
Location:	**Denman Activity Centre**
	1111 Northwest Rd, Denman Island, BC

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10. CORRESPONDENCE

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

11. APPLICATIONS AND REFERRALS 10:45 AM - 11:15 AM

That Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017, be adopted".

12. BREAK 11:15 AM - 11:35 AM

13. LOCAL TRUST COMMITTEE PROJECTS 11:35 AM - 12:45 PM

14. REPORTS 12:45 PM - 1:00 PM

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, June 6, 2017 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

16. TOWN HALL

17. CLOSED MEETING 1:00 PM - 1:20 PM

17.1 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)(d) and (i) for the purpose of considering Appointment of APC Members, Adoption of Minutes dated March 7, 2017 and for receipt of advice subject to solicitor-client privilege and that the recorder and staff attend the meeting.

17.2 Recall to Order

17.3 Rise and Report

18. ADJOURNMENT 1:20 PM - 1:20 PM

Denman Island Local Trust Committee
Minutes of Regular Meeting

Date:	**March 7, 2017**
Location:	**Denman Activity Centre** **1111 Northwest Rd, Denman Island, BC**
Members Present	**Susan Morrison, Chair** **David Critchley, Local Trustee** **Laura Busheikin, Local Trustee**
Staff Present	**Ann Kjerulf, Regional Planning Manager** **Miles Drew, Bylaw Enforcement Manager** **Vicky Bockman, Recorder**
Others Present:	**Approximately five (5) members of the public - am** **Approximately three (3) members of the public - pm**

1. CALL TO ORDER

Chair Morrison called the meeting to order at 9:30 am. She welcomed the public, acknowledged that the meeting was being held in territory of the Coast Salish First Nations, and introduced Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted as presented.

3. TOWN HALL AND QUESTIONS

The following points were made:

- A member of the public asked for clarification regarding agricultural use of his property.
  - Staff responded that matters related to this issue have been decided in the courts.
- A member of the public commented on discrepancies in legal descriptions of his land.
  - Staff responded that the Islands Trust solicitor will be providing him with a response to his questions in this regard.
- A question was asked regarding the status of the amendment to Bylaw No. 207 and the effect on the Bylaw if the amendment does not proceed further.
  - Staff responded that the Bylaw amendment is on today's meeting agenda for discussion.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated January 31, 2017

The following amendments were presented for consideration:

- Page 6, second bullet, change the first sentence to: "Trustee Busheikin remarked that the Official Community Plan presents the community's guiding values; and was concerned that proceeding with Bylaw No. 207 might jeopardize First Nations relationship building."; and
- Page 8, item 13.7, first paragraph, last bullet, last line: add "positive" before "response".

By general consent the minutes were adopted as amended.

DE-2017-014
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee request Executive Committee to provide a report to Trust Council about minute taking guidelines and best practices.

CARRIED

6.2 Section 26 Resolutions-Without-Meeting Report dated February 28, 2017

Received.

6.3 Advisory Planning Commission Minutes - none

6.4 Marine Advisory Planning Commission Minutes - none

7. DELEGATIONS – none

8. CLOSED MEETING

8.1 Motion to Close the Meeting

DE-2017-015
It was MOVED and SECONDED,
That the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(a) Appointment of Advisory Planning Commission members; (d) Adoption of *In Camera* Minutes dated January 31, 2017; (f) Bylaw Enforcement, and (i) Legal Advice and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 9:56 am.

8.2 Recall to Order

By general consent the meeting was recalled to order at 10:58 am.

By general consent the meeting was recessed at 10:59 am and reconvened at 11:02 am.

8.3 Rise and Report

Chair Morrison reported that in the Closed Meeting the Local Trust Committee adopted minutes from the *In Camera* meeting of January 31, 2017, considered eight expressions of interest for Advisory Planning Commission (APC) appointments and indicated their intention to appoint all eight, and received a legal opinion on Bylaw No. 207 and are seeking further information on the issue.

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List dated February 28, 2017

Regional Planning Manager Kjerulf presented the Follow-up Action List, provided updates and responded to a question that arose.

9.2 Travel Trailer Regulations - Staff Report

Bylaw Enforcement Manager Drew presented the Staff Report that presents information including current regulations, a definition of “occasional”, describes the difficulty of enforcing the intent of the regulations, and presents options for Land Use Bylaw (LUB) amendments and a bylaw enforcement policy.

Trustees discussed the travel trailer issues and the following was noted:
- A Trustee agreed with the recommended approach to remove the provisions for use of travel trailers for guests in the LUB and establishing an enforcement policy which prevents enforcement when guests are staying in trailers for short periods; and
- A Trustee commented that changing the definition of the term “occasional” to include consideration of the cumulative effect of time in the regulations might be effective and a preferable approach.

DE-2017-016
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee add “Land Use Bylaw amendments and enforcement policies regarding the use of travel trailers to the Projects List”.

Discussion followed concerning availability of resources to work on this project and possible consideration of a “housekeeping” amendment to address a definition change.

The question on the motion was then called,

CARRIED
Trustee Busheikin Opposed

DE-2017-017
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee add to the “Housekeeping” list: “Amend definition of the term “occasional” in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there”.

CARRIED

Bylaw Enforcement Manager Drew left the meeting at 11:22 am.

9.3 Advisory Planning Commission - Draft Bylaw No. 224 - Staff Report

Regional Planning Manager Kjerulf summarized the Staff Report, presenting a draft bylaw to replace the existing APC bylaw that includes changes intended to streamline the process.

Trustees discussed the proposed changes with the following noted:

- The proposed quorum might be problematic given the potential for up to nine members to be serving on the commission; and
- A clarification of the guidelines and procedures relating to APC members’ conflict of interest or potential conflict of interest might be useful as a topic to include in the APC member orientation.

DE-2017-018
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee request staff to distribute Trust Council material on Advisory Planning Commission conflict of interest from the previous term to the Local Trust Committee and put the topic of Advisory Planning Commission Conflict of Interest on an upcoming Local Trust Committee agenda.

CARRIED

DE-2017-019
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 224, cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017” be amended as follows: by deleting paragraph 6 b) and replacing it with “A quorum is the lessor of three members or 50% of those appointed”.

CARRIED

DE-2017-020
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee has reviewed the Directives Only Checklist and confirmed by resolution that Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017" as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2017-021
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017" as amended, be read a first time.

CARRIED

DE-2017-022
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017" as amended, be read a second time.

CARRIED

DE-2017-023
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017" as amended, be read a third time.

CARRIED

DE-2017-024
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017" as amended, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

10. CORRESPONDENCE – none

11. APPLICATIONS AND REFERRALS – none

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Marine Issues - Bylaw 207

Discussion of this item was deferred pending the receipt of additional information that has been requested.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated February 28, 2017

Trustees reviewed the Top Priority report and the following was noted in discussion of the Denman Island Farm Plan Implementation:

- Clarity was requested as to whether “Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods” had been removed as a related activity. Staff will include a response to this inquiry at an upcoming meeting.

DE-2017-025
It was MOVED and SECONDED,
that a letter be sent to the Growers & Producers Alliance, signed by the Chair, thanking them for their comments on the Farm Plan Implementation project.

CARRIED

13.1.2 Projects List Report dated February 28, 2017

Received.

13.2 Applications Report dated February 28, 2017

Received.

13.3 Trustee and Local Expense Report dated January, 2017

Received.

13.4 Adopted Policies and Standing Resolutions - none

13.5 Local Trust Committee Webpage

There were no changes requested.

13.6 Chair's Report

Chair Morrison reported on the following:

- Meetings on Thetis Island;
- Executive Committee preparation of Trust Council material;

- Financial Planning Committee's work on the budget that will be presented at Trust Council; and
- Meeting with Minister Stone regarding a road issue on Lasqueti Island.

13.7 Trustee Reports

Trustee Critchley reported on the following:
- A Trust Programs Committee meeting;
- An Old School Committee meeting; and
- An Association of Denman Island Marine Stewards event.

Trustee Busheikin reported on the following:
- An Association of Denman Island Marine Stewards event;
- Trustee Office Hours;
- Settlement Lands Management Plan event;
- Local Planning Committee meeting;
- Denman Island Residents Association meeting;
- First Nations Truth and Healing event on Hornby Island;
- Local Government Leadership Academy forum; and
- Executive Committee meeting where the Trust Area Service Director was asked to look into representation on the Shellfish Aquaculture Management Advisory Committee.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report dated February, 2017

Received.

14. NEW BUSINESS

14.1 Aquaculture Application No. 1414540 - for discussion

14.1.1 Email dated February 27, 2017 from Edi Johnston

Received.

14.1.2 DE-CL-2017.1 Referral Response

Regional Planning Manager Kjerulf summarized the referral response and noted that steps have been taken to ensure that the Denman Island Local Trust Committee (LTC) is receiving referrals within the area of the Trust Area.

14.2 Vancouver Island University Master of Community Planning Studio Project (Denman Village design charrette/planning process)

Regional Planning Manager Kjerulf outlined the Memorandum that presents an opportunity to engage Vancouver Island University (VIU) students in undertaking a charrette for the Denman Village area, supporting an item that is currently on the Projects List.

DE-2017-026
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee express its support, in principle, for Vancouver Island University Master of Community Planning students to undertake a design charrette for the Denman Village area in September 2017.

CARRIED

DE-2017-027
It was MOVED and SECONDED,
That the Denman Island Local Trust Committee request that staff prepare a draft project charter and budget for Local Trust Committee consideration.

CARRIED

14.3 Comox Valley Regional District Regional Growth Strategy Referral

Regional Planning Manager Kjerulf summarized the proposed response to the referral that has been received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, May 2, 2017 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the date, location and time for the next regular meeting.

16. TOWN HALL

- A question was asked regarding the status of the amendment to Bylaw No. 207 and the effect on the Bylaw if the amendment does not proceed further.
  - Staff responded that the Bylaw amendment is still under consideration and that additional information has been requested by the LTC.
- A comment was made that it might be useful to compile a list of potential projects to pursue with the VIU Master of Community Planning Studio Project.

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:10 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

19-Apr-2016

Activity	Responsibility	Target Date	Status
Monitor Regional District of Nanaimo Electoral Area H Official Community Plan Review and report to LTC about pertinent issues and opportunities to participate. Update Mar. 7th: Expecting referrals in June 2017.	Marnie Eggen		On Going
Organize CIM with presentations on eelgrass, forage fish habitat and aquaculture practices and future plans; invite participation from BC Shellfish Growers Association and Komoks; staff to engage a facilitator for CIM if required	Marnie Eggen David Critchley Laura Busheikin	05-Jul-2016	On Going

05-Jul-2016

Activity	Responsibility	Target Date	Status
Staff to inquire into the processing of Schedule B submissions for affordable housing projects pursuant to housing agreements.	Marnie Eggen		On Going

20-Sep-2016

Activity	Responsibility	Target Date	Status
DE-DVP-2016.1 (Lundberg) approved with conditions; as of April 24, 2017, awaiting covenant completion and registration	Becky McErlean Penny Hawley Teresa Rittemann	31-Jan-2017	On Going

15-Nov-2016

Activity	Responsibility	Target Date	Status

Denman Island Local Trust Committee Fees Bylaw, 2007 adopted. Consolidate and upload to website April 2017.	Becky McErlean	31-Mar-2017	Done

31-Jan-2017

Activity	Responsibility	Target Date	Status
Bylaws 222 and 223 (Housekeeping): Staff to report on alternatives to accommodate small scale poultry and livestock keeping for commercial purposes; alternative definition of feedlot; options for setbacks and screening of feedlots	Teresa Rittemann	02-May-2017	On Going
Bylaw 207 (Driving on the beach): Staff to redraft bylaw in consultation with legal counsel to ensure bylaw conforms with jurisdictional limitations of the LTC	Ann Kjerulf	24-Apr-2017	On Going
Staff to review and report on status of and options for private moorage (dock) regulations.	Ann Kjerulf	24-Apr-2017	On Going
That the Chair write a letter to CVRD Parks on behalf of the LTC regarding the ferry hill trail.	Ann Kjerulf	10-Feb-2017	Done

07-Mar-2017

Activity	Responsibility	Target Date	Status
That the Denman Island Local Trust Committee request Executive Committee to provide a report to Trust Council about minute taking guidelines and best practices.	David Marlor Ann Kjerulf	26-Apr-2017	On Going
LTC request staff distribute Trust Council material on APC Conflict of Interest to the LTC on an upcoming LTC agenda.	Ann Kjerulf	24-Apr-2017	Done
APC Bylaw 224 to be forwarded to the Executive Committee for approval as amended (changing quorum to the lesser of 3 members or 50% of those appointed). New APC members to be appointed pending adoption of Bylaw 224.	Becky McErlean Ann Kjerulf	14-Mar-2017	Done

Follow Up Action Report

That a letter be sent with the signature of the chair to the Growers and Producers Alliance thanking them for their comments on the farm plan implementation project.	Ann Kjerulf	14-Mar-2017	Done
Staff to respond to CVRD referral regarding the RGS review.	Ann Kjerulf	17-Mar-2017	Done
Staff to prepare a draft project charter for the Denman Village community design charrette to be led by VIU planning students in September 2016. Staff to liaise with VIU faculty regarding budget preparation and to explore grant funding opportunities.	Ann Kjerulf	24-Apr-2017	On Going

Islands Trust

Advisory Planning Commissions[1], Conflict of Interest and Bias

Guidelines for Members of Advisory Planning Commissions at the Islands Trust

1. What is a Conflict of Interest?

As noted in *Managing Conflict of Interest in the Public Sector*[2]*,* a Conflict of Interest arises "*when a public official has private-capacity interests which* ***could*** *improperly influence the performance of their official duties and responsibilities".* It is important to remember that there is nothing improper with having a Conflict of Interest, provided it is managed properly and does not result in any improper actions. Very few citizens serve a term as a public official without encountering a conflict of interest situation of some kind.

2. Do Conflict of Interest rules 'apply' to Advisory Planning Commission members?

Under the BC *Community Charter*, a person elected to a local government position (e.g. a local trustee) who has a special private interest in a topic under consideration must declare their interest when the topic comes up, leave the meeting and not participate in the discussion or attempt to influence the vote in any way. If trustees do not follow these rules, they could be disqualified from their elected office and the local trust committee's decision on a bylaw or application could be jeopardized. In some situations, an elected official could even be required to pay back any financial gains they may have realized, if they improperly voted on a matter in which they have a Conflict of Interest.

While the *Community Charter* does not apply these restrictions to members of advisory bodies that make recommendations to local trust committees, similar 'Conflict of Interest' situations can occur, related to the topics that local trust committees refer to their advisory bodies. For example, an APC member could be the applicant for a rezoning that is referred to the APC; or an APC member could be an agent for an applicant, or may have provided professional services (e.g. as an engineer, architect or realtor) in preparing the application. Where a Conflict of Interest situation arises, it is important that the APC member manage it carefully. To do otherwise can undermine the integrity of the APC's recommendations, and public confidence that the APC is acting on behalf of the broader community. [3]

[1] While these guidelines refer to Advisory Planning Commissions for simplicity, the advice is also relevant to other advisory groups (i.e. Advisory Design Panels) that make formal recommendations to local trust committees

[2] Whitton, H. 2005. *Managing Conflict of Interest in the Public Sector – A Toolkit*. Published by the Organisation for Economic Co-operation and Development.

[3] *Managing Conflict of Interest in the Public Sector – A Toolkit* suggests that Conflict of Interest guidelines should apply to '*public servants, civil servants, public employees, elected officials or any other kind of official who performs public functions or duties on*

While some local trust committee bylaws[4] and/or APC Terms of Reference within the Islands Trust Area have been updated to provide specific guidance to APC members in handling Conflict of Interest situations, other local trust committee bylaws are silent on the topic, or give the Chair the responsibility to 'rule' on Conflicts of Interest (if asked) and/or to ensure that the meeting is conducted in accordance with the principles of procedural fairness. Where an APC bylaw or Terms of Reference are silent on the topic, *Roberts Rules of Order* can be referred to. They include a general provision[5] that members of groups should not vote on questions where they have a direct personal or pecuniary interest.

This guide has been written to help APC members, including APC Chairs, to handle situations where Conflicts of Interest or bias may arise. The overall objective is to ensure that APC meetings are handled in a manner that is (and is seen to be) procedurally fair, for APC members, for development applicants and for community members.

