



Executive Committee Agenda

Date: Monday, March 8, 2021

Time: 9:00 am

Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1. Introduction of New Items	
2.2. Approval of Agenda	
2.2.1. Agenda Context Notes	4 - 4
3. ADOPTION OF MINUTES	
3.1. February 24, 2021 draft minutes	5 - 17
3.2. Resolutions Without Meeting Report	18 - 19
4. FOLLOW UP ACTION LIST AND UPDATES	
4.1. Follow Up Action List/Director/CAO Updates	20 - 25
4.2. Local Trust Committee Chair Updates	
4.3. Islands Trust Conservancy Liaison Update	
5. BYLAWS FOR APPROVAL CONSIDERATION	
5.1. Gambier Island Local Trust Committee Bylaw No. 152 LUB Amendment	26 - 41
THAT the Islands Trust Executive Committee approve Gambier Island Local Trust Committee Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020.”, in accordance with Section 27 of the <i>Islands Trust Act</i>.	
6. TRUST COUNCIL MEETING PREPARATION	
See item 9. Correspondence for consideration to forward items to Trust Council.	
6.1. Executive	
6.2. Local Planning Services	
6.3. Administrative Services	
6.4. Trust Area Services	
6.4.1. Islands 2050 Virtual Open House Update - Briefing	42 - 46
7. EXECUTIVE COMMITTEE PROJECTS	

7.1.	Trust Council Initiated	
7.1.1.	Executive	
7.1.2.	Trust Area Services	
7.1.3.	Local Planning Services	
7.1.3.1.	Potential Implementation of s.8 (tree protection) of Community Charter to Local Trust Committees - Briefing	47 - 51
7.1.4.	Administrative Services	
7.2.	Executive Committee Initiated	
7.2.1.	Executive	
7.2.2.	Trust Area Services	
7.2.3.	Local Planning Services	
7.2.4.	Administrative Services	
8.	NEW BUSINESS	
8.1.	Executive/Trust Council	
8.2.	Trust Area Services	
8.2.1.	LTC Chairs Report on Local Advocacy Topics	
8.3.	Local Planning Services	
8.4.	Administrative Services	
9.	CORRESPONDENCE (for information unless raised for action)	
9.1.	J. Eastick re: For Trust Council's consideration received February 24, 2021	52 - 53
9.2.	Salt Spring Solutions, Denman Housing and Mayne Housing correspondence for Trust Council's consideration dated March 1, 2021	54 - 57
9.3.	A. Hodson-Deggan re: Driftwood News Affordable Housing Survey Results for Trust Council's consideration email dated March 1, 2021	58 - 59
9.4.	BC Gov News Release & ICET re: ICET expands to more communities dated February 16 & 18, 2021	60 - 63
	See 2.2.1 Agenda Context Notes	
9.5.	A. Olsen MLA re: Broadband Services and Universal Broadband Fund dated February 25, 2021	64 - 66
	cc'd to Chair Luckham and SGI trustees	
9.6.	D. Hopwood re: Reconciliation on Southeastern Vancouver Is. and the Gulf Islands dated March 3, 2021	67 - 85
	cc'd to Lasqueti LTC (Chair Luckham)	
9.7.	Bruce McConchie re: Oceans Protection Plan Dialogue Forum - add Anchorages dated March 4, 2021	86 - 89
	cc'd to Chair Luckham	
9.8.	Response re: Chair LTR to Minister Fleming Congratulations and Welcome dated March 4, 2021	90 - 91

9.9.	D. Bouvier re: Live and Let Live email dated March 5, 2021	92 - 92
9.10.	R. Holmes re: Policy Statement dated March 5, 2021	93 - 93
10.	WORK PROGRAM	
10.1.	Review and amendment of current work program	94 - 97
11.	NEXT MEETING	
	The next Executive Committee meeting is scheduled March 24, 2021 at 9:00 a.m., to be held electronically.	
12.	RISE AND REPORT	
	See 2.2.1 Agenda Context Notes	
13.	CLOSED MEETING	
	None	
14.	ADJOURNMENT	

Agenda No.	From	Context Notes
9.		In accordance with the Executive Committee (EC) policy (2.4.vi), correspondence items are for information only, unless raised for action by a member of the EC. In some instances, correspondence to others is included, if it relates to the Executive Committee's business.
9.4	DTAS	That Executive Committee may wish to send a thank you letter regarding expansion of Island Coastal Economic Trust boundaries.
10.1		The Executive Committee work program is amended before each meeting with suggested priorities proposed by staff. By resolution, the Executive Committee can provide direction regarding new items or the order of priorities.
12.	Chair	Rise and Report from the Executive Committee February 24 th closed meeting: • That the February 3 in-camera minutes were adopted, • Materials for the closed March 11 Trust Council session were approved, • Staff were advised to develop policy for long form prosecution of development permits.



Executive Committee Minutes of Regular Meeting

- Date:** February 24, 2021
- Location:** Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
- Members Present:** Peter Luckham, Chair, Thetis Island Trustee
Sue Ellen Fast, Vice-Chair, Bowen Island Municipal Trustee
Laura Patrick, Vice-Chair, Salt Spring Island Trustee
Dan Rogers, Vice-Chair, Gambier/Keats Island Trustee
- Staff Present:** Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director, Local Planning Services
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director, Administrative Services
Carmen Theil, Legislative Services Manager
Dilani Hippola, Senior Policy Advisor
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Lori Foster, Executive Coordinator/Recorder
- Others:** (1) attendee was present for the morning portion of the meeting
- 1. CALL TO ORDER**

At 9:05 a.m., Chair Luckham called the meeting to order stating gratitude to live and work in Coast Salish First Nations traditional and treaty territory.

All participants attended electronically, the meeting was recorded and live-streamed.
 - 2. RISE AND REPORT**

Chair Luckham reported from the February 3, 2021 closed session that the December 16, 2020 in-camera minutes were adopted.
 - 3. APPROVAL OF AGENDA**

By general consent, Executive Committee agreed to address agenda items 5.2 and 5.3 toward the end of the meeting.

 - 3.1 Introduction of New Items**

By general consent, correspondence re: J. Eastick dated February 14, 2021 was circulated as a late item and deferred for consideration to the March 8th Executive Committee meeting.

3.2 Approval of Agenda

By general consent, the agenda was approved as presented.

3.2.1 Agenda Context Notes - For information.

4. ADOPTION OF MINUTES

4.1 February 3, 2021 Executive Committee draft minutes

By general consent, the February 3, 2021 Executive Committee draft minutes were adopted as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List (FUAL)/Director/CAO Updates

Chief Administrative Officer (CAO) Hotsenpiller gave verbal updates on the following:

- CAO FUAL item 3. Forest protection upcoming meetings and delegation at Trust Council,
- Recap of the joint Executive Committee/Bowen Council joint meeting yesterday,
- The status of the two-year work on last term's legislative changes to the *Islands Trust Act*.

Chair Luckham requested that, unless there were urgent FUAL updates which needed to be heard from the Directors, that the Executive Committee move the agenda forward.

There were no further questions or discussion on the FUAL.

5.2 Local Trust Committee Chair Updates

Addressed after item 7.11.2

5.3 Islands Trust Conservancy Liaison Update

Addressed after item 7.11.2 and the lunch break.

6. BYLAWS FOR APPROVAL CONSIDERATION

6.1 Bowen Island Municipality - LUB Amendment Bylaw No. 530 - RFD

Director of Local Planning Services (DLPS) Marlor spoke to the land use bylaw amendment which removes prohibition on the sale of cannabis.

EC-2021-023

It was Moved and Seconded,

THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 530 cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 530, 2020” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

6.2 Galiano Island Local Trust committee Bylaw No. 275 (OCP) amendment - RFD

Vice Chair Rogers spoke to the bylaw amendment which removes the local trust committee’s ability to grant temporary use permits for short term vacation rentals (STVR) making it legal to only run STVR’s as a home occupation and spoke to the extensive community consultation which informed this work.

EC-2021-024

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 275, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.3 Mayne Island Local Trust Committee Bylaw No. 177 (OCP) and Bylaw No. 178 (LUB) amendments - RFD

Vice Chair Rogers spoke to the Cotton Park rezoning file and First Nations referrals and engagement with elder knowledge keepers regarding this culturally significant place.

EC-2021-025

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 177, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2019” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EC-2021-026

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 178, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2019” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.4 Saturna Island Local Trust Committee Bylaw No. 132 (OCP amendment) - RFD

Vice Chair Patrick spoke to the official community plan (OCP) amendment which adds language to the OCP with First Nations place and context.

EC-2021-027

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 132, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2020” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

It was not noted in the report; however, Senior Intergovernmental Policy Advisor (SIPA) Wilcox was involved in the crafting of language.

6.5 Saturna Island Local Trust Committee - Bylaws No. 129 (OCP) & 130 (LUB) amendments - RFD

Vice Chair Patrick said these changes are a housekeeping item to reflect the National Park zoning that has been an outstanding item.

EC-2021-028

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 129, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EC-2021-029

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 130, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.6 North Pender Island Local Trust Committee Bylaw No. 202 (LUB) amendment - RFD

Vice Chair Patrick spoke to the bylaw amendment which resolves zoning on a commercial property and adds a covenant.

Discussion was heard on the time gap in the readings of the bylaw, that this was one of the properties that was identified for the Waste Management Project from years ago.

Director of Local Planning Services (DLPS) Marlor will circulate covenant information to Executive Committee.

EC-2021-030

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve North Pender Island Local Trust Committee Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016”, in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

7. TRUST COUNCIL MEETING PREPARATION

7.1 March 9-11 Trust Council agenda and schedule

Amend the schedule as follows:

- Add consent agenda items to the Regional Planning Committee and Financial Planning Committee sessions.
- Extend the adjournment time on March 11 to read 4:30 pending, Chair will message trustees to keep their schedule free to accommodate this time.

Forward as amended.

7.2 Policy Statement Amendment Project Trust Council Discussion Session (March 2021) – Briefing

Director of Trust Area Services (DTAS) Frater introduced the item.

Discussion followed on:

- The session as a workshop,
- DTAS Frater, Chair Luckham and Trust Programs Committee Chair Morrison to confer before the session to discuss session facilitation,
- Giving more time to the trustee request for decision (RFD) items.

The meeting recessed for a break at 10:33 a.m. and reconvened at 10:45 a.m.

Amend the session outline as follows:

- Change Session 2 wrap-up to ½ hour after lunch break,
- Move remaining items up,
- Change break to 3:45 p.m.,
- Trustee RFD session from 4:00 p.m. to 5:00 p.m.

Forward as amended.

7.2.1 Trustee Wright - RFD – Forward as presented

7.2.2 Trustee Rogers - RFD

Fix spelling error on page 288 of the agenda package from Da Frontenac to Da Fonseca.

Forward as amended.

7.3 Delegation Requests

7.3.1 IMERSS Delegation Request and Presentation – Forward as presented

7.3.2 BC Organic Extension Request and Presentation – Forward as presented

7.3.3 Rodenticide Free BC Request and Presentation – Forward as presented

7.3.4 Raincoast Conservation Request and Presentation – Forward as presented

7.3.5 Gulf Islands Alliance Request – Forward as presented

It was noted that Gulf Islands Alliance will not present a Power Point and are speaking in support of the Raincoast Conservation delegation.

7.3.6 M. Sketch Request and Submission

Executive Committee discussed Appendix 2 of the submission as being offensive toward staff and that it be amended before being forwarded to Trust Council.

EC-2021-031

It was Moved and Seconded,

That Executive Committee ask staff to communicate to the delegate, Mr. Sketch, in reviewing your submission we request that Appendix 2 be removed and the 5th paragraph referencing Appendix 2 also be removed if you wish to speak to Council, that the remarks are less than respectful to staff.

CARRIED

7.4 Executive

7.4.1 Minutes from December Trust Council – Forward as presented

7.4.2 Trust Council Follow-up Action List – Forward as presented

7.4.3 Strategic Plan Quarterly Update

Amend:

- Under the comments sections, link local trust committee work to the Strategic Plan,
- Reference budget items in 5, 12, and 15.
- Remove remarks on item 5 and make consistent throughout.

Forward as amended.

7.4.4 Continuous Learning Plan

EC-2021-032

It was Moved and Seconded,

That Executive Committee add Coast Guard oil spill response as a Continuous Learning item for June 2021 Trust Council.

CARRIED

Forward as amended.

7.4.5 Executive Committee Work Program Report – Forward as presented

7.4.6 Chief Administrative Officers Report – Forward

Vice Chair Patrick suggested replacing “aware”, in the first sentence, with “declared” and in the second paragraph, note the 3 month transition to in-person meetings when the Ministerial order lifts.

CAO Hotsenpiller received the suggestions.

7.4.7 Amendments to the 2018-2022 Strategic Plan – RFD – Forward as presented

7.4.8 Islands Trust Reconciliation Report 2019-2021 – Briefing

SIPA Wilcox will update the report with items as noted in today’s discussion regarding Mayne and Saturna bylaw engagements.

Forward as amended.

7.5 Select Committee Report

7.5.1 Chair's Report

Amend title of report to read “Chair of the Governance and Management Review Select Committee Report” and replace ad hoc with Select Committee throughout.

Forward as amended.

7.6 Trust Area Services

7.6.1 Trust Programs Committee Work Program Report – Forward as presented

7.6.2 Legislative Monitoring Briefing – Forward as presented

7.6.3 Policy Directions Survey Results - Briefing – Forward as presented

7.6.4 Trust Area Services Directors Report – Forward as presented

7.6.5 Islands Trust Conservancy Report – Forward as presented

7.7 Local Planning Services

7.7.1 Local Planning Services Director's Report

Amend report to clarify Contaminate Sites Regulations and fix graphic.

Forward as amended.

7.7.2 Regional Planning Committee Work Program – Forward as presented

7.7.3 Local Planning Services Renewal Status Report – Briefing – Forward as presented

7.7.4 Bylaw Compliance and Enforcement Statistics Report – Briefing – Forward as presented

7.8 Financial Planning Committee

In his pre-Trust Council message to trustees, Chair Luckham will note the budget is being presented a bit differently and will suggest how readers may approach the reports as sequenced.

By general consent, all items from 7.8.1 to 7.8.8, inclusive, be forwarded as presented.

7.8.1 Director of Administrative Services Report

7.8.2 Financial Planning Committee Work Program Report

7.8.3 December 31, 2020 Third Quarter Financial Report - RFD

7.8.4 Required Minimum Surplus Balance Islands Trust and Motion - Trustee RFD

7.8.5 Proposed 2021/22 Budget Session Outline

7.8.6 Financial Planning Committee Recommended 2021/22 Budget

7.8.6.1 2021/22 Draft Budget Assumptions and Principles - Briefing

7.8.6.2 FPC Recommended 2021/22 Budget Overview and Highlights - Briefing

7.8.6.3 FPC Recommended Changes to the 2021/22 Budget - Briefing

7.8.6.4 Islands Trust Conservancy Budget Request

7.8.6.5 Local Trust Committee Project Requests >\$5,000

7.8.6.6 Strategic Plan Projects and Staffing Requests

7.8.6.7 SSI LTC - SSIWPA Special Tax Requisition - RFD

7.8.6.8 2021/22 Budget Pre-FPC Amendments

7.8.6.8.1 Business Cases for Removed Projects

7.8.6.9 Public Feedback on Draft 2021/22 Budget - Briefing

7.8.7 Bylaw No. 181 Financial Plan Bylaw 2021/22 - RFD

7.8.8 Bylaw No. 182 Revenue Anticipation Borrowing Bylaw - RFD

7.9 Trustee Summary Updates

7.9.1 BC Ferries Advisory Committee Chairs Update – Forward as presented

7.9.2 Trustee Johnston re: Lasqueti Archaeology Project - Summary update – Forward as presented

7.10 Trust Council Priorities Chart – Forward as presented

7.11 Correspondence

7.11.1 Trustee Johnston re: Model Fees Bylaw – Briefing

Remove the word “fees” from the title.

Forward as amended.

7.11.2 F. Carlin re: Support for Ganges Village Planning and Climate Action in Island's Trust Proposed Budget and Policy Statement dated February 5, 2021 – Forward as presented

By general consent, item 5.2 was addressed next.

5.2 Local Trust Committee Chair Updates

Chairs of their local trust committees gave verbal updates on recently attended meetings.

It was heard:

- The Capital Regional District (CRD) has secured a substantial grant for the Miners Bay to Village Bay multi-use trail on Mayne Island,
- Consideration for First Nations timelines regarding engagement and referrals in light of the Snuneymuxw’s request to engage after 3rd reading had been give to an affordable housing project on Gabriola Island,
- A subdivision request on James Island will be heard at the North Pender LTC meeting,
- Bowen Island Municipality (BIM) repealed a number of local trust committee bylaws,
- Change and development in Snug Cove is ongoing and clearing of trees for development,
- A shortage of conclusions coming out of the Oceans Protection Plan Sessions including addressing anchorages and oil spill prevention.

The meeting recessed for a break at 12:00 p.m. and reconvened at 12:30 p.m.

Chair Luckham welcomed those watching the meeting via livestream stating gratitude to live and work on Coast Salish First Nations traditional and treaty territory.

By general consent, item 5.3 was addressed next.

5.3 Islands Trust Conservancy Liaison Update

Vice Chair Fast noted the Islands Trust Conservancy Report on pages 751 and 752 of the agenda package are being forwarded to Trust Council.