3. What is the difference between a <u>pecuniary</u> Conflict of Interest and a <u>non-pecuniary</u> Conflict of Interest?

If a Conflict of Interest involves money, it is a **pecuniary** interest. As noted in Stewart McDannold Stuart's guide for local governments,[6] *'**pecuniary** interests most frequently arise in relation to property, business interests, employment relationships, professional/client relationships, and spousal employment interests. **Non pecuniary** interests may arise in relationship to family relationships where there is no pecuniary interest involved (children, siblings, parents) and relationships with other organizations like not-for-profit societies, church congregations or community groups'.* A recent court decision indicates that directors of societies may also have **pecuniary** interests in their societies, even if they don't have a direct personal monetary interest. The difference between pecuniary and non-pecuniary interest is significant in situations where the *Community Charter* applies, because the consequences for the public official are different if the conflict is not properly managed. The difference is not as significant in situations involving advisory bodies; pecuniary interests may simply be easier to identify.

4. What are some examples of a <u>pecuniary</u> Conflict of Interest that an APC member might face?

An APC member would have a *pecuniary* Conflict of Interest if the APC was asked to make recommendations regarding the following situations, or similar ones:

- An application where the APC member is the owner or tenant of the subject property.
- An application where the APC member has provided professional services to the owner of the subject property to prepare or present the application.
- An application where the APC member is an employee of the property owner or an employee of someone who provided professional services in preparing or presenting the application.

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behalf of… government'. It notes that *'public officials should make decisions and provide advice on the basis of relevant law and policy and the merits of each case, without regard for personal gain'*.

[4] See Salt Spring Island Advisory Planning Commission Bylaw 467 and Term of Reference

[5] Robert's Rules of Order Newly Revised. 11th Edition.s.45

[6] Stewart, C. and M. Watmough. 2014. *A guide for municipal council members and regional directors in British Columbia*. Stewart McDannold Stuart. December 2, 2014. Victoria, BC.

- An application where the APC member is a neighbour of the subject property and whose property value could be affected (positively or negatively) by the outcome of the application[7].
- An application where the APC member was is on the board of directors of the corporation or society making a land use application[8].
- A land use bylaw amendment initiated by the local trust committee that would affect the APC member' property (positively or negatively) but the same could not be said about a sufficiently large number of properties in the community.

5. What are some examples of a <u>non-pecuniary</u> Conflict of Interest that an APC member might face?

An APC member would have a *non-pecuniary* Conflict of Interest if the APC was asked to make recommendations in the following situations, or similar ones:

- An application where the APC member is a close relative, friend or business associate of the owner or tenant of the subject property.
- An application where the APC member is a close relative, friend or business associate of someone who provided professional services in preparing or presenting the application.

6. What if my interests are the same as the rest of the island's?

Concerns about Conflicts of Interest focus on matters that are *personal* to an individual, not on ones that are broadly shared with the community or a large sector of it (often called a 'community of interest'). For example, an APC member might benefit from amendments to a land use bylaw that would permit secondary suites on their island, or an expanded range of permitted home-based businesses. However, if such a bylaw amendment would affect everyone else with similar properties (or a large part of the community), then there would be a 'community of interest', rather than a personal interest. For elected officials, rules about Conflict of Interest do not apply if the elected official has an interest in common with the community generally (or a large part of it); the same can be said for APC members.

7. Is there anything wrong with having a Conflict of Interest?

While sometimes misunderstood, it is important to recognize that Conflicts of Interest are relatively common and often unavoidable, particularly in small communities. They can be particularly common among active community members who volunteer their time in many different ways. Having a Conflict of Interest (COI) is not, in itself, an ethical problem, provided it is identified and managed appropriately. As noted by Dr. Chris MacDonald (Ethics Consultant):

[7] Case law indicates that, neighbours who are eligible to receive individual notices about an application, as distinct from reading a public notice in a newspaper, would be assumed to have a special 'interest' in the matter; otherwise they would not have been individually notified. However, any APC member whose property value could reasonably be expected to be changed, either positively or negatively, by a land use decision, would have a Conflict of Interest regarding the matter whether or not they received , if the same could not be said about a sufficiently large number of properties in the community.

[8] This would not apply if the APC member was simply a 'rank and file' member of the organization, with no decision-making or leadership role.

It is crucial to see that a COI is a situation, not an accusation. Being in a COI is not the same as being corrupt, and pointing out that someone is in a COI is not the same as accusing them of bias or lack of integrity. A COI, if not dealt with properly, may leave doubt *about the objectivity of a particular decision-making process.*

Further background information is provided here:

The presence of a Conflict of Interest is independent of the occurrence of impropriety. Therefore, a conflict of interest can be discovered and voluntarily defused before any corruption occurs. A widely used definition is: "A conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest." Primary interest refers to the principal goals of the profession or activity, such as the protection of clients, the health of patients, the integrity of research, and the duties of public office. Secondary interest includes not only financial gain but also such motives as the desire for professional advancement and the wish to do favours for family and friends, but conflict of interest rules usually focus on financial relationships because they are relatively more objective, fungible, and quantifiable. The secondary interests are not treated as wrong in themselves, but become objectionable when they are believed to have greater weight than the primary interests. The conflict in a conflict of interest exists whether or not a particular individual is actually influenced by the secondary interest. It exists if the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that decisions may be unduly influenced by secondary interests.[9]

8. What should I do if I believe I have (or might have) a Conflict of Interest?

If you believe you have a Conflict of Interest, check your APC bylaw or Terms of Reference to see if there are specific procedures to follow. Even if there are no specific guidelines in these documents, *Roberts Rules of Order* suggest that those who have a private personal or pecuniary interest in a situation should not be involved in decisions about that topic (including decisions about what recommendations to provide to a decision-maker).

If you believe you have a Conflict of Interest in regards to a specific matter that has been referred to your APC for consideration, the easiest way to manage the situation properly is to: [10]

- Disclose the Conflict of Interest to other members of the APC as soon as you become aware of it.
- Leave the meeting before the discussion of the issue begins, in order to avoid any possibility of influencing the debate or the vote and to avoid making it awkward for other members to speak frankly and fully in the discussion.
- Avoid any overt or covert attempt to influence the decision in any way, whether at the meeting or outside the meeting.
- Return to the meeting when the APC proceeds to the next agenda item

[9] Wikipedia http://en.wikipedia.org/wiki/Conflict_of_interest

[10] These guidelines are based on those provided in: Mina, E. 2009. *101 Boardroom Problems and How to Solve Them*. Published by American Management Association

- Ensure that your going and coming from the meeting is accurately recorded in the APC minutes.[11]

It is not necessary to resign from the APC, provided the Conflict of Interest situation is related to a single matter that the APC is asked to consider, or one that may only come up infrequently during your term of appointment. If for some reason, personal Conflict of Interest situations continually arise for you, you may wish to consider whether you can fulfil the role of an APC member effectively.

9. What should I do if I think someone else on the APC has a Conflict of Interest and doesn't recognize it?

Best practices for managing Conflicts of Interest suggest that it is important to create a climate where everyone can express valid concerns about Conflict of Interest. Nevertheless, it is also important to recognize that publicity about high profile Conflict of Interest situations may have left some with the impression that having a Conflict of Interest is, in itself, some sort of ethical breach, even if properly managed. And, it can be difficult for even the most well-meaning individual to recognize Conflict of Interest situations that may arise for them, particularly if there is little prior notice or details about a topic to be discussed at a meeting. For these reasons, concerns about Conflict of Interest on the part of others should be approached carefully and respectfully, and not in a way that suggests any impropriety on their part. If you feel comfortable mentioning your thoughts to the person affected, then do so privately and recommend they seek further advice if questions remain (see contacts in Section 17). If you don't feel comfortable approaching the other person, you should seek advice, preferably in consultation with the APC Chair to resolve the situation. If you feel a Conflict of Interest situation is going unresolved, it is better to address it proactively than to ignore it. Each APC member shares a duty to take reasonable steps to ensure the integrity of the APC's procedures and recommendations.

10. What should I do if someone else says I have a Conflict of Interest?

First of all, don't get angry or defensive! As noted in *101 Boardroom Problems and How to Solve Them*[12], *'when individuals react defensively to suggestions of conflict of interest, it becomes difficult for others to express valid concerns'*. As there is nothing wrong with having a Conflict of Interest, and it may be difficult for you to identify such a situation when you are personally involved, it is best to carefully consider another person's perspective and seek further advice, if you are in any doubt. As noted above, a Conflict of Interest situation could exist whether or not you are actually influenced by any secondary interests you may have, and whether or not you believe you can be influenced. Any certainty on your part that a private interest that you know exists cannot possibly influence you is beside the point. A Conflict of Interest exists if the circumstances create a *risk* that your decisions and advice at the APC could be unduly influenced by your secondary interests.

[11] The *Islands Trust Minutes Guidelines*, used by all minute takers, include directions about this topic
[12] : Mina, E. 2009. *101 Boardroom Problems and How to Solve Them*. Published by American Management Association

11. What are the consequences for an APC member with a Conflict of Interest, if they continue to participate in developing recommendations related to a topic referred to the APC?

Unlike the situation for elected officials, there are no legal consequences for APC members who participate in developing recommendations related to a matter in which they have a Conflict of Interest. However, there can be risks to an individual's reputation if they continue to participate in providing advice about a topic despite a Conflict of Interest, or an apparent Conflict of Interest. There can also be risks to the APC's reputation and the public's trust that its advice considers the community's broader interests.

Some local government APC bylaws provide for potential termination of an APC member's appointment, if the member participated in discussions where they have a Conflict of Interest. As of the date that these guidelines were prepared, the Salt Spring Island APC Bylaw 467 is the only one within the Islands Trust Area that makes formal reference to this potential outcome.

For APC members who are also members of professional organizations, there may be consequences that arise from that organization's bylaws, codes of ethics or other guidelines. For example, the Code of Ethics for the Architectural Institute of BC indicates that members cannot participate in Advisory Design Panels when they have a Conflict of Interest regarding an application being considered. If you are a member of a professional organization, you should check with it to find out if there are any guidelines or codes of ethics that you should be aware of.

12. What are the consequences for an LTC if an APC member with a Conflict of Interest or a bias continues to participate in developing recommendations related to a topic referred to the APC?

If a trustee participates in a decision, despite a Conflict of Interest, there is a risk that the local trust committee's decision could be set aside by a court. This is not likely to happen to a local trust committee's decision, simply because it was informed by an APC recommendation that had been partially developed by an APC member with a Conflict of Interest. However, if APC members with Conflicts of Interest routinely participate in the development of advice about land use planning matters, there are risks to the reputation of the local trust committee and to the public's trust that its decisions are made in the broader public interest.

13. What responsibilities does an APC Chair have in regards to Conflict of Interest?

Within the Islands Trust Area, APC bylaws vary as to the Chair's responsibilities regarding Conflict of Interest. For example, some bylaws indicate that the Chair is responsible for conducting meetings in accordance with the 'principles of procedural fairness' (one of which is that those with a personal or pecuniary interest in a matter should not vote on it), or for 'ruling on the existence of a conflict or potential Conflict of Interest of a member when requested to do so'.

Chairs should refer to their APC bylaw and Terms of Reference for advice. If these documents are silent on the topic, then Roberts Rules of Order should be followed (i.e. those with a direct personal or pecuniary interest in a matter should not vote on that matter). As a Chair may not be aware of every member's personal interests, it is a good practice for Chairs to remind APC members periodically that they should declare any Conflicts of Interest they may have.

Chairs can contact Islands Trust staff (see Section 17), if they need more detailed advice in managing a Conflict of Interest situation. Where an APC member declares a Conflict of Interest and leaves a part of the meeting, the Chair should ensure that this has been properly recorded in the APC meeting minutes.

14. What is Bias?

Some definitions of Bias include:

> *'a tendency to believe that some people, ideas, etc., are better than others that usually results in treating some people unfairly'*[13]
>
> *'a predisposition or prejudice'*[14]
>
> *'an inclination of temperament or outlook to present or hold a partial perspective and a refusal to even consider the possible merits of alternative points of view. People may be biased toward or against an individual, a race, a religion, a social class, or a political party. Biased means one-sided, lacking a neutral viewpoint, not having an open mind'.*[15]

One of the principles of procedural fairness is that an applicant for any type of land use approval is entitled to an unbiased decision-maker. Thus the application of procedural fairness principles to APC deliberations raises the issue of bias on the part of individual APC members.

15. What are some examples where an APC member might be biased?

It is important to remember that an APC member would not be considered 'biased' if they simply have a point-of-view or a known 'leaning' – for example, 'in favor of marine conservation' or 'supportive of local food production'. However, they could be considered biased in the following situations:

- As a member of another community group, they had promised to vote a certain way at the APC meeting, regardless of what information was provided to the APC.
- They had declared publicly many times (e.g. at public meetings or in newspaper opinion pieces) that they would 'always' oppose (or support) something that the APC has been asked to consider.

16. How does bias affect the role and participation of an APC member?

If an elected official (such as a trustee) is truly 'biased' (closed-minded) about a topic, this can have legal consequences for local trust committee decisions, which are subject to review by the courts on 'procedural fairness' grounds (under the *Judicial Review Procedure Act*). For example, if a trustee had made a firm commitment (in advance of a public hearing) to vote in a particular way, the trustee's vote could potentially be found to have been improperly cast. Whether or not that vote was critical to the local trust committee's decision, the decision could also be overturned if it was challenged in court.

[13] Miriam Webster dictionary
[14] Oxford Concise dictionary
[15] Wikipedia

The decisions of APCs are not, generally, subject to review by the courts under the *Judicial Review Procedure Act*, and there are no legal repercussions for an individual APC member for improper participation. However, community members may lose faith in an APC's recommendations if its members are clearly closed-minded about matters presented to the APC. Such participation would be contrary to the principles of procedural fairness, which suggest those participating in an official capacity should base their decisions and advice on the evidence received, not on pre-conceived opinions.

APC members should do their best to remain open-minded about topics on their agenda until the meeting when they will make a recommendation to the local trust committee. After they have the information provided, heard from the applicant (where applicable) and listened to their fellow APC members, it will be time to decide how to vote. Before an APC meeting, APC members should not make advance commitments or indicate how they will vote about a topic.

17. What if I need advice about a potential Conflict of Interest or bias?

If you are concerned about an existing Conflict of Interest or bias situation related to your role on an Islands Trust APC, and if this document does not answer your questions, please contact:

- Islands Trust Chief Administrative Officer Linda Adams at 250 405 5160 or ladams@islandstrust.bc.ca
- Islands Trust Legislative Services Manager Carmen Thiel at 250 405 5188 or cthiel@islandstrust.bc.ca

Please note that not all Islands Trust trustees and staff have received training regarding Conflict of Interest or bias, so cannot provide advice on the topic.

18. What if I need legal advice?

If the Islands Trust staff contacts mentioned above cannot answer your questions about Conflict of Interest or bias that arise from your role as an APC member, the Islands Trust's Chief Administrative Officer can arrange access to legal advice through Islands Trust legal counsel, if necessary. In most cases, this will not be necessary, but if it is, you can speak directly to Islands Trust legal counsel about your situation and your questions[16]. As a legal assessment about Conflict of Interest or bias depends on evaluation of the material facts, it is important to disclose them fully, to ensure a proper assessment can be made. In some cases, Islands Trust staff may also provide legal counsel with relevant information about the circumstances (such as a maps or application information), with a copy to you.

If you receive legal advice from Islands Trust legal counsel about Conflict of Interest or bias and your participation in an Islands Trust advisory body, you will be expected to follow it.

[16] The Islands Trust Executive Committee, which makes decisions about access to Islands Trust legal advice, passed Resolution EC-2014-130 on July 29, 2014 to enable this, where necessary.

If you believe you need advice about your role on an Islands Trust advisory body because of your membership in a professional organization, you should contact that organization directly for advice and assistance.

19. What happens to the legal advice provided to an APC member by Islands Trust legal counsel?

If you do obtain legal advice from the Islands Trust's legal counsel, you will be given a written summary of it and can refer to it publicly if you wish to explain your decision to withdraw or to continue participating in APC deliberations. The advice will also be provided to your APC Chair, members of the local trust committee and Islands Trust staff working in your local trust area. The legal advice is the property of the Islands Trust Council, meaning it is also available, on a confidential basis, to Islands Trust trustees and other Islands Trust staff members. A reference copy will also be kept in Islands Trust files.

20. What if I want to get my own legal advice?

While it would be unusual for you to need personal legal advice in relation to your role on an Islands Trust APC, nothing prevents you from obtaining it if you wish. Such advice would be your property and any related discussions would be subject to solicitor-client privilege between you and your lawyer. Because the Islands Trust would not be involved in your choice of counsel, would not provide any instructions or information to the lawyer and would not own any of the advice obtained, it would not contribute to the costs of such advice.

21. How can I give my local trust committee input on topics of importance to me, if I have a Conflict of Interest or bias and therefore can't do it at an APC meeting?

Even if you decide to withdraw from APC discussions due to a Conflict of Interest or bias, you could still provide input as an individual in a non-official capacity, by writing or speaking directly to the local trust committee about the topic.

22. Why are the bylaws different for different Local Trust Committees?

Under the *Islands Trust Act* and *Local Government Act*, each Local Trust Committee adopts its own bylaw to guide its Advisory Planning Commission. These bylaws have been adopted at different times and reflect the approach taken by the Local Trust Committee when it adopted its bylaw.

23. Where can I learn more about Conflict of Interest topics?

If you are interested in reading more about the topic of Conflict of Interest, here are some helpful references:

OECD, 2003. *Managing Conflict of Interest in the Public Sector – OECD Guidelines and Overview.* Published by the Organisation for Economic Co-operation and Development (OECD)

Whitton, H. 2005. *Managing Conflict of Interest in the Public Sector – A Toolkit* . Published by the Organisation for Economic Co-operation and Development (OECD).

Wikipedia: http://en.wikipedia.org/wiki/Conflict_of_interest

24. What if I have suggestions for these Guidelines?

If you have suggestions for additions or amendments to these guidelines, please send them to:

Islands Trust Legislative Services Manager Carmen Thiel at 250 405 5188 or cthiel@islandstrust.bc.ca

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Join us in opposing the 2017 Integrated Geoduck Management Framework

The Department of Fisheries and Oceans introduced the Integrated Geoduck Management Framework (2017) late in March, the day the legislature recessed for Spring break, and just a day before the Fisheries Act Review recommendations were released. In line with Trudeau's letters mandate, the primary goal of the Fisheries Review process was to re-instate the protection of fish and fish habitat into the Fisheries Act. It is therefore ironic that this new 2017 Geoduck Framework does just the opposite. This mode of aquaculture poses real and significant threats to wild fish and fish habitat, spawning and rearing grounds and migratory bird habitat. Its contents are even more ominous that the 2014 version, with even less recognition of the need for habitat protection. This IGMF will open up large tracts in the Strait of Georgia to industrial geoduck aquaculture practices that will:

- Use the Strait of Georgia as an experimental zone for an untried method of sub- tidal geoduck aquaculture. **(See sect. 5.0 of IGMF)**
- Increase the load of microplastics in the marine ecosystem through the extensive use of plastic netting and up to 100.000 PVC pipes planted per hectare of intertidal geoduck tenure;

- Use high pressure hoses to liquefy the sea bed for planting and harvesting, releasing long ago banned persistent organic pollutants (POPs) from the substrate as PVC pipes are planted 18 inches into the seabed. PVC is on the Federal governments toxic substance list;Threaten the largest herring spawn in the Strait of Georgia;
- Threaten the largest herring spawn in the Strait of Georgia;
- Allow habitat-altering aquaculture practices and the use of predator netting in vital herring spawning areas;
- Allows tenure placement in vital salmon and herring rearing grounds, migratory bird habitat and forage fish spawning and burying grounds.

- Replace a truly sustainable, well-regulated wild geoduck fishery with unproven, poorly monitored experimental deep water aquaculture, without even a cursory nod to scientific consultation or environmental impact assessment.
- Promote the harvest of 20% of the healthy wild geoducks on each subtidal site, during a three month period prior to an aquaculture lease being granted. The plan mandates that this occur from March to August, which is during herring spawning and rearing season. The tenure holder will further be allowed to harvest more wild geoduck in his/her lease in order to offset the start-up costs, all leading to culling of healthy wild species and significant ecosystem disturbance. (**sect. 6.3 and Appendix 2 of IGMF).**

This IGMF proposes that geoduck aquaculture will initially be limited exclusively to the Strait of Georgia "*pending further science work"*. This phased approach starting in SOG is *"based on advice that identified uncertainties regarding genetic and disease impacts on wild geoduck populations"* and *"potential risks associated with aquaculture".* **(See sect.5.0 IGMF)**

It is our interpretation that the Strait of Georgia in general and Baynes Sound and Lambert Channel in particular, are being offered up by DFO as an experimental trial and sacrifice zone, to be used by industry, with no consideration of vital marine habitat and without scientific consultation.

This is despite the fact that the waters of Baynes Sound and Lambert Channel:

- Are considered by scientists to be the most important EBSA in the Strait of Georgia;
- Have been suggested as a future Marine Protected Area and;
- Is part of the Strait of Georgia proposal for consideration as a UNESCO World Heritage Site.

If this IGMF is allowed to go forward, it is inevitable that the traditional economy of this region will be compromised. Tourism is a significant source of income for Vancouver Island. Ecotourism and other commercial and sport fisheries will be profoundly affected as essential spawning habitat is altered and the coast of beautiful British Columbia is marred with unsightly heaps of plastic debris. Residents' quality of life will be affected and tourists will no longer have access to beaches. Current and future generations will be affected by loss of swimming, kayaking, fishing, boating and recreational access. Upland owners "riparian rights" will be breached. This has certainly been the case in Puget Sound where 20 years of intertidal geoduck aquaculture has significantly altered the social and biological marine environment.

Click on the video to see the effect of twenty years of Geoduck aquaculture in Puget Sound https://www.youtube.com/watch?v=NzigC1ReNRE Video from Puget Sound

The Department of Fisheries and Oceans (DFO) has a legislated responsibility to protect Fish and Fish Habitat. The main principles of the Oceans Act, the Fisheries Act and Trudeau's letters mandate to the Ministers for DFO and the Environment include the direction to promote:

- Sustainable practices meaning the "harvesting and farming of fish stocks in a manner that meets the needs of the present without compromising the ability of future generations to meet their needs".
- The Precautionary Principle "that decisions and actions on conservation will be taken in the absence of scientific evidence".
- That the Minister of DFO has the "responsibility to protect the health of fish stocks, monitor contaminants and pollutants in the oceans and to support responsible and sustainable aquaculture industries" and "use the precautionary principle". Move over he is mandated to "restore robust oversight and thorough environmental assessment to areas under Federal jurisdiction"; and to "require projects to choose the best technologies available to reduce environmental impacts".
- Ecosystem Based Assessment and Management of Fisheries in order to maintain biodiversity.

The reality is that the Minister for DFO has dual and contradictory mandates; one to protect fish and fish habitat and the other to promote fisheries and aquaculture. These mandates should not have to be mutually exclusive. It is possible to manage fisheries and aquaculture based on principles of ecosystem based management. This has not happened in DFO's promotion of Geoduck aquaculture. The IGMF shows no independent scientific review of the environmental impact of proposed practices before introducing them into vital EBSAs and the most important herring spawning habitat on the Pacific Coast. It has conducted no environmental assessment, nor did cumulative impact assessment in the vital EBSAs prior to opening them up to geoduck cultivation. It promotes an untried aquaculture method into subtidal regions never before used for aquaculture, with no independent scientific analysis of the impact. It replaces a well monitored, truly sustainable geoduck harvest with an untried, unproven industrial aquaculture that allows the culling first of more than 20% of healthy wild geoducks.

We call on concerned citizens and environmental organizations to demand a moratorium on the implementation of this Integrated Geoduck Management Framework until DFO can prove that there will be no impact upon the marine environment, SAR, (SOG?) the coastal economy, or the quality of life of current and future generations of humans and sea life. These requests have been made to DFO many times before, with no results.

We call upon the Minister of the Environment to immediately call (set in motion?)for:

- **An Independent Environmental Impact Assessment of this project before tenure applications are approved;**
- **A cumulative impact assessment of anthropogenic factors in Baynes Sound and Lambert Channel related to industrial aquaculture practices before more industry is introduced.**

The Association of Denman Island Marine Stewards (ADIMS) calls on our friends and allies to join us in opposing DFO's Integrated Geoduck Management Framework, announced March 2017.

The waters surrounding our island, Baynes Sound and Lambert Channel, are an Ecologically and Biologically Significant Area, (EBSA). Now the whole western shore of Denman Island has been opened to the geoduck aquaculture goldrush.

As home to the largest herring spawn on the west coast, these waters are vital for the survival of the marine ecosystem of all the Strait of Georgia. Now these waters are threatened by this intensive industrial aquaculture.

Join us in demanding that DFO withdraw this Framework because:

- *<u>It prioritizes industry over habitat protection.</u> The Framework has no scientific research showing that geoduck aquaculture is safe for fish and fish habitat. Also, no environmental impact assessments have been done.*

- *<u>The largest herring spawn on the Pacific coast would be put at risk.</u> The Precautionary Principle is not apparent anywhere in the Framework's policy.*

- *<u>Tons of polyvinyl chloride tubes and hectares of plastic netting would be introduced</u> to the ocean, creating dangers for animals, leaching toxins and causing much more microplastic contamination. No references to research on the impacts of microplastics are included in the Framework.*

- *<u>There would be no public accountability for decisions</u> which would place industrial aquaculture in estuaries, spawning grounds and other sensitive habitats. Siting decisions for these critical areas would be made solely by aquaculture management.*

- *<u>It would allow aquaculture to block access to water for local residents and tourism operators</u> with huge installations of PVC tubes covered with netting. (100,000/hectare) It would create an ugly plastic industrialized view scape*

- *<u>Toxins buried in sediments would re-enter the ocean</u> through standardized use of "stingers" (hoses with water jets) which liquefy the sandy substrate. Persistent organic pollutants, like PCBs, and heavy metals, are buried about 6"- 8"down and would be released as shellfish tenures were converted for growing geoduck, especially in Baynes Sound which was a coal port.*

- *<u>The shellfish aquaculture industry would be vulnerable if its food products for are known to contain microplastics</u> and toxins caused by geoduck aquaculture. Local clams and oysters grown in Baynes Sound already contain microplastics. Increased contamination would put commercial sales at risk.*

Integrated Geoduck Management Framework 2017

Pacific Region

Fisheries and Oceans Canada
Pêches et Océans Canada

Canada

Preamble

This Framework provides policy guidance for the integrated management of both wild and aquaculture geoduck fisheries in British Columbia.

This document is for guidance purposes only and does not fetter the Minister's discretionary powers as set out in the *Fisheries Act*. The Minister can, for reasons of conservation or for any other valid reasons, modify any provision of this document in accordance with the powers granted pursuant to the *Fisheries Act*. In the event of an inconsistency between the Framework and the *Fisheries Act* or its Regulations, the legislation will prevail.

Contents

1. Introduction

Fisheries and Oceans Canada (DFO) has the lead federal role in managing Canada's fisheries and safeguarding its waters. In British Columbia (BC), this includes the primary regulatory responsibility for managing both wild and aquaculture fisheries, including geoduck (*Panope generosa*). Consistent with this mandate, DFO is committed to supporting conservation and long-term sustainability of wild stocks and fisheries, as well as economic growth in Canada's marine and fisheries sectors.

Since the 1970's, the wild geoduck fishery has grown into one of the most economically prosperous and environmentally sustainable fisheries on the West Coast. More recently, since the mid-1990's, both government and industry have taken a number of steps toward the development of a viable geoduck aquaculture industry in BC.

The management of geoduck is complex given the nature of the fisheries and the geographic, biological and environmental conditions required for geoduck to grow and support viable fisheries. Geoduck aquaculture represents an opportunity to diversify the economy of coastal and Aboriginal communities in BC. At the same time, DFO recognizes the importance of ensuring the conservation of wild geoduck stocks, as well as the economic prosperity and long-term sustainability of the wild geoduck fishery.

This document and the approaches outlined within it are designed to provide a management framework under which both wild and aquaculture fisheries for geoduck can thrive. In that context, the document provides guidance on four key areas:

- Coastwide opportunities for geoduck aquaculture;
- Siting guideline for shellfish aquaculture, aimed at minimizing overlap with the existing commercial fishery while providing sustainable opportunities for aquaculture;
- Wild harvest opportunities prior to aquaculture licensing; and
- An overview of management issues and approaches related to geoduck aquaculture.

2. Principles and Objectives

The following section outlines the principles and objectives that will guide DFO in the integrated management of wild and aquaculture fisheries for geoduck.

2.1. Principles

The Department will be guided by the following principles:

- **Conservation** – The conservation and long-term sustainability of wild geoduck stocks is the first priority.
- **Obligations to First Nations** – DFO will respect constitutionally protected Aboriginal and treaty rights and will work to engage interested and affected First Nations in the management of commercial geoduck fisheries and geoduck aquaculture.
- **Economic Prosperity and Sustainable Use** – DFO will support economic opportunities and the sustainable use of both wild and aquaculture fisheries.
- **Transparency** – This Framework will support open and transparent decision-making related to the management of commercial geoduck fisheries and geoduck aquaculture.

2.2. Objectives

The following objectives will support the integrated management of wild and aquaculture fisheries for geoduck:

- Support economically, environmentally and socially sustainable wild and aquaculture fisheries.
- Identify coastwide opportunities for geoduck aquaculture
- Manage the overlap between wild and aquaculture fisheries.
- Establish transparent siting criteria and procedures for geoduck aquaculture.

3. Background

3.1. Wild Commercial Geoduck Harvest in BC

The commercial dive fishery for geoduck in BC began in 1976. The fishery expanded rapidly until 1979 when licence numbers were capped and harvest quotas were set for conservation purposes. In 1989, with the support of the commercial industry, a management program with individual vessel quotas (IVQ) for geoducks was initiated. As part of this initiative, area licensing and a three-year area rotation period for the fishery was established. Geoduck licence quotas were set at 1/55 of the annual commercial Total Allowable Catch (TAC). There are 55 commercial licences, generally fished on about 40 vessels. In 2012 a pilot program was initiated where the quota for each licence was divided into 10 tradable blocks.

Currently, the TAC and the IVQ's are based on a low annual harvest rate (1.2% - 1.8%) of the estimated current biomass and the fishing effort is distributed and managed on a bed-by-bed basis. The commercial fishery occurs coastwide in units called Geoduck Management Areas (GMAs). GMAs are defined portions of Pacific fisheries waters built on the areas and subareas as defined in the *Pacific Fishery Management Area Regulations*. GMAs scheduled to be fished, in any given year, are assigned a quota. The fishery may open and close based on sanitary and biotoxin contamination conditions as well as market demand. The schedule of openings and closures varies from year to year, but is planned to allow for a year-round supply of geoducks to reach the market.

Geoducks are harvested commercially by divers using high pressure water delivered through a nozzle (known as a "stinger") to loosen the substrate around the clam and allow the clam to be lifted out alive.

The current management plan for the geoduck fishery has established limit reference points as required under the precautionary approach and the Department's Sustainable Fisheries Framework (SFF). Geoduck beds are closed for harvest if the biomass on the bed is below this reference point. These closed beds are not considered for re-opening until a survey has been conducted that demonstrates that the biomass has recovered and is above the limit reference point.

The wild commercial geoduck fishery harvest is monitored using on-grounds monitors and 100% of the harvest is independently validated, dockside, at the first point of landing. Geoduck that arrive at fish plants must be accompanied by a tag upon which the vessel name, vessel registration number (VRN), "G" or "FG" tab number, and the date and location of harvest are recorded.

More information regarding the management of geoduck fisheries can be found in the Integrated Fisheries Management Plan (IFMP) at the following website: *http://www.pac.dfo-mpo.gc.ca/fm-gp/ifmp-eng.html*

3.2. Geoduck Aquaculture in BC

Geoduck aquaculture has taken place in BC since the early 1990's. In that time, interest in geoduck aquaculture has continued to grow and significant investments have been made by industry and government in terms of research, cultivation techniques, hatchery production, and economic and technical feasibility.