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive - None

8.1.2 Trust Area Services - None

8.1.2.1 Islands 2050 (Policy Statement Amendment Project) Virtual Forum Update – BRF

DTAS Frater noted this is public engagement and trustees need to register to attend the Virtual Forum.

8.1.3 Local Planning Services - None

8.1.4 Administrative Services

8.1.4.1 Forecasted Overspending in Specific Areas – Briefing

Director of Administrative Services spoke the briefing as presented.

There were no questions.

8.2 Executive Committee Initiated

8.2.1 Executive - None

8.2.2 Trust Area Services - None

8.2.3 Local Planning Services

8.2.3.1 Request for Executive Committee Sponsorship of Development Application Fee – RFD

DLPS Marlor spoke to the request for sponsorship.

Discussion followed on the potential increased market value of the lots once rezoning was complete and that Mayne Island Housing Society is a not-for-profit group.

It was suggested that future sponsorship applications include sponsorship amounts-to-date reporting.

EC-2021-033

It was Moved and Seconded,

THAT the Executive Committee approve financial sponsorship of \$5500 for rezoning application MA-RZ-2020.1 which would amend both OCP/LUB to allow for subdivision to become two residential parcels and one multi-family development (provision of affordable housing).

CARRIED

8.2.4 Administrative Services

9. NEW BUSINESS

9.1 Executive/Trust Council - None

9.2 Trust Area Services

9.2.1 LTC Chairs Report on Local Advocacy Topics

Chairs reported on local advocacy topics and recently attended meetings. Verbal updates were given on:

- The Salt Spring Island Climate Action Planning Group,
- Keats Island Conservancy Group,
- The Southern Gulf Islands Forum,
- Cape Roger Curtis Nature Reserve,
- Use of the Jam Board as a collaborative tool at meetings,
- Fiber optics coming to Thetis Island.

9.3 Local Planning Services - None

9.4 Administrative Services - None

10. CORRESPONDENCE (for information unless raised for action)

10.1 P. Retallack response to Chair letter re: Enhanced Islands Trust's Jurisdiction Over Tree Cutting dated Dec 6, 2020

Currently, the forestry file sits with Executive Committee and this correspondence will be logged accordingly.

10.2 Letter of Support for The Corporation of The City of Vernon dated January 13, 2021

Received for information.

10.3 Thetis LTC re: Funding to provide internet connectivity to all homes on Thetis Island dated February 8, 2021

Received for information.

10.4 TSB report on March 30, 2020 Plumber sound anchorage crash dated February 8, 2021

Chair Luckham will send a follow-up if a response has not been received by the end of March regarding Chair letters sent to Minister of Transport letters dated April 20, 2020 and January 19, 2021.

10.5 Tla'amin Nation Hegus John Hacket re: working together dated February 10, 2021

Received for information.

10.6 Letter of Support requested re: Songhees Development Corp. to Clean Coast/Waters Initiative Fund dated Feb 11, 2021

EC-2021-034

It was Moved and Seconded,

That the Executive Committee forward a letter of support as requested by the Songhees Development Corporation.

CARRIED

10.7 MP Weiler re: Abandoned Boats Program letter dated February 17, 2021

Received for information.

10.8 Conservancy Hornby Island re: join the movement for Pacific Herring email dated February 19, 2021

Received for information.

10.9 DFO re: 2020/21 Pacific Herring IFMP Approved email dated February 19, 2021

Received for information.

10.10 UBCM The Compass newsletter updates

EC-2021-035

It was Moved and Seconded,

That the UBCM compass newsletters be forwarded to trustees and that they be reminded to subscribe to the newsletter.

CARRIED

By general consent, forward TC agenda and Schedule as amended.

Digital raised hands will be used for voting at TC.

11. WORK PROGRAM

11.1 Review and amendment of current work program

Forward to Trust Council as presented.

12. NEXT MEETING

The next Executive Committee business meeting is scheduled March 8, 2021 at 9:00 a.m. being held electronically.

13. CLOSED MEETING

At 1:37 p.m. the meeting was closed to the public.

EC-2021-036

It was Moved and Seconded,

That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

CARRIED

At 2:39 p.m., the meeting was re-opened to the public, Chair Luckham will rise and report on the February 24th in-camera meeting at the March 8th EC meeting.

14. ADJOURNMENT

By general consent, the meeting was adjourned at 2:40 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/ Recorder



Resolutions Without Meetings Log

Executive Committee

Resolution Number	Action	Date
2021-001 It was Moved by Vice Chair Rogers and Seconded by Vice Chair Fast, That the Executive Committee appoint KPMG as auditor for the Islands Trust and the Islands Trust Conservancy 2020/21 Financial Statements. Vice Chair Patrick abstained.	Carried	12-Feb-2021

Islands Trust Executive Committee
RESOLUTION WITHOUT MEETING

RWM Number: EC-RWM-2021-001

The following matter is considered urgent and necessary in order for the Executive Committee to appoint an auditor for the Islands Trust and the Islands Trust Conservancy 2020/21 Financial Statements.

**It was Moved by Vice Chair Rogers and Seconded by Vice Chair Fast,
That the Executive Committee appoint KPMG as auditor for the Islands Trust and the Islands Trust
Conservancy 2020/21 Financial Statements.**

Please vote on the above motion by completing the ballots below:

☒ IN FAVOUR

☐ IN FAVOUR

☒ IN FAVOUR

☐ OPPOSED

☒ ABSTAIN

☐ OPPOSED

Sue Ellen Fast
Email Approval

Laura Patrick
Email Approval

Dan Rogers
Email Approval

February 12, 2021
Date

February 12, 2021
Date

February 12, 2021
Date

☒ IN FAVOUR

☐ OPPOSED

Peter Luckham
Email Approval

February 12, 2021
Date

THE CHAIR DECLARED THE ABOVE NOTED RESOLUTION CARRIED, IN ACCORDANCE WITH SECTION 13 OF THE *ISLANDS TRUST ACT*, THIS 12th DAY OF FEBRUARY, 2021.

Chair's Signature

RECEIVED BY THE ISLANDS TRUST SECRETARY THIS 12th DAY OF February, 2021

Secretary or Designate's Signature

Recording Staff's Signature (if applicable)



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. By general consent, at its Dec 16, 2020 meeting, Executive Committee put this item on hold pending review by Trust Programs Committee.	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress
2 THAT Executive Committee direct that staff develop draft policy regarding the provision of electronic meetings for application by Trust Council and Committees for when the Provincial State of Emergency is concluded.	Carmen Thiel Russ Hotsenpiller	Meeting: 30-Sep-2020 Target: 24-Feb-2021	In Progress
3 That the report Potential legislative and procedure change by the Islands Trust in relation to forest protection - Briefing be brought to a future Executive Committee meeting for next steps.	Russ Hotsenpiller	Meeting: 18-Nov-2020 Target: 03-Feb-2021	In Progress
4 Correspondence re: J. Eastick dated February 14, 2021 be deferred for consideration to the March 8th Executive Committee meeting.	Russ Hotsenpiller	Meeting: 24-Feb-2021 Target: 08-Mar-2021	Completed
5 That all items under 7. Trust Council Meeting Preparation be forward as presented or amended to the March 9-11 Trust Council agenda per Feb 24th Executive Committee meeting minutes.	Russ Hotsenpiller	Meeting: 24-Feb-2021 Target: 26-Feb-2021	Completed
6 UBCM compass newsletters be forwarded to trustees and that they be reminded to subscribe to the newsletter.	Russ Hotsenpiller	Meeting: 24-Feb-2021 Target: 08-Mar-2021	Completed



Follow Up Action Report

Executive Committee

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed "overspends" for any particular budget item.	Carmen Thiel Julia Mobbs	Meeting: 21-Oct-2020	In Progress

Director, Local Planning Services

Activity	Responsibility	Dates	Status
1 That Executive Committee request staff to continue this discussion (Local Planning Services Renewal Status Report - Briefing) to a future Executive Committee meeting and the pros and cons of reducing the projects per local trust committee to one.	David Marlor	Meeting: 03-Feb-2021 Target: 24-Feb-2021	In Progress
2 Advise Bowen Island Municipality re: LUB Amendment Bylaw No. 530 request for decision is not contrary to or at variance with the Islands Trust Policy Statement.	David Marlor	Meeting: 24-Feb-2021 Target: 08-Mar-2021	Completed
3 Advise the Galiano Island Local Trust Committee that Executive Committee approved Galiano Island Local Trust Committee Bylaw No. 275.	David Marlor	Meeting: 24-Feb-2021 Target: 08-Mar-2021	Completed
4 Advise Mayne Island LTC that Executive Committee approved Mayne Island Local Trust Committee Bylaws No. 177 and 178.	David Marlor	Meeting: 24-Feb-2021 Target: 08-Mar-2021	Completed



Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
5 Advise Saturna Island Local Trust Committee that Executive Committee approved Saturna Island Local Trust Committee Bylaws No. 129, 130 and 132.	David Marlor	Meeting: 24-Feb-2021 Target: 08-Mar-2021	Completed
6 Advise North Pender Local Trust Committee that Executive Committee approved North Pender Island Local Trust Committee Bylaw No. 202.	David Marlor	Meeting: 24-Feb-2021 Target: 08-Mar-2021	Completed
7 Staff notify LTC and applicant that Executive Committee approved financial sponsorship of \$5500 for rezoning application MA-RZ-2020.1	David Marlor	Meeting: 24-Feb-2021 Target: 08-Mar-2021	Completed
8 Develop policy for long form prosecution of development permits.	David Marlor	Meeting: 24-Feb-2021 Target: 26-May-2021	In Progress

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 31-Mar-2020	In Progress
2 That staff be requested to draft a letter to BIM Council encouraging them to engage with First Nations consistent with the Islands Trust reconciliation declaration.	Clare Frater	Meeting: 02-Oct-2019 Target: 31-Mar-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
3 Authorize a grant of \$4,500 (from History and Heritage Grants) to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman and Gabriola Islands, subject to support of local trustees and affected local trust committees. Screening on HOLD due to COVID.	Clare Frater	Meeting: 26-Feb-2020 Target: 31-Mar-2021	In Progress
4 That staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to a Dust n Bones screening event on Salt Spring Island. On HOLD due to COVID.	Clare Frater	Meeting: 10-Mar-2020 Target: 31-Mar-2021	In Progress
5 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 31-Mar-2021	In Progress
6 The Executive Committee request staff to provide a Learning at Home series on the Murdered and Missing Indigenous Women and Girls Calls for Justice.	Clare Frater	Meeting: 05-Aug-2020 Target: 31-Mar-2021	In Progress
7 That Executive Committee request Director of Trust Area Services Frater invite the Coast Guard to make a presentation at Trust Council or, an education session to be arranged regarding oil spill response planning.	Clare Frater	Meeting: 30-Sep-2020 Target: 05-Feb-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
8 3. Executive Committee request that the Trust Programs Committee consider the Missing and Murdered Indigenous Women and Girls Calls for Justice when developing draft amendments to the Policy Statement.	Clare Frater	Meeting: 21-Oct-2020 Target: 31-Mar-2020	In Progress
9 Staff to draft a Chair letter in response to the invitation to the Provincial Trans Mountain Expansion Project Reconsideration.	Clare Frater	Meeting: 03-Feb-2021 Target: 24-Feb-2021	Completed
10 That the Executive Committee forward a letter of support as requested by the Songhees Development Corporation.	Clare Frater	Meeting: 24-Feb-2021 Target: 24-Mar-2021	In Progress

Legislative Services Manager

Activity	Responsibility	Dates	Status
1 THAT Executive Committee direct that staff develop draft policy regarding the provision of electronic meetings for application by Trust Council and Committees for when the Provincial State of Emergency is concluded.	Carmen Thiel Russ Hotsenpiller	Meeting: 30-Sep-2020 Target: 24-Feb-2021	In Progress
2 That Executive Committee request, as the legal services policies are reviewed that parts B and D of the September 30, 2020 memorandum be taken into consideration.	Carmen Thiel	Meeting: 30-Sep-2020 Target: 16-Dec-2020	In Progress
3 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed "overspends" for any particular budget item.	Carmen Thiel Julia Mobbs	Meeting: 21-Oct-2020	In Progress

Follow Up Action Report

Executive Committee

Legislative Services Manager

Activity	Responsibility	Dates	Status
4 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council.	Carmen Thiel	Meeting: 03-Feb-2021 Target: 01-Dec-2021	In Progress



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: GM-RZ-2019.1
(South Keats Investments.)

DATE OF MEETING: February 18, 2021
TO: Islands Trust Executive Committee
FROM: Heather Kauer, Regional Planning Manager
SUBJECT: Gambier Island Local Trust Committee – GM Bylaw No. 152 (Keats Island LUB Amendment)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Gambier Island Local Trust Committee Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020.”, in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Gambier Island Local Trust Committee has referred Bylaw No. 152 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

None.

Financial

None.

Policy

None.

Implementation/Communications

Communication to **Gambier Island Local Trust Committee** regarding the Executive Committee decision by **April 1, 2021**.

Other

None.

PURPOSE

Gambier Island Local Trust Committee Bylaw No. 152, cited as cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020” (Attachment 6) is intended to recognize three existing docks associated with the residential property at 255 Esplanade Road in response to application GM-RZ-2019.1 from South Keats Investments Ltd. The upland property is permitted 9 dwellings and the three docks are pre-existing. The bylaw amendment is required for the Province to issue Crown leases for the three docks.

BACKGROUND

See Attachment 8.

Gambier Island Local Trust Committee Bylaw No152

Proposed Bylaw No. 152 was read for the first time at the October 1, 2020 LTC meeting, and read for a second time at the November 19, 2020 LTC meeting. The proposed bylaw was given third reading at the February 4, 2021 LTC meeting. The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement (Attachment 8).

Issues Relating To Provincial Interest

The proposed bylaw was referred to the following Provincial Agency and no issues were raised:

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Issues Relating To First Nation Interest

The proposed bylaw was referred to the following First Nations with no issues raised:

- Squamish Nation
- Cowichan Tribes
- Lyackson First Nation
- Musqueam Nation
- Lake Cowichan First Nation
- Stz’uminus First Nation
- Halalt First Nation
- Penelakut Tribe
- Tsleil-Waututh Nation

Issues Relating To Resources and Enforcement

None.

Public Comments

Public comments were solicited through one community information meeting and a public hearing. No written or oral submissions were received at the public hearing.

Staff Comments

That the Islands Trust Executive Committee approve Gambier Island Local Trust Committee Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020.”, in accordance with Section 27 of the *Islands Trust Act*.

KEY ISSUES/CONCEPTS

- Limits on shoreline development.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

ALTERNATIVE

1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Gambier Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020.” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Gambier Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	February 24, 2021
Concurrence:	David Marlor, Director of Local Planning Services	March 5, 2021

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. GM Bylaw No. 152
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gambier Island Local Trust Committee

Bylaw No.: GM-152

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 18-Feb-2021

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Recieved by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by
Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gambier Island Local Trust Committee

Bylaw No.: GM-152

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 18-Feb-2021

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by
Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Referrals: Bylaw GM-152

Agency	Sent	Received
Cowichan Tribes <i>Chief and Council:</i> Candace Charlie <i>Comment:</i> no comment	06-Nov-2020	11-Dec-2020
Halalt First Nation 7973 Chemainus Rd: & Council Chief <i>Comment:</i> Halalt First Nation has no comments on this bylaw	06-Nov-2020	18-Nov-2020
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i>	10-Nov-2020 17-Jan-2021	
Lyackson First Nation 7973A Chemainus Road: Referrals Coordinator <i>Comment:</i>	06-Nov-2020 17-Jan-2021	
Ministry of Forests, Lands, Natural Resource Operations & Rural Dev - FrontCounter BC, Surrey Office Suite 200: FrontCounter BC <i>Comment:</i>	06-Nov-2020 17-Jan-2021	
Musqueam Nation 6735 Salish Dr.: Referrals Coordinator <i>Comment:</i>	06-Nov-2020 17-Jan-2021	
Penelakut Tribe <i>Chief and Council:</i> Denise James <i>Comment:</i>	06-Nov-2020 17-Jan-2021	
Squamish Nation PO Box 86131: Aaron Marchant <i>Comment:</i> Dec 19 2020 sent to Squamish Connect	06-Nov-2020 19-Dec-2020	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey <i>Comment:</i>	06-Nov-2020 17-Jan-2021	
Sunshine Coast Regional District 1975 Field Road: Dave Pady	06-Nov-2020	
Tsleil-Waututh Nation 3075 Takaya Drive: Referrals Referrals	06-Nov-2020	07-Dec-2021

Referrals: Bylaw GM-152

Agency	Sent	Received
<i>Comment:</i> TWN requests clarification on whether this bylaw would enable all residents to have up to three docks or whether this is just for certain individuals. If the former, TWN requests that consideration be taken for the impacts of having numerous docks on the marine environment and fish habitat. Clarification: This bylaw amendment only applies to this single property at 255 Esplanade Road. It does not make any changes to the allowed number of docks on any other property. It is to recognize a historical situation unique to this property.		



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: GM-RZ-2019.1

File Name: South Keats Investments

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Becky McErlean

Status

Date Resolution Referred to Executive Committee: 18-Feb-2021

Reading:

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 152

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

The Gambier Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020.”

2. Schedule “A” of the Gambier Island Local Trust Committee Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002,” **PART 4 - ZONE REGULATIONS**, Section **4.3 Comprehensive Development (CD1) Zone** is amended as follows:

2.1 Subsection **Marine Based Structures Limitations**, .6, is amended by deleting “65 square metres (700 square feet)” and replacing with “120 square metres (1,292 square feet)”.