Geoduck typically take seven to ten years to mature from planting to harvest. Given the long maturation time, geoduck aquaculture operations require a significant investment in terms of capital, planning and management before operators see any return on investment. In BC, the majority of interest has focused on sub-tidal aquaculture. However, a number of intertidal sites also exist and some experimentation with cultivation in suspended aquaculture systems has occurred. Inter-tidal aquaculture has proven successful in other jurisdictions such as Puget Sound in Washington State.

As with other types of shellfish aquaculture, viable geoduck aquaculture depends on the production and access to seed. Typically, broodstock is selected and conditioned in a hatchery for a year or more prior to spawning. Juvenile geoduck are then reared in a nursery system until reaching a suitable size for out-planting. Juvenile geoduck require a sand substrate, making nursery rearing challenging. Different techniques have been employed by producers in BC and elsewhere to provide a suitable nursery environment.

When the geoduck have grown to approximately 10 mm, they are transferred to grow-out beds (either low inter-tidal or sub-tidal) where they are planted in the substrate. The planted geoduck take time to bury themselves into the substrate which can leave them subject to predation from crabs and starfish. Predator protection measures are often employed to reduce losses. In inter-tidal systems, geoduck are planted directly into PVC tubes which have been pushed into the substrate and covered with mesh, the mesh and tube are later removed. Common practice in sub-tidal environments involves the use of mesh "canopies" secured to the substrate covering the areas planted with geoduck during early growth stages. These predator control measures may be in place for 18 months to two years.

Current harvesting methods for both inter-tidal and sub-tidal culture involves the use of a "wand" or "stinger" which is inserted into the sea bed around the Geoduck and liquefies the sand using high pressure water. The geoduck can then be gently removed by grasping the siphon. This harvesting method is the same as that used in the commercial geoduck fishery.

In 1997, the Province of BC established a temporary moratorium on new geoduck aquaculture sites which lasted approximately eight years.

From 2004 through 2006, DFO and the Province of BC worked together in developing a series of three interim policies to guide the management of geoduck aquaculture. These policies included a "phased approach" to geoduck aquaculture with an initial focus on the Strait of Georgia and the pre-selection of new areas available for geoduck aquaculture. As a result of these policies, six new sites, all within the Strait of Georgia, were identified and licensed by the Province of BC.

On December 19, 2010, DFO assumed the primary responsibility for regulating and managing most aspects of aquaculture in BC. The *Pacific Aquaculture Regulations* (PAR) were developed to outline the Department's authorities with respect to the management of the industry. New aquaculture licences were issued for existing shellfish, finfish and freshwater/land-based aquaculture operations in BC, including those geoduck aquaculture sites previously licensed by the Provincial government.

Through the PAR and British Columbia Aquaculture Regulatory Program (BCARP), DFO has developed a robust regulatory and management framework for aquaculture in BC. The Department is working closely with the Province, Transport Canada and other partners to ensure that aquaculture is sustainable and managed in a way that supports DFO's mandate for conservation and sustainable use of aquatic resources.

More information regarding DFO's management of aquaculture in BC can be found at website:
http://www.dfo-mpo.gc.ca/aquaculture/index-eng.htm

3.3. Role of Canadian Federal Government

The Minister of Fisheries and Oceans, through the powers granted under the *Fisheries Act* and its *Regulations*, has the authority to manage and regulate fisheries including wild commercial geoduck harvest, geoduck aquaculture, recreational geoduck harvest and First Nations harvest of geoduck for food, social and ceremonial purposes.

Under the Minister's authority for the proper management and control of fisheries and the conservation and protection of fish, DFO develops policies and management plans, issues licences, establishes conditions of licence and enforces those conditions as appropriate.

DFO, along with Environment and Climate Change Canada (ECCC) and the Canadian Food Inspection Agency (CFIA), is responsible for delivering the Canadian Shellfish Sanitation Program (CSSP). The goal of the program is to protect Canadians from the health risks associated with the consumption of contaminated bivalve shellfish (e.g. mussels, oysters and clams). See 6.2.4 for more details.

Transport Canada is responsible for minimizing the impact of works on navigable waterways.

3.4. Role of BC

The Province of British Columbia (BC), through the Ministry of Forests, Lands and Natural Resource Operations (FLNRO), is responsible for land-use allocation decisions and provides tenure rights to Provincial Crown land, foreshore and aquatic Provincial Crown land under authority of the BC *Land Act*. Under the Provincial Aquaculture Land Use Policy, tenures are provided for the cultivation of finfish, shellfish and marine plants on aquatic Provincial Crown land or foreshore.

3.5. Role of First Nations

First Nations have a particular historic and cultural interest in the harvest and management of aquatic resources near their communities. As part of the review process of aquaculture proposals, DFO consults with local First Nations, and seeks their input and views on the proposal in advance of the issuance of any aquaculture licenses or leases.

3.6. Role of Local Governments

Municipal governments or regional districts may require specific zoning be in place prior to the commencement of any aquaculture operations.

3.7. Federal/Provincial Cooperation

In recognition of their respective roles, DFO, the Province of BC and Transport Canada (TC) have developed a harmonized aquaculture application and review process. This process includes a single harmonized application for new aquaculture licence and tenure applications, as well as amendments to existing licences. The three agencies have also established a harmonized process for the review and consideration of new and amended aquaculture applications. While each federal and provincial agency retains its respective decision-making authority, this process is designed to support more effective communication and coordination with respect to the review and potential issuance of their respective authorizations for aquaculture in BC. (see Appendix 3 for details)

4. Framework Application

This Framework applies to the management of wild and aquaculture geoduck commercial fisheries in BC. It applies to applications for new and/or amended shellfish aquaculture licences, including geoduck hatcheries. In doing so, it replaces the following interim policies:

- 'Information Regarding the Amendment of an Existing Intertidal Shellfish Licence to Include Geoduck Aquaculture, 2005'
- 'Information Regarding the Amendment of an Existing Subtidal Shellfish Licence to Include Geoduck Aquaculture, 2005'
- 'Information Regarding Making Application for a New Subtidal Geoduck Aquaculture Tenure and Licence, 2005'
- 'Interim Protocol for Pre-seed Harvest of Sub-tidal Geoduck Aquaculture Sites , 2010'

5. Coastwide Opportunities for Geoduck Aquaculture

Since 2006, DFO and the Province of BC have taken a phased approach to the expansion of geoduck aquaculture, with an initial focus on the Strait of Georgia. This approach was based on science advice that identified uncertainties regarding potential genetic and disease impacts of geoduck aquaculture on wild populations. Phased expansion was meant to minimize potential risks associated with geoduck aquaculture pending further science work, as well as the development of additional management and regulatory measures. As a result, since 2006, new opportunities for geoduck aquaculture have been limited to the Strait of Georgia.

In that time, interest in geoduck aquaculture has continued to increase, as has our understanding of potential risks related to interactions between wild and farmed geoduck populations. The Department has undertaken further science work to assess these risks (Bureau et al, 2013). Bureau et al explored potential risks and mitigation measures related to geoduck aquaculture and made a number of recommendations related to the source and volume of geoduck broodstock, transfer zones and quarantine practices.

DFO has determined that potential disease, genetic and ecological risks associated with the expansion of geoduck aquaculture beyond the Strait of Georgia can be adequately addressed through implementation of new management measures, including hatchery protocols, conditions of licence and the Introductions and Transfers process.

In establishing the Integrated Geoduck Management Framework, DFO will now consider aquaculture applications on a coastwide basis (beyond the Strait of Georgia). The Department will consider both new applications for geoduck aquaculture, and applications to add geoduck to existing aquaculture operations, in all areas of the Pacific coast, subject to the normal review process for shellfish aquaculture applications and the siting guidelines outlined below.

A revised Geoduck Hatchery Protocol has been developed (see Appendix 1) and will be implemented through DFO conditions of licence for each hatchery.

6. Siting Guidelines

6.1. Context

The siting guidelines are intended to identify those areas available for new shellfish aquaculture applications, while managing overlap with the existing commercial geoduck fishery. Regardless of the area applied for, all applications are subject to the review by applicable Federal and Provincial agencies as part of the harmonized aquaculture review process.

The siting guidelines are grounded in historical information regarding the wild commercial geoduck harvest over the last four fishing opportunities, prior to 2014, in sub-tidal waters. This information has been used to identify those areas used most extensively by the wild commercial fishery.

The siting guidelines apply to:

- Applications for new shellfish applications in sub-tidal or intertidal areas.
- Applications for size increases of existing shellfish aquaculture operations.

The siting guideline do not apply to applications for amendments to existing licences for the purpose of shellfish aquaculture where the area is already tenured and licensed for aquaculture and there are no proposed changes to the boundary of the tenure area.

6.2. Shellfish Aquaculture Siting Matrix

The Shellfish Aquaculture Siting Matrix (the Matrix) is a visual representation of the siting guideline (Fig. 1) and illustrates the key differences between the categories so that applicants can understand what areas are available for shellfish aquaculture applications. Further information regarding each of these areas, and the corresponding review considerations, are outlined below.

In order to assist shellfish aquaculture licence applicants with interpreting the Siting Matrix, a series of maps have been developed that geographically represent the Yellow and Red areas. The complete collection of maps can be found at the following website:
http://www.pac.dfo-mpo.gc.ca/aquaculture/management-gestion/2017/geoduck-panope/maps-cartes-eng.html

The classification of areas reflected in these maps will remain in effect for 10 years from the implementation date of this Framework.

	YELLOW	RED
Category	Shellfish aquaculture applications accepted	Shellfish aquaculture applications generally not accepted • See exception in 6.2.2
Criteria for determining category	Some geoduck commercial landing history (1 – 3 times in the last 4 fishing opportunities)	Geoduck harvested in each of the last 4 fishing opportunities
Review considerations	Review will include a detailed assessment of the potential impacts to the geoduck fishery	For exception situations only, review will follow Yellow area approach Otherwise does not apply
Commercial harvest opportunity prior to aquaculture licensing	One commercial harvest opportunity: 3 months in 6 months PSP free window	For exception situations only: will follow the Yellow area approach Otherwise does not apply

Figure 1. Shellfish Aquaculture Siting Matrix for new shellfish aquaculture applications or expansion to existing shellfish aquaculture operations.

6.2.1. Yellow Areas

Yellow areas are defined as areas of the coast that have been harvested by the wild commercial geoduck fishery one to three times out of the previous four times the area has been available to be harvested.

DFO will consider applications for shellfish aquaculture in these areas. In addition to the regular review process for shellfish aquaculture, the Department will also consider the extent of potential impacts on the wild commercial geoduck fishery.

Applications in Yellow areas will be considered for aquaculture operations up to 20 hectares.

Successful applications in Yellow areas will be subject to a harvest of wild geoduck from the site by the wild commercial fishery in advance of aquaculture licensing. See Section 6.3 for details.

6.2.2. Red Areas

Red areas are those areas of the coast that have been harvested by the wild commercial geoduck fishery four times out of the previous four times the area has been available to be harvested.[1]

Generally, DFO will not consider applications for shellfish aquaculture in red areas.

Under special circumstances, DFO will consider applications for shellfish aquaculture in red areas submitted by a First Nation. Consideration will be given to applications by First Nations, supported by a band council resolution, that have reserve

[1] An area may not be opened in any given year due to biotoxin contamination or other reason. Therefore, having a criterion that captures the last 4 times an area was open for harvest ensures that these areas that are important to the wild harvest are not overlooked due to such closures.

land adjacent to the red area being applied for. In these cases, a single application may be considered up to a maximum size of 10 hectares. These licences would be considered for issuance only to First Nations and will be non-transferable. These licences would also be subject to a commercial harvest prior to aquaculture licensing as outlined in Section 6.3.

Additional opportunities for First Nations geoduck aquaculture in red areas beyond 10 ha, in some cases, may also be considered in areas immediately adjacent to their reserves (or proposed Treaty Settlement Lands) as an economic opportunity within broader treaty, incremental treaty or non-treaty agreement negotiations with Canada. To balance the impact of such opportunities on the wild geoduck fishery, any such opportunity must be mitigated through the relinquishment of an appropriate amount of commercial geoduck quota.

Provision of aquaculture access by First Nations to red areas supports the Government of Canada's broad policy objective to provide economic development opportunities to First Nations. This access does not, and is not intended to, define or extinguish any Aboriginal or treaty rights, neither is it evidence of the nature or extent of any Aboriginal or treaty right.

6.2.3. Other Areas

Most areas of the coast have no recent documented harvest by the wild commercial geoduck fishery as of 2016.

DFO will consider applications for shellfish aquaculture in these areas, including intertidal areas.

Licence applications of all sizes will be considered in these areas, but the size of the proposed aquaculture operation will be reviewed in the context of other land and water use activities in the vicinity prior to any licence issuance.

If approved, new operations in these other areas will not be subject to a commercial harvest prior to aquaculture licensing.

6.2.4. Review Process and Considerations

All applications for shellfish aquaculture licence applications accepted for review will be subject to the rigorous review by applicable Province of BC and Federal agencies as part of the harmonized aquaculture review process. This review will consider the aquaculture application in the context of First Nations food, social and ceremonial fisheries, adjacent land use, impacts to all other fisheries and habitat (including proximity to eelgrass, SARA species, intertidal stream channels, and fish spawning areas), navigation, size of tenure, proximity to other tenures, shellfish contamination, transfer considerations, etc. Regulatory agencies will consult with local First Nations in advance of the issuance of any aquaculture licences or leases. In order to conserve wild stocks and address the sustainability of both wild and aquaculture stocks, reviewers will consider the size of the proposed aquaculture operation and the number of aquaculture sites in a given area. See Appendix 3 for details of the review process.

Areas may be closed for harvest due to sanitary or biotoxin contamination and these factors are considered as part of the review process. The Canadian Shellfish Sanitation Program (CSSP) was established to co-ordinate the efforts of federal government agencies in setting standards for sanitary shellfish handling and harvest practices to ensure that bivalve molluscs are safe for human consumption. Applications for shellfish aquaculture licences will undergo an early-phase assessment to ensure compliance with CSSP requirements. Applications for geoduck aquaculture will not be accepted in unclassified waters, prohibited waters, conditionally restricted waters or where biotoxin monitoring is not able to be established. For definitions of these classifications see:
http://www.ec.gc.ca/marine/default.asp?lang=En&n=4DFAFB15-1

Aquaculture applicants are advised to check the following website for contaminated closures:
http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html

For more information on the CSSP see the CSSP Manual of Operations on the Internet at:
http://www.inspection.gc.ca/food/fish-and-seafood/manuals/canadian-shellfish-sanitation-program/eng/1351609988326/1351610579883

6.3. Commercial Harvest Opportunity Prior to Aquaculture Licensing

DFO policy[2] supports a 'final', directed, commercial harvest opportunity, whereby a portion of the high-value wild shellfish species are removed from a shellfish aquaculture site, by wild fishery licence holders, prior to a DFO aquaculture licence being issued.

Prior guidance regarding this harvest was provided through the "Interim Protocol for Pre-seed Harvest of Subtidal Geoduck Aquaculture Sites" (2010). This guidance has been updated in the form of a revised Protocol (Appendix 2) for the commercial harvest of geoduck from shellfish aquaculture sites prior to licensing.

This Protocol applies to all aquaculture licence applications in a yellow or red area that have net yet been issued but have been approved by DFO. The Protocol does not apply to areas outside yellow or red areas.

A commercial harvest opportunity will be provided on a one-time basis (within a maximum 3 months PSP free window within a 6 month period) to the wild commercial fishery in advance of a DFO aquaculture licence being issued. This harvest opportunity will apply to the entire lease (tenure) area.

The amount harvested under this Protocol will be in addition to the Total Allowable Catch (TAC) provided in that year's regular commercial geoduck fishery. A licence fee will be charged for the specific quantity of geoduck commercially harvested from shellfish aquaculture sites prior to licensing. This fee will be based on the formula outlined in the *Pacific Fishery Regulations*, 1993 for geoduck and horse clams.

Residual wild geoduck which remain on the tenure at the completion of the commercial harvest will become accessible to the tenure holder, subject to licence conditions, as by-catch during the harvest of the cultured geoduck.

7. Management Issues and Objectives: Geoduck Aquaculture

Under the *Pacific Aquaculture Regulations*, DFO has developed a comprehensive management and regulatory regime for aquaculture in B.C. This regime is designed to support economic opportunities related to aquaculture while ensuring that the aquaculture industry operates in a sustainable manner so that species and marine environments are protected for future generations.

Conditions of licence are one of the primary measures used by DFO in regulating the aquaculture industry in B.C. These are conditions which must be met by operators of all licensed aquaculture facilities in B.C., including shellfish, and cover requirements such as: the type and numbers of fish that can be cultivated; requirements for marking of site (tenure) boundaries; requirements related to the introduction and transfer of fish; access to wild stocks on site; notification and environmental monitoring / reporting.

The generic licence conditions for shellfish aquaculture can be found at:
http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/docs/licence-cond-permis-shell-coq-eng.pdf

In addition to these generic licence conditions for shellfish, DFO has also identified a number of management issues and objectives related to geoduck aquaculture.

Diligent Use

Both DFO and the Province of B.C. are committed to ensuring that aquaculture operators are engaged in "diligent use" of their site and are actively engaged in aquaculture (i.e. the cultivation of fish). Specific reporting requirements have been identified to confirm that licensed aquaculture operators are actively engaged in aquaculture activities on the site (tenure), consistent with both DFO objectives related to conservation and sustainable use of fisheries resources, as well as Provincial requirements under the *BC Land Act*.

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[2] The National Policy on Access to Wild Aquatic Resources as it Applies to Aquaculture: http://www.dfo-mpo.gc.ca/aquaculture/ref/AWAR-ARAS-eng.htm

DFO requires that all geoduck aquaculture licence holders maintain records and report on a range of activities related to the cultivation of fish on site (e.g. seeding, harvest plans).

Under the BC Aquaculture Regulatory Program, DFO requires that all aquaculture licence holders and applicants submit management plans and that those plans be approved by the Department before aquaculture activities can take place on the site (e.g. seeding, harvest). These requirements are outlined under the generic conditions of licence for shellfish, as well as licence conditions specific to geoduck.

As part of the shellfish aquaculture application process, applicants will submit information regarding the overall management of the operation. This information may be considered by DFO prior to the issuance of an aquaculture licence, as well as potential renewal of licences once issued. This information may also be shared with the Province of B.C. and considered under Provincial roles and responsibilities under the *BC Land Act*.

Access to Wild Stock

Access to wild geoducks stocks on an aquaculture site/tenure will be managed in a manner that is consistent with applicable policy and regulatory guidelines, including the *Pacific Aquaculture Regulations* and DFO Policy on Access to Wild Aquatic Resources as it Applies to Aquaculture (AWAR). Under AWAR, harvest of wild stocks on an aquaculture tenure is restricted to by-catch taken during the authorized harvest of cultured animals. As such, harvest on a site may not occur until cultured geoduck reach marketable size. In the case of geoduck, this period is a minimum of seven years after seeding. Aquaculture operators are required to submit a harvest plan to DFO, for approval, prior to any harvest activity on the aquaculture tenure.

Monitoring and Traceability

Consistent with the management of other fisheries, DFO has developed monitoring measures for geoduck aquaculture and will develop others as necessary. These measures are outlined in the management plans for shellfish aquaculture (e.g. Integrated Management of Aquaculture Plan) and DFO conditions of licence. The Department has a comprehensive aquaculture regulatory program in place to ensure the sustainable development of the sector. Some of the key elements are implemented through conditions of licence that apply to aquaculture licence holders.

Buyers of fish and seafood increasingly, are demanding independently verifiable evidence that these products come from legal and sustainable fisheries or aquaculture operations. Tracing farmed fish and seafood products as they travel through the supply chain is a means to demonstrate to consumers, retailers, and export markets that the products they are purchasing come from aquaculture operations which operate in a sustainable way. Traceability is also an important mechanism for ensuring that products are safe for human consumption and are harvested from areas that are free from contamination.

Wild geoduck fisheries are managed through the implementation of an Integrated Fisheries Management Plan (IFMP) and associated licence conditions.

Aquaculture operations are managed through licence conditions specific to the species being cultured and the type of operation.

The geoduck IFMP and the associated licence conditions for landing validation can be found at:
http://www.pac.dfo-mpo.gc.ca/fm-gp/ifmp-eng.html

Licence conditions for geoduck aquaculture, including landing validation requirements, can be found at:
http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/docs/licence-cond-permis-shell-coq-eng.pdf

8. Access to Broodstock

Access to broodstock is a key issue for aquaculture operators in terms of ensuring the viability and sustainability of their operations. It is also a key issue for DFO with respect to ensuring the conservation and long-term sustainability of wild species and ecosystems. Consistent with science advice, DFO requires that all licence holders for geoduck aquaculture obtain broodstock from wild populations. The transfer of broodstock to the aquaculture facility will also be reviewed for potential disease, genetic and ecological risks. The Department also requires that hatchery operators (also licensed by DFO under the *Pacific Aquaculture Regulations*) follow specific protocols (see Appendix 1) designed to limit the potential for negative impacts on the health and genetic diversity of wild geoduck populations.

9. Map Reserves

In 2004 and 2005 the Province of BC designated several areas in the Strait of Georgia as Map Reserves as part of a pilot program for geoduck aquaculture research and development using different methodologies. These enhanced sites also helped to mitigate losses of wild geoduck from sea otters and sanitary closure areas.

Any Map Reserves identified through Provincial designation that includes a proposal to undertake aquaculture activities, would need to be licensed by DFO under the *Pacific Aquaculture Regulations*, and would be subject to the provisions of this Framework.

10. Framework Review

This Framework will be subject to review 10 years after it comes into force (or sooner, should broader policy or management changes be required). This review will consider the overall effectiveness of the Framework as well as further views from First Nations and stakeholders regarding its implementation.

11. Definitions

In this document and the appendices:

"Aquaculture" means the cultivation of fish. It implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, and protection from predators and disease.

"Intertidal" means the area between high tide and chart datum.

"Minister" means the Minister of Fisheries and Oceans Canada.

"Sub-tidal" means the portion of the bottom of the ocean that is not exposed at low tide stages.

"By-catch" means non-cultivated individuals of the licensed species taken in addition to the fish deliberately placed on the licensed area.

12. References

C. Hand and K. Marcus. Potential Impacts of Subtidal Geoduck Aquaculture on the Conservation of wild Geoduck Populations and the Harvestable TAC in British Columbia; CSAS 2004/131.

Bureau et al. Review of Geoduck Hatchery Protocols Currently in Place for the Strait of Georgia and Evaluation of Potential Application to Other Coastal Areas in British Columbia; CSAS 2014/010.

Appendix 1: Geoduck Hatchery Protocol

Background

Bureau et al. (CSAS 2014) provides the background and potential impacts of geoduck aquaculture to genetic diversity and disease in wild geoducks and has led to the development of a Geoduck Brood Stock and Hatchery Protocol and Hatchery Licence conditions. This Protocol and these conditions are reflected in the Harmonized Application Guidebooks for Shellfish Aquaculture and for Fresh water/ Land-based Aquaculture.

Shellfish Transfer Zones

Introductions, transfers or movement of geoducks, within the marine environment, shall be limited to within and not between Shellfish Transfer Zones as described by the Introductions and Transfers Committee.

See the following website for maps of the Shellfish Transfer Zones:
http://www.pac.dfo-mpo.gc.ca/aquaculture/maps-cartes-eng.html

All geoduck brood stock collections shall occur under the authority of a licence issued under Section 4 of the *Fisheries Act* for harvest from crown seabed areas or from an aquaculture tenure prior to the onset of culture activities. Brood stock collection is not permitted from a geoduck aquaculture tenure after seeding of the tenure has occurred.

All Geoduck brood stock transfers to hatcheries shall require an Introductions and Transfers licence issued under Section 56 of the *Fishery General Regulations*.

Quarantine protocols for moving geoduck brood stock to and growing seed in out-of-Zone hatcheries

Where a hatchery operator wishes to bring geoduck from a different transfer zone for spawning inside a hatchery, treatment of both influent and effluent water in and out of the hatchery is required to minimize risks of disease transfer between Zones. Isolation of hatchery lots (brood stock and/progeny) from different zones is also required. Hatchery operators shall provide the details of such isolation and quarantine systems to the Introductions and Transfers Committee for review and approval prior to the issuance of an Introductions and Transfers licence. Progeny may only be introduced into the marine environment within the Transfer Zone from which their brood stock was sourced.

Number of geoduck brood stock to collect

A minimum of 100 geoducks (1:1 sex ratio) shall be collected for brood stock for each hatchery lot to be spawned from a single transfer zone.

The DFO *National Policy on Access to Wild Aquatic Resources as it Applies to Aquaculture* policy outlines the process for obtaining a licence to collect brood stock.[3]

Source and refresh rate of geoduck brood stock

All brood stock in each hatchery shall be collected from wild geoduck populations and replaced yearly with fresh brood stock, when hatchery is active, in order to maximize genetic diversity of hatchery produced seed and minimize possible genetic impacts of cultured geoducks on the wild populations. Brood stock geoduck may not be sold and must be destroyed when they are replaced by fresh brood stock.

Prohibitions on use of non-wild geoducks as brood stock

Use of hatchery-produced geoducks as brood stock is prohibited due to the increased risks of genetic drift in the hatchery production. The requirement for an Introductions and Transfers licence issued under Section 56 of the *Fishery General Regulations* for all geoduck movements will ensure that geoduck brood stock in hatcheries comes from a wild stock source.

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[3] The National Policy on Access to Wild Aquatic Resources as it Applies to Aquaculture: http://www.dfo-mpo.gc.ca/aquaculture/ref/AWAR-ARAS-eng.htm

How many animals to spawn in the hatchery

A minimum of 30 males and 30 females shall be used when conducting a hatchery spawning event. These geoducks must be from a wild stock source, refreshed annually and from the same Transfer Zone. Although the sex ratio of the brood stock collection will be unknown until the first spawning, it is currently believed that the minimum brood stock collection of 100 animals will provide a suitable buffer of 40 animals to enable hatcheries to meet this requirement.

Prohibitions on import of geoduck seed from outside BC

Seed imports from Washington are not permitted due to genetic differences observed between Strait of Georgia and Washington State geoducks (Miller et al. 2006)[4]. Since the degree of genetic differentiation between BC and Alaska populations of geoducks is unknown, import of geoduck seed from Alaska is prohibited.

For details on the specific licence conditions that apply to hatcheries raising geoduck go to the following site:
http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/docs/licence-cond-permis-fresh-douce-eng.pdf

[4] Miller, K.M., Supernault, K.J., Li, S., and Withler, R.E. 2006. Population structure on two marine invertebrate species (Panopea abrupta and Strongylocentrotus franciscanus) targeted for aquaculture and enhancement in British Columbia. Journal of Shellfish Research 25(1) 33-42.

Appendix 2: Protocol for Commercial Harvest Prior to Aquaculture Licensing

Background

This appendix concerns one component of the Integrated Geoduck Management Framework: the harvest of a portion of the existing wild geoducks at geoduck tenure sites prior to issuance of aquaculture licence documents from Fisheries and Oceans Canada (DFO).

Application

This Protocol applies to sub-tidal shellfish tenure sites that are in Yellow areas, and specific cases in Red areas, as defined in the Integrated Geoduck Management Framework.

The Protocol may be modified as experience is gained in these harvests and geoduck aquaculture practices and as other relevant policies are developed.

Guiding Federal Policy

DFO policy[5] supports a final, directed commercial harvest opportunity whereby some portion of a wild shellfish species is removed from a shellfish aquaculture site, by wild fishery licence holders, prior to a DFO aquaculture licence being issued.

DFO recognizes that there may be wild stocks of the same species being cultured on an aquaculture site and that these animals may be harvested during the harvest of the cultured product. This is defined as by-catch.

DFO policy specifically addresses the allocation and management of wild species on a lease area through the following direction:

- In order to facilitate access to a new lease and reduce conflict in communities when there is significant stock of high value on a lease area, and where a number of commercial fish harvesters may be displaced, as a condition to recommending its approval of a lease site, DFO may require that a specified species be harvested from the lease prior to a DFO aquaculture licence being issued.
- Where a valuable species is resident on a potential lease area, DFO may require that some of the animals of that species be removed from the lease, prior to the issuance of a DFO aquaculture licence. It is not the intent to remove all animals in a pre-aquaculture harvest, but to allow a significant portion of the economic value of the wild species to be accrued to the public fishery.

[5] The *National Policy on Access to Wild Aquatic Resources as it Applies to Aquaculture*: http://www.dfo-mpo.gc.ca/aquaculture/ref/AWAR-ARAS-eng.htm

Protocol for Commercial Harvest of Geoduck Prior to Aquaculture Licensing

Objectives

Commercial harvest of wild geoduck on tenures prior to aquaculture licensing will:

- Permit geoduck harvesters who will be displaced by shellfish aquaculture tenures to accrue a portion of the economic value of the wild geoducks present at the site prior to allocation of the site to aquaculture;
- Support the activity of shellfish aquaculture and discourage activities to merely gain access to valuable wild geoduck stocks through tenuring of wild geoduck beds.

When and Where a Commercial Harvest Prior to Aquaculture Licensing is Considered

A harvest opportunity will be considered:

- when the sub-tidal shellfish aquaculture tenure application falls within Yellow areas, and specific cases in Red areas, as defined in the Integrated Geoduck Management Framework and;
- when the sub-tidal shellfish aquaculture licence application has received an "approval-in-principle" from DFO but prior to the issuance of an aquaculture licence.

Note: These harvests will be a one-time-only opportunity in each case.

There will be a maximum 3 months PSP free harvest opportunity in a 6 month period and a maximum harvest of 20% of the geoduck biomass on the site.

Who Will Qualify

Consistent with DFO policy, these harvest opportunities are supported by DFO where commercial geoduck harvesters may be displaced by aquaculture operations. There are 55 eligible geoduck category G or FG licence holders that will be eligible to apply for participation in a harvest.

The Department will consider the ability of an applicant to meet the conditions of licence for an on-grounds monitor, catch tracking, landing validation and reporting, and other considerations. Consideration may also be given to whether the applicant is also a holder of the aquaculture tenure for the site where the commercial harvest will take place. Concerns of unfair advantage have been raised if the G or FG licence holder also holds a tenure site for geoduck where a harvest is recommended. Accordingly, the DFO will seek to avoid awarding commercial harvest opportunities to geoduck harvesters who also hold the aquaculture tenure for the site. In these cases alternate geoduck harvesters will be considered.

Area(s) For Commercial Harvest Prior to Aquaculture Licensing

The area available for harvest will be identified in a G or FG licence authorizing the harvest. This will include a definition of the exact geographical coordinates for the tenure. Licence holders who have applied to participate in such a harvest must limit their fishing activity to the area specified in the licence conditions.

Quantities Permitted to be Harvested

Based on the estimated biomass for the area from the DFO database, the quantity to be harvested from a specific application area will be established. The amount will not exceed 20% of the estimated biomass. This quantity will be divided between the successful applicants for the harvest. The quantity permitted to be harvested will be in addition to the annual Total Allowable Catch (TAC) identified for the fishery in the Integrated Fisheries Management Plan.

A distinct licence will be issued for this particular harvest and the associated licence fee will be charged for the specific quantity of geoduck authorized to be harvested. The fee will be based on the formula outlined in the *Pacific Fishery Regulations*, 1993 for geoduck and horse clams.

Application Process for Participation

All geoduck and horse clam licence holders will have the opportunity to apply to harvest in the tenure application area(s) identified for a commercial harvest. Interested licence holders must submit a request in writing to the Pacific Fishery Licence Unit for a G or FG licence to be issued. Applicants participating in the harvest must meet all conditions of licence identified in their licence. Whether any particular Harvest Plan will be approved and a licence issued will be decided on a case by case basis by DFO.