2.2 Subsection **Marine Based Structures Limitations**, .8, is amended by deleting “2.4 metres (8 feet)” and replacing with “1.8 metres (5.9 feet)”.

2.3 Subsection **Density**, .11 is deleted in its entirety and replaced with “.11 A maximum of three docks are permitted in the marine-area”.

2.4 Subsection **Marine Based Structures Limitations**, .7 is deleted in its entirety and subsequent subsections renumbered accordingly.

READ A FIRST TIME THIS 1ST DAY OF OCTOBER , 2020

READ A SECOND TIME THIS 19TH DAY OF NOVEMBER , 2020

READ A THIRD TIME THIS 4ND DAY OF FEBRUARY , 2021

PUBLIC HEARING HELD THIS 4ND DAY OF FEBRUARY , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

Chair

Secretary

First Nation Engagement

Referral of: GM BL 152

First Nation: PENELAKUT TRIBE

Date	Comment/Action	Initial
<i>Nov 6, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Jan 17, 2021</i>	<i>reminder package sent via email</i>	<i>BM/CS</i>

First Nation: LYACKSON FIRST NATION

Date	Comment/Action	Initial
<i>Nov 06, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Jan 17, 2021</i>	<i>reminder package sent via email</i>	<i>BM/CS</i>

First Nation: HALALT FIRST NATION

Date	Comment/Action	Initial
<i>Nov 06, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Nov 18, 2020</i>	<i>Response – no comments on this bylaw</i>	<i>BM/CS</i>
		<i>BM</i>

First Nation: COWICHAN TRIBES

Date	Comment/Action	Initial
<i>Nov 6, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Dec 11, 2020</i>	<i>Response - No Comment</i>	<i>BM/CS</i>

First Nation: TSUUBAA-ASATX (LAKE COWICHAN)

Date	Comment/Action	Initial
<i>Nov 6, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Jan 17, 2021</i>	<i>reminder package sent via email</i>	<i>BM/CS</i>

First Nation: STZ'UMINUS FIRST NATION

Date	Comment/Action	Initial
<i>Nov 6, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Jan 17, 2021</i>	<i>reminder package sent via email</i>	<i>BM/CS</i>

First Nation: Musqueam

Date	Comment/Action	Initial
<i>Nov 6, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Jan 17, 2021</i>	<i>reminder package sent via email</i>	<i>BM/CS</i>

First Nation: Squamish Nation

Date	Comment/Action	Initial
<i>Nov 6, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Jan 6, 2021</i>	<i>Referral Package added to Squamish Connect Database</i>	<i>BM</i>
<i>Jan 6, 2021</i>	<i>Acknowledgement of receipt in Squamish Connect Database from Squamish FN</i>	

First Nation: Tsleil-Waututh Nation

Date	Comment/Action	Initial
<i>Nov 6, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/CS</i>
<i>Dec 10, 2020</i>	<i>Received Response and answered question</i>	<i>BM/CS</i>

CS = Courtney Simpson, Planner
BM = Becky McErlean, Legislative Clerk

BRIEFING

To:	Trust Council	For the Meeting of:	March 9, 2021
From:	Trust Area Services	Date Prepared:	March 5, 2021
SUBJECT	Islands 2050 Virtual Open House		

PURPOSE:

To provide Trust Council with information about Islands 2050 virtual open house and the questions and comments received by the public.

BACKGROUND:

Islands Trust launched the Islands 2050: The Future of the Trust Area engagement on September 6, 2019, with the intention to gather information and insight from community members about their concerns and vision for the next 30 years in the Trust Area.

On November 18, 2020, the Executive Committee endorsed a revised Islands 2050 Project Charter which included delivery of two online virtual open houses; one associated with the Policy Directions report and another associated with First Reading.

Event Logistics:

The virtual open house was held Wednesday, March 3rd, 2021 from 7 p.m. - 9 p.m. The virtual open house was attended by 108 people, 75 of whom were still in attendance at 9 p.m. The event included:

- An opportunity for the public to ask questions prior to the virtual open house through survey monkey link provided on the webpage: islandstrust.bc.ca/islands2050
- Pre-registration using the zoom webinar link on the webpage: islandstrust.bc.ca/islands2050
- An acknowledgment and welcome by Hereditary Chief Bill Williams (Squamish) at the beginning of the event
- Co-hosting by staff and trustees (Trustee Deb Morrison, Trustee Dan Rogers, Dilani Hippola, Senior Policy Advisor, Lisa Wilcox, Senior Intergovernmental Policy Advisor with support from Gillian Nicol, Program Coordinator, Clare Frater, Director, Trust Area Services, and Mark Van Bakel, Information Services Manager)
- A short presentation outlining the Policy Statement engagement process to date and the upcoming drafting process
- An opportunity for the public to ask questions during the virtual open house through the zoom webinar question and answer written feedback function
- The event was recorded and put on the Islands Trust website after the event

Please see attached for the questions and comments received prior or during the event.

Communication:

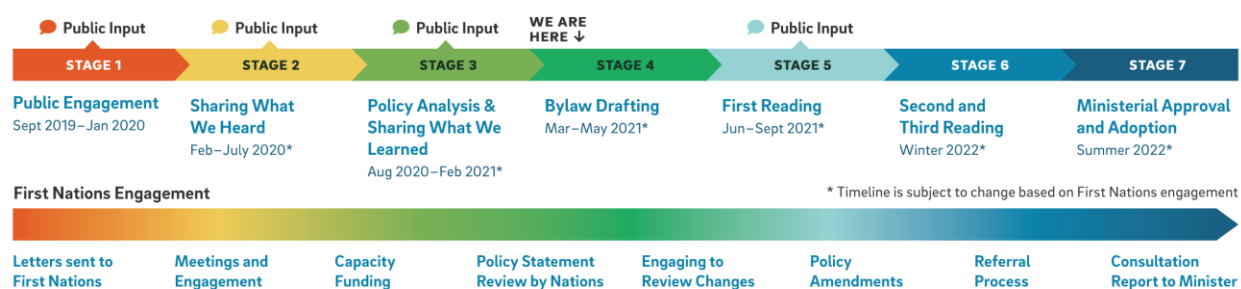
Staff posted to the Islands Trust website, social media, and shared with email subscribers, Trust Council members, and Islands Trust staff on Policy Statement amendments.

The virtual open house was advertised in newspapers (Bowen Island Undercurrent, Gulf Islands Driftwood, Gabriola Sounder, Coast Reporter, Hornby Tribune, and Denman-Hornby Grapevine), in monthly publications (Active Page, Saturna Scribbler, Our Isle and Times, Mayneliner, Pender Post, The Flagstone), and a feature online ad on the Salt Spring Exchange website. In addition, staff have directly e-mail non-profit and other island organizations to encourage them to advise their members of the survey opportunity.

ATTACHMENT(S): Questions and Comment Received During the March Islands 2050 Virtual Open House

FOLLOW-UP:

Staff will be e-mailing the 186 people who registered for the event to provide a link to the zoom recording and to remind them of how they can engage with the Islands 2050 project. Staff will continue to implement the Policy Statement Amendment Process.



Prepared By: Clare Frater, Director, Trust Area Services /March 5, 2021

Reviewed By/Date: Gillian Nicol, Program Coordinator/March 5, 2021
Dilani Hippola, Senior Policy Advisor/March 5, 2021
Russ Hotsenpiller, CAO/March 5, 2021
Executive Committee/March 8, 2021

Questions and Comment Received During the March Islands 2050 Virtual Open House

- Could you please tell the community in what ways the new policy statement will gut local autonomy, re bylaws and community plan review?
- At most (by the Islands Trust numbers), 40 Denman residents engaged in the crafting of this policy that over-rides our Official Community Plan. That is less than 3% of the population of Denman Island. Trust wide at most (by the Islands Trust numbers) 1,627 people participated in the Islands - 2050 process. That is less than 6.25% of the population of the Trust engaging and giving feedback. Given such low community participation, would you please acknowledge that your process is not representing the population, nor communities of the islands? Why are you removing more of our powers for local community decision-making? How are we on Denman Island to continue to represent our unique environmental and community fabric interests, when they are carried by only 2 Trustees at your table, which is missing the voices of 93.75% of the population?
- How will the work of the Trust Programs Committee effectively address a current failure in implementation of the intention of directive trust policies in each local area jurisdiction?
- Why is the March 9 Trust Council Town Hall scheduled after the Policy Statement discussion and voting on related motions earlier that day? If tonight is just for questions about the Islands 2050 process and report, how is Trust Council supporting democratic input on these new motions that could change the Policy Statement, Mandate and Strategic Priorities? Those motions only appeared publicly when the agenda was released last Friday and well after the deadline for delegation requests had passed. What use is a Town Hall that happens after the vote on important issues or a public event in advance of the vote that does not allow public opinion and discussion? Will Trust Council consider postponing voting on those motions until after the March 9 Town Hall?
- Did you collect and can you share demographic information showing the age and income of respondents of the first round of consultation? What did the Islands Trust do to make sure working class, minorities and vulnerable populations were properly consulted in the first phase? What special strategies were used to foster inclusion for populations that have been traditionally are often underrepresented in public consultation such as young people and low income households?
- How is the Islands Trust addressing social inequity, climate justice, and the worsening housing crisis across the Islands Trust region through the Islands 2050 planning process and potential Policy Statement amendment?
- How will IT prioritize our islands' human well-being and quality of life (including housing, jobs, public services, and small businesses) ALONGSIDE and WITH climate and biodiversity?
- Do all the members of the Islands Trust recognize there is a severe housing crisis affecting everyone in our community? Critical roles in health care, community services, small business, and more are not being filled right now, and things will only get worse. Will the Trust make solving this crisis - even within its limited mandate - a priority?
- Can you explain how housing TPS policies and local planning can take into consideration MMIWG?
- The Province of B.C. needs to change its forestry practices on islands and MOTI needs to practice its own ecological best practices in remote rural areas and not just new suburbs. What can Islands Trust do about this? Over-regulating and permitting private land owners will not compensate for the environmental destruction and lack of stewardship that the province itself is responsible for.
- What actions is the Island Trust doing to support agriculture on the gulf islands?

- My greatest concern relating to the discussion of Trust Policy Guidelines is the overall "protect and preserve" mission of the Trust. We know much more about the current and future ravages of climate change and are experiencing more development pressure on our islands than were occurring when this mission statement was first adopted. In our mailboxes yesterday, residents received a brochure from the Trust called "Coastal Douglas-fir Forests". This brochure encourages the community to protect forests through Environmental Permit Areas and conservation guidelines in our Official Community Plan and Land Use Bylaw for a variety of reasons including climate change. Our Trustees and Planner have before them a rezoning application that would require a 2 ha clear-cut in a Coastal Douglas-fir Ecosystem for an affordable and market housing development and the bylaws have past first reading with no discussion of our OCP Climate Change Mitigation Bylaws relating to land use decisions or some of the policy directions articulated in Islands 2050 or even the important considerations in this brochure for private landowners that would seem to be inconsistent with this rezoning.
- How will Policy Directions 2050 succeed require our Planners and elected officials consider the environment first in land use planning when this is not now occurring?
- How will the Policy Statement update further protect freshwater resources? What governance gaps exist now?
- What is progress on National Maritime Park?
- On beaches that have no sand lance fish eggs, could you assist with removing the logs which deny access to the public beach.
- Will Local Trust Committees be bound by OCP designations for private land donations?
- If the Trust cannot stop the clear cutting of trees on Salt Spring Island, where is the preserve and protect function of your policy?
- You have a page in the report to Policy Goals for Climate Action in the report but not for Affordable Housing policy goals. Why have you not yet created policy goals for this topic area?
- Considering the importance of affordable housing to the plan amendments and that the Housing Task Force is still being formed, do you think it would be prudent to extend the period for drafting the new bylaws until after the Housing Task Force has had the opportunity to submit some recommendations?
- What will the Islands Trust be doing to ensure the sustainability and viability of island culture and communities as well as preserve their unique and diverse character... especially now that real estate prices are making it virtually impossible for anyone of working class to afford a home? Who will serve and care for the aging population?
- Has the Trust considered building prescriptive zoning (rather than restrictive) so that there is a matrix by which new ideas, such as 'cluster zoning' for tiny homes could be evaluated for their ecological and community impacts? The current zoning allows for massive energy inefficient vacation homes to pour 2500sq+ ft concrete pads that clear cut lots. How is that preserving and protecting?
- What plans does the Trust have to create housing for local employees only, as opposed to creating hundreds of new densities for the general public in the hope that some will go to workers?

- My suggestion to engage with groups is that the Trust start building relationships with the community organizations that live, work and support the islands and ask them to help share information. Yes person to person - but the Trust doesn't build those community relationships.
- [REDACTED], Many working class families do not have any time to engage in these processes. If you receive 60 plus emails that say the same thing as the result of an awareness campaign, it still speaks volumes that many people agree with the sentiments being expressed. It is important to take this into consideration.

To:	Executive Committee	For the Meeting of:	March 8, 2021
From:	David Marlbor, Director, Local Planning Services	Date Prepared:	March 5, 2021
SUBJECT:	Potential Implementation of Section 8 (tree protection) of Community Charter to Local Trust Committees		

PURPOSE: To provide information on potential use of tree protection powers under Section 8 of the Community Charter, should this section of the Community Charter be made applicable to local trust committees.

BACKGROUND:

Following the presentation at Trust Council in September by RainCoast, Trust Council made the following motion(s).

THAT Executive Committee reviews the recommendations of Raincoat Conservation Foundation regarding the policy reform to protect endangered forests and habitats within the Islands Trust area and provide recommendations to Trust Council.

THAT the Islands Trust request the Province enhance the Trusts jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under Section 8 of the Community Charter.

Limits on Section 8 of the Community Charter Bylaws

A bylaw enacted under Section 8 of the Community Charter cannot prohibit the uses permitted in the zoning bylaw. If the tree protection bylaw does prohibit the use, the landowner would be entitled to compensation. The Section 8 bylaw also has no effect on Crown lands, woodlots, and Private Managed Forest Lands.

Municipalities

In municipalities, trees located on private lots, road rights-of-way and in municipal parks have an aesthetic quality, as well contributing to the character of the place. Trees also act to reduce heat and retain moisture in the built environment. Municipalities use the authority under Section 8 of the Community Charter to protect these trees. There are a variety of approaches to doing this, from outright prohibiting cutting of trees over a certain size without a permit, to prohibiting cutting, topping or pruning of certain species of trees. Because Section 8 bylaws are not limited in the approach or reason for the bylaw, the local government may consider a wide variety of approaches to the tree protection.

Most municipalities are made up of private land and land owned by the Municipality or regional district, and a tree protection bylaw can be applied to all of these ownerships. If there is Crown land inside a municipality (woodlot, BC park, Federal park for examples), the tree protection bylaw would have no effect on those lands.

Local Trust Committees

If the Ministry amends legislation to give local trust committees the same power of municipalities to regulate trees under Section 8 of the Community Charter, then:

1. Local trust committees would have ability to draft bylaws to protect trees for any reason in their local trust areas, provided that the restrictions did not prohibit uses as permitted in the zoning bylaw; and
2. Local trust committees could draft bylaw to prohibit tree cutting, regulate tree cutting, and/or require a permit for the cutting or modifications of trees, but would have no effect on woodlots, land in under the *Private Managed Forest Land (PMFL) Act*, or land covered under the *Forest Act* (e.g. Crown land, community woodlots, road rights-of-way owned by the Ministry of Transportation and Infrastructure).

The Tree protection bylaw under Section 8 could not prohibit the uses permitted on the land. For example, for land zoned residential, tree removal would likely be required and would need to be permitted under the bylaw to allow the land to be used as per the zoning. Land in the Agricultural Land Reserve (ALR) may need to be cleared to permit the agricultural use of the property; this use is protected in the *Agricultural Land Commission Act* and local bylaws cannot prohibit the agricultural uses.

Enacting a Tree Protection Bylaw

To enact a tree protection bylaw under Section 8 of the Community Charter, if the power was granted to local trust committees, the local trust committee would go through the bylaw process to adopt a tree protection bylaw for all or part of the islands, recognizing that such a bylaw cannot prevent the property being used for the zoned purpose, cannot prevent tree cutting on PMFL land, cannot prevent tree cutting on a woodlot, cannot prevent tree cutting on Crown land (including the road rights-of-way) and cannot prevent clearing for agricultural purposes in the ALR. The bylaw could be specific in types of trees and whether a permit would be required or not. Exemptions could be included for things like firewood gathering, pruning trees, trees under a certain size or any other.

Administration and Enforcement in the Islands Trust Areas

Such a bylaw could then apply to all other land, or on targeted locations. On larger lots, enforcement of the bylaw could be problematic; a clear cut would be obvious and likely warrant enforcement action, but removal of a few trees selectively may have little impact and not worth the resources to enforce the bylaw.

Tree protection bylaws would require staff support for administration and enforcement. Likely a tree protection bylaw would have a permit system included, where a permit would be issued to allow cutting or tree modification in certain instances. Therefore, there would likely be the need to allocate staff resources to a tree protection bylaw program.