Responsibilities

It is the responsibility of the applicant to:

- apply for a licence;
- develop a harvest plan and submit it to DFO for approval;
- pay the licence fees associated with the licence;
- ensure the harvest area is in approved shellfish growing waters and is open to harvest;
- conduct the harvest within the area identified in their licence conditions;
- cover the costs associated with any additional biotoxin monitoring, the provision of observers, and on-grounds monitor;
- cover costs associated with harvest log/landing, catch validation and data requirements

It is the responsibility of DFO Resource Management, in consultation with FLNRO to:

- announce, through Fishery Notice, the opportunity for a commercial harvest prior to aquaculture licensing
- approve the harvest plan for the site;
- confirm a harvest amount (TAC) to be shared among successful applicants;
- issue a licence and collect the associated fees;
- ensure the area is opened to harvest by Variation Order

Residual Wild Geoducks on an Aquaculture Tenure

Residual geoduck that remain on the tenure at the completion of the commercial harvest will become accessible to the aquaculturalist, subject to the conditions of the aquaculture licence, for use as by-catch along with the harvest of cultured geoduck.

Requirements for Commercial Harvest in Advance of Aquaculture Licensing

Seasonal Considerations

Commercial harvest activities prior to aquaculture licensing will generally take place between March and September, during the period when geoducks are most likely to "show". These harvests will occur after a shellfish aquaculture application has received "approval-in-principal" but prior to the issuance of an aquaculture licence. The harvest will be permitted within the period as identified in the DFO-approved Harvest Plan. Harvest may only occur after the commercial harvest licence has been issued for that purpose and if the site is open for harvest as confirmed through the Canadian Shellfish Sanitation Program.

Vessel and Crew Requirements

All harvesting will be completed using licensed geoduck commercial fishing vessels. All vessels will operate following the latest WorkSafe B.C. regulations and must be equipped with GPS capability and charting software.

Harvest Procedures

The harvest will be conducted under the authority of a valid Category G or FG Licence, with specific licence conditions. A distinct licence will be required, along with payment of the appropriate licence fees. The TAC will be shared equally among successful applicants. The geoducks harvested will be attributed to the vessel's Individual Vessel Quota that has been issued for the purpose of this harvest.

Harvesters shall use the coordinates provided in their licence conditions to identify the area to be harvested. Using GPS tracking, harvesters shall ensure that the harvest is confined to the area within the polygon described by the provided coordinates. Any harvest outside of this area will be a violation of the licence.

A chain of custody process will be supported by following notification and landing validation procedures as they are currently in place for the commercial geoduck fishery. Any additional monitoring, notification or validation costs are the responsibility of the harvester. Harvesting will be conducted and completed in accordance with the approved harvest plan.

On-Grounds Monitor (OGM) Requirements

A third-party on-grounds monitor (OGM), paid for by the harvester(s), will be required on the site for all harvest activities to ensure that harvest vessels are accurately located and fishing within the prescribed area; to coordinate catch reporting; and to complete bed information survey forms. The OGM may work with multiple vessels at a single site.

Harvest Records and Reporting

Detailed validation / Harvest logs will be completed as per the commercial fishery requirements. "Pre-seed harvest" will be noted on each completed validation/log sheet, and keyed in the electronic data in the "Source" field as the value "P" for pre-seed harvest fishery records.

Appendix 3: Harmonized Process for the Shellfish and Finfish Aquaculture Sectors

Background

Canada and British Columbia are committed to work collaboratively to manage and regulate the aquaculture sector in the most effective, efficient and transparent manner possible.

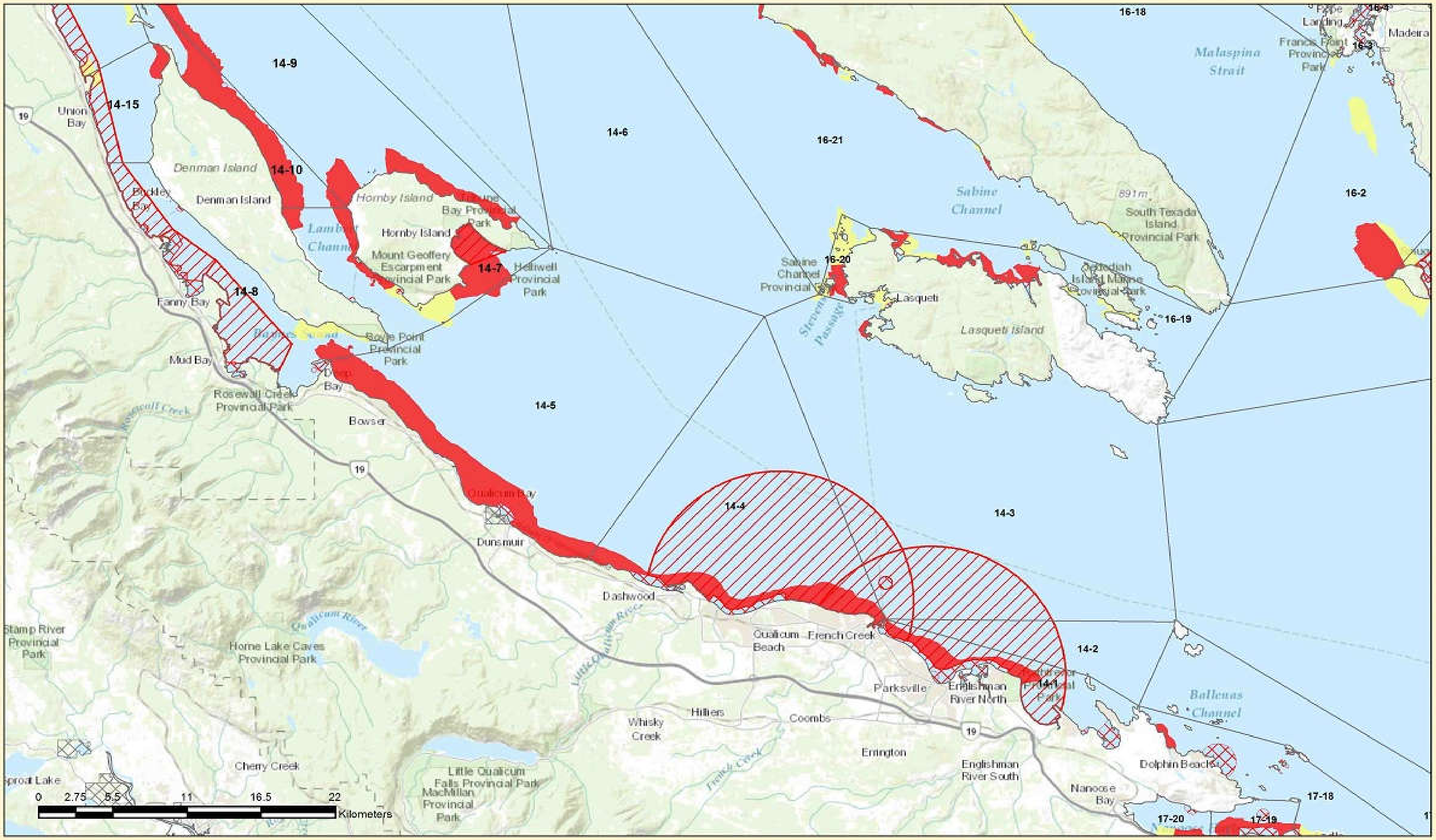
Fisheries and Oceans Canada (DFO) is responsible for regulating, monitoring and licensing of finfish and shellfish aquaculture operations in British Columbia.

Transport Canada (TC) is responsible for minimizing the impact of works on navigable waterways.

The Ministry of Forests, Lands and Natural Resource Operations (FLNRO) is responsible for authorizing the occupation of provincial Crown land associated with aquaculture.

To simplify the approval process for the aquaculture sector, Canada and British Columbia work together in a harmonized approach to review aquaculture applications. All application information is collected on a harmonized application form.

Front Counter BC (FCBC) is the single point of contact for receiving all aquaculture applications.

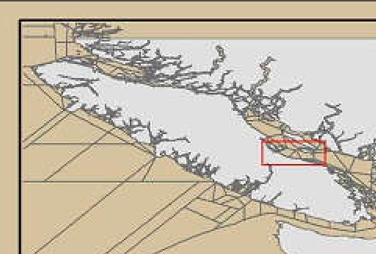


Fisheries and Oceans Canada

Integrated Geoduck Management Framework Map
Pacific Fisheries Management Area 14 South

Legend
- Conditional Closure
- Closed
- Indian Reserve

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html for the most up to date information.



Map Legend

The maps in this section are provided as a general guide to individuals who are developing their applications for shellfish aquaculture. The maps do not identify substrate types or the various land use activities that may affect the review of shellfish aquaculture applications.

NOTE 1: These maps are for information purposes only. They do not represent any land use zoning designation.

NOTE 2: All applications will be subject to a detailed review regardless of what area they fall into.

Scope of Coloured Areas

The yellow and red areas illustrated on the maps encompass sub-tidal zones to the 30 metre depth contour where wild geoduck fisheries and aquaculture activities generally occur. In areas where the depth information is limited, the yellow and red areas are characterized by straight lines and may encompass depths greater than 30 metres.

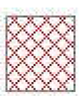
Colour Coding

Red Areas	Generally not available for shellfish aquaculture applications.
Yellow Areas	Generally available for shellfish aquaculture applications. Certain limitations apply.
Other Areas	Generally available for shellfish aquaculture applications.

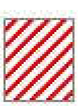
Please refer to Section 6 of the Integrated Geoduck Management Framework (geoduck-panope-igmf-cgip-2017-eng.html#6) for details of the colour coding.

Closed under the Canadian Shellfish Sanitation Program

The size and location of these sanitary closed areas may change during the year. These maps will be updated, as necessary, to represent the current sanitary closure information. These maps do not detail any closures in place due to biotoxin contamination (e.g. red tide). Please check the Pacific Region shellfish contamination website (/fm-gp/contamination/biotox/index-eng.html) current details on all shellfish contamination closures



Cross-hatched areas on the maps identify areas that are closed to bivalve shellfish harvest.



Striped areas on the maps identify conditionally closed areas that may be open or closed for bivalve shellfish harvest at certain times of the year, depending on conditions.

Islands Trust

MEMORANDUM

File No.: 3030-01 (LTC General)

DATE OF MEETING: May 2, 2017

TO: Denman Island Local Trust Committee

FROM: Ann Kjerulf, Regional Planning Manager
Northern Team

SUBJECT: 2016/17 Islands Trust Annual Report

RECOMMENDATION

1. **That the Denman Island Local Trust Committee endorse the annual report submission as follows: <annual report text>.**

PURPOSE

In preparation for the 2016 Islands Trust Annual Report, each Local Trust Committee (LTC) is asked to review and endorse draft text for inclusion in the report. The Annual Report is a status report on the period April 1, 2016 – March 31, 2017 describing how Islands Trust Council and committees further the Strategic Plan and implement the Islands Trust Policy Statement.

Each LTC is requested to formally endorse the annual report submission by resolution. Please review the following draft text and indicate any changes or additions for the 2016/17 Annual Report.

Draft Annual Report Text

In 2016-2017, the Denman Island Local Trust Committee held eight regular business meetings and two special meetings. The Committee considered a variety of planning applications including a rezoning proposal where additional density was granted by the LTC in exchange for the contribution of ecologically-significant land to the Valens Brook Nature Reserve. The Committee continued to work on the Top Priorities of the preceding year, which included Denman Island Farm Plan implementation, marine issues and foreshore protection, and First Nations relationship building.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 23, 2017

Office of the Chair

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca

Comox Valley
REGIONAL DISTRICT

File: 6130-20

March 31, 2017

Sent via email only: smorrison@islandstrust.bc.ca

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

Attention: Susan Morrison, Chair, Denman Island Local Trust Committee

Dear Chair:

Re: Request to include the BC Ferries Denman West Terminal to Denman Village Route in the Denman Cross-Island Trail Plan

Thank you for your correspondence regarding the Denman Cross-Island Trail. We appreciate the feedback as it helps us better understand priorities on the island for the successful long term planning and management of parks and trails.

The Comox Valley Regional District (CVRD) is facilitating the development of the cross-island trail as outlined in the Denman Island Parks and Greenways Masterplan. The trail is intended to connect to both ferry terminals. The trail has a few challenging sections including the hill between the west Denman Island Ferry and the village. One of the challenges is the jurisdiction for the road network is the responsibility of the provincial government under the Ministry of Transportation and Infrastructure (MOTI). Since 2013 the CVRD has corresponded with MOTI about the hill and at this point the MOTI road standards do not allow the flexibility to operate a CVRD maintained trail in the right of way. The CVRD's current priority for the trail is connecting Swan Road to Corrigal Road and we hope to begin construction within the year.

In 2014 the CVRD also made suggestions to BC ferries outlining future pedestrian connections to a pathway up the hill as part of the cable ferry project. Only one of the suggestions was partially implemented.

We plan on continuing to implement the Denman cross-island trail section by section as funding, trail standards and partnerships allow.

Sincerely,

Bruce Jolliffe
Chair

cc: Ian Smith, General Manager of Community Services, CVRD
Ministry of Transportation and Infrastructure
Laura Busheikin, Denman Island Trustee
David Critchley, Denman Island Trustee
Marnie Eggen, Island Planner

Islands Trust

STAFF REPORT

File No.: DE-DVP-2017.1 (Hansen)

DATE OF MEETING: May 2, 2017

TO: Denman Island Local Trust Committee

FROM: Linda Prowse, Planner 1
Northern Team

SUBJECT: **Development Variance Permit Application DE-DVP-2017.1 for lot width/depth ratio variance**

Applicant: Mike Hansen (for Thorne and Lucille Forrest)

Location: 5465 Lacon Road (Lot 6, Plan 6404, Section 5, Denman Island, Nanaimo District, PID: 005-850-011)

RECOMMENDATION

1. **That the Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DP-2017.1 to vary the required subdivision lot width to depth ratio in the Denman Island Land use Bylaw from 1:3 to 1:4.8 for proposed Lot A and from 1:3 to 1:3.3 for the proposed remainder lot.**

REPORT SUMMARY

The applicant seeks relief from the subdivision lot width to depth ratio requirement of the Denman Island Land Use Bylaw in order to subdivide an existing lot located at 5465 Lacon Road into two new lots. A Development Variance Permit is required to be issued by the Local Trust Committee (LTC) in order to allow the subdivision to proceed through the Provincial subdivision approval process.

BACKGROUND

The existing 3.07 hectare subject property is a hooked lot, split by Lacon Road as shown in Figure 1 below.

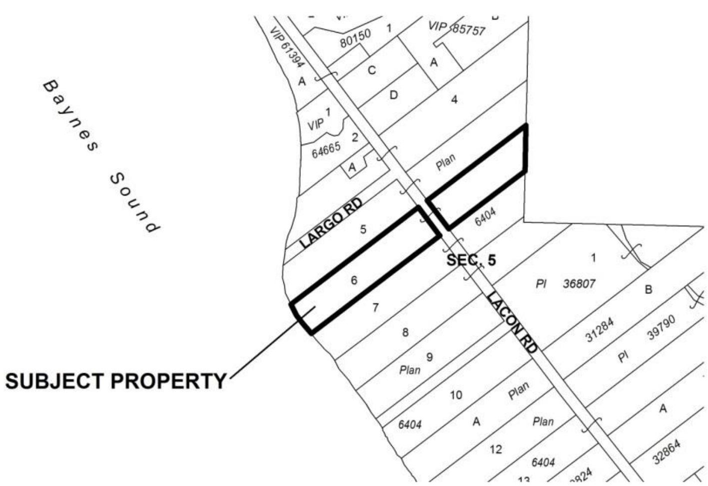


Figure 1: Subject Property

Notably, several of the existing lots in the vicinity of the subject property are hooked lots which would be non-conforming with respect to the Denman Island Land Use Bylaw lot width to depth ratio requirement of 1:3 (width to depth).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

This proposal is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

The subject property is located in the Residential land use designation under Denman Island Official Community Plan No. 185, 2009. Relevant policies include:

HOUSING – POLICIES (Subdivision)

- ***Policy 1*** *– In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare. In areas where the subdivision potential of the existing parcel may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size in the zoning regulations.*
- ***Policy 6*** *– When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.*

The proposal is in compliance with the Official Community Plan.

Land Use Bylaw:

The subject property is zoned R1 – Residential - under Denman Island Land Use Bylaw No. 186, 2008. The proposed subdivision complies with this minimum lot size of 1.0 hectares with proposed Lot A and the remainder lot each proposed to be greater than 1.0 hectare in area.

However, the LUB contains a lot width to depth subdivision regulation (2.8.6):

> *"For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines…"*

The width to depth ratio is a planning tool applied to prevent impractical lot configurations. Currently, the parent parcel width to depth ratio is approximately 1:7 and is legally non-conforming. The variance, if granted, would support a subdivision to create two new lots with a more conforming width to depth ratio of 1:4.8 for Lot A and 1:3.3 for the remainder lot, as shown on the proposed plan of subdivision (Figure 2) as follows:

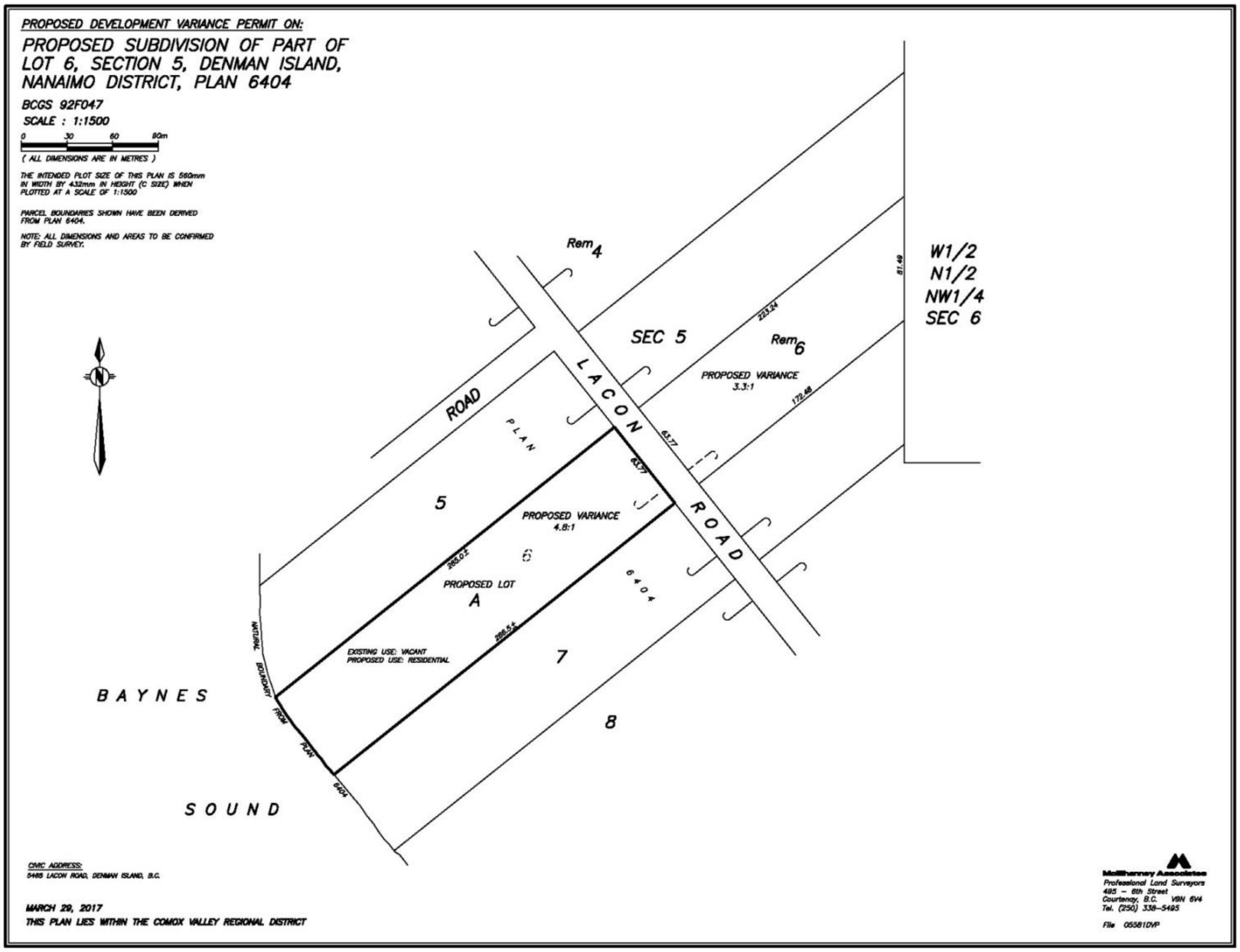


Figure 2: Proposed Plan of Subdivision

Consultation

Statutory notification, pursuant to the *Local Government Act* and Islands Trust policies and bylaws, will take place from April 20, 2017 to May 1, 2017. The proposed permit and the notice are attached as Appendices 2 and 3 to this report. Correspondence received on this application will be forwarded to the Local Trust Committee. As of the writing of this report, two letters of support from neighbours have been received.

Staff advises that a site visit for this application was not conducted.

Rationale for Recommendation

Although the width to depth ratio requirement in the land use bylaw would not be satisfied, the proposed subdivision would reduce the existing lot width to depth ratio non-conformity. No adverse planning issues are anticipated as a result of approval of this variance, and immediate neighbours have expressed support for the subdivision. As such, staff recommends the issuance of the development variance permit as noted in the recommendations listed on page 1 of the staff report.

NEXT STEPS

Subject to LTC approval of the variance, the subdivision process may proceed under the authority of the Provincial Approving Officer.

Submitted By:	Linda Prowse, Planner 1	March 28, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 17, 2017

ATTACHMENTS:

1. Appendix 1 – Site Context
2. Appendix 2 – Development Variance Permit
3. Appendix 3 – Development Variance Permit Notice

APPENDIX # 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 6, Section 5, Denman Island, Nanaimo District, Plan 6404
PID	005-850-011
Civic Address	5465 Lacon Road, Denman Island, BC

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

POLICY/REGULATORY

Official Community Plan Designations	R – Residential
Land Use Bylaw	R1 – Residential
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	No bylaw enforcement files.

SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Strategy	N/A
Species at Risk	None identified
Sensitive Ecosystems	The subject property is within the Mature Forest Sensitive Ecosystem Mapped area.
Hazard Areas	None identified
Archaeological Sites	According to the Provincial Remote Access to Archaeology Data (RADD), there is an archaeological site within 38 metres of this property. During the subdivision referral process, the applicant was advised to contact the BC Archaeology Branch.
Climate Change Adaptation and Mitigation	There is no risk of impact to the development due to sea level rise should this development permit be issues. There are no anticipated impacts on greenhouse gas emissions that would result in issuing this development permit.

Islands Trust	DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT DE-DVP-2017.1 (FORREST)

TO: Thorne and Lucille Forrest

1. This Development Variance Permit applies to the land described below:

   PID 005-850-011
   Lot 6, Section 5, Denman Island, Nanaimo District, Plan 6404

2. Pursuant to Section 498 of the *Local Government Act*, the *Denman Land Use Bylaw No. 186, 2008*, Schedule A, Part **2 GENERAL REGULATIONS**, Section **2.8 Subdivision Regulations**, Subsection 2.8.6 Lot Configuration Regulations is varied to read:

   "For any lot created by subdivision, the average width measured between side lot lines and the average depth measured between front and rear lot lines is 4.8:1 for proposed Lot A and 3.3:1 for the proposed Remainder of Lot 6 as shown on Schedule "A" which is attached to and forms part of this permit."

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the Denman Island Land Use Bylaw No. 186, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS __ DAY OF ______, 2017.

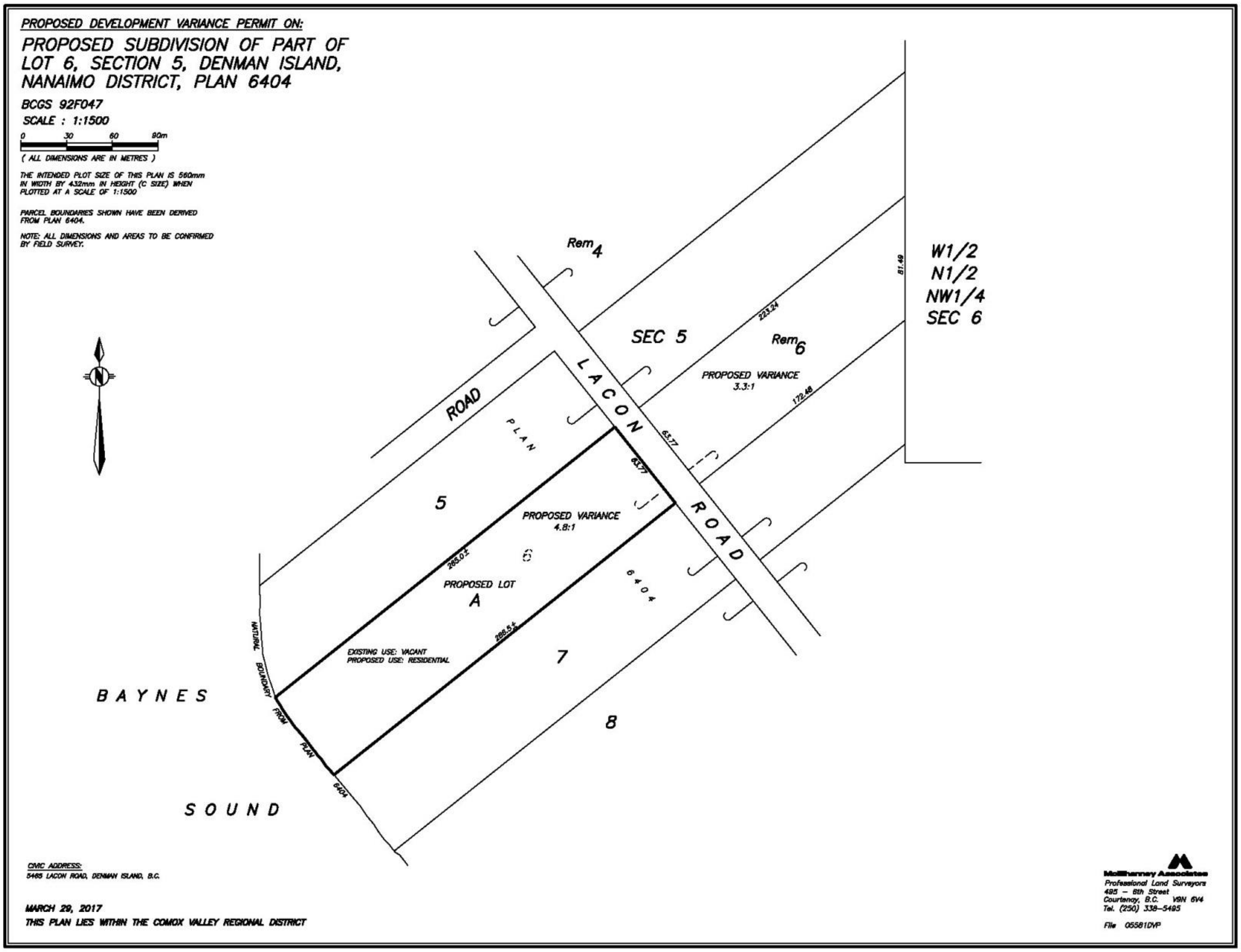
____
Deputy Secretary, Islands Trust

____
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE __TH DAY OF _______ 2019, THIS PERMIT AUTOMATICALLY LAPSES.

DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-DVP-2017.1 (HANSEN)

Schedule "A" – Site Plan



APPENDIX 3

Islands Trust

NOTICE
DE-DVP-2017.1 (Hansen)
DENMAN ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Denman Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsection 2.8.6 Lot Configuration Regulations of the Denman Island Local Trust Committee Land Use Bylaw No. 186, 2008:

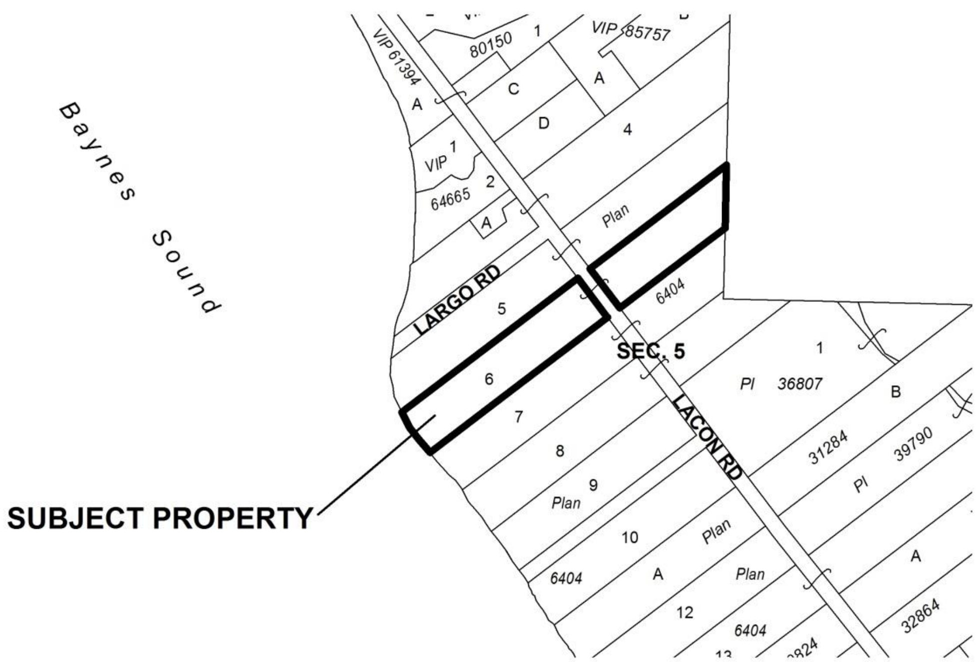
The minimum width to depth ratio of 1:3 will be varied to permit a two lot subdivision with a proposed width to depth ratio of 4.8:1 for proposed Lot A and 3.3:1 for the proposed remainder of lot 6.

The property is legally described as:

PID 005-850-011: Lot 6, Section 5, Denman Island, Nanaimo District, Plan 6404

The property has a street address being 5465 Lacon Road, Denman Island, BC

The general location of the subject area is shown in the following sketch:



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing April 20, 2017 and continuing up to and including May 1, 2017 at 4pm. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed Permit, please contact Ann Kjerulf, Regional Planning Manager, at 250-247-2063; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:
Mail: Islands Trust
700 North Road
Gabriola Island, BC
V0R 1X3
Fax: 250-247-7514
Email: akjerulf@islandstrust.bc.ca

Following the end of the notice period, the Denman Island Local Trust Committee may consider issuance of the proposed Permit at its Regular Business Meeting to be held at 9:30 am, Tuesday, May 2, 2017 at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Becky McErlean
Deputy Secretary

DENMAN ISLAND TRUST COMMITTEE

BYLAW NO. 224

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE DENMAN ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The Denman Island Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Denman Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Establishment

a) The Denman Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve concurrent two year terms.

b) At least two thirds of APC members must be residents of the Local Trust Area.

c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.

d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson, and a Secretary, during the first meeting after their appointment.

b) The Chairperson will:

   i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;

   ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;

   iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.

   iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;

   v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.

c) The Deputy Chairperson will:

   i) Undertake the duties listed in 3b) above, in the Chairperson's absence.

d) The Secretary will:

   i) Assist the Chairperson, as needed, to arrange meetings;

   ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;

   iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;

   iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.

b) A meeting on any particular referral must be held not more than 40 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.

c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

a) An employee of the Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.

b) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.

c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five (5) calendar days prior to the meeting.

d) The Secretary must ensure the Local Trustees and the employee of the Islands Trust noted in 5a) are notified of each meeting at least five (5) calendar days prior to the day of the meeting.

e) The Secretary must post a notice of the date, time, and place of any regular APC meeting at least five (5) calendar days prior to the meeting on a bulletin board on Gabriola Island that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.

b) A quorum is the lessor of three members or 50 % of those appointed.

c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.

d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

e) If an applicant or agent fails to appear, despite being duly notified, deliberations and recommendations may be made in the applicant's absence.

f) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting, the comment on the matters before the Commission.

g) The APC must not receive development proposals or other applications directly from applicants.

h) The APC must not consult directly with other government agencies or organizations.

i) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

a) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

b) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.

c) All APC recommendations and meeting minutes must be forwarded by the Secretary to the Local Trust Committee and to the Islands Trust Office, within seven (7) days of an APC meeting.

8. Transition

a) "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012", is repealed.

9. Citation

a) This Bylaw may be cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017".