Development permit vs tree cutting bylaw

Development permits can protect trees, but only for the reasons provided in the justification for the particular development permit (protection of natural environment, protection of development from hazardous conditions, landscaping for multi-family, commercial, industrial and intensive residential uses, reduction of green-house gas emissions). Some of the protections available under Section 8 for trees could be done by development permit areas. However, Section 8 tree protection bylaws are less restricted on the reasons for the protection, and could be applied more widely. For example, Section 8 of the Community Charter tree protection bylaw could be purely for aesthetic or visual landscape reasons.

A Section 8 of the Community Charter tree protection bylaw wouldn't do anything much different to using a development permit (other than not as limited in reason for the protection), and is subject to the same restrictions on use, PMFL, woodlots and Crown lands. A tree cutting bylaw could expand on the

reason for tree protection, whereas a development permit would need to be for one of the specified objectives. So a tree cutting bylaw could deal with aesthetics, whereas a as DPA (other than form and character for commercial, industrial and multi-family development) could not.

Given this, the tree protection bylaw would likely be more limited to situations where protection of trees is for a reason that cannot be covered by the development permit area designations.

ATTACHMENT(S):

1. Benefits, Costs and Risks to the Islands Trust

FOLLOW-UP:

Staff will continue discussions with Ministry staff as requested by Trust Council. In the alternate, as directed by the Executive Committee.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller, Chief administrative Officer/

APPENDIX 1: Benefits, Costs and Risks to the Islands Trust

Excerpt from “*Tree Protection Bylaw Authority: Discussion Paper*”, attached to report to Executive Committee “*Potential legislative and procedure change by the Islands Trust in relation to forest protection*” dated November 18, 2020.

1. Benefit to the Islands Trust

The question arises as to what greater benefit could be derived from granting the Islands Trust the same authority as a Municipality under Section 8 (3) (c). While local trust committees may currently adopt tree cutting bylaws in relation to hazardous land or for screening, they do not have the same broad discretion as municipalities. In addition to the ability to regulate tree removal in hazardous areas as per s. 500 of the *LGA*, to regulate screening or landscaping for the purposes noted in s. 527 of the *LGA*, and to designate DPAs which may result in tree protection, the broader power to protect, prohibit or regulate the removal of trees could provide the following benefits:

- Greater control during site development (e.g. establishment of requirements for a minimum treed area or specification of types of trees to be planted, or requirement for disturbed areas to be replanted);
- The ability to regulate the volume or rate of tree removal (e.g. general permission to landowners to remove two trees per year);
- The ability to protect specific varieties of trees, wildlife trees, heritage or culturally-significant landmark trees;
- The ability to require compensation for trees that are removed either through tree replacement or through financial compensation; and
- Greater control over the visual appearance or rural aesthetic qualities of islands, which is intrinsically related to both islanders’ quality of life and local economics (i.e. tourism, the arts, recreation, etc.).

2. Costs of change, including general resource considerations.

Provided local trust committees would wish to adopt tree protection bylaws, this would require a community consultation process. Such bylaws should reflect community goals and objectives for tree protection and, more broadly, conservation. Community consultation would logically be led by Islands Trust planners or consultants.

Once adopted, tree protection bylaws would need to be administered by Islands Trust staff. This would ideally include a certified arborist to review tree permits and to conduct any necessary inspections prior to or following tree removal or planting. On the applicants’ side, it is anticipated that professionals such as arborists or foresters would need to be retained in order to advise on tree health assessment, and removal, retention and replanting options and plans.

Furthermore, tree protection bylaws would require a combination of education and enforcement in order to be effective.

3. Risks or challenges of change.

A significant challenge would be obtaining public buy-in regarding the adoption of tree protection bylaws. Many islanders believe that they are already good stewards of their land and do not wish to have further regulations imposed upon them. In fact, many islanders may have moved to the islands where they believe there are less onerous requirements or costs related to land development.

Particular challenges would need to be overcome dealing with waterfront property owners with entrenched property rights as they relate to their ability to maintain views as justified by their property values and taxes.

In un-serviced areas such as Lasqueti Island, there is a particular challenge related to the use of trees as a source of heat energy. It is expected that many islanders would be opposed to a tree protection bylaw that would limit their ability to cut trees for firewood.

There is a risk that if tree protection bylaws are proposed, this may have the unintended consequence of land-clearing where property owners attempt to beat the clock by cutting their trees before they need to apply and pay for a permit.

There is also a challenge with enforcement of tree protection bylaws. It should be expected that bylaw violation complaints would rise in response to illegal cutting or clearing. In some cases, it may be challenging for Islands Trust staff to follow-up on bylaw complaints due to the remoteness of some islands or because of perceived personal safety risks.

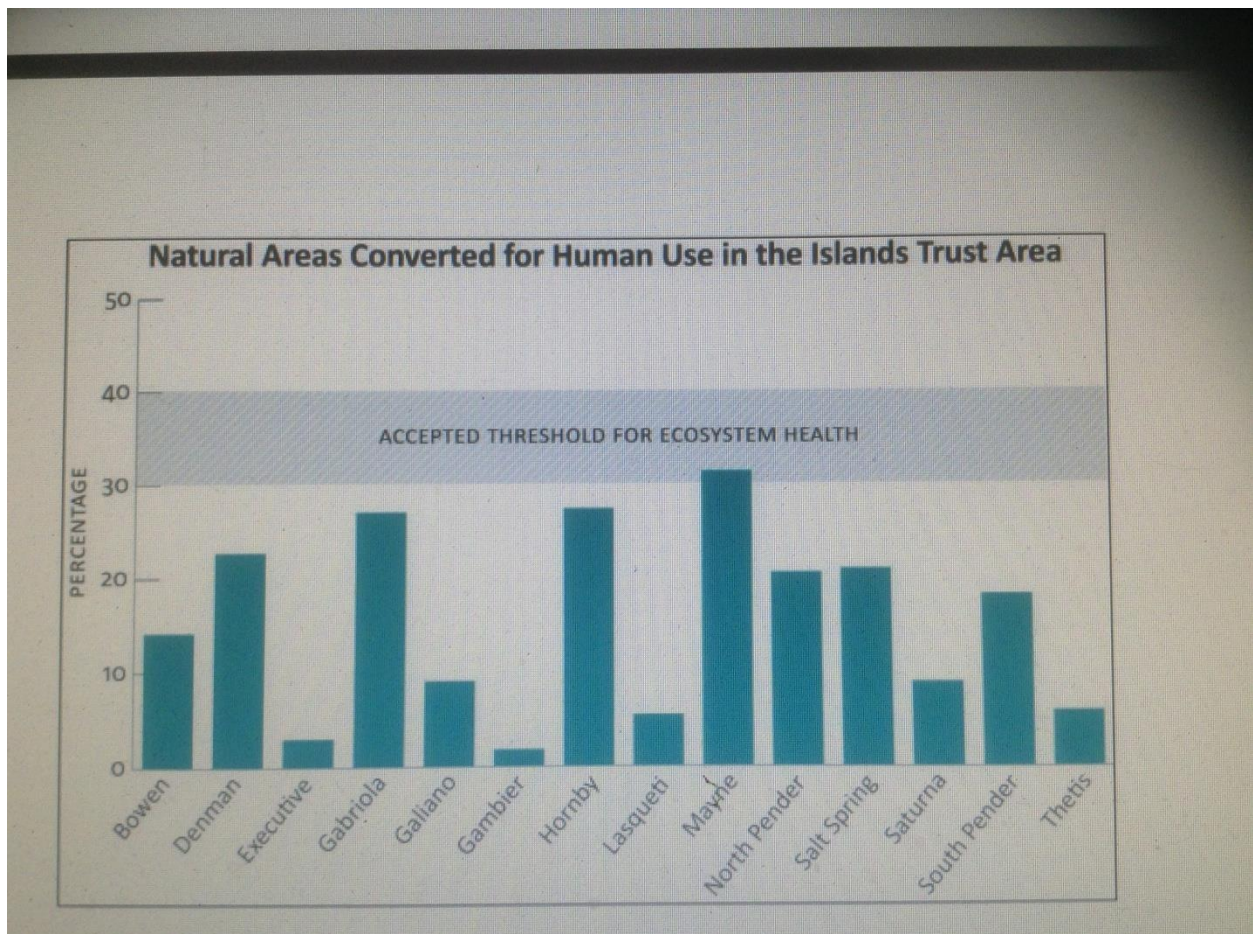
Dear Trustees,

I was literally blown-away when someone posted the URL for this Islands Trust Report, dated February 2020 called "The State of the Islands Indicators Project Final Report " on Facebook.

http://www.islandstrust.bc.ca/media/349032/tas_2020-02_stateoftheislands_finalreport-with-survey_final.pdf

I quote from the report: "Informed discussions about how we can all preserve and protect the Islands Trust Area depend on being firmly grounded in the realities that surround us. All too often, in the absence of insightful indicators, we form opinions and beliefs based on anecdotal experiences or feelings about how things are. This report includes a selection of socio-economic and environmental indicators that illustrate what is happening on our islands and in our communities."

This graph was particularly concerning to me:



It shows that 2 Islands are near and one other is already in the 'zone of harm' to their ecosystems. What is troubling me even more is that this report does not represent the reality. The reality being that every Island has existing unrealised development potential that are not factored-in in the report. For example, Gabriola Island, which is already the second most densified per square kilometer Island in the Trust Area

after Bowen Island (Census Canada) may see the doubling of its population without creating a single new density. I wonder how the graph would look like if a computer-modelling was generated to show where the Islands would be in this graph if their 'development potential was factored-in.

When did Staff produce your last Development Potential (aka Built-Out) Map? Do you know? On Gabriola such a map was last produced in 2010. An up-to-date Map will apparently be released soon but, ironically, after the conclusion of a community-wide consultation on Housing Options....and also after a Bylaw Process that would create a bonus density land-use designation for housing, now at Ministerial Approval stage.

At least Gambier, Lasqueti, Thetis, Saturna, Galiano and even Bowen Islands do not need to need worry yet unless of course, their 'hidden' potential is through-the-roof.

How/when did your Island respond to a government directive to insert affordable housing policies in their OCP in the mid-90s? In 1996, Gabriola adopted a new OCP and created the potential for hundreds of rental units on residential acreage of 5 acres or more. Many were built and many are yet to be realised. Make no mistake, they will be realised, in time.

I am asking Trust Council to set a Moratorium on the creation of new residential densities for all the Islands that are in or beyond the "accepted threshold for ecosystem health" zone in the Trust Area once the 'hidden' development potential is factored-in.

When these Islands will near their committed-to potential, after a review of their environmental health, the Moratorium may be lifted or maintained.

The Islands Trust is first and foremost about Preserving and Protecting the Islands because of their unique geographical settings, their geological fragility, their unique environmental features, rural character and limited resources. For the enjoyment of their residents, visitors and tourists and the Province generally, we need to keep the Islands' environment healthy. Overcrowding to respond to an insatiable need for new housing densities on the Islands-at-risk would be deplorable.

The Islands Trust was created to control development pressures from the outside. Nowadays, the pressures are from within. It is more-than-ever-before imperative that the Federation affirms its duty of care and protect the Islands at risk.

The graph is showing that the current way of balancing community needs versus the environment is not working.

Yours truly,

Jacinthe Eastick

Gabriola, BC.

V0R 1X7

From: Elizabeth FitzZaland <elizabeth@greencitybuilders.ca>
Sent: Tuesday, March 2, 2021 3:19 PM
To: Lori Foster <lfoster@islandstrust.bc.ca>
Cc: information <information@islandstrust.bc.ca>; Simon Palmer <[REDACTED]>;
Deborah Goldman <[REDACTED]>
Subject: Trust Council Late Agenda Submissions - March 9 Policy Statement Discussion

Hi Lori,

Deborah Goldman from Mayne Island and Simon Palmer from Denman Island (copied) asked that I forward the attached letters to Trust Council ahead of the Policy Statement discussion scheduled for the March 9 agenda.

I appreciate your assistance.

Warmly,
Elizabeth

Elizabeth FitzZaland MCIP, RPP
Salt Spring Solutions
250.538.7027
www.saltspringsolutions.ca

Denman Housing Association
3720 East Road, Denman Island, B.C. V0R 1T0
DenmanAffordableHousing@gmail.com 250 335 2559
Registered Charity #84680 0936 RR0001

To Islands Trust Council

February 28 2021

Re: Policy Statement, Housing & Communities

Please do NOT remove housing & community welfare from your priority list.

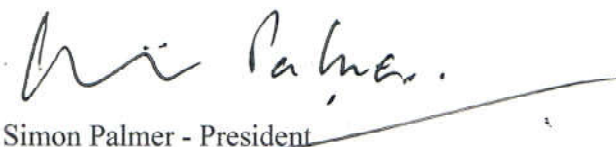
Denman Island likely typifies why Islands Trust should continue to actively support the creation of affordable housing on Gulf Islands in general.

- In June 2018 the Housing Needs Assessment commissioned by the Trust calculated that Denman Island needs 80 units of affordable housing. To date there is one.
- The Assessment confirmed a 2013 study that found 120 people on Denman Island (population 1,000 +/-) in need of decent and/or affordable housing
- Those in need are careworkers, manual workers, shop assistants, volunteer firemen, in other words those who keep the island functioning
- Further a mixed demographic is essential to a healthy vibrant community
- Many of those in need now live in campers, trailers, old school buses with no running water or 'facilities', barely heated by dangerous propane or kerosene devices
- The cheapest house currently on the market is around \$500,000, clearly unaffordable on an hourly wage
- Building energy efficient dwellings with modern water-saving devices is entirely compatible with good environmental stewardship

Local Trust Committees can do only so much. They need the staff support & other resources to meet community housing needs. With competition for funding, the support & advocacy of Trust Council for island affordable housing projects is critical.

The reality is that Gulf Islands are populated and dependent on Islands Trust for maintaining socially healthy communities. The alternative is too grim to contemplate.

There is no reason why environmental and community considerations cannot co-exist. Both require good stewardship and thoughtful management that only Islands Trust has the mandate to provide



Simon Palmer - President

March 1, 2020

To Islands Trust Council

Re: Policy Statement, Housing and Communities

Please do NOT remove housing and community welfare from your priority list.

This question is perennial:

Does the Islands Trust focus on the ecology only or include the resident island communities?
The answer, is BOTH!

Unless the Island Trust is prepared to advocate for a wilderness preserve and remove all the people, then healthy and viable island communities are essential.

The challenge as always is to find a balance.

The Islands Trust was founded to preserve and protect the ecology **and the resident communities** from rampant development, and it succeeded. The developers were sent packing and the islands settled into quiet rural backwaters. Then all that changed again with the huge influx of retirees and tourism, the agricultural economy died: replacing the rural economy for one dependent on pension checks and tourist dollars, and thereby creating a dual economy, those with money and those surviving on service industry wages. The islands have one of the highest per capita wealth and the lowest working income in the province. Once cheap land is now very expensive and without substantial savings, residents must rent or leave the community.

The viability of our island communities is dependent on a number of factors that relate with one another. Preserving and protecting the ecosystems of the island cannot ethically stand alone and without consideration of the healthy functioning of a community. Eco-systems, the forest, beaches and wetland are protected by keen community members who have a comfortable income. The economically poor challenge eco-systems by cutting down trees for fuel and grubbing a living from poor land. Wealthy people also challenge the eco-systems by clear-cutting whole acres of forest for better view and destroying the soils with machinery as we witness every day. Eco-systems are enhanced by keen gardeners and protected by volunteers with energy and this implies a healthy mixed community of children, working people and retirees. The average age in this community is 65 years.

The housing needs of Mayne Island, and of the other Southern Gulf Islands, were well identified in the 2018 SGI Housing Needs Assessment, and affirmed with the two surveys completed by the Mayne Island Housing Society (MIHS) in 2018 and 2020. The need for housing crosses all age groups, and includes renters of all ages, and senior homeowners who need to downsize. It

encompasses those in the workforce including singles, couples and families. Of 34 applicants for housing in the MIHS affordable housing project, 52% were seniors, both renters and homeowners. Mayne Island has no purpose built seniors housing. And, approximately 48% of applicants live in shared accommodations, recreational vehicles, trailers: housing unsuitable for long term living.

Housing is of such importance on all the gulf islands that many islands are in some stage of building affordable rental housing. Rather than divest cultural wellness from the priority list the Trust Council would be advised to embrace the issue of housing and other community wellness needs in order that the communities the Council is concerned with protecting can remain viable.

These small housing societies require the policies and practices of governing bodies to support their endeavours, while also supporting the shared interests of protecting the ecological sustainability of the communities.

Respectfully submitted

Deborah Goldman
President, Mayne Island Housing Society

From: ALIX HODSON <[REDACTED]>
Sent: Monday, March 1, 2021 4:05 PM
To: information <information@islandstrust.bc.ca>
Subject: Driftwood News Survey

Dear Trust members,

Please find attached the results of the Driftwood News Affordable Housing Survey as correspondence to Trust Council. This survey took place in the week of February 10th, 2021. The Question asked was should Affordable Housing be an Island Trust Priority? The resounding answer was **No** by a majority of 81% and the IT's own survey of 2016 supports these results. This proves that the majority of Islanders want the environment to take priority over community needs.

I would also respectfully request that you copy and send the results to all 26 Trustees.

Thankyou,

Alix Hodson-Deggan

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Tags

March 2021

S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10

From: Alix Alix

Subject: A Message from Basic Income BC - We are sending you this message

Folder: Inbox Size: 18 KB Received: 3:11 PM

From: Alix Alix

Subject: Fwd: Survey results - Sent from my iPad

Folder: Inbox Size: 517 KB Received: 2:23 PM

Fwd: Survey results

March 1, 2021 2:23 PM

From: Alix Alix

To: Alix Alix

QUESTION OF THE WEEK

Should affordable housing be an Islands Trust priority?

Yes: 10% (50)

No: 81% (385)

Total votes: 478

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Sent from my iPhone

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- [Live Webcast \(/live\)](#)

British Columbia News

Island Coastal Economic Trust expands to more communities

<https://news.gov.bc.ca/23799>

Tuesday, February 16, 2021 1:00 PM

Victoria - The Island Coastal Economic Trust (ICET), one of British Columbia's three publicly funded regional trusts, is expanding the number of communities it serves to benefit more people.

The expansion means organizations within the Capital Regional District (CRD) electoral areas of Juan de Fuca, Salt Spring Island and the southern Gulf Islands are eligible to apply for funding from ICET and be included in other services that ICET provides.

"Expanding the trust's service area means more small communities will be eligible for funding that will help them grow and thrive, supporting projects such as building new infrastructure, enhancing small-business opportunities or supporting Indigenous economic development," said Ravi Kahlon, Minister of Jobs, Economic Recovery and Innovation. "As with StrongerBC, ICET is working hard to build an economic recovery for British Columbia that is innovative, sustainable and inclusive."

ICET was created by the B.C. government in 2006. It is an independent regional economic development corporation focused on stimulating economic growth and job creation on Vancouver Island and the Sunshine Coast.

"As a former mayor of Tofino, I know first-hand how important ICET's role is in building better, stronger regional communities," said Josie Osborne, Minister of Municipal Affairs. "In addition to providing funding for local projects, ICET helps communities build capacity and leverage investment for long-term economic development."

Until now, communities in the CRD were excluded from the ICET service area. The decision to include the Juan de Fuca, Salt Spring Island and southern Gulf Islands electoral areas was made because the B.C. government determined these communities have fewer services than their urban CRD neighbours, lack the ability to cover the costs of core services and amenities and face challenges in developing their economies.

"ICET has an exceptional 15-year track record for strengthening and diversifying local economies in the region, and I'm delighted that more people and communities will now enjoy the benefits," said Adam Olsen, MLA for Saanich North and the Islands. "The Southern Gulf Islands have been asking for this change for more than 10 years, and I'd like to raise my hands in gratitude to Minister Kahlon for his efforts in making this expansion happen so early in his time as minister."

Quotes:

Aaron Stone, board chair, Island Coastal Economic Trust –

“ICET’s work supports a broad range of communities with unique and diverse economic development and diversification needs. We welcome the new areas into our service region and look forward to forging new relations as we continue to build a stronger, more innovative and vibrant island coastal region.”

Mike Hicks, director, Juan de Fuca Electoral Area –

“Juan de Fuca residents are very grateful to the B.C. government for recognizing our rural nature and including us in ICET. We look forward to working with our neighbouring communities and enhancing our economic development and well-being.”

Gary Holman, director, Salt Spring Island Electoral Area –

“Expanding ICET’s service area to include Salt Spring Island is great news for the people and the small communities on our island. Our inclusion within ICET will help advance Salt Spring’s economic development and environmental goals.”

David Howe, director, Southern Gulf Islands Electoral Area –

“The southern Gulf Islands are unlike almost any place on Earth, but we have economic development challenges just like anywhere else. Inclusion in ICET is the culmination of a personal 10-year project on my part and will bring opportunities for the many young families that make up our large volunteer economy, which includes firefighters and first responders.”

Quick Facts:

- Since its inception in 2006, ICET has invested more than \$52 million in 225 projects, working in partnership with over 150 organizations involved in regional economic diversification.
- These investments have leveraged more than \$245 million into the region, or \$4.62 for every dollar of ICET funding, and created 2,550 construction-phase jobs and 2,700 long-term jobs.
- More than 35% of funding has gone to communities of fewer than 5,000 people.
- ICET is one of three regional economic trusts that were publicly funded by the Province. The others are the Northern Development Initiative Trust and the Southern Interior Development Initiative Trust.

Learn More:

To find out more about the Island Coastal Economic Trust, visit: <https://www.islandcoastaltrust.ca/> (<https://www.islandcoastaltrust.ca/>)

For more information on Stronger BC: BC’s Economic Recovery Plan, visit: <https://strongerbc.gov.bc.ca/> (<https://strongerbc.gov.bc.ca/>)

Media Contacts

Ministry of Jobs, Economic Recovery and Innovation

Media Relations

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ICET LAUNCHES RECOVERY PROGRAM TO STRENGTHEN RURAL COMMUNITIES AND BUSINESSES

Provincially funded initiative supports creation of temporary employment in rural areas

COURTENAY, 18 February 2021 – A new Island Coastal Economic Trust (ICET) economic recovery program addressing capacity challenges in rural, remote and Indigenous communities has launched, with funding from the Province of British Columbia.

The new Rural Business and Community Recovery Program (RBCRP) will provide full funding support for the creation of new, temporary, term positions that strengthen business and community economic recovery and resilience. Projects must be located in eligible rural areas, which include Vancouver Island north of the Malahat, Capital Regional District Juan de Fuca, Salt Spring Island and Southern Gulf Islands electoral areas, the Sunshine Coast, Powell River, as well as Bowen Island.

“This is a timely initiative supporting nimble, community-based and regional economic recovery,” says ICET Board Chair Aaron Stone. “We are grateful to the Province of BC for the opportunity to leverage existing talent and opportunity within our region. This program has been tailored to community needs and will enhance our life-cycle approach to community development and economic diversification.”

Funded employment opportunities may include one-on-one business support services, implementation of community, regional or sub-regional economic recovery strategies or delivery of innovative approaches to rural economic recovery and resilience. Up to \$70,000 is available per organization (one or more positions) or up to \$125,000 for pooled or specialized services serving a broader regional or sub-regional geographic area.

Recognizing that rural, remote and Indigenous communities with populations under 5000 face unique challenges, the program will also enable these communities to use the new positions to support foundational economic development and diversification activities.

“Recovery from the economic impacts of the pandemic is of the utmost importance, especially for our rural communities,” said Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development. “Expanding the range of ICET to include rural areas outside their normal borders is just one way that we are focused on getting this recovery funding to as many rural communities as possible.”

The \$1.5 million economic recovery funding administered by ICET is part of a total \$4.5 million the

Province of BC is providing to three regional trusts, including Northern Development Initiative Trust and Southern Interior Development Initiative Trust.

“We created StrongerBC, the province’s economic recovery plan, to protect people’s health and livelihoods and invest in stronger communities and a brighter future,” said Ravi Kahlon, Minister of Jobs, Economic Recovery and Innovation. “This program gives our three economic trusts more resources to address their business and community development needs during the pandemic.”

The ICET Rural Business and Community Recovery Program is open to local governments, Indigenous communities and non-profit organizations, including economic development, industry and business support organizations.

The first application intake closes March 12th. The second application intake will close on April 9th. For more information, including guidelines and application forms, please visit the [Rural Business and Community Recovery Program](#) section of our website.

All interested applicants are strongly encouraged to attend a 30-minute Zoom information session prior to submitting an application.

Pre-register for one of the following meeting dates: [Monday, February 22nd](#) (12-12.30pm); [Wednesday, February 24th](#) (12-12.30pm); or Monday, March 1st. [Monday, March 1st](#) (12-12.30pm).

###

About the Island Coastal Economic Trust (ICET)

Created and capitalized by the Province of BC in 2006, the Island Coastal Economic Trust (ICET) mission is to create a more diverse and globally competitive Island and Coastal economy. In partnership with local and regional government, non-profits and indigenous communities, ICET serves nearly half a million residents.

Funding and support for economic infrastructure and other economic diversification initiatives is delivered through a unique community centered decision-making process. Since inception, ICET has approved more than \$54 million in funding for over 240 initiatives. These investments have leveraged over \$270 million in new investment into the region creating more than 2500 construction phase jobs and 2650 long term permanent jobs.

For further information:

[Amanda Fortier](#), Communications Officer
Island Coastal Economic Trust
Tel. 250-871-7797 *232



Minister Lisa Beare

Citizens Services
Room 151, Parliament Buildings
Victoria, BC V8V 1X4

February 25, 2021

Re: Broadband Services and Universal Broadband Fund (UBF)

Dear Minister,

I am writing today to encourage your Ministry to continue to pursue broadband connectivity across the province and especially on the Southern Gulf Islands.

Thank you for the opportunity to meet with senior staff in your Ministry to discuss the current situation. I appreciate that the Ministry of Citizens Services has been available and responsive to the needs of the communities I represent in the Salish Sea.

We are at a critical juncture for broadband services on the British Columbia coast. As such, I have prepared this letter to highlight the requests I have on behalf of my constituents for the next steps of the Connected Coast project and beyond.

I seek the following,

1. Ensure that there are provisions in place so Galiano and Mayne Islands are connected to fibre optic broadband services through the Connected Coast project or an augmented project,
2. Strongly advocate on behalf of British Columbia communities to receive federal government funding through the Universal Broadband Fund to support an augmented Connected Coast project and so-called “last mile” connections,

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3. Provide fiscal support for local governments who may not have the financial capacity to cover the 25% contribution required by the federal program, and
4. Additional funding to relieve bottlenecks and expedite the Connected Coast project.

The COVID-19 pandemic has highlighted the need for all communities to have access to reliable high-speed internet. The many Gulf Island communities in Saanich North and the Islands currently struggle to access reliable internet which is an important piece in bridging the rural-urban digital divide.

My constituents who live in more rural communities are lacking the access to high speed internet that is necessary to connect people with vital online services such as learning services and online health care. In addition, high speed internet is providing people with important connections to their family and friends during this challenging time.

In addition, because of the pandemic more part-time residents have made their Gulf Islands home their primary residence further adding pressure on insufficient broadband services.

I understand that in the coming weeks CityWest and the Strathcona Regional Districts will be applying to the federal government Universal Broadband Fund.

It is important for my constituents that the provincial government, and our federal Member of Parliament, Elizabeth May are both strongly advocating for this application to be successful for a few reasons.

First, it is critical that funds be made available to augment the current Connected Coast project to include Galiano and Mayne Island.

Second, Connected Coast is simply landing broadband capacity in our communities. However, for this service to be of value to my constituents there needs to be a funding program in place to support the “last mile” or connections from the landing location to homes and businesses.

Thirdly, I encourage the province to seek opportunities to expedite the Connected Coast and last mile projects by providing funding to strategically address immediate bottle necks, and to support complementary projects to bring our communities these crucial broadband service improvements in a timely manner.

Finally, I ask that the provincial government to strongly consider supplementing the federal program with financial support for rural and remote communities who may find it difficult to cover the 25% capital investment as required by the Universal Broadband Fund.

I am grateful for the collaboration between the Capital Regional District, provincial and federal governments, CityWest and Strathcona Regional District. I am encouraged by the progress that has been made on delivering this critical service.

These services are important for the future economic, social, and environmental health and wellbeing for the communities in the Southern Gulf Islands. As demand for access to uninterrupted broadband service for personal and professional uses this investment will assist elected and business leaders develop a more balanced Island economy.

Sincerely,



Adam Olsen, MLA
Saanich North and the Islands

cc.

Elizabeth May, MP

Gary Holman, CRD Director, Salt Spring Island

David Howe, CRD Director, Southern Gulf Islands

Colin Plant, CRD Board Chair

Tahirih Rockafella, Galiano Island Local Trust Committee

Jane Wolverton, Galiano Island Local Trust Committee

Jeanine Dodds, Mayne Island Local Trust Committee

David Maude, Mayne Island Local Trust Committee

Ben McConchie, North Pender Island Local Trust Committee

Deb Morrison, North Pender Island Local Trust Committee

Peter Grove, Salt Spring Island Local Trust Committee

Laura Patrick, Salt Spring Island Local Trust Committee

Paul Brent, Saturna Island Local Trust Committee

Lee Middleton, Saturna Island Local Trust Committee

Cameron Thorn, South Pender Island Local Trust Committee

Steve Wright, South Pender Island Local Trust Committee

Peter Luckham, Trust Chair, Islands Trust

Steve Woloszyn, CityWest

David Leitch, Chief Administrative Officer, Strathcona Regional District

Doug Hopwood RPF (ret)

██████████ Qualicum Beach BC ██████████

Email: ██████████ Phone: ██████████

March 3, 2021

TO:

- Premier John Horgan
- Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development
- Honourable George Heyman, Minister of Environment and Climate Change Strategy
- Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation
- Honourable Selina Robinson, Minister of Finance

Re: Reconciliation on Southeastern Vancouver Island and the Gulf Islands

Dear Premier Horgan and Ministers Conroy, Heyman, Rankin and Robinson:

I understand that the Snaw-naw-as First Nation has been invited to apply for a First Nations Woodland Licence (FNWL) that includes 323 ha of Provincial Crown land on Lasqueti Island. In a letter notifying the Lasqueti Island Trust Committee about the proposed FNWL, District Manager Rhonda Morris states that the FNWL would support an Allowable Annual Cut (AAC) of up to 5000 cubic meters per year, and that the invitation to apply for this FNWL is “an important step forward for long term reconciliation between the Province and the Snaw-naw-as First Nation.”

Reconciliation between Indigenous Peoples and other residents of British Columbia is an urgent moral imperative. I strongly support the Snaw-naw-as and other First Nations having increased access to and stewardship over land within their traditional territory on Lasqueti Island and elsewhere, through a land tenure or other means.

However, I believe that the proposed FNWL will not substantially advance the goals of reconciliation and will in fact set back certain aspects of reconciliation. Moreover, the offer of this tenure, and the process that led up to it, are inconsistent with several other important goals at Provincial and local scales. Please take the time to consider the following discussion of why I think this is so. I have summarized these reasons briefly below, and provide detailed documentation and analysis in Appendix 1 attached to this letter.

- According to the Truth and Reconciliation Commission of Canada, “reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour.”
- The BC Government has adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a step towards reconciliation. Article 21 of UNDRIP requires

government to work for continuing improvement of First Nations' economic and social conditions. Approximately half of all First Nations children in BC live in poverty. A meaningful reconciliation strategy in BC must provide economic benefits and opportunities for First Nations that are sufficient to end the endemic poverty that is a result of more than a hundred years of dispossession and discrimination.

- The proposed FNWL may allow for an AAC of up to 5000 m³/year. The employment and revenue opportunities from this level of harvest are nowhere near enough to constitute a significant step towards reconciliation. As a reconciliation measure, the proposed FNWL is shamefully inadequate.
- Article 28 of UNDRIP says that Indigenous Peoples have the right to lands equal to those taken from them, or else compensation of equal value. On south-eastern Vancouver Island, more than 800,000 ha of land were privatized by the Government of Canada without the consent of First Nations, in a land grant ostensibly to pay for building the Esquimalt and Nanaimo (E&N) railway. Only a tiny fraction of the total area was allocated to First Nations' use. This land transfer was an act of theft, accompanied by violence, including the abduction of children into the residential school systems in order to destroy their cultural connections to the land. The justification for this theft was a belief that Europeans were racially and culturally superior to Indigenous people. Most Canadians now repudiate such beliefs as scientifically baseless and morally repugnant, but the legacy of those beliefs continues in the pattern of land ownership and land uses that it created. One consequence of this history is that there is not enough Crown land left on southeastern Vancouver Island to satisfy UNDRIP Articles 21 or 28. We cannot undo the past, but we can make an honest and sincere effort at restitution. The Provincial and Federal governments must work to return a significant portion of the E&N land grant area to First Nations.
- Crown land forests on Lasqueti Island are environmentally sensitive and have high conservation values. Almost all of the harvestable forest within the Lasqueti Island Crown lands proposed for the FNWL is within critically imperilled Coastal Douglas-fir (CDF) ecosystems. It is impossible to harvest any significant volume of timber from Crown land on Lasqueti Island and at the same time protect rare or endangered ecosystems.
- Over the past 30 years, the Province has repeatedly ignored the advice of its own experts and failed to undertake land use planning or make land use decisions that account for the endangered status of CDF ecosystems in the Gulf Islands.
- It seems inevitable that the FNWL as proposed will result in strained relations between Snaw-naw-as First Nation and the residents of Lasqueti Island. Snaw-naw-as will quite reasonably want to realize badly needed revenue from the tenure while Lasqueti Islanders, equally reasonably, will be deeply distressed to see harvesting of the rare CDF zone forests they are committed to stewarding. Lasqueti Islanders who do not support logging on Lasqueti Crown lands are not motivated by "NIMBYism". The desire to conserve ecosystems

on Lasqueti Island Crown land stems from a principled and science-informed commitment to conserving key elements of the biodiversity that is the foundation of human well-being.

- Potential tensions between Snaw-naw-as First Nation and the Lasqueti community will not come from either party acting unreasonably, but from the BC Government having forced them into a position of conflicting interests in the land by failing to provide economic opportunities for Snaw-naw-as on lands where timber harvesting is a suitable use.
- Lasqueti Island residents will also have legitimate safety concerns about logging trucks operating on the island's narrow loose-surfaced roads, which must be shared with children and adults on foot and bicycle as well as in vehicles.
- The Provincial Government and its agencies should strive to act as role models, demonstrating by actions, not just words, what a respectful relationship looks like. However, the BC Government has modeled the opposite of respectful behavior towards the Lasqueti Island community through its complete failure to consult with residents of Lasqueti Island and the Islands Trust in its process of developing the proposed FNWL.

Like many non-Indigenous residents of BC, I come to the discussion about reconciliation and land use from a place of privilege. I have not experienced the discrimination, dispossession and oppression that generations of Indigenous people have been subjected to. I strongly support Snaw-naw-as and other First Nations having increased access to and stewardship over land within their traditional territory on Lasqueti Island or elsewhere through a land tenure or other means. But none of that changes my assessment that the proposed FNWL tenure does not constitute a meaningful step towards reconciliation, and that endangered forest ecosystems in the CDF zone should not be logged.

I have enclosed a cheque made out to the BC Minister of Finance for \$10,000.00 with a hard copy of this letter sent to the Minister of Finance. I wish this money to be used to acquire land within the traditional territory of the Snaw-naw-as and other First Nations that is currently privately owned, to be returned to First Nations as a partial measure of reconciliation. This money is not offered as an act of charity; it is a partial payment of a debt. The land I live on was taken from Indigenous people without their consent. The fact that the taking of the land was accompanied by other forms of abuse (for example, in the residential school system) further increases the urgency of restitution. I believe that every person and every corporation who has benefited, directly or indirectly, from use or ownership of land and resources in BC that were wrongfully taken from First Nations owes a similar debt, in proportion to how much they benefited and their level of wealth and income. My reason for sending a substantial sum of money is to demonstrate that I am willing—in fact eager—to pay taxes as necessary to support reconciliation as long as such taxes are equitably levied and dispersed. I believe many people in British Columbia feel the same way.

I urge the Government of BC to:

- Implement a land use order or other measure to protect endangered CDF forests and other ecosystems on Crown land on Lasqueti Island prior to issuing any tenure on those lands. (I support the Lasqueti parcels being in the FNWL as long as they are used for purposes consistent with ecosystem conservation.)
- Include additional Crown land that is not within a rare ecosystem in the area for the Snaw-naw-as FNWL. This additional land should be sufficient in productive capacity to at least offset the reduction in potential Allowable Annual Cut (AAC) due to removing the Lasqueti portion of the proposed FNWL from the Timber Harvesting Land Base (THLB).
- In the event that no such additional Crown land is available, provide an annual payment to Snaw-naw-as First Nation sufficient to offset the reduction in annual revenue resulting from removing the Lasqueti portion of the FNWL from the THLB, until suitable additional land can be made available.
- Commit to acquiring, by 2030, a minimum of 100,000 ha of land within the E&N land grant area to be returned to First Nations as step towards reconciliation. (This would be less than 1/8 of the area that was stolen.)
- Provide secure and sufficient government funding for the above-mentioned program of land acquisition, derived in substantial measure from taxation of economic gains that have accrued to private owners of the E&N land grant lands.
- Use the \$10,000.00 I have enclosed as the first deposit into the above-mentioned fund.

Thank you for taking the time to consider the information I have presented. Please let me know what measures the Government of BC will take to ensure protection of CDF ecosystems, to make restitution for the E&N land theft, and to provide substantial economic benefits and access to traditional lands for First Nations in order to further reconciliation in BC.

Sincerely,



Copies to:

- Chief Gordon Edwards, Snaw-naw-as (Nanoose) First Nation
- Adam Walker, MLA, Parksville-Qualicum
- Lasqueti Island Local Trust Committee, Islands Trust
- Andrew Fall, Area Director, Electoral Area E, qathet Regional District
- Rhonda Morris, District Manager, South Island Natural Resource District, MFLNRORD
- Prime Minister Justin Trudeau
- Carolyn Bennett, Minister of Crown-Indigenous Relations
- Gord Johns, MP, Courtenay-Alberni
- Paul Manly, MP, Nanaimo-Ladysmith

APPENDIX 1: Detailed Documentation and Analysis

Reconciliation

According to the Truth and Reconciliation Commission of Canada, “reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour.”¹

In 2019, the BC Government adopted Bill 41, the Declaration on the Rights of Indigenous Peoples Act,² which affirms the application of the United Nations Declaration on Rights of Indigenous People (UNDRIP) as a step towards reconciliation in British Columbia. Articles 21 of UNDRIP states that:

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

As of 2019, approximately half of all First Nations children in BC were living in poverty.³ It is clear that a meaningful reconciliation strategy in BC must provide tangible economic benefits and opportunities for First Nations that are sufficient to substantially alleviate the chronic endemic poverty that is a direct result of more than a hundred years of dispossession and discrimination. How well does the proposed FNWL address this aspect of reconciliation?

Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD) District Manager Rhonda Morris states that the FNWL will have an Allowable Annual Cut (AAC) of up to 5,000 cubic meters per year, and that it will “provide economic opportunities for the Snaw-naw-as First Nation”. Economic opportunities in forestry come in two forms: jobs and revenue. I work with a First Nations forest company on Vancouver Island that over the past five years has harvested around 50,000 m³/year. Even with this level of cut, we have had very limited success in creating jobs for First Nation members. Road-building, logging, and reforestation crews are typically active for less than six months per year to

¹ Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada. http://www.trc.ca/assets/pdf/Executive_Summary_English_Web.pdf

² <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/first-reading/gov41-1>

³ Poverty or Prosperity: Indigenous Children in Canada. Canadian Centre for Policy Alternatives and Save the Children. <https://www.policyalternatives.ca/publications/reports/poverty-or-prosperity>

complete all aspects of a 50,000 m³ harvest. The reality is that an AAC of 5000 m³/yr will not provide a significant opportunity for steady employment.

The company I work with sold harvested timber for an average price of \$87 per cubic metre. The costs of road-building, logging, transportation, reforestation, stumpage, etc. added up to over \$67/m³, leaving a profit margin of under \$20/m³. Given that the area proposed for the Snaw-naw-as FNWL is generally low in productivity and poses significant challenges related to terrain and access, it is unlikely to be much more profitable than that in the long run. But even if the proposed 5000 m³/year FNWL were to realize a net profit of \$50/m³ (which is unlikely) it would provide no more than \$250,000 per year in revenue. According to Te'mexw Treaty Association, Snaw-naw-as First Nation has 269 members.⁴ Two hundred and fifty thousand dollars divided by 269 people works out to \$929.36 per person per year (\$2.54 per day).

Given the severe economic challenges facing First Nations communities in BC as a result of more than a century of discrimination and dispossession, I do not see how the Province can call such a small source of revenue an "important step forward" for reconciliation. Please understand, I am not saying that one or two hundred thousand dollars a year would be insignificant to Snaw-naw-as First Nation. I'm sure it could make a contribution to providing urgently needed services or infrastructure. But it is nowhere near enough to constitute a significant step towards reconciliation. On the contrary, it is shamefully inadequate.

To put it another way, a 5000 m³/year AAC is roughly equivalent to two typical Woodlot Licences on Vancouver Island. Many Woodlot Licences are held by a single individual or family who manage the tenure on a part-time basis in addition to other employment. How can a tenure that would be considered a nice income supplement for two non-Indigenous families make a significant contribution to ending poverty in a community of 269 people? The BC Government appears to be working from a belief that economic expectations should be different for Indigenous people than for other Canadians; that it is somehow "normal" for Indigenous people to live in or near poverty, and that Indigenous people should be satisfied with a very small share of the wealth that is derived from their ancestral lands.

E&N Land

A key piece of guidance for reconciliation is contained in UNDRIP Article 28:

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

⁴ <https://temexw.org/about/who-we-are/snaw-naw-as/>

In brief, Article 28 says that Indigenous Peoples have the right to lands equal to those taken from them or else compensation of equal value. This principle is critically important in thinking about how reconciliation will unfold on south-eastern Vancouver Island, where a vast tract of land was privatized as part of a railway land grant.

Between 1884 and 1925, more than 800,000 ha of land on eastern Vancouver Island was transferred by federal Crown grant into private ownership, ostensibly as compensation for construction of the Esquimalt and Nanaimo (E&N) Railway, which in turn was intended to facilitate European settlement of the lands between Victoria and the Comox Valley. This area contained some of the most valuable old growth forests in BC and some of the most productive sites for forest growth in Canada, as well as much fertile land for agriculture. This transfer was completed without regard to the wishes or even survival needs of First Nations. Only a tiny fraction of the total area was allocated to their use, and even this was in the form of “Indian Reserves” (IR) under the paternalistic and oppressive control of the Government of Canada.

This land transfer was an act of theft. As legal scholar John Borrows has argued, “The Crown did not constitutionally possess a legal interest which allowed it to grant un-surrendered Aboriginal land to non-Aboriginal peoples in the first instance. . . The Crown cannot give to others what it does not itself possess.”⁵

For over a hundred years, the Government of Canada waged a campaign of cultural genocide against Indigenous Peoples.⁶ A key element of that campaign was the Indian Residential School (IRS) system, in which Indigenous children were abducted from their families for the purpose of destroying their cultural connection to their parents and communities.

The truth about the residential school system is somewhat known to most Canadians now, thanks in part to the work of the Truth and Reconciliation Commission. However, the residential school system was only one element of Canada’s assault on Indigenous Peoples, their cultures, and their very existence. Moreover, the abduction of thousands of Indigenous children and the attack on their family and cultural connections was not a goal in itself, but primarily a means to an end.

In 1938, Reverend Alfred Caldwell, principal of a residential school in coastal British Columbia, wrote, “The problem with the Indians is one of morality and religion. They lack the basic fundamentals of civilized thought. At our school we strive to turn them into mature Christians

⁵ Borrows, J. 2015. Aboriginal Title and Private Property. The Supreme Court Law Review: Osgoode’s Annual Constitutional Cases Conference Volume 71 (2015) Article 5.

<https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1307&context=sclr>

⁶ Truth and Reconciliation Commission of Canada. 2015. Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the. http://www.trc.ca/assets/pdf/Executive_Summary_English_Web.pdf

who will learn how to behave in the world and surrender their barbaric way of life and their treaty rights, which keep them trapped on their land.”⁷

As this quote makes clear, beyond simple ignorance and bigotry, one of the primary motives for attacking Indigenous culture in the residential schools was to break Indigenous Peoples’ connections to their lands, in order to facilitate the theft of those lands for the benefit of the colonial society. The justification for this theft was a belief that the Europeans to whom the lands were given were racially and culturally superior to the Indigenous people from whom the lands were taken.⁸

Now, in 2021, the vast majority of Canadians repudiate such beliefs as scientifically baseless and morally repugnant. But the legacy of those beliefs lives on, because the pattern of land ownership and land uses that it created is still in place. We cannot undo what happened in the past, but we can make an honest and sincere effort at restitution. We must acknowledge that the seizing of the E&N lands was an unscrupulous act of theft and a heartless act of racism. We must ask, what was the impact of this theft? The Hul’qumi’num Treaty Group provide this glimpse into some of the effects:

The E&N land grant removed vast areas of land from our control. In economic terms, we lost access to and influence over resources that had fed us for countless generations. As these private lands became ‘developed,’ fences and locked gates went up to block our entry to places where we’d always hunted, harvested plant foods and gathered other resources to meet our material needs. For over a century we’ve seen the natural wealth — timber, coal, minerals — leave our territory, making others wealthy at our expense.

The loss of these lands also affected our cultural life. We are prevented from using areas of great cultural importance, including bathing areas, burial grounds and other special places. Many of these sites have been destroyed by development, lost to us forever.

We’ve also lost access to many of the areas where we collected medicinal plants. All the best timber is now gone, making it difficult to carry on important traditions such as canoe-building and carving. Even finding wood to renovate and heat our longhouses is difficult.⁹

What can be done in restitution? UNDRIP Article 28 indicates that reconciliation must include a significant return of land to First Nations. But along the entire east coast of Vancouver Island from Sooke to Courtenay, and as far inland as Lake Cowichan and Port Alberni, there is very little Crown land, and almost none that is not already subject to some form of tenure. There is only one way enough land can be made available to First Nations on Southeastern Vancouver Island to satisfy the principle laid out in UNDRIP Article 28: the Federal and Provincial

⁷ Quoted in *Stolen Lives - The Indigenous Peoples of Canada and the Indian Residential Schools*. https://www.facinghistory.org/sites/default/files/publications/Stolen_Lives_1.pdf.

⁸ Truth and Reconciliation Commission of Canada. 2015. *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the*. http://www.trc.ca/assets/pdf/Executive_Summary_English_Web.pdf

⁹ Hul’qumi’num Treaty Group. *The Great Land Grab in Hul’qumi’num Territory*. <http://hulquminum.bc.ca/pubs/HTGRailwayBookSpreads.pdf?lbisphreq=1>

governments must re-acquire significant areas of private land to return to First Nations. This is not a new idea. The BC Treaty Commission states that in urban areas of the Province where Crown land is limited, private property will be critical to achieving final treaties.¹⁰ The Snaw-naw-as First Nation's Traditional Territory may not meet everyone's definition of an "urban area" but it has so little available Crown land that reconciliation will be impossible unless a significant area of private land is acquired and returned to Snaw-naw-as control.

Federal and Provincial Responsibility

Both the Provincial and Federal governments have responsibilities to redress the wrongs of the E&N land grant/theft. As the Supreme Court made clear in *Guerin v. The Queen, 1984*,¹¹ the Federal government has a general "fiduciary responsibility" to "safeguard the interests" of Indigenous Peoples in Canada. The Federal government also has a specific responsibility due to having alienated a vast area from the control of Indigenous Peoples in the E&N land grant.

The Provincial government has a responsibility to redress the wrongs of the E&N land grant/theft due to a long series of legislative and policy actions it has taken to undermine Indigenous rights and title within the E&N lands to the financial benefit of private holders of those lands. More than 500,000 ha of the original E&N grant is now held by large forestry corporations which have been the recipients of enormous munificence of the Provincial government.

Consider, for example, the position the Province took in a court case brought by Hupačasath First Nation challenging the Province's decision in 2004 to allow Brookfield Asset Management to remove 70,000 ha of private forest land from Tree Farm Licence (TFL) 44 within Hupačasath traditional territory on Vancouver Island.¹² Among the effects of this removal was a shift in forest practices from those required under the *Forest Act* and the *Forest and Range Practices Act* (FRPA) to regulation under the *Private Managed Forest Land Act* (PMFLA) which required much lower standards of consultation and environmental safeguards and removed all requirements to regulate the volume of timber harvested to levels that could be sustained in the long term.

In 2005, the Hupačasath launched a legal challenge against Minister of Forests, the Chief Forester, and Brookfield, arguing that a breach occurred in the "constitutional duty of the Provincial Crown to consult with them regarding the Crown's decisions to permit removal of the land from TFL 44" (*Hupačasath First Nation v British Columbia 2005*, para 5). However, the Crown and Brookfield argued that consultation and accommodations were not required for decisions and forestry operations on private land. . . Brookfield and the government effectively argued that the E&N land grants "extinguished" Indigenous rights and title to private land and therefore the Hupačasath were not entitled to consultation or accommodation regarding the removal decisions which accelerated logging activities on private land under the *PMFLA*.

¹⁰ BC Treaty Commission, <http://www.bctreaty.ca/land-and-resources>

¹¹ *Guerin v. The Queen 1984*, summarized by Indigenous Corporate Training Inc. <https://www.ictinc.ca/blog/guerin-v.-the-queen-1984>

¹² *Hupačasath First Nation v British Columbia 2005*. <https://www.bccourts.ca/jdb-txt/sc/05/17/2005bcsc1712.htm>

In this court case, the Province joined with a multi-national resource corporation in arguing that Hupačasath title had been extinguished by the E&N land grant and that Hupačasath therefore had no right to be consulted in the regulation and management of the land that was taken from them without their consent as part of the E&N land grant. As the Truth and Reconciliation Commission (TRC) have explained, the basis for arguing that Aboriginal title can be unilaterally extinguished by the Crown rests on the “Doctrine of Discovery”, the proposition that European colonial powers are entitled to claim ownership of lands they “discover” even if said lands are occupied by Indigenous people, because of a presumed inherent defect of Indigenous cultures and legal systems, whereby Indigenous people simply occupied, rather than owned, the land. The Doctrine of Discovery was condemned by the TRC as one of the foundations of cultural genocide.¹³ Yet, as recently as 2005, the Government of BC relied on this centuries-old racist argument in seeking to further erode the already decimated rights of First Nations within the E&N land grant area.

In summary, the Governments of both Canada and British Columbia are under an urgent ethical obligation to re-acquire a significant area of the E&N lands and return them to the First Nations from whom they were stolen.

Conservation of Rare Ecosystems

A key factor in thinking about land use on Lasqueti Island Crown lands is the issue of conservation of mature and old forest ecosystems in the Coastal Douglas-fir (CDF) biogeoclimatic zone.

The CDF zone is the smallest and most at-risk ecological zone in BC.¹⁴ The CDF zone contains the highest diversity of plant species in BC, the highest diversity of over-wintering bird species in Canada, and more species at risk than any other ecological zone in BC. Ninety-eight percent the ecological communities in the CDF are at risk. Eighty percent of land in the CDF is privately owned. Less than 1% of old-growth CDF forests remain. Within this context, any significant areas of forested Crown land in the CDF represent a rare and precious opportunity to conserve CDF forests and related ecosystems, such as wetlands and rocky outcrops.

History

It will be helpful to review some key events in the history of land use in the CDF in the past hundred years. Beginning early in the 20th century, timber was logged on various parcels of Crown land under various forms of temporary tenures. These tenures did not require any significant planning or management for values other than timber and expired soon after harvesting was completed. Reforestation was not required, although natural regeneration did occur to varying degrees in many areas. The last commercial logging of Crown land on Lasqueti

¹³ Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada. http://www.trc.ca/assets/pdf/Executive_Summary_English_Web.pdf

¹⁴ <https://www.cdfcp.ca/index.php/about-the-cdfcp/conservation-strategy>

occurred around 1972.¹⁵ By that point, most of the easily accessible timber on Crown land on Lasqueti had been logged, but significant areas of old forest remained on less accessible sites or more challenging terrain. The predominant logging methods were “high-grading” as opposed to true clear-cutting. Large numbers of very old “veteran” trees were left standing in many areas.

Since the early 1970s, only small amounts of timber have been cut on Crown land, mainly to facilitate development of infrastructure such as water storage ponds, the sanitary landfill, the Lasqueti Island Community Hall, etc.

In 1974, the BC Government created the Islands Trust, a unique form of local government in the Gulf Islands. Under the Islands Trust Act, the object of the Islands Trust is to “preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

As this legislation made clear, it is not merely a local objective, but a Provincial objective, to preserve and protect the trust area’s amenities and environment, and the Provincial government intends that its agencies should cooperate with the Islands Trust to achieve that objective.

In the late 1980s, several individuals contacted the Ministry of Forests (as it was called then) expressing interest in obtaining a Woodlot Licence on Crown land on Lasqueti Island. District staff (I believe Lasqueti was in Sunshine Coast Forest District at that time) contacted the Lasqueti Island Local Trust Committee (LTC) to ask which Crown Land parcels the LTC would consider suitable for that use. The LTC appointed a Lasqueti Island Crown Land Task Force (LICLTF) which collected information, surveyed the Lasqueti Island community, and considered options. The LICLTF recommended that ecosystem conservation was the best use of the Lasqueti Islands Crown land, because they constituted some of the largest blocks of contiguous CDF zone forest in existence. The LICLTF recommended that a Woodlot Licence or other tenure that included timber harvesting should not be issued, and that conservation designations should be applied instead.¹⁶ These recommendations were communicated by the Lasqueti Island Trust Committee to MOF, and MOF did not proceed with offering a Woodlot License on Lasqueti. However, no action was taken to formalize a conservation status for these lands or undertake a planning process that might lead to a conservation designation.

Starting in 1992, the Commission on Resources and Environment (CORE) appointed by the BC Government undertook a comprehensive, consultative land use planning process for Vancouver Island. One of the Province’s important goals was to work towards representation of 12% of major types of ecosystems in protected areas. At the outset of the Vancouver Island CORE

¹⁵ Ferris, C and D. Hopwood. 1990 . An Ecological Description of the Crown Land of Lasqueti Island. Report to BC Ministry of Forests and Lasqueti Island Trust Committee.

¹⁶ Lasqueti Island Crown Land Task Force Report. 1991. Prepared for Lasqueti Island Trust Committee.

process, there was consideration of whether the planning area should encompass the Gulf Islands. It was recognized that there were high conservation values present in the islands; but there was also concern that the broad-scale approach appropriate to Vancouver Island would be too coarse for effective planning in the islands. Accordingly, the Gulf Islands were not included in the Vancouver Islands process, and government agencies recognized at the time that there was a need to create a separate higher level planning process tailored to the unique conditions in the Gulf Islands. And yet, that never happened. The Vancouver Island Land Use Plan (VILUP) was completed in 2000, and increased the amount of protected area on Vancouver Island from 6 to 13%. No comparable strategic planning process was undertaken in the Gulf Islands.

In 1999, the BC Ministry of Environment, Lands and Parks published a brochure on Ecosystems in British Columbia at Risk: Coastal Douglas-fir Ecosystems, which noted that the representation of old Coastal Douglas-fir forests in protected areas was “far below what scientists consider to be the minimum area required for the continued survival of these forest types.”¹⁷ The brochure stated that:

Even if efforts to protect all remaining old-growth stands are successful, additional areas of older second-growth forest will have to be protected and allowed to recover to an old-growth state in order to ensure adequate representation of these forest types in the future.

Also in 1999, the BC Ministry of Forests published a brochure, The Ecology of the Coastal-Douglas-fir Zone, which stated that the CDF zone has “some of the province’s rarest vegetation, which is seriously threatened by growing human settlement”.¹⁸ The brochure noted that old forest in the CDF zone has important habitat values for wildlife, but that “very little old forest remains, having been mostly converted to farms, residences or second-growth forests”.

Also in 1999, the Ministry of Forests and Islands Trust mutually agreed to a Letter of Understanding (LOU) concerning the establishment of Woodlots in the Islands Trust Area.¹⁹ The LOU stated that “Islands Trust will be provided the opportunity for input into the criteria for evaluating applications for woodlot licences within the Islands Trust Area”, and that “proposals for the creation of woodlot licences will be circulated to Islands Trust for comment.”

In 2003, the BC Forest Practice Board (FPB) advised the BC Government that:

Effective public consultation requires providing an opportunity for public input at the appropriate planning level. Concerns about land use, such as permitting logging rather than creating a protected area, need to be addressed in strategic land and resource management

¹⁷ BC Ministry of Environment, Lands and Parks. 1999. Ecosystems in British Columbia at Risk: Coastal Douglas-fir Ecosystems. https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/species-ecosystems-at-risk/brochures/coastal_douglas_fir_ecosystems.pdf

¹⁸ BC Ministry of Forests. 1999. The Ecology of the Coastal-Douglas-fir Zone. <https://www.for.gov.bc.ca/hfd/pubs/docs/bro/bro30.pdf>

¹⁹ <http://www.islandstrust.bc.ca/trust-council/cooperation-agreements/provincial/>

plans. Concerns about landscape-level issues, such as protecting habitat for species like caribou or grizzly bears, need to be addressed in landscape-level plans. Finally, concerns about proposed roads and cutblock locations need to be addressed in operational or site plans. If concerns are directed to the wrong planning level, they cannot be properly addressed and the result will be dissatisfaction for all parties.

The Board's view is that the public must have an opportunity to access and provide input at all planning levels, from strategic through to operational, depending on their specific interests and how they are affected by forest operations.²⁰

Despite this advice, and the well understood need to make decisions about the future of Crown lands in the CDF zone and the Gulf islands, the BC Government did not implement a strategic land use planning process for the Gulf Islands.

In 2005, the Lasqueti Island Local Trust Committee adopted Bylaw No. 77 Lasqueti Island Official Community Plan (OCP) containing the following information and objectives with regards to Crown land on Lasqueti Island.²¹

The Lasqueti Island Local Trust Area has significant areas of Crown land, including some of the largest undeveloped and unroaded blocks of land remaining in the CDF. Some areas have never been logged and others, with mature second growth, have good potential to develop into old growth. The Crown lands on Lasqueti Island have very high conservation value because they can contribute to conservation of provincially significant rare and uncommon ecosystems including Douglas-fir old growth forests; Douglas-fir/Arbutus forests and other ecosystems that are under-represented in British Columbia's protected area system.

The Lasqueti community believes that the public of British Columbia realizes the greatest benefit from these Crown lands as large parcels with low density and minimal development. Among other strongly expressed reports and forums, the Crown Land Task Force presented a report in 1991 to the Lasqueti Island Local Trust Committee containing recommendations for the use of Crown lands in the Lasqueti Local Trust Area. The Local Trust Committee refers to this report as an indication of the community's desires concerning the use of Crown land before making any recommendations to the Ministry responsible for Crown lands.

Objectives

- preserve Crown lands for public enjoyment and community use.
- take into account the conservation values on Crown Lands as the primary consideration in decision making.

In 2007, the BC Government adopted a "New direction for strategic land use planning in BC."²² Contrary to the advice of the FPB, and despite the many documented benefits of strategic land

²⁰ Board Bulletin, Volume 3 – Opportunity for Public Consultation under the *Forest and Range Practices Act*. (2003). <https://www.bcfpb.ca/wp-content/uploads/2016/04/003-Volume-3-Information-Bulletin.pdf>

²¹ <http://islandstrust.bc.ca/media/342714/labylbaseocp0077.pdf>

²² A New Direction for Strategic Land Use Planning in BC: Synopsis. Integrated Land Management Bureau, Ministry of Agriculture and Lands, December, 2006. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/policies-guides/new_direction_synopsis.pdf

use planning, the new direction called for strict limits on the use of strategic land use planning and a strictly limited role for public participation in planning processes that did occur. Under this new direction, it was not clear whether a participatory strategic planning process would be contemplated to address conservation of CDF ecosystems in the Gulf Islands and elsewhere.

In 2007, the BC Forest Practices Board (FPB) investigated a complaint about woodlot harvesting in the Coastal Douglas-fir ecosystem. The FPB found that:

Red-listed plant communities are imperilled in the CDF and are at some risk of harm from forest harvesting (and other land development). The limited amount of Crown land available within the CDF, and the history of use on those lands, presents a special challenge to stewardship of the ecosystem. This investigation and previous Board work indicates that an overall stewardship strategy is needed—one that encompasses the full range of red-listed plant communities and the habitats and species they support.²³

The FPB recommended that “government promptly finalize and implement an overall stewardship strategy for the CDF ecosystem.” This recommendation was not followed.

In June, 2010, the FPB investigated a second complaint about forest harvesting in the CDF ecosystem, and found that “harvesting mature or old forest in the CDF. . . is not consistent with a vision of overall ecosystem integrity”.²⁴

In July, 2010, the BC Government informed the FPB that government had issued a land use objectives order to protect 1600 ha of CDF forest.²⁵ Most of the additional protected lands were on Vancouver Island; none were on Lasqueti Island. This order was not developed through a strategic land use planning process, and seems to confirm that Government does not intend to undertake participatory strategic planning for the Gulf Islands or CDF ecosystems.

In 2011, the FPB investigated yet another complaint about forest harvesting in the CDF ecosystem. The FPB report stated that:

Government has undertaken some measures, including protection of some additional land; however, the result to date is that ecosystem viability remains at high risk. In the Board’s view, it will remain so until the amount of older forest stands within the ecosystem is substantially increased.²⁶

²³ Woodlot Harvesting and Red-listed Plant Communities in the Coastal Douglas-fir Ecosystem of Vancouver Island Complaint Investigation: 060733 FPB/IRC/127 September 2007. <https://www.bcfpb.ca/wp-content/uploads/2016/04/IRC127-Woodlot-Harvesting-Red-Listed-Plant-Communities.pdf>

²⁴ Conservation of Imperilled Coastal Douglas-fir Ecosystem. FPB/IRC/168. June 2010. <https://www.bcfpb.ca/wp-content/uploads/2016/04/IRC168-Nanoose.pdf>

²⁵ Letter from Heather MacKnight to Al Gorley, dated July 30, 2010. https://www.bcfpb.ca/wp-content/uploads/2016/04/IRC168-CDF-Order_0-1.pdf

²⁶ Logging on District Lot 33 within the Coastal Douglas-fir Ecosystem *Complaint Investigation 100950* FPB/IRC/173 January 2011. <https://www.bcfpb.ca/wp-content/uploads/2016/04/IRC173-Logging-on-DL-33-within-the-Coastal-Douglas-fir-Ecosystem-WEB.pdf>

In 2012, the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) was launched, with membership including the BC Ministry of Environment and Climate Change Strategy and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (South Coast and West Coast Regions), and with the following Terms of Reference:

The CDFCP is intended to be a forum for communication and collaboration regarding the maintenance and restoration of healthy Coastal Douglas-fir and Associated Ecosystems (CDFAE) (see map in Appendix A). The CDFCP recognizes the need for shared stewardship of CDFAE and will strive to focus resources collaboratively, strategically and transparently so as not to duplicate existing conservation efforts and to maximize conservation gains.

The CDFCP will strive to strategically address ongoing threats to CDFAE conservation due to growing human populations, development, and resource use through collaborative engagement of parties with the goal of raising awareness of conservation issues and promoting conservation objectives in a respectful manner.

The CDFCP will endeavour to support and explore synergies with its partners and will recognize existing conservation planning and initiatives and will endeavor to build upon, promote and support those initiatives whenever possible and incorporate existing plans into CDFCP outcomes. The Partnership will strive to not negatively impact a partner's ability to carry out their mandate.

The CDFCP recognizes the importance of basing decisions on the best available science and will provide an information sharing forum to disseminate information such as mapping resources and provide advice to support conservation initiatives occurring throughout the CDF and CWHxm1.²⁷

The CDFCP produced a brochure on Coastal Douglas-fir Ecosystems which noted that CDF ecosystems are "rare and highly endangered"²⁸ and that 98% of CDF zone ecological communities are at risk of being lost.

In 2015, the CDFCP published a Conservation Strategy, which noted that "the extent of disturbance, combined with the low level of protection, places the ecological integrity of the CDF zone at high risk."²⁹

In 2018, the Provincial Government added 980 ha of CDF land to the 2016 land use objectives order.³⁰ The additional lands were mostly on Vancouver Island. None were on Lasqueti Island.

²⁷ <https://www.cdfcp.ca/index.php/get-involved/terms-of-reference>

²⁸ Coastal Douglas-fir Coastal Douglas-fir and Associated Ecosystems Conservation Partnership. Coastal Douglas-fir Ecosystems. <https://www.cdfcp.ca/index.php/about/cdf-brochure-for-landowners>

²⁹ Coastal Douglas-fir Coastal Douglas-fir and Associated Ecosystems Conservation Partnership. 2015 Conservation Strategy. https://www.cdfcp.ca/attachments/CDFCP_CS_2015.pdf

³⁰ Ministry of Forests, Lands, Natural Resource Operations and Rural Development Ministerial Order. Coastal Douglas-fir moist maritime (CDFmm). Biogeoclimatic Subzone

In 2018, the Chief Forester completed a new Allowable Annual Cut (AAC) determination for the Arrowsmith Timber Supply Area (TSA). In her Rationale report for the AAC, the Chief Forester discussed the role of Gulf Islands Crown land forests in the Timber Harvesting Land Base (THLB):

As described under ‘Gulf Islands’, there is currently no land use decision made by government excluding the 810 hectares of Crown forest on the Gulf Islands. Despite this area being legislatively defined as part of the THLB, little or no harvesting has occurred on many of the Gulf Islands for the past 20 years. This is due to increasing pressure to manage these islands for non-timber values such as the conservation of the Coastal Douglas-fir biogeoclimatic zone (CDFmm).

Although I recognize the harvesting challenges of operating here, this area is still legally part of the THLB. Therefore, until there is a land use decision made by government, I will account for half of the potential THLB (208 hectares) contributing to the timber supply of this TSA.³¹

In this statement, the Chief Forester is not expressing an opinion as to whether Crown Lands on the Gulf Islands should be used for timber harvesting. Rather, she is saying that it is the role of government, not the Chief Forester, to make land use decisions. Her point is that until or unless there is a land use decision made by government, she finds it necessary to consider Crown lands in the Gulf Islands as contributing at least partially to the THLB, and that this in turn will make it imperative to eventually harvest timber on these lands. This was a clear message from a senior advisor to the Minister that unless the government’s intent was to see mature CDF forests logged rather than protected, there was a pressing need for government to make a land use decision, rather than continuing to ignore the increasingly problematic contradiction between the unprotected status of these lands and Provincial and local government objectives for the Gulf Islands and the CDF zone. No land use decision was made.

Crown lands on the Gulf Islands have been considered part of the THLB since at least 1986, when the Arrowsmith TSA was formed from portions of the former Nootka and Quadra TSAs, and most likely since 1979, when the Forest Act was amended to introduce the current system of AAC determination.

As this short history makes clear, over a thirty-year period, the Government of BC has been advised by the Islands Trust, by the Commission on Resources and Environment, by the Forest Practices Board, and by the Chief Forester, of the need to address the future of the CDF zone and Gulf Island forests by making a land use decision.

Consolidated Version1. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/southisland-lu/southisland_cdfmm_luor_27jun2018consolidated.pdf

³¹ British Columbia Ministry of Forests, Lands Natural Resource Operations and Rural Development. Arrowsmith Timber Supply Area Rationale for Allowable Annual Cut (AAC) Determination, February 9, 2018 Diane Nicholls, RPF, Chief Forester. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/stewardship/forest-analysis-inventory/tsr-annual-allowable-cut/arrowsmith_tsa_rationale_2018.pdf

The fact that Lasqueti Island Crown lands are considered part of the THLB is not the result of any planning process or land use decision whatsoever. On the contrary, it is a default status from forty years ago that is still in place due to a protracted failure on the part of the BC Government to undertake land use planning and/or make land use decisions. In failing to do so, the Government has chronically ignored established principles of sound forest management with regards to land use planning, and repeatedly ignored the specific counsel of its own most informed and most senior advisors with regards to CDF ecosystems.

CDF Harvesting Cannot be Reconciled with Conservation

The Provincial government has acknowledged the importance of conservation in the CDF zone in words. For example the preamble to 2018 South Coast CDF land use order states that the Province is “committed to managing Crown land within the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic subzone in a manner that provides protection for rare or endangered plant communities.” However, this statement cannot be reconciled with the proposal to issue a forest harvesting tenure on Crown land on Lasqueti Island. Virtually all of the harvestable forest within the Lasqueti Crown lands proposed for the FNWL belongs to one of the following four ecological communities:³²

- Douglas-fir / dull Oregon-grape,
- Douglas-fir - arbutus,
- grand fir / dull Oregon-grape,
- grand fir / three-leaved foamflower.

According to the BC Government’s online Species and Ecosystems Explorer³³ all four of these ecological communities are provincially red-listed, which means they are at risk of being lost (extirpated, endangered or threatened).³⁴ Three of the four have a Provincial Conservation Status Rank of S1, meaning “critically imperilled” while one (Douglas-fir – arbutus) has a rank of S2, meaning “imperilled”. Conservation of these ecosystems cannot be accomplished by using modified or special harvesting practices. It is simply impossible to harvest any significant volume of timber from Crown land on Lasqueti Island and at the same time provide protection for these rare and endangered ecological communities.

Potential for Strained Relations

In addition to the economic inadequacy of the proposed FNWL, I am concerned that timber harvesting operations on the Lasqueti Island lands within the proposed FNWL will likely lead to strained relations between members of the Snaw-naw-as First Nation and members of the Lasqueti Island community. The proposed FNWL contains 323 ha of Crown land on Lasqueti

³² Ferris, C. and D. Hopwood. 1990. An Ecological Description of the Crown Land of Lasqueti Island. Report to the BC Ministry of Forests and Lasqueti Island Trust Committee.

³³ <https://a100.gov.bc.ca/pub/eswp/>

³⁴ <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

Island, all of which is within the Coastal Douglas-fir (CDF) biogeoclimatic zone. Crown land forests on Lasqueti Island are environmentally sensitive and have high conservation values.

The Lasqueti Island community has a long history of working to conserve forests and ecosystems on Lasqueti and the nearby islands. Lasqueti community members played a key role in donating and raising funds to purchase private land that became Squitty Bay Provincial Park in 1988 and Jedediah Island Provincial Park in 1994.³⁵ More recently, substantial funds were raised locally to purchase additional land for Squitty Bay Provincial Park. There are also four Islands Trust Conservancy nature reserves on Lasqueti Island that were created through local donations of land and/or money. A high proportion of Lasqueti residents believe that forest harvesting is not an appropriate use for Crown Lands on Lasqueti. This belief cannot be dismissed as a case of “NIMBYism”. It stems from a principled and science-informed commitment to conserving some key elements of the biodiversity that is the foundation of all human well-being. As I have documented BC residents, especially those in the Gulf Islands, have been told over and over by Provincial government agencies and other respected sources that CDF ecosystems are rare and highly endangered, and that conservation of these ecosystems is an important Provincial objective.

It seems sadly inevitable that the proposed FNLW will result in strained relations between Snaw-naw-as First Nation and the residents of Lasqueti Island. Snaw-naw-as will quite reasonably want to realize badly needed revenue from the tenure. Lasqueti Islanders, equally reasonably, will be deeply distressed to see harvesting of the rare CDF zone forests they are committed to stewarding. Residents will also have safety concerns about logging trucks operating on the island’s narrow loose-surfaced roads, which must be shared with children and adults on foot and bicycle as well as in vehicles. The tension will not come from either party acting unreasonably, but from the BC Government having forced them into a position of conflicting interests in the land by failing to provide adequate economic opportunities for Snaw-naw-as on lands where timber harvesting is a suitable use. It is manifestly unfair for the Province to put Snaw-naw-as First Nation in the position of having to choose between badly needed revenue and responsible stewardship of imperilled ecosystems.

It is also unfair to members of the Lasqueti island community, many of whom are passionately committed to the principles of reconciliation and to conservation of endangered ecosystems.

To repeat the words of the Truth and Reconciliation Commission, “reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples”. The FNWL as proposed will make it harder for all parties—Snaw-naw-as, the Lasqueti community, and the Province—to achieve that goal.

³⁵ <https://bcparks.ca/planning/mgmtplns/jedediah/jedmp/jed001.html>

Province's Failure to Plan or Consult

It also seems to me that the Provincial Government and its agencies should strive to act as role models, demonstrating by actions, not just words, what a respectful relationship looks like. However, the BC Government has modeled the opposite of respectful behavior towards the Lasqueti Island community in its process of developing the proposed FNWL.

Over the past 30 years, the Province has repeatedly failed to undertake land use planning or make land use decisions that account for the views of the Lasqueti community concerning the Crown lands. More recently, the BC Government failed to consult the Lasqueti Island community concerning the proposed FNWL which would allow significant timber harvesting on Lasqueti Island Crown lands. MFLNRORD's failure to consult with the Lasqueti Island Trust Committee prior to offering the FNWL was directly contrary to the intent and spirit of:

- *Islands Trust Act,*
- *Letter of Understanding between the Ministry of Forests and Islands Trust Concerning the establishment of Woodlots in the Islands Trust Area,*
- *Coastal Douglas-fir and Associated Ecosystems Conservation Partnership Terms of Reference,*
- *Forest Practices Board Bulletin, Volume 3 - Opportunity for Public Consultation under the Forest and Range Practices Act.*

This failure cannot have been a result of mere negligence. On September 4, 2020, MFLNRORD invited comments from "stakeholders within the Lasqueti area" on proposed changes to Visual Quality Objectives (VQOs) for Lasqueti Island. It is clear now that the new VQOs were developed as part of the process for developing the FNWL. And yet, MFLNRORD staff made no mention of the proposed FNWL even to members of the public (including myself) who questioned why new VQO s were being developed for Lasqueti at this time. This was secrecy carried to the point of deceit. (Note that I am not alleging misconduct on the part of any individual. I do not know who made the decision that MFLNRORD employees were not to share information about the proposed FNWL when communicating with the public about the VQOs.)

Recent years have seen a shift towards greater emphasis on consultation with First Nations on matters of land use and management of Crown lands. That is as it should be, and indeed I spent much of my professional forestry career working to bring about exactly that change.³⁶ But that does not mean that consultation with the non-Indigenous public has become irrelevant or unnecessary. In the process of developing a tenure opportunity for Snaw-naw-as First Nation, the BC Government has acted disrespectfully towards the community of Lasqueti Island, and has thus acted contrary to the most basic principle of reconciliation: the need to build mutually respectful relationships.

³⁶ For example, see Hopwood, D. 2002. *What Lies Beneath: Responding to Forest Development Plans, A Guide for First Nations*. Ecotrust Canada. http://archive.ecotrust.org/publications/what_lies_beneath.html

----- Forwarded Message -----

Subject:RE: Oceans Protection Plan Dialogue Forum 2021 - Anchorages

Date:Thu, 4 Mar 2021 22:47:53 +0000

From:Heryet, Trevor <trevor.heryet@tc.gc.ca>

To:'BRUCE MCCONCHIE' <[REDACTED]>

CC:Beavis, Katherine <katherine.beavis@tc.gc.ca>, Gelinas, Emilie <Emilie.Gelinas@tc.gc.ca>, Robert Martin, MacGregor, Alistair - MP <robert.martin.810@parl.gc.ca>, Paul Manly <paul.manly@parl.gc.ca>, elizabeth may c1a <elizabeth.may.c1a@parl.gc.ca>, natalie.anderson@cowichantribes.com <natalie.anderson@cowichantribes.com>, chiefbrown@penelakut.ca <chiefbrown@penelakut.ca>, gary.drouillard@lyackson.bc.ca <gary.drouillard@lyackson.bc.ca>, pluckham <pluckham@islandstrust.bc.ca>, Robert Manning <robert@cosbc.ca>

Hi Bruce and thanks for connecting. We appreciate getting your feedback, and like you, I was glad to see that a discussion on anchorages was made possible at the recent OPP dialog forum. We also appreciate you taking time out of your schedule to attend some of the sessions.

With respect to your comments and concerns specific to anchorages, I will let Emilie Gelinas respond as the national lead on the file.

Best regards.

Trevor J. Heryet

Executive Director, Oceans Protection Plan
Transport Canada, Pacific Region / Government of Canada
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From: BRUCE MCCONCHIE [REDACTED]

Sent: Thursday, March 04, 2021 11:32 AM

To: Heryet, Trevor <trevor.heryet@tc.gc.ca>

Cc: Beavis, Katherine <katherine.beavis@tc.gc.ca>; Gelinas, Emilie <Emilie.Gelinas@tc.gc.ca>; Robert

Martin, MacGregor, Alistair - MP robert.martin.810@parl.gc.ca; Paul Manly paul.manly@parl.gc.ca; elizabeth may c1a elizabeth.may.c1a@parl.gc.ca; natalie.anderson@cowichantribes.com; chiefbrown@penelakut.ca; gary.drouillard@lyackson.bc.ca; pluckham pluckham@islandstrust.bc.ca; Robert Manning robert@cosbc.ca

Subject: Oceans Protection Plan Dialogue Forum 2021 - Anchorages

March 4, 2021

Mr. Trevor Heryet
Executive Director
Oceans Protection Plan Implementation
Transport Canada

Dear Sir:

Thank you for the opportunity to participate in the recent Oceans Protection Plan Dialogue forum and agreeing to our request to have the Anchorages Initiative included on the agenda. Based on the number of attendees at the sessions involving the anchorages issue, it did prove to be a subject of interest.

We, however, were very disappointed in both the presentation and substance of those sessions. We were not provided with any new information as we already had this data over 3 years ago.

We realized that the virtual meeting format was new to both the presenters and attendees but surely the presentation could have contained more than two slides to help try to explain the information provided. You need only look to the much more comprehensive briefings on the many other topics that took place at the recent forum to understand our frustration at the lack of meaningful dialogue.

Also, it was quite evident that there has been little cooperation with the other departments in the OPP structure as questions were either deferred or just not answered. It was also stated that Transport Canada would not be sharing any information regarding their studies or initiatives at this time.

Most worrying was the inability to answer basic questions regarding the safety and suitability of the 33 designated anchorages in the Southern Gulf Islands.

Overall it highlights our concern as to the intent of Transport Canada in addressing this very important aspect of the OPP. So far there has been almost no consultation with coastal communities.

We wish to point out the following statement in the November 2, 2017 OPP Pacific Region Dialogue Forums Summary report page 21 section 6.1

"Pacific Region activities include an Interim Anchorages Protocol, Anchorages Advisory Committee, additional engagement meetings and collaborative identification of data needed for analysis. In the next 12 to 18 months, ***a working group with Indigenous and coastal communities will be formed to begin the work.*** "

We are still waiting for this to happen.

In the meantime:

- The number of vessels using these anchorages increases
(For 2020 the total number of ships has increased 117% compared to 2019 and increased 74% compared to 2018. The number of days at anchor increased 134% when compared to 2019 and increased 77% compared to 2018.)
- The interim protocols regarding noise and light pollution are being consistently ignored
(In Plumper Sound alone almost every vessel arriving needs to be reported to the Port of Vancouver)
- Most troubling, vessels continue to drag anchor during inclement weather.
"Between January 2015 and March 2020, a total of 102 dragging anchor occurrences along the BC coastline were reported to MCTS. When a vessel drags anchor, it can result in a collision, a grounding, or other emergency situations." (Marine Transportation Safety Investigation Report M20P0092)

We members of the Southern Gulf Islands coastal communities feel we are not being heard. We have been compiling data, researching possible solutions and providing a vessel monitoring and reporting regarding the continuous abuses of the interim protocols.

We understand that the National Anchorages Initiative and Emilie Gelin's position are based in Transport Canada headquarters in Ottawa. We are appealing to you as the senior Transport Canada representative for the OPP on the West Coast to provide a more adequate and informed dialogue on the Anchorages Issue.

We respectfully request that you and whomever you deem appropriate from the National Anchorages Initiative meet with us at your earliest convenience.

Sincerely,

Bruce McConchie, Plumper Sound Protection Association, Pender Island
Michel Lecour, Plumper Sound Protection Association, Pender Island
Chris Straw, Gabriolans Against Freighter Anchorages, Gabriola Island
Peter Holmes, Cowichan Bay Ship Watch Society, Cowichan Bay
Doug Fenton, Anchorages Concern Thetis, Thetis Island
Oliver Bussler, Gabriolans Against Freighter Anchorages, Gabriola Island

Copies to:

Katherine Beavis, Transport Canada
Emilie Gelinas, Transport Canada
Alistair MacGregor, MP Cowichan/Malahat/Langford
Paul Manly, MP Nanaimo/Ladysmith
Elizabeth May, MP Saanich/Gulf Islands
Natalie Anderson, Cowichan First Nation
Chief Joan Brown, Penelakut First Nation
Gary Drouillard, Lyackson First Nation
Peter Luckham, Islands Trust
Robert Lewis Manning, Chamber of Shipping



March 4 .2021

Peter Luckham, Chair
Islands Trust Council
1627 Fort Street, Suite 200
Victoria BC V8R 1H8

Reference: 300595
Your file: 0400-30 Ministries-
MOTI

Dear Chair Luckham:

Re: Election and Appointment as Minister

Thank you for your letter congratulating me on behalf of Islands Trust Council on my re-election as MLA for Victoria-Swan Lake and my appointment as Minister of Transportation and Infrastructure. It is an honour to represent British Columbians in these roles.

Our government is committed to fighting COVID-19 and ensuring British Columbia's economic recovery. With this recovery at the forefront of government's efforts, my ministry will work to efficiently deliver infrastructure projects and other transportation network improvements that will create jobs and provide lasting benefits to communities across the province. I will also work with local governments to improve transit and transportation options, including active transportation, to support our government's climate change goals and ensure people can better access economic and social opportunities. I appreciate the Council's interest in these matters.

I recognize the important role Islands Trust Council plays in meaningful reconciliation and environmental preservation. I will share your concerns regarding commercial freighters anchoring along the Gulf Islands with my federal counterpart, the Honourable Omar Alghabra, Minister of Transport. As we plan to rebuild from the pandemic, I look forward to working with First Nations and other governments, business leaders and stakeholders. Together, I believe we can deliver a transportation network that benefits everyone.

.../2

Thank you again for taking the time to write.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Fleming". The signature is fluid and cursive, with the first name "Rob" and last name "Fleming" clearly distinguishable.

Rob Fleming
Minister

Copy to: The Honourable Omar Alghabra
Minister of Transport

From: David Bouvier <>
Sent: Friday, March 5, 2021 9:37 AM
To: Lori Foster <lfoster@islandstrust.bc.ca>
Subject: Live and let live

Must there inevitably be a contradiction between preserving the unique natural properties of the Salish Sea Islands on the one hand and the encouragement of healthy communities and cultures? I think not.

Yes, clearly, as in any location where humans have settled, there is an ultimate carrying capacity. But within that limitation we need to find ways to ensure that young persons of limited financial means can live among us. Those of us who are much closer to the end of life than to its beginning increasingly rely on their support for yard work etc.

Does anyone in their right mind think that young folks are going to happily commute by ferry for the enormous privilege of cutting someone's grass for minimum wage?

David Bouvier

From: Ron Holmes <>

Sent: Friday, March 5, 2021 12:11 PM

To: Lori Foster <lfoster@islandstrust.bc.ca>

Subject: Policy statement

Hello,

The island trust should focus on its mandate of environmental protection.

Solving the housing problem by ignoring illegal suites is unacceptable. Here on Gabriola where illegal suites are on half acre lots, the water and septic system issues are a public health problem. In addition there is density increase and commercialization through holiday rentals.

Please support and enforce the bylaws on illegal suites, in your policy decisions.

Ron Holmes, Gabriola.



Top Priorities Report

Executive Committee

1. *Islands Trust Act Amendments*

Investigate possibility of amendments to the Islands Trust Act to broaden the Islands Trusts ability to serve its communities and to strengthen its mandate to preserve and protect. Strategic Plan #20)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 26-Oct-2016

2. *Update Islands Trust Policy Statement*

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan #10, #16, #22, #23)

Responsible

Clare Frater

Dates

Target: 15-Sep-2022

3. *Climate Change Emergency*

Matters pertaining to Islands Trust declaring a climate change emergency. (Strategic Plan #10)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 05-Jun-2019

4. *Business Response to COVID-19*

Draft and implement safety plan, consider public messaging as needed.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 15-Apr-2020

Top Priorities Report

Executive Committee

5. *First Nations Reconciliation*

Responsible

Dates

Implementation of the Reconciliation Action Plan. (Strategic Plan Items #17 & #18)

Russ Hotsenpiller

Rec'd: 02-Sep-2020



Projects Report

Executive Committee

1. *Development of an Islands Trust Communications Strategy*

Responsible

Date Received

Including development of a new website. (Strategic Plan Item #14)

Clare Frater

30-Aug-2017

2. *Marine Advocacy*

Responsible

Date Received

Associated with i.) impact of commercial activities on SRKW (SP#4), ii.) oil spills and iii.) anchorages.

Clare Frater

02-Sep-2020

3. *Broadcast Public Meetings*

Responsible

Date Received

Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item #13)

Clare Frater

02-Sep-2020

Julia Mobbs

Russ Hotsenpiller

4. *Improve Communications about the Islands Trust*

Responsible

Date Received

Related to Strategic Plan Items #13 and #14.

Clare Frater

30-Aug-2017

5. *NAPTEP regulation changes to increase the percentage of tax exemption*

Responsible

Date Received

Strategic Plan Item #3.

Clare Frater

02-Sep-2020

Kate Emmings

Projects Report

Executive Committee

6. *Advocate to reduce negative impacts of shellfish aquaculture practices*

Responsible

Date Received

Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy.

16-Aug-2017

7. *First Nations Reconciliation*

Responsible

Date Received

MMIWG Calls for Justice Resolutions

21-Oct-2020

1. All staff required to take training related to cultural safety in keeping with the Missing and Murdered Indigenous Women and Girls Calls for Justice.
2. That staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.
4. Staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.
5. Draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.