READ A FIRST TIME THIS	7TH	DAY OF	MARCH	, 2017
READ A SECOND TIME THIS	7TH	DAY OF	MARCH	, 2017
READ A THIRD TIME THIS	7TH	DAY OF	MARCH	, 2017

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

	5TH	DAY OF	APRIL	, 2017
ADOPTED THIS		DAY OF		, 201X

SECRETARY

CHAIRPERSON

Islands Trust

MEMORANDUM

File No.: Bylaw Nos. 222 & 223

DATE OF MEETING: May 2, 2017

TO: Denman Island Local Trust Committee

FROM: Teresa Rittemann, Planner 2
Northern Office

SUBJECT: Denman Island OCP and LUB Housekeeping Bylaw Nos. 222 and 223

PURPOSE

The purpose of this memorandum is to update the Denman Island Local Trust Committee (LTC) on proposed Official Community Plan (OCP) Amendment Bylaw No. 222, which would amend mapping for Development Permit Area No. 4 – Streams, Lakes and Wetlands in the Denman Island OCP, and proposed Land Use Bylaw (LUB) Amendment Bylaw No. 223, which would amend definitions and regulations pertaining to Agriculture and Intensive Agriculture.

DISCUSSION

The LTC previously gave first reading to Bylaw Nos. 222 and 223 on November 16, 2016, with direction to revise Bylaw No. 223, and also passed resolutions to refer the bylaws to agencies and First Nations, and schedule a public hearing. At the regular LTC business meeting on January 31, 2017, Staff presented a follow-up report and recommended second reading of Bylaw Nos. 222 and 223. The LTC elected to refer Bylaw No. 223 back to staff for further work. Revisions are expected to be available for LTC review at the upcoming meeting in June.

The following table provides the status of referrals and comments on Bylaw Nos. 222 and 223:

Agency/ First Nation	Date of Referral	Response Deadline	Date of Response	Comment Summary
Ministry of Community, Sport, and Cultural Development	Dec. 12, 2016	Jan. 16, 2017	*None received by deadline*	n/a
Ministry of Forests, Lands, and Natural Resource Operations (Ecosystems Branch)	Dec. 12, 2016	Jan. 16, 2017	Dec. 19, 2016	Interests unaffected by proposed Bylaw Nos. 222 and 223
Agricultural Land Commission (ALC)	Dec. 8, 2016	Jan. 16, 2017	*None received by deadline*	n/a
School District No. 71	Dec. 8, 2016	Jan. 16, 2017	*None received by deadline*	*n/a*
K'ómoks First Nation	Jan. 4, 2017	Mar. 3, 2017	*See comments.*	Mar. 7, 2017: IT Staff (Ann Kjerulf, Fiona MacRaild & Teresa Rittemann) met with Cory Frank from K'ómoks First Nation; Cory Frank expressed no concerns for the proposed bylaws.

NEXT STEPS

Staff note that while Bylaw Nos. 222 and 223 have been presented to the LTC as a package of "housekeeping" amendments, the bylaws are completely unrelated and independent of each other, and as such, they may proceed independently. Given that the referral period has concluded without any agency or First Nations input, Staff recommend that the LTC proceed with the statutory process for Bylaw No. 222.

Unless directed otherwise, Staff will schedule a public hearing to coincide with the next LTC regular business meeting (Tuesday, June 6, 2017). After Public Hearing, the LTC may give Bylaw No. 222 second and third reading, and forward the bylaw to the Executive Committee and Ministry of Community, Sport, and Cultural Development for approval, prior to LTC consideration of adoption. Staff note that in light of the provincial election on May 9, the Ministry of Community, Sport, and Cultural Development has notified the Islands Trust that Ministerial review and approval of OCP amending bylaws is likely to be delayed until the fall.

Submitted By:	Teresa Rittemann Planner 2	April 12, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 17, 2017

Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Relationship building with Komoks First Nation	Plan for a Community to Community (C2C) Forum		Marnie Eggen Mike Richards Ann Kjerulf	
2	Denman Island Farm Plan Implementation	Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods. Refer to Advisory Planning Commission and Growers & Producers Alliance		Ann Kjerulf	
3	Marine Issues	Jan. 31/17 - Staff to prepared revised bylaw 207 (to restrict driving on the foreshore) and report on status and options for dock regulations	03-Mar-2015	Ann Kjerulf	
4	OCP and LUB Housekeeping Amendments	Corrections to DP4 and intensive agriculture definition;	15-Nov-2016	Teresa Rittemann	07-Mar-2017

Projects

Denman Island

Description	Activity	R/Initiated
Protected Area Network	Undertake planning for a Protected Area Network on Denman Island	15-Mar-2011
Alternative Energy	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.	15-Aug-2011
Dwelling Floor Area Regulation	Consider regulations to limit the gross floor area of a dwelling	25-Oct-2011
GHG Reduction	Consider regulations to promote greenhouse gas emissions reduction.	25-Oct-2011
Development Procedures Review	Review and update Development Procedure Bylaw No. 71	11-Dec-2012
Rural Affordable Housing	Consider DCLTA Rural Affordable Housing Project Final Report (June 20, 2013) recommendations	22-Oct-2013
Medical Marihuana	Review of LUB in consideration of the new Federal Marihuana for Medical Purposes Regulation (Staff Report dated April 28, 2014)	15-Jul-2014
Alternative Dispute Resolution	To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee	26-May-2015
Denman Village Plan	Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; and addressing of water and septic concerns.	26-May-2015
Secondary Suites Review	Review policies and regulations with respect to secondary suites and cottages	12-Jan-2016
Affordable, attainable and seniors housing	Review regulatory mechanisms for supporting affordable, attainable and seniors housing	19-Apr-2016

Denman Island

Description	Activity	R/Initiated
Travel trailers	LUB amendments and enforcement policies regarding the use of travel trailers	07-Mar-2017
Occasional use of accessory buildings	Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there	07-Mar-2017

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2015.1	Denman Community Land Trust Association	17-Dec-2015	PID: 009-708-537 Severn - 3730 Denman Road Exclusion of 1.6ha in the ALR

Planner: Rob Milne

Planning Status

Status Date: 24-Jul-2016
Pending decision from ALC.

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella	21-Mar-2011	For barn sited within DP #1: Komas Bluff

Planner: Teresa Rittemann

Planning Status

Status Date: 18-Apr-2017
Waiting for applicant to take next steps working with Bylaw Enforcement team.

Status Date: 29-Jul-2013
File passed on to Bylaw enforcement

Status Date: 05-Oct-2012
Letter sent to applicant re: further info required

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella	13-May-2011	Barn on property line

Planner: Teresa Rittemann

Planning Status

Status Date: 18-Apr-2017

Waiting for applicant to take next steps working with Bylaw Enforcement team.

Status Date: 29-Jul-2013

no change; file passed on to bylaw enforcement

Status Date: 09-Nov-2012

BCLS survey confirms barn sited on lot line; Applicant intends to apply for lot line adjustment

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2016.1	Citizen Design Build Inc.	21-Mar-2016	variance to setbacks from Streams, Lakes and Wetlands\n40m from Graham Lake to buildings and structures and sewage disposal field\n15m from stream to sewage disposal field\n

Planner: Teresa Rittemann

Planning Status

Status Date: 08-Feb-2017

Cost recovery agreement in place. Commencing work with legal counsel.

Status Date: 20-Sep-2016

DVP approved, conditional on registering covenant.

Status Date: 04-May-2016

Planner reviewing

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2017.1	McElhanney Consulting Services	20-Mar-2017	PID: 005-850-011 Proposed development for personal use. Civic address: 5465 Lacon Road, Denman Island, BC.

Planner: Linda Prowse

Planning Status

Status Date:

Rezoning

File Number	Applicant Name	Date Received	Purpose

DE-RZ-2015.1	Neilsen, Henning	12-Jan-1900	To change Land Use Designation of a portion of the subject property from Residential to Conservation/recreation and that portion to be transferred to Islands Trust Fund - remainder to be used for residential

Planner: Teresa Rittemann

Planning Status

Status Date: 18-Apr-2017

Planner working with applicant to have the covenant registered.

Status Date: 16-Mar-2017

March 16/17 File reopened and assigned to Teresa Rittemann to address the required covenant.

Status Date: 14-Feb-2017

File closed Bylaws 219 and 220 adopted

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD \n\nOne 26 foot high barn.

Planner: Teresa Rittemann

Planning Status

Status Date: 18-Apr-2017

No change in status.

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

New info submitted by applicant indicates bld sited on lot line; options provided to applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2014.10	Stoneman, Daniel & Debra	29-Sep-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed

Planner: Rob Milne

Planning Status

Status Date: 03-Nov-2014

On hold pending confirmation of compliance with condtions of approval for DE-DP-2014.2

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.3	Citizen Design Build Inc.	21-Mar-2016	1 proposed Single Family Dwelling to replace existing\n1 Home office\n1 Workshop to replace existing shed\n1 Temporary Use Secondary Dwelling (Guest House)

Planner: Teresa Rittemann

Planning Status

Status Date: 04-May-2016

On hold until LTC consideration of DVP and TUP applications

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2017.3	Hurlburt, Cheryl	03-Apr-2017	PID: 024-825-212 Building personal dwelling. Civic: 5251 Creekside Road, Denman Island, BC.

Planner: Madeleine Koch

Planning Status

Status Date:

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise	24-Dec-2014	2201 Tristone Road\nS.946 (2 lot subdivision)

Planner: Teresa Rittemann

Planning Status

Status Date: 18-Apr-2017

No change in status

Status Date: 15-Mar-2016

Associated DP application was approved at the regular LTC meeting. Planner waiting for updated site plan from applicant before revising referral report to MOTI

Status Date: 06-Jan-2016

Applicant has submitted a DP application. Staff conducted site visit on 5-Jan. Staff Report to be written and aim to appear on 15-Mar LTC agenda.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application

Planner: Teresa Rittemann

Planning Status

Status Date: 18-Apr-2017

No change in status.

Status Date: 22-Mar-2016

MOTI sent PLNA.

Status Date: 10-Feb-2016

Referral report emailed to MOTI - does not meet IT bylaws for minimum parcel size, width to length ratio, 10 percent road frontage, or parkland dedication. IT does not recommend approval. Copied to LTC and applicant.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.2	Mason, Peter	28-Nov-2016	PIDs: 025-692-712 and 025-692-704. McFarlane Road, Denman Island. Lot line adjustment.

Planner: Linda Prowse

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.1	McElhanney Associates & Land Surveying	09-Jan-2017	PID: 005-850-011 Subdivide property into two lots for residential purposes. 5465 Lacon Road, Denman Island.

Planner: Linda Prowse

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.2	PANDESIGN INC	08-Mar-2017	PID: 028-605-691. Two lot subdivision. Civic address: 2100 Crescent Road, Denman Island, BC.

Planner: Teresa Rittemann

Planning Status

Status Date: 05-Apr-2017

Planner completed review and sent referral report to MOTI with conditions of PLA including confirmation of registration of covenant for related rezoning file DE-RZ-2015.1

Status Date: 08-Mar-2017

Application received and assigned to Planner TR.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
DE-TUP-2017.1	NADINE GOURKOW	28-Mar-2017	PID:024-355-992 Temporary Use Permit to grow medicinal plants in a controlled environment for the purpose of veterinary medication research. Civic: 9000 Rayelyn Lane, Denman Island, BC.

Planner: Teresa Rittemann

Planning Status

Status Date: 03-Apr-2017

Planner reviewed but determined that a TUP was not required. Gave to Planning Team Assistant to issue a refund and close the file.

Islands Trust

LTC EXP SUMMARY REPORT F2017

Invoices posted to Month ending February 2017

615 Denman	Invoices posted to Month ending February 2017	Budget	Spent	Balance
65000-615	LTC "Trustee Expenses"	750.00	777.69	-27.69
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	2,969.22	1,530.78
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	850.72	-250.72
65220-615	LTC - Local Exp - Communications	500.00	63.02	436.98
65230-615	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		6,100.00	3,882.96	2,217.04
Projects				
73001-615-4011	Denman Agriculture Plan	6,500.00	0.00	6,500.00
73001-615-4062	Denman First Nations Relations	1,500.00	0.00	1,500.00
TOTAL Project Expenses		8,000.00	0.00	8,000.00

Trust Fund Board Report
to Local Trust Committees
and Bowen Island Municipality
April 2017

100 Protected Places

The protection of Moore Hill on Thetis Island marks a milestone of 100 protected places for the Islands Trust Fund. We hope you take a moment to reflect on your part in this achievement, as every single protected place is truly a result of collaboration, cooperation and partnership.

Property Management Strategy approved

The Trust Fund Board has approved a Property Management Strategy which will guide the management of Islands Trust Fund nature reserves and covenants. The strategy provides a framework for informed decision-making to ensure that the ecological integrity of protected areas is maintained or enhanced while making the most effective and efficient use of resources. There will soon be a page on our website providing information on this strategy.

Regional Conservation Plan consultation

Look out for the trustee survey on the Regional Conservation Plan coming your way in early May. Input from trustees will be really valuable and will help make our session at the Trust Council meeting in June more productive. In the fall, Islands Trust Fund staff will attend local trust committee meetings to discuss conservation planning for each local trust area with you. ITF is also hosting workshops for our conservation partners and First Nations in Nanaimo on May 1st and in Sidney on May 4th.

Financial Planning Committee appointment: Robin Williams

The Trust Fund Board has appointed member Robin Williams to serve as our representative on the Financial Planning Committee. We are grateful for Robin's interest.

Property Monitoring

Visits to monitor Islands Trust Fund properties and covenants will be taking place from April to July. Our monitoring is carried out by a contractor who has worked with the Islands Trust Fund for many years.

<u>Summary of Current Island-by-Island Activities</u>

Bowen
Bowen Island Conservancy has restored an area of the David Otter Nature Reserve, planting and caging cedar trees. The group has also been working with consultants to determine the site and design of a proposed viewing platform at Fairy Fen Nature Reserve.

Gabriola
A $10,000 grant from TD Friends of the Environment has been received towards the cost of a wooden boardwalk around the iconic large western redcedar at the Elder Cedar Nature Reserve. The raised boardwalk will allow people to get close to the majestic giant, but lessen the impact on the root zone of the tree.

Galiano
Following a presentation by the Chair of the Crystal Mountain Society Rezoning Committee with respect

to the possibility of the Society donating land to the Trust Fund Board as a nature reserve, TFB reconfirmed its agreement to hold a covenant on approximately 18 hectares of the lands owned by Crystal Mountain Society and indicated a willingness to consider a Conservation Proposal with respect to transferring of some or all of the land to the Board.

A successful restoration project was carried out at the Trincomali Nature Sanctuary involving new planting and weeding of last year's planting. Thanks to the volunteers involved!

Gambier
Restoration work at the Long Bay Wetlands Nature Reserve was successfully carried out involving volunteers from Gambier Island Conservancy and Camp Suzuki.

Keats
Islands Trust Fund has indicated support for provisions in proposed Bylaws 143 and 144 that pertain to dedicating an area as a nature reserve. If the bylaws are approved, ITF will continue to work with the owners to secure the transfer of land.

Lasqueti
TFB has approved a revised management plan for the Kwel Nature Reserve. The plan will be posted to our website soon.

Mayne
TFB has approved an Opportunity Fund grant of $5,000 towards the costs of an ecological assessment and legal fees in conjunction with Mayne Island Conservancy Society's project to acquire and conserve a property at St John Point.

North Pender
An arborist limbed a danger tree that fell over the trail at Medicine Beach Nature Sanctuary.

Salt Spring
A representative of Salt Spring Trail and Nature Club presented a proposal to Trust Fund Board members requesting the Islands Trust Fund consider releasing or amending the covenant on Lot 31, Salt Spring Island, to allow BC Parks to acquire the land as an expansion of Mount Erskine Provincial Park. Board members identified a number of issues that would have to be addressed once a formal proposal is received, including the board's over-riding responsibility to maintain ecological protection, limited staff, time and financial resources and possible legal issues.

A conservation covenant, co-held with the Salt Spring Island Conservancy, has been registered on Isabella Point. The covenant protects 2.15 hectares of forest, woodland and rocky bluffs along the shoreline.

Thetis
A covenant held by the Cowichan Community Land Trust Society is now registered on the property recently acquired on Moore Hill. Management planning will begin in the next few months.

The campaign to protect Fairyslipper Forest is in its last few months, and the push is on to raise the funds required.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca