



Executive Committee Agenda

Date: Wednesday, July 12, 2023
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	
3. DELEGATIONS	
3.1 Cape Roger Curtis - No Camping - Petition	4 - 5
4. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING	
5. ADOPTION OF MINUTES	
5.1 Executive Committee June 27th draft minutes	6 - 9
6. FOLLOW UP ACTION LIST AND UPDATES	
6.1 Follow Up Action List/Director/CAO Updates	10 - 18
6.2 Local Trust Committee Chair Updates	
6.3 Islands Trust Conservancy Liaison Update	
7. BYLAWS FOR APPROVAL CONSIDERATION	
7.1 Bowen Island Municipality Bylaw No. 598 (LUB amendment) RFD	19 - 31
THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 598 cited as "Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 598, 2023" is not contrary to or at variance with the Islands Trust Policy Statement.	
7.2 Galiano Island LTC Bylaw No. 289 (BEN administrative) - RFD	32 - 37
THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 289, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011, Amendment No. 1, 2023" in accordance with Section 27 of the <i>Islands Trust Act</i>.	
8. TRUST COUNCIL MEETING PREPARATION	
8.1 Executive	
8.1.1 June Trust Council Roundtable Review	

8.1.2	June Trust Council Business Decision Highlights	38 - 38
	For review and approval for circulation.	
8.1.3	June Trust Council Follow-up Action List (FUAL)	39 - 50
	For review	
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8.2	Planning Services	
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8.4	Trust Area Services	
9.	EXECUTIVE COMMITTEE PROJECTS	
9.1	Trust Council Initiated	
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9.1.2	Trust Area Services	
9.1.3	Planning Services	
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9.2	Executive Committee Initiated	
9.2.1	Executive	
9.2.1.1	Marine and Foreshore land use - Briefing	52 - 78
9.2.2	Trust Area Services	
9.2.2.1	Executive Committee/Islands Trust Conservancy Liaison meeting - Discussion	79 - 85
	Report from June 14th Executive Committee meeting attached for information.	
9.2.3	Planning Services	
9.2.4	Administrative Services	
10.	NEW BUSINESS	
10.1	Executive/Trust Council	
10.1.1	Appointment of Deputy Secretary Salt Spring Office - RFD	86 - 87
	That the Executive Committee appoint Legislative Clerk, Rob Pingle as Deputy Secretary.	
10.2	Trust Area Services	
10.2.1	LTC Chairs Report on Local Advocacy Topics	
10.3	Planning Services	
10.3.1	Request to review MOTI agreement - Briefing	88 - 88
	MOTI = Ministry of Transportation and Infrastructure	
10.4	Administrative Services	
11.	CORRESPONDENCE (for information unless raised for action)	

11.1	S. Palmer email dated July 5 re: Trust Advocacy	89 - 89
12.	WORK PROGRAM	
12.1	Review and amendment of current work program	90 - 92
13.	NEXT MEETING	
	The next Executive Committee meeting will be held electronically on August 2, 2023, beginning at 9:00 a.m. The public may hear and view the meeting at #200 1627 Fort Street, Victoria, BC.	
14.	CLOSED MEETING - scheduled	
	That the meeting be closed to the public subject to Section 90(1) (g) of the Community Charter in order to consider matters related to advice that is subject to solicitor-client privilege and that staff attend the meeting.	
15.	ADJOURNMENT	



APPLICATION FORM FOR DELEGATIONS TO ADDRESS ISLANDS TRUST COUNCIL OR A COUNCIL COMMITTEE

Overview

You may address Council (or a Council Committee) formally by: (a) presenting a petition or making a presentation as a delegation; or informally, by participating in (b) public comment sessions or (c) by correspondence. All correspondence, formal delegation presentations and petitions are treated as a public record.

Submissions

- Each delegation is required to complete this form and submit it to Islands Trust, along with any PowerPoint or video presentation that accompanies a delegation's written presentation by 4:30 pm at least 3 weeks prior to the meeting.
- If you miss this deadline, you may still submit this form; however, such requests will require approval by Executive Committee before the meeting or, 2/3 majority approval of Trust Council at the meeting.
- Each address shall be limited to 10 minutes unless a longer period is agreed to by approval of Executive Committee before the meeting or, of Trust Council at the meeting.
- *Application deadlines and approval requirements to address a Trust Council Committee may vary from the above. Contact ExecAdmin@islandstrust.bc.ca for guidance.*
- Rules governing delegations are outlined in the Islands [Trust Council Meeting Procedures Bylaw 101](#).

All meetings are open to the public, are live streamed and recorded. Physical locations of the meeting are posted on the Islands Trust website.

Submit this form to ExecAdmin@islandstrust.bc.ca or mail to Islands Trust #200 – 1627 Fort St. Victoria B.C. V8R 1H8

I wish to address Islands Trust Council or _____ Council Committee

at the meeting of Quarterly Meeting

I REPRESENT _____ the petition to oppose overnight camping at Metro Vancouver's proposed regional park at Cape Roger Curtis, Bowen Island

(Name of Organization if applicable)

AS Julie Vik - petition organizer

(Capacity/Office)

NAME OF PRESENTER or Alternate Julie Vik

ADDRESS _____

TELEPHONE NO.(s) _____

E-MAIL _____

My reason(s) for appearing is (are) and the substance of my presentation is as follows:

I would like to briefly present the results of a petition opposing all overnight camping at Metro Vancouver's proposed Regional Park at Cape Roger Curtis. This petition at present represents 1500 signatures of Bowen registered voters, 75% of the number of voters in last years election.

I anticipate this presentation will only be a couple of minutes.

(If more space is required, please attach an additional page to this form.)

- ☐ I will have a PowerPoint or video presentation and will submit it at least three weeks in advance of the meeting.
- ☒ I am aware that the meeting and my presentation will be live streamed via the Islands Trust website and recorded.

*Please note personal information contained on this form is collected under the authority of the *Local Government Act* and is subject to the *Freedom of Information and Protection of Privacy Act*. The personal information will be used for contact purposes only. Enquiries about the use of information in this form can be directed to the Legislative Services Manager at information@islandstrust.bc.ca

Date: June 7, 2023

Signed: _____

(Signature of Applicant)

From: Julie >

Sent: Wednesday, June 7, 2023 8:18 PM

To: Executive Admin <execadmin@islandstrust.bc.ca>

Subject: Delegate request for June quarterly meeting

Please accept my day late application to present the current results of my petition opposing all overnight camping at Metro Vancouver's proposed regional park at Cape Roger Curtis, Bowen Island.

I am appealing to the trust to deny the request by Metro Vancouver to amend our OCP, allowing a variance to zoning which would allow overnight camping.

I will only require a minute or at most two, plus would like the petition added to the agenda.

Thank you, Julie Vik



Executive Committee

Minutes of a Regular Meeting

Date: June 27, 2023
Location: The Haven, Bing Room
240 Davis Rd., Gabriola Island, BC

Members Present: Peter Luckham, Chair, Thetis Trustee
Tobi Elliott, Vice-Chair, Gabriola Trustee
David Maude, Vice-Chair, Mayne Trustee
Timothy Peterson, Vice-Chair, Lasqueti Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
Stefan Cermak, Director, Planning Services (DPS)
Clare Frater, Director, Trust Area Services (DTAS)
David Marlor, Director, Legislative Services (DLS)
Lori Foster, Executive Coordinator/Recorder

1. CALL TO ORDER

The meeting was called to order at 10:00 am. Chair Luckham opened the meeting with a land acknowledgement, that the meeting was being held on Snuneymuxw First Nation territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration to add the following at:

- 10.4 Trans Mountain letter regarding human health impacts

2.2 Approval of Agenda

By general consent, the agenda was approved as amended.

2.2.1 Agenda Context Notes

3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING - None

4. ADOPTION OF MINUTES

4.1 June 14, 2023, draft minutes

By general consent, the June 14, 2023, draft minutes were adopted as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

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

CAO Hotsenpiller discussed the status of Islands Trust (municipal) insurance, that some trustees wish to know about “self insurance”.

Executive Committee discussed adding to the Trust Council agenda, as new business, self insurance for Islands Trust and will raise this under approval of the agenda at Trust Council this afternoon.

5.2 Local Trust Committee Chair Updates

Chairs of their local trust committees (LTC’s) provided updates on recently attended meetings, applications of note, LTC project updates and official community plan (OCP) reviews.

Verbal updates were heard on the following:

- Galiano North Hall electronic connectivity issues
- Salt Spring Island community presentation of a “citizen bylaw”
- Clarification regarding mooring buoys, jurisdictional issues and authority

EC-2023-077

It was Moved and Seconded,

That Executive Committee hold a discussion on marine and foreshore uses and authorities at the July 12 Executive Committee meeting.

CARRIED

5.3 Islands Trust Conservancy Liaison Update

On June 29th, Trust Council will hold an election for the vacant Islands Trust Conservancy position replacing Trustee Grant Scott whose resignation was announced on May 3.

6. BYLAWS FOR APPROVAL CONSIDERATION - None

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

Elder Geraldine Manson had to cancel, as scheduled for Trust Council but fortuitously, David Bodaly, Snuneymuxw Elder and knowledge sharer is available.

7.2 Local Planning Services - None

7.3 Administrative Services - None

7.4 Trust Area Services - None

8. EXECUTIVE COMMITTEE PROJECTS - None

8.1 Trust Council Initiated - None

8.1.1 Executive - None

8.1.2 Trust Area Services - None

8.1.3 Local Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated

8.2.1 Executive - None

8.2.2 Trust Area Services

8.2.2.1 UBCM Minister Meeting Requests – Discussion

Director of Trust Area Services (DTAS) Frater verbally reviewed the Union of British Columbia Municipalities (UBCM) minister meeting requests for submission, due June 30, as directed by Executive Committee at its June 14th business meeting.

The following ministry meeting requests were discussed:

- Set up a meeting with Minister Kang (for after UBCM) regarding provincial funding and Islands Trust Governance Review
- Ministry of Transportation and Infrastructure regarding transportation strategies
- Ministry of Indigenous Relations and Reconciliation for guidance on capacity funding and referral fees
- Ministry of Forests on private moorages

By general consent, Executive Committee wish to set up a meeting with Minister Kang after UBCM.

8.2.3 Local Planning Services - None

8.2.4 Administrative Services - None

9. **NEW BUSINESS** - None

9.1 **Executive/Trust Council Trust Area Services** - None

9.2.1 LTC Chairs Report on Local Advocacy Topics - None

9.3 **Local Planning Services** - None

9.4 **Administrative Services** - None

10. **CORRESPONDENCE (for information unless raised for action)**

10.1 **Report on Trans Mountain Fate & Behaviour Bitumen Research (BC EAO Condition 35) - Local Coastal Governments email dated June 14, 2023**

Received for information.

10.2 **Invitation to Connect with the Salish Sea Strategy email dated June 22, 2023**

Deadline to respond is June 30, 2023.

Received for information.

10.3 **Invitation to Join the OPP Dialogue Forum's Advisory Panel email dated June 15, 2023**

Discussion regarding this national initiative ensued.

By general consent, respond that the Chair of Islands Trust will participate.

10.4 **Trans Mountain letter regarding human health impacts**

By general consent, receive for information and circulate to trustees.

11. **WORK PROGRAM**

11.1 Review and amendment of current work program

The Executive Committee Work Program Report (Active Projects) is on the June Trust Council agenda for review and approval by Trust Council

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held electronically, July 12, 2023, beginning at 9:00 a.m.

13. CLOSED MEETING - None

14. ADJOURNMENT

By general consent, at 11:15 a.m., the meeting was adjourned.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Staff to provide a report on online viewership of Council Meetings.	Russ Hotsenpiller	Meeting: 22-Mar-2023 Target: 12-Jul-2023	In Progress
2 Initiate a reconciliation learning group comprised of trustees who indicate interest; and a learning plan be developed and implemented through monthly, virtual meetings.	Clare Frater Russ Hotsenpiller	Meeting: 07-Mar-2023 Target: 27-Sep-2023	In Progress
3 Trust Council respond to Minister Kang to the effect that Trust Council will revisit the request for a review of Islands Trust mandate, governance and structure, at September Trust Council and provide the minister with an update.	Russ Hotsenpiller	Meeting: 08-Mar-2023 Target: 27-Sep-2023	In Progress
4 The Executive Committee is requested by the Governance Committee (April 17th meeting) to follow the SWOT (strengths, weaknesses, opportunities and threats) analysis process in developing the draft strategic plan that is to be submitted to Trust Council this year.	Russ Hotsenpiller	Meeting: 17-Apr-2023 Target: 27-Jun-2023	Completed
5 Coordinate a round table on housing, to include BC Housing, key ministers, housing leaders from island communities, and others, within the first six months of the new term and a panel session about housing challenges and solutions in the Islands Trust Area as part of trustee education	Russ Hotsenpiller Stefan Cermak	Meeting: 22-Sep-2022 Target: 27-Jun-2023	In Progress
6 Determine a visioning exercise for trustees at September Trust Council. EC, GC, and FPC subgroup to collaborate.	Julia Mobbs Russ Hotsenpiller	Meeting: 03-May-2023 Target: 26-Sep-2023	In Progress

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
7 Explore future education/workshop sessions on decision-making to benefit trustees.	Russ Hotsenpiller	Meeting: 24-May-2023 Target: 26-Sep-2023	In Progress
8 Redirect item 7.6.3 Delegation Request Cape Roger Curtis - No Camping to July 12th meeting.	Russ Hotsenpiller	Meeting: 14-Jun-2023 Target: 12-Jul-2023	Completed
9 Add to July 12 Executive Committee agenda, a discussion on marine and foreshore uses and authorities.	Russ Hotsenpiller	Meeting: 27-Jun-2023 Target: 12-Jul-2023	Completed
10 Amend the Strategic Plan to extend the Strategic Plan through 2024/25 as an interim strategic plan with the following changes: 1. Corporate Planning is adopted as a priority for Trust Council 2. Prioritizing elements of the strategic projects that support land use decision making 3. Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment	Russ Hotsenpiller	Meeting: 28-Jun-2023 Target: 06-Dec-2023	In Progress
11 Staff to discuss, with interested trustees, requirements and options and report back on possibilities and effort required to improve Trustee access to key documents.	David Marlor Russ Hotsenpiller	Meeting: 29-Jun-2023 Target: 27-Sep-2023	In Progress



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
12 Staff consider options and report back on possibilities and effort required to provide Trustee view access to integrated calendar of Trust Meetings.	Russ Hotsenpiller	Meeting: 29-Jun-2023 Target: 28-Sep-2023	In Progress
13 Coordinate a strategy and prepare a request that the Province revisit the provincial grant funding formula to the Islands Trust.	Russ Hotsenpiller	Meeting: 07-Mar-2023 Target: 06-Dec-2023	In Progress

Director Legislative Services

Activity	Responsibility	Dates	Status
1 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. As of March 2022, amendments to 11 out of 17 policies deemed out of date have been adopted.	David Marlor	Meeting: 03-Feb-2021 Target: 13-Jun-2023	In Progress
2 Review the Executive Committee sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor	Meeting: 14-Apr-2021 Target: 13-Sep-2023	In Progress
3 Staff to report back on recording of meetings by members of the public re clarity on recording and report on recording of electronic meetings.	David Marlor	Meeting: 22-Mar-2023 Target: 12-Jul-2023	In Progress

Follow Up Action Report

Executive Committee

Director Legislative Services

Activity	Responsibility	Dates	Status
4 Staff to provide a briefing with respect to options for better understanding of the policy regarding Code of Conduct for vice-chairs, trustees and the public.	David Marlor	Meeting: 12-Apr-2023 Target: 12-Jul-2023	In Progress
5 Develop model bylaws with regards to public notice guidance, as a priority.	David Marlor	Meeting: 14-Jun-2023 Target: 02-Aug-2023	In Progress
6 Staff to discuss, with interested trustees, requirements and options and report back on possibilities and effort required to improve Trustee access to key documents.	David Marlor Russ Hotsenpiller	Meeting: 29-Jun-2023 Target: 27-Sep-2023	In Progress

Director of Planning Services

Activity	Responsibility	Dates	Status
1 Develop a communications strategy and materials to support awareness of the housing affordability advocacy request and rationale.	Clare Frater Stefan Cermak	Meeting: 22-Sep-2022 Target: 27-Jun-2023	In Progress
2 Coordinate a round table on housing, to include BC Housing, key ministers, housing leaders from island communities, and others, within the first six months of the new term and a panel session about housing challenges and solutions in the Islands Trust Area as part of trustee education	Russ Hotsenpiller Stefan Cermak	Meeting: 22-Sep-2022 Target: 27-Jun-2023	In Progress



Follow Up Action Report

Executive Committee

Director of Planning Services

Activity	Responsibility	Dates	Status
3 Director of Planning Services request the Office of the Ombudsperson to undertake a comprehensive review of the enforcement-related policies and practices of the Islands Trust, and recommend such improvements and changes to them as may be required to bring the policies and practices into conformity with best practices for local government bylaw enforcement.	Stefan Cermak	Meeting: 08-Mar-2023 Target: 27-Sep-2023	In Progress
4 The Galiano Island Local Trust Committee requests that Trust Council prioritize a review of the Islands Trust First Nations bylaw referral process and that an agenda item for this topic be placed on the June 27-29 Trust Council agenda for consideration.	Clare Frater Stefan Cermak	Meeting: 06-May-2023 Target: 29-Jun-2023	Completed
5 Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.	Clare Frater Stefan Cermak	Meeting: 29-Jun-2023 Target: 06-Dec-2023	In Progress

Director, Administrative Services

Activity	Responsibility	Dates	Status
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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.	Julia Mobbs	Meeting: 21-Oct-2020 Target: 20-Sep-2023	In Progress
2 Determine a visioning exercise for trustees at September Trust Council. EC, GC, and FPC subgroup to collaborate.	Julia Mobbs Russ Hotsenpiller	Meeting: 03-May-2023 Target: 26-Sep-2023	In Progress
3 Staff to research the possibility of self-insurance.	Julia Mobbs	Meeting: 29-Jun-2023 Target: 28-Sep-2023	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: 06-Dec-2023	In Progress
2 Legislative Monitoring Chart (bi-annually to Trust Council) Staff to produce the Legislative Monitoring briefing every 6 months with the next one being September 2023.	Clare Frater	Meeting: 23-Feb-2022 Target: 13-Sep-2023	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
3 Staff to work with trustees to organize two film screenings of the movie Dust n Bones and reconciliation discussions subject to support of affected local trust committees. (A grant in aid of 4,500 (from History and Heritage Grants in Aid program was provided in 2020 to host screenings on three islands but due to Covid-19 restrictions only one screening occurred.) EC previously indicated interest from Gabriola and Salt Spring Islands.	Clare Frater	Meeting: 26-Feb-2020 Target: 28-Jun-2023	In Progress
4 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: 03-May-2023	In Progress
5 Investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.	Clare Frater	Meeting: 07-Oct-2021 Target: 06-Sep-2023	In Progress
6 Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act.	Clare Frater	Meeting: 12-Apr-2022 Target: 20-Sep-2023	In Progress
7 Initiate rekindling of the San Juan County/Islands Trust relationship, work with Chair for September	Clare Frater	Meeting: 11-Jan-2023 Target: 27-Sep-2023	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
8 Staff advance the question of responding to delegates with thank you letters, for June Trust Council, and that staff prepare a briefing on practices in other local governments.	Clare Frater	Meeting: 11-Jan-2023 Target: 27-Jun-2023	In Progress
9 Briefing item 8.2.2.2 "Trust Council Decisions Related to Conservation from Islands Trust Conservancy be forwarded to the ITC/EC liaison meeting on July 18th.	Clare Frater	Meeting: 22-Mar-2023 Target: 18-Jul-2023	Completed
10 Initiate a reconciliation learning group comprised of trustees who indicate interest; and a learning plan be developed and implemented through monthly, virtual meetings.	Clare Frater Russ Hotsenpiller	Meeting: 07-Mar-2023 Target: 27-Sep-2023	In Progress
11 Develop a communications strategy and materials to support awareness of the housing affordability advocacy request and rationale.	Clare Frater Stefan Cermak	Meeting: 22-Sep-2022 Target: 27-Jun-2023	In Progress
12 The Galiano Island Local Trust Committee requests that Trust Council prioritize a review of the Islands Trust First Nations bylaw referral process and that an agenda item for this topic be placed on the June 27-29 Trust Council agenda for consideration.	Clare Frater Stefan Cermak	Meeting: 06-May-2023 Target: 29-Jun-2023	Completed
13 Bring a report/briefing/RFD to get direction from TC on further action regarding the Climate Change Emergency include materials from last terms trustee led messaging.	Clare Frater	Meeting: 03-May-2023 Target: 26-Sep-2023	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
14 Submit minister meeting requests for September UBCM to MOTI regarding BC Ferries protocol agreements and roads, Minister Kang regarding a review of the Islands Trust and the provincial funding formula and, the Minister of Indigenous Relations and Reconciliation with respect to protocol work at the Islands Trust. Minister Kang deferred to after UBCM - from EC's June 27th meeting.	Clare Frater	Meeting: 14-Jun-2023 Target: 30-Jun-2023	Completed
15 Request Trustee Middleton provides a timeline and sequence of events regarding \$850 for funding request re: Wetland Project, Saturna Booktalk event.	Clare Frater	Meeting: 14-Jun-2023 Target: 02-Aug-2023	In Progress
16 Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.	Clare Frater Stefan Cermak	Meeting: 29-Jun-2023 Target: 06-Dec-2023	In Progress

REQUEST FOR DECISION

ISLAND MUNICIPALITY BYLAW SUBMISSION

File No.: 08-3020-20-01 BIM_BL_598

DATE OF MEETING: July 12, 2023
TO: Islands Trust Executive Committee
FROM: Stefan Cermak
Director, Planning Services
SUBJECT: Bowen Island Municipality – LUB Amendment Bylaw No. 598

RECOMMENDATION

1. **THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 598 cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 598, 2023” is not contrary to or at variance with the Islands Trust Policy Statement.**

IMPLICATIONS OF RECOMMENDATION

Organizational - None

Financial - None

Policy - None

Implementation/Communications - Communication to Bowen Island Municipality regarding the Executive Committee decision.

Other - None

PURPOSE

On March 22, 2023 the Executive Committee passed a resolution advising Bowen Island Municipality (BIM) that Bylaw No. 598 is not contrary to or at variance with the Islands Trust Policy Statement. Since that time, BIM has considered feedback and subsequently rescinded first reading, amended the bylaw, and given first reading as amended. As such, the bylaw is being re-referred to the Executive Committee. The overall purpose of Bowen Island Municipality Bylaw No. 598 (Addendum 1) remains unchanged in that the purpose of the new zone is to provide regulations for the subdivision and comprehensive development of approximately 7.5 hectares of land as three separate areas. Area 1 will provide for parkland consisting of a combination of natural areas and trails. Area 2 permits three (previously one) lots with protected pastureland. Area 3 permits up to 6 lots for detached residential dwellings, each with an accessory residential use permitted.

BACKGROUND

Proposed Bylaw No. 598 received First Reading on February 27th, 2023. Additional background is available in the [Staff Report to Bowen Council dated February 13, 2023](#). On June 26, 2023 first reading for Proposed Bylaw No. 598 was rescinded, the bylaw was amended, and first reading given as amended. The primary difference is that the amended bylaw increases the subdivision potential from 7 residential lots to 9 residential lots.

Bowen Island Municipality staff reviewed the Islands Trust Policy Statement (ITPS) Directive Policies (included with Addendum 1) and have identified the following ITPS Directive policy as relevant:

Policy No.	Directive Policy
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.
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.
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.
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.
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.

In review of the staff reports and bylaw, staff concurs with Bowen Island Municipality staff that the remaining ITPS policies do not apply, and that the proposal is not contrary to or at variance with the Island Trust Policy Statement Directive Policies.

Issues Relating To First Nation Interest

The Bowen island staff report does not indicate that any First Nations engagement occurred. The Islands Trust Policy Statement does not contain directive policies about First Nations.

Public Comments

As of the date of this Request for Decision (RFD), Islands Trust Staff have not received any public comments. However, Bowen Island staff have received numerous comments via its referral to Bowen island Commissions and Committees and the applicant hosting information meetings.

Staff Comments

The purpose of the staff report is to advise if the proposed bylaws are or are not contrary to or at variance with the Islands Trust Policy Statement (ITPS). Bowen Island Municipality has considered the Islands Trust Policy

Statement Directives Policies Checklist and has indicated the Municipality has addressed relevant policies (Addendum 2).

Based on a review of the proposed Bylaw No. 598, the Bowen Island staff reports, and the ITPS Checklist, Islands Trust staff concludes that the Bylaw No. 598 is not contrary to or at variance with the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

- Referral of Land Use Bylaw No. 598 under s.15 of the Letters Patent
- Written response to Bowen Island Municipality required by August 11, 2023 (45 days after date of receipt of the referral on June 27, 2023).
- Comments from Executive Committee limited to whether or not Bylaw No. 598 is contrary to or at variance with the Islands Trust Policy Statement.
- Staff considers that Bylaw No. 598 is not contrary to or at variance with the Islands Trust Policy Statement.

RELEVANT POLICY

- Islands Trust Policy Statement Directive Policies
- [Islands Trust Policy 1.3.1](#) [Policy Statement Implementation]
- [Bowen Island Municipality Letters Patent](#)

ADDENDUM

1. BIM Proposed Bylaw No. 598 (as amended)
2. Policy Statement Checklist

ALTERNATIVE

3. Determine that the bylaw(s) is/are contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Bowen Island Municipality in writing that the Executive Committee considers that Bylaw No. 598 cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 598, 2022” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], triggering notification of the Minister.

Submitted By:	Stefan Cermak, Director, Planning Services	July 4, 2023
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**Bowen Island Municipality
Bylaw No.598 2023**

A Bylaw to amend Land Use Bylaw No. 57, 2002

WHEREAS, “Bowen Island Land Use Bylaw No. 57, 2002” establishes zoning classifications and regulations for land within the municipality, and

AND WHEREAS, Council wishes to amend “Bowen Island Land Use Bylaw No. 57, 2002” to enable additional uses and amend existing regulations on the property legally described as:

LOT 1 BLOCK B DISTRICT LOT 1412 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP39854 (SEE PLAN AS TO LIMITED ACCESS)

THEREFORE, the Council of Bowen Island Municipality, in open meeting assembled, enacts as follows:

1. Citation

- 1.1 This bylaw may be cited for all purposes as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 598, 2023”.

2. Amendments

- 2.1 “Bowen Island Municipality No. 57, 2002,” is amended by inserting Section 4.35 to read as follows:

4.35 COMPREHENSIVE DEVELOPMENT 22 (CD 18) ZONE (ECHO BAY)

***Information Note:** The purpose of the CD 22 Zone is to provide regulations for the subdivision and comprehensive development of approximately 7 hectares of land as three separate areas. Area 1 will provide for parkland consisting of a combination of natural areas and trails. Area 2 permits three single large lots with protected pastureland. Area 3 permits up to 6 lots for detached residential dwellings, each with an accessory residential use permitted.*

The regulations in the tables in this Section apply to land in the *CD 22 Zone*, as indicated by the column headings. For the purposes of this zone, different regulations apply in Area 1, 2, and 3. The Area boundaries are identified on the map attached as Schedule A to this Bylaw. Minor adjustments to the establishment of the area boundaries will be permitted based upon more detailed site investigations that will be undertaken at the subdivision approval stage.

4.35.1 Permitted Uses of Land, Buildings and Structures

- (1) In addition to the uses permitted in Section 3.2 of this Bylaw, the following uses, buildings and structures and no others are permitted in the CD 22 Zone:

Principal Uses of Land, Buildings and Structures	Area 1	Area 2	Area 3
<i>Dwelling, Detached</i>		◆	◆
Open Space	◆	◆	◆
Nature Protection	◆	◆	◆
Accessory Uses of Land, Buildings and Structures			
<i>Uses accessory to principal uses</i>	◆	◆	◆
<i>Domestic Agriculture</i>		◆	◆
<i>Agriculture</i>		◆	
<i>Stable</i>		◆	
<i>Home Occupation use subject to Part 3</i>		◆	◆
<i>Accessory residential use</i>		◆	◆
Permitted Buildings and Structures			
<i>Dwelling, Detached</i>		◆	◆
<i>Buildings and Structures accessory to permitted uses</i>		◆	◆

4.35.2 Size, Siting and Density of Permitted Uses, Buildings and Structures

- (1) Subject to Part 3, uses, buildings and structures in the CD 22 Zone must comply with the following regulations regarding size, siting and density:

Lot Coverage and Maximum Floor Area	Area 1	Area 2	Area 3
Maximum combined <i>lot coverage</i> of all <i>buildings and structures</i> (m ²)	1%	100 m ² plus 10 % of lot area to a maximum of 500 m ²	100 m ² plus 10 % of lot area to a maximum of 500 m ²

Maximum floor area of all buildings on a lot, excluding garages and accessory buildings (m ²)		375	375
Maximum floor area of all buildings on a lot, including <i>accessory residential use</i> on a lot smaller than 0.2 ha in <i>area</i> (m ²)		200	
Additional <i>floor area</i> permitted on a lot containing an <i>accessory residential use</i> (m ²)		50	50
Number of Units and Site Areas			
<i>Maximum number of dwellings</i>	0	3	6
Maximum number of detached dwellings on any lot		1	1
Maximum number of accessory <i>buildings</i> on any lot for each 0.2 ha of lot area or portion thereof, plus one, subject to Part 3		1	1
Height			
Maximum height of a building or structure (metres)	9	9	9
Setbacks			
Minimum setback from side lot lines (metres)	3	3	3
Minimum setback from front lot lines (metres)	3	4.6	4.6
Minimum setback for a building from any lot line that abuts a highway (metres)		4.6	4.6
Minimum setback from rear lot lines (metres)	3	4.6	4.6

4.35.3 Subdivision and Servicing Requirements

(1) The regulations in this Subsection apply to the subdivision of land under the Land Title Act or Strata Property Act for the CD 22 Zone:

Lot Areas for the Creation of New Lots through Subdivision	Area 1	Area 2	Area 3
Maximum number of lots to be created by subdivision	5	3	6

Minimum lot area (hectares)	N/A	0.2	0.23
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- 2.2 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by changing the zoning classification for the lands shown outlined a solid black line on Schedule A of this Bylaw from Rural Residential 1 (RR1) to the **Comprehensive Development 22 (Echo Bay) Zone** boundaries for lands shown in Schedule A of this Bylaw and by making such deletions, adjustments, and consequential annotations to Schedule “B” to Bylaw No. 57, 2002 as are required to give effect to this amendment.

READ A FIRST TIME this 26th day of June, 2023;

READ A SECOND TIME this ____ day of _____, _____;

READ A THIRD TIME this ____ day of _____, _____;

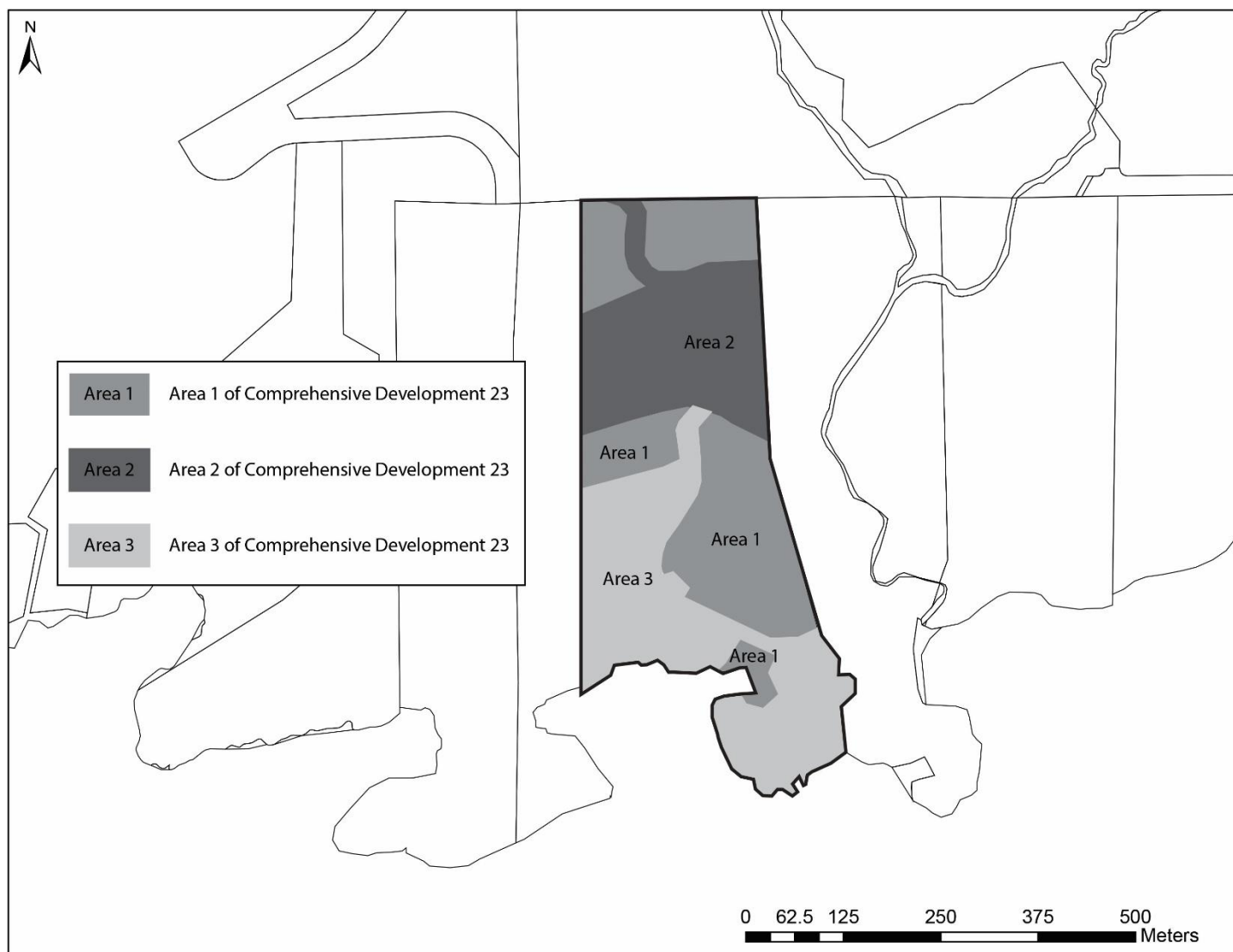
FINALLY ADOPTED this ____ day of _____, _____;

Andrew Leonard
Mayor

Sophie Idsinga
Corporate Officer

Bowen island Municipality Land Use Bylaw No. 57, 2002

Amendment Bylaw No. 598, 2023 - Schedule A





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw No. 593, 2023 – File: Arbutus Bay Road (8) Cummings RZ-03-2021

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and 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 CHECK LIST

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.
✓	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
✓	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
✓	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.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	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.
	4.3	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
N/A	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.
N/A	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.
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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.
✓	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.
N/A	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	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

File No.: 3900-03; 4050-03

DATE OF MEETING: July 12, 2023
TO: Executive Committee
FROM: Warren Dingman, Bylaw Enforcement Manager
DATE PREPARED: July 04, 2023
SUBJECT: Galiano Island Local Trust Committee Bylaw No. 289

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 289, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011, Amendment No. 1, 2023" in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Galiano Island Local Trust Committee has referred Bylaw No. 289 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.

1. PURPOSE

The report provides an explanation of the current amendments required for the contravention Schedules for the Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019.

2. BACKGROUND

The Galiano Island Local Trust Committee requested updates to the Bylaw Enforcement Notice Bylaw so that a contravention could be added for failing to confine livestock to the owner's lot, and it was also necessary to include housekeeping amendments because of recent Land Use Bylaw amendments.

3. IMPLICATIONS OF RECOMMENDATION

There are no organizational, financial, or policy implications with the adoption of the current amendments.

4. RELEVANT POLICY(S)

Trust Council Policy 5.5.1, Bylaw Compliance & Enforcement.

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

ALTERNATIVE

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

THAT the Executive Committee request that staff advise Galiano Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 289, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011, Amendment No. 1, 2023" is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Galiano Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Warren Dingman, Bylaw Enforcement Manager	July 4, 2023
Concurrence:		Select Date.

ATTACHMENTS

1. EC Submission Cover
2. EC Policy Checklist
3. Proposed Galiano Island LTC Bylaw No. 289



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-289

Bylaw Type: Notice Enforcement Bylaw

Date of resolution referring bylaw to Executive Committee:

- ☒ 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

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: Jas Chonk

Status

Date Resolution Referred to Exective Committee:

Reading:

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 289

A BYLAW TO AMEND THE GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 228, 2011

The Galiano Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, under the *Islands Trust Act*, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011, Amendment No. 1, 2023.”

2. Galiano Island Local Trust Committee Bylaw cited as “Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011” is hereby amended as follows:

- (a) By removing Schedule A – Galiano Island Land Use Bylaw No. 127, 1999 Contraventions and Penalties and substituting the attached: Schedule A – Galiano Island Land Use Bylaw No. 127, 1999 Contraventions and Penalties.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 20TH DAY OF JUNE 2023.

READ A SECOND TIME THIS 20TH DAY OF JUNE 2023.

READ A THIRD TIME THIS 20TH DAY OF JUNE 2023.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
THIS DAY OF 20__

ADOPTED THIS DAY OF 20__

SECRETARY

CHAIR

Islands Trust Council Highlights June 27-29, 2023

The following is a list of [agenda](#) highlights of Trust Council's activities and decisions from its June 27-29, 2023, quarterly meeting. These highlights are not the official minutes; Trust Council will adopt those at its September 26-28, 2023, meeting being held in-person at the Pender Islands Community Hall, 4418 Bedwell Harbour Road, Pender Island. [Visit the June 2023 Trust Council meeting site to view the recordings.](#)

First on-island meeting since March 2020

Trust Council convened on Gabriola Island, its first Trust-area, on-island meeting since March, 2020. With regrets Elder Geraldine Manson could not attend; however, David Bodaly, Snuneymuxw Elder and knowledge keeper shared drumming and protocols welcoming Trust Council to Snuneymuxw territory.

Galiano Island Trustee Lisa Gauvreau elected to Islands Trust Conservancy Board

Following Hornby Island Trustee Grant Scott's resignation in May, Trust Council held elections on June 29th for the open position on the Islands Trust Conservancy Board for nominees Trustees Boland and Gauvreau.

Strategic Planning

Addressing the 2022-2026 term's strategic plan and process, Trust Council engaged in breakout room sessions as outlined on pages 113-116 of the [agenda](#). A draft consolidation of the session notes were circulated to trustees.

Following a review and discussion of the notes, Trust Council resolved to extend its current Strategic Plan through 2024/25 and, to include the following changes:

1. Corporate Planning is adopted as a priority for Trust Council
2. Prioritizing elements of the strategic projects that support land use decision making
3. Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment

First Nations Consultation

Staff were requested to evaluate the implications of a longer referral response window regarding consultation with First Nations, to improve communications and further reconciliation.

Trust Council Committees

Accessibility - Trust Council amended Policy 2.3.1 "Council Committee System and Terms of Reference" to include membership for an Accessibility Committee, as mandated by the [Accessible British Columbia Act](#).

Financial Planning - Until the corporate planning process is concluded, Trust Council will continue with its existing policy of appointments to the Financial Planning Committee.

2022/23 Islands Trust Annual Report Approved

Islands Trust will file the approved 2022/23 draft, as presented, with the Minister of Municipal Affairs in the Fall.

Records Management Requests

Trustees have asked staff to collaborate with trustees and look into to a more integrated meetings calendar view and documents access outside of the current offerings.



Follow Up Action Report

Trust Council

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.	Clare Frater Kate Emmings Russ Hotsenpiller	Meeting: 17-Sep-2019 Target: 06-Dec-2023	In Progress
2 That Trust Council prioritize public engagement tools and approaches as a priority topic for future learning opportunities.	Russ Hotsenpiller	Meeting: 21-Sep-2021 Target: 06-Dec-2022	In Progress
3 Coordinate the provision of expert advice and training to the incoming Trust Council, early in the new term, on the theme of public engagement and consultation, building on lessons learned from the first three phases of Islands 2050 public engagement from 2019 - 2022.	Clare Frater Russ Hotsenpiller	Meeting: 21-Sep-2022 Target: 15-Dec-2023	In Progress
4 In cooperation with Executive Committee, provide a list of needed resources in priority order to advance the Trust's reconciliation activity with First Nations in British Columbia that Council may debate and endorse for advocacy to British Columbia.	Clare Frater Russ Hotsenpiller	Meeting: 22-Sep-2022 Target: 27-Jun-2023	In Progress
5 Trust Council host a panel session about housing challenges and solutions in the Islands Trust Area as part of trustee education.	Russ Hotsenpiller Stefan Cermak	Meeting: 22-Sep-2022 Target: 14-Mar-2023	In Progress

Follow Up Action Report

Trust Council

Chief Administrative Officer

Activity	Responsibility	Dates	Status
6 That Trust Council coordinate a round table on housing, to include BC Housing, key ministers, housing leaders from island communities, and others, within the first six months of the new term.	Russ Hotsenpiller Stefan Cermak	Meeting: 22-Sep-2022 Target: 23-Mar-2023	In Progress
7 Trust Council ask the Governance Committee to review the current method of appointment and the make-up of membership for Trust Council standing committees. (added to GC FUAL)	Russ Hotsenpiller	Meeting: 07-Mar-2023 Target: 27-Jun-2023	In Progress
8 That Trust Council direct Executive Committee to work with staff on a coordinated strategy and prepare a request that the Province revisit the provincial grant funding formula to the Islands Trust.	Russ Hotsenpiller	Meeting: 07-Mar-2023 Target: 27-Jun-2023	In Progress
9 Trust Council respond to Minister Kang to the effect that Trust Council will revisit the request for a review of Islands Trust mandate, governance and structure, at September Trust Council and provide the minister with an update.	Russ Hotsenpiller	Meeting: 07-Mar-2023 Target: 26-Sep-2023	In Progress
10 THAT a reconciliation learning group be initiated comprised of trustees who indicate interest; and that a learning plan be developed and implemented through monthly, virtual meetings.	Russ Hotsenpiller	Meeting: 07-Mar-2023 Target: 26-Mar-2024	In Progress

Follow Up Action Report

Trust Council

Chief Administrative Officer

Activity	Responsibility	Dates	Status
11 Amend the Strategic Plan to extend the Strategic Plan through 2024/25 as an interim strategic plan with the following changes: 1. Corporate Planning is adopted as a priority for Trust Council 2. Prioritizing elements of the strategic projects that support land use decision making 3. Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment	Russ Hotsenpiller	Meeting: 28-Jun-2023 Target: 27-Sep-2023	In Progress
12 Staff to discuss, with interested trustees, requirements and options and report back on possibilities and effort required to improve Trustee access to key documents.	David Marlor Russ Hotsenpiller	Meeting: 29-Jun-2023 Target: 27-Sep-2023	In Progress
13 Staff consider options and report back on possibilities and effort required to provide Trustee view access to integrated calendar of Trust Meetings.	Russ Hotsenpiller	Meeting: 29-Jun-2023 Target: 28-Sep-2023	In Progress

Director Legislative Services

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Trust Council

Director Legislative Services

Activity	Responsibility	Dates	Status
1 Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.	Clare Frater David Marlor	Meeting: 12-Mar-2020 Target: 06-Dec-2023	In Progress
2 That Trust Council request staff to recommend amendments to Trust Council Policy 6.3.2 to address the use of unspent special property tax requisition funds on new programs or initiatives when the original program or initiative remains ongoing.	David Marlor Julia Mobbs	Meeting: 15-Sep-2020 Target: 28-Jun-2023	In Progress
3 Trust Council asked staff to provide recommendations about how to broaden engagement and capacity building within local communities, particularly with respect to involving First Nations, in the work of the Islands Trust Area.	Clare Frater David Marlor	Meeting: 10-Mar-2021 Target: 16-Oct-2026	In Progress
4 Trust Council direct staff to specify that the Legislative Services, Meeting Administrator position be named as temporary for one year.	David Marlor Julia Mobbs	Meeting: 07-Mar-2023 Target: 01-Apr-2024	In Progress



Follow Up Action Report

Trust Council

Director Legislative Services

Activity	Responsibility	Dates	Status
5 Staff to report back with options and implications of changing the selection process established in Trust Council Policy 2.3.1 Council Committee Systems for the Financial Planning Committee so that membership is determined by Trust Council election and; THAT Trust Council change the process for appointing the FinancialPlanning Committee established in Policy 2.3.1 Council CommitteeSystems, by limiting the appointment under current policy to 6 monthspending adoption of a new selection policy, at which time a new FinancialPlanning Committee could be decided by the new policy failing which, theexisting Financial Planning Committee will remain in office.	David Marlor	Meeting: 18-Nov-2022 Target: 27-Jun-2023	Completed
6 Staff to discuss, with interested trustees, requirements and options and report back on possibilities and effort required to improve Trustee access to key documents.	David Marlor Russ Hotsenpiller	Meeting: 29-Jun-2023 Target: 27-Sep-2023	In Progress

Director of Planning Services

Activity	Responsibility	Dates	Status
1 Executive Committee to develop a communications strategy and materials to support awareness of the housing affordability advocacy request and rationale.	Clare Frater Stefan Cermak	Meeting: 22-Sep-2022 Target: 14-Mar-2023	In Progress
2 Trust Council host a panel session about housing challenges and solutions in the Islands Trust Area as part of trustee education.	Russ Hotsenpiller Stefan Cermak	Meeting: 22-Sep-2022 Target: 14-Mar-2023	In Progress

Follow Up Action Report

Trust Council

Director of Planning Services

Activity	Responsibility	Dates	Status
3 That Trust Council coordinate a round table on housing, to include BC Housing, key ministers, housing leaders from island communities, and others, within the first six months of the new term.	Russ Hotsenpiller Stefan Cermak	Meeting: 22-Sep-2022 Target: 23-Mar-2023	In Progress
4 Director of Planning Services request the Office of the Ombudsperson to undertake a comprehensive review of the enforcement related policies and practices of the Islands Trust, and recommend such improvements and changes to them as may be required to bring the policies and practices into conformity with best practices for local government bylaw enforcement.	Stefan Cermak	Meeting: 08-Mar-2023 Target: 26-Sep-2023	In Progress
5 Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.	Clare Frater Stefan Cermak	Meeting: 29-Jun-2023 Target: 06-Dec-2023	In Progress

Director, Administrative Services

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Trust Council

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 That Trust Council request staff to recommend amendments to Trust Council Policy 6.3.2 to address the use of unspent special property tax requisition funds on new programs or initiatives when the original program or initiative remains ongoing.	David Marlor Julia Mobbs	Meeting: 15-Sep-2020 Target: 28-Jun-2023	In Progress
2 Trust Council direct staff to specify that the Legislative Services, Meeting Administrator position be named as temporary for one year.	David Marlor Julia Mobbs	Meeting: 07-Mar-2023 Target: 01-Apr-2024	In Progress

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.	Clare Frater Kate Emmings Russ Hotsenpiller	Meeting: 17-Sep-2019 Target: 06-Dec-2023	In Progress
2 Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.	Clare Frater David Marlor	Meeting: 12-Mar-2020 Target: 06-Dec-2023	In Progress

Follow Up Action Report

Trust Council

Director, Trust Area Services

Activity	Responsibility	Dates	Status
3 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 Bowen Island's Municipality First Nations consultation.	Clare Frater	Meeting: 17-Jun-2020 Target: 06-Dec-2022	In Progress
4 Cooperate and work with Dr. Tara Martin's delegation re data sharing of Coastal Douglas-fir.	Clare Frater	Meeting: 17-Jun-2020 Target: 06-Dec-2022	In Progress
5 That Trust Council issue a NAPTEP certificate for the R. Leader property (Parcel Identifier 000-395-081) subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.	Clare Frater Kate Emmings Kathryn Martell	Meeting: 03-Dec-2020 Target: 06-Dec-2023	In Progress
6 Trust Council asked staff to provide recommendations about how to broaden engagement and capacity building within local communities, particularly with respect to involving First Nations, in the work of the Islands Trust Area.	Clare Frater David Marlor	Meeting: 10-Mar-2021 Target: 16-Oct-2026	In Progress
7 That Trust Council request staff to provide a report outlining potential options for how the Trust and local trust committees can engage and assist with the Coast Guard Oil Spill response planning process.	Clare Frater	Meeting: 22-Sep-2021 Target: 16-Oct-2026	In Progress



Follow Up Action Report

Trust Council

Director, Trust Area Services

Activity	Responsibility	Dates	Status
8 Trust Council approved issuance of an increased Natural Area Exemption Certification for the application to expand of the Nighthawk Hill NAPTEP area subject to registration of an appropriate expanded conservation covenant with the Islands Trust Conservancy.	Clare Frater Kate Emmings Kathryn Martell	Meeting: 02-Dec-2021 Target: 15-Dec-2023	In Progress
9 Policy Statement Amendment Project - Amend draft Bylaw No. 183 as directed by adopted resolutions.	Clare Frater	Meeting: 21-Sep-2022 Target: 07-Sep-2026	In Progress
10 Continue to build staff-to-staff relationships with First Nations who provided input to the Policy Statement Amendment Project in Phases 1 and 2 of early and meaningful engagement, and provide additional capacity funding to support continued First Nations engagement on this project.	Clare Frater	Meeting: 21-Sep-2022 Target: 16-Oct-2026	In Progress
11 Coordinate the provision of expert advice and training to the incoming Trust Council, early in the new term, on the theme of public engagement and consultation, building on lessons learned from the first three phases of Islands 2050 public engagement from 2019 - 2022.	Clare Frater Russ Hotsenpiller	Meeting: 21-Sep-2022 Target: 15-Dec-2023	In Progress
12 In cooperation with Executive Committee, provide a list of needed resources in priority order to advance the Trust's reconciliation activity with First Nations in British Columbia that Council may debate and endorse for advocacy to British Columbia.	Clare Frater Russ Hotsenpiller	Meeting: 22-Sep-2022 Target: 27-Jun-2023	In Progress

Follow Up Action Report

Trust Council

Director, Trust Area Services

Activity	Responsibility	Dates	Status
13 Executive Committee to develop a communications strategy and materials to support awareness of the housing affordability advocacy request and rationale.	Clare Frater Stefan Cermak	Meeting: 22-Sep-2022 Target: 14-Mar-2023	In Progress
14 Extend the timeline for issuing the Natural Area Exemption Certificate for Natural Area Protection Tax Exemption Program application SS-NAP-2020.3 (Salt Spring Island) until December 2024.	Clare Frater Kate Emmings	Meeting: 06-Dec-2022 Target: 31-Dec-2024	In Progress
15 Forward approved 2022/23 Annual Report to the Minister of Municipal Affairs by Fall deadline.	Clare Frater	Meeting: 28-Jun-2023 Target: 13-Sep-2023	In Progress
16 Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.	Clare Frater Stefan Cermak	Meeting: 29-Jun-2023 Target: 06-Dec-2023	In Progress

Ecosystem Protection Specialist

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Trust Council

Ecosystem Protection Specialist

Activity	Responsibility	Dates	Status
1 That Trust Council issue a NAPTEP certificate for the R. Leader property (Parcel Identifier 000-395-081) subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.	Clare Frater Kate Emmings Kathryn Martell	Meeting: 03-Dec-2020 Target: 06-Dec-2023	In Progress
2 Trust Council approved issuance of an increased Natural Area Exemption Certification for the application to expand of the Nighthawk Hill NAPTEP area subject to registration of an appropriate expanded conservation covenant with the Islands Trust Conservancy.	Clare Frater Kate Emmings Kathryn Martell	Meeting: 02-Dec-2021 Target: 15-Dec-2023	In Progress

Manager, Islands Trust Conservancy

Activity	Responsibility	Dates	Status
1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.	Clare Frater Kate Emmings Russ Hotsenpiller	Meeting: 17-Sep-2019 Target: 06-Dec-2023	In Progress

Follow Up Action Report

Trust Council

Manager, Islands Trust Conservancy

Activity	Responsibility	Dates	Status
2 That Trust Council issue a NAPTEP certificate for the R. Leader property (Parcel Identifier 000-395-081) subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.	Clare Frater Kate Emmings Kathryn Martell	Meeting: 03-Dec-2020 Target: 06-Dec-2023	In Progress
3 Trust Council approved issuance of an increased Natural Area Exemption Certification for the application to expand of the Nighthawk Hill NAPTEP area subject to registration of an appropriate expanded conservation covenant with the Islands Trust Conservancy.	Clare Frater Kate Emmings Kathryn Martell	Meeting: 02-Dec-2021 Target: 15-Dec-2023	In Progress
4 Extend the timeline for issuing the Natural Area Exemption Certificate for Natural Area Protection Tax Exemption Program application SS-NAP-2020.3 (Salt Spring Island) until December 2024.	Clare Frater Kate Emmings	Meeting: 06-Dec-2022 Target: 31-Dec-2024	In Progress

Trust Council Quarterly Meeting Schedule September 26-28, 2023

Tuesday, September 26	Wednesday, September 27	Thursday, September 28
10:00 Executive Committee Meeting	8:30 Trust Area Services Consent Agenda Items TPC Work Program Director's Report Conservancy Report	8:30 Closed Meeting Public are welcome to attend all sessions excluding the Closed Meeting Rise and Report
12:00 Lunch	Legislative Monitoring - BRF Decision/Discussion Items Policy Statement Project Placeholder	9:30 Break
1:00 Land Acknowledgement Call to Order and Approval of Agenda General Business Arising Consent Agenda Item(s) Adoption of Minutes RWMs TC FUAL	9:00 Strategic Planning - Visioning Exercise	9:45 Disposition of Delegations Correspondence New Business
1:15 Trustee Roundtable Emerging issues for Trust Council	10:30 Break	Trustee/Summary Updates First Nations Relations Freighter Anchorages/Oceans Protection Plan Update Salt Spring Island Watershed Protection Alliance (SSIWPA) Southern Gulf Islands Forum Átl'ka7tsem/Howe Sound Biosphere Region Baynes Sound/Lambert Channel Ecosystem Forum BC Ferries Advisory Committees Freighter Anchorages Update Shellfish
3:00 Break	10:45 San Juan County Council (draft placeholder)	Priorities Chart December Trust Council Draft Schedule Disposition of Delegations Correspondence
3:15 Executive Consent Agenda Item(s) EC Work Program Decision/Discussion Items CAO's Report Accessibility Committee	1:30 Delegations/Public Comment	12:00 Adjournment (approx.)
4:30 Governance Committee Revisit Request for Trust Council Governance Review	2:30 Planning Services Consent Agenda Items RPC Work Program Decision/Discussion Items Director's Report Office of the Ombudsperson Report	
	3:00 Break	
	3:15 Administrative Services Consent Agenda Items FPC Work Program Director's Report Decision/Discussion Items	
5:30 Adjourn for the Day (approx.)	4:15 Placeholder	
	5:30 Adjourn for the Day (approx.)	
 = denotes requested agenda items	times are provided for information	

Pender Islands Community Hall
4418 Bedwell Harbour Rd, Pender Island

To: Executive Committee **For the Meeting of:** July 12, 2023
From: CAO **Date Prepared:** July 6, 2023
SUBJECT: Marine and Foreshore land use

PURPOSE: To provide Executive Committee background information to support a discussion on marine and foreshore land uses and associated legislated authorities.

MARINE AND FORESHORE USES AND AUTHORITIES – DISCUSSION

At its June 27th meeting, Executive Committee (EC) raised the following: That Executive Committee hold a discussion on marine and foreshore uses and authorities at the July 12 Executive Committee meeting.

This is a wide ranging topic from a local governance perspective, however the following attachments may provide relevant material for discussion, following which EC may provide more specific direction. Certainly this topic has come up generally with Trust Council and EC may wish to have a Trust Council session, develop specific projects or works or provide information to all trustees.

For discussion, the following items are provided:

ATTACHMENT(S):

1. Email dated January 13, 2015 from Regional Planning Manager (RPM) Robert Kojima regarding jurisdiction below the tideline. Included in this email is a reference to the Coastal Shore Stewardship Guide (see below – 5.) which summarizes jurisdictions.
 - a) Greenshores – Jurisdiction Issue
 - b) Part 2 (noted as attachment to above email)
2. Vice –Chair Elliott email dated July 6, 2023 re: Consideration of a project on foreshore/shoreline protection and water jurisdiction under climate change
3. *“Shoreline Works and the Zoning Power” 2018*
<https://www.younganderson.ca/publications/bulletins/shoreline-works-and-the-zoning-power>
4. Young Anderson Newsletter, Volume 24, Number 3, September 2013
BC Supreme Court Upholds Local Government Authority to Regulate Long-Term Moorage”
<https://www.younganderson.ca/images/newsletter/2013-VOL24-ISSUE3-NEWSLETTER.pdf>
5. *“Coastal Shore Stewardship: A Guide for Planners, Builders and Developers 2003”*
http://stewardshipcentrebc.ca/PDF_docs/StewardshipSeries/Coastal.pdf

FOLLOW-UP: As directed by Committee.

Prepared By: R Hotsenpiller, L Foster

Reviewed By/Date: July 6, 2023

From: Robert Kojima
Sent: Tuesday, January 13, 2015 8:16 AM
To: Derek Masselink
Cc: [REDACTED] Miles Drew; Justine Starke; Warren Dingman
Subject: RE: question regarding jurisdiction 'below' the tideline
Attachments: Greenshores-JurisdictionIssueSheet_finalVer4.pdf; Part2.pdf; 2013_-_VOL24-ISSUE3-NEWSLETTER.pdf

Hi Derek,

The question from [REDACTED] below is related to jurisdiction. Jurisdiction over the water is not exclusive to a single level of government: the seabed in the Strait of Georgia is considered inland waters and is owned by the provincial crown and not the federal crown. The federal government does have exclusive jurisdiction over shipping and navigation (and fisheries), the province as owner of the water can grant tenure over areas of water to individuals in the form of leases, licenses of occupation or specific permissions, and the regulation of land use has been delegated to local governments by the province. The regulation of land use, in the form of zoning, can be extended to the surface of the water within a local government's boundary. So each level of government has different core jurisdictions, and provided a zoning regulation does not interfere with shipping and navigation, or another core federal power, it can regulate land use over the water. In order for an individual to construct or place a structure such as a dock over the water, the province would issue tenure, the federal government will ensure it does not interfere with shipping or navigation, and the local government will ensure zoning is in place for the use and may require a permit. The two attachments summarize the jurisdictions, the complete Coast Shore Stewardship Guide can be found here: <http://www.stewardshipcentrebc.ca/portfolio/coastal-shore-stewardship/>

Some local governments (West Vancouver for example) have obtained tenure from the province over the foreshore within the municipal boundary, this provides the local government with an additional level of control over what occurs in those waters beyond zoning, essentially requiring sub-leases for activities that would require provincial crown tenure. However, this is not necessary in order to zone the water, the boundaries of the water zones may be based on tenure boundaries, for example marinas, but not necessarily.

Miles in his response quoted from the recent West Kelowna case, a summary of the case is attached in a Young Anderson Newsletter. It is only the most recent of a number of cases that have clarified local government authority to regulate land uses on the water.

Finally, the question would not necessarily be seasonal versus permanent mooring but whether the vessel was being used as a residence (which is not permitted) or was boat storage as part of a marina use (which is permitted), or was exempt from zoning as mooring related to the right to navigation.

Hope this helps clarify this complex issue.

-----Original Message-----

From: Derek Masselink
Sent: Sunday, January 11, 2015 5:31 PM

To: Miles Drew; Robert Kojima; Justine Starke
Cc: [REDACTED]
Subject: FW: question regarding jurisdiction 'below' the tideline

As a consequence of recent enforcement activities on N. Pender involving live-a-boards, there has been a lot of discussion on social media. In addition to the attached questions, folks are wondering what the difference is between a temporary/seasonal situation and one that is considered permanent?

Cheers!

Derek

From: [REDACTED]
Sent: Sunday, January 11, 2015 4:34 PM
To: Derek Masselink
Subject: question regarding jurisdiction 'below' the tideline

Hi Derek,

For you to pass on to whomever you think may know...

I've read by-laws in such as 8.20.2 here:
<http://www.islandstrust.bc.ca/media/287444/nplub103consolidationmay-2014.pdf>
that people are not permitted to reside on their boats near Pender Island.

8.20.2 states this in particular for the W2 region.

I was under the impression, that in the absence of a "water lease", water below the low tide line is under federal jurisdiction, and that in such a case there can be no such restriction on boats and their private moorings.

Can you point me to something specific and publicly available that shows that jurisdiction has been given up by the Feds for this case?

(I've been referencing the map here: <http://islandstrust.bc.ca/lrc/sp/pdf/spschlu0092b.pdf>)

In a related question, because the map shows W1 as being so specific, is there an associated "water lease" for that part of the sea?

Thank you!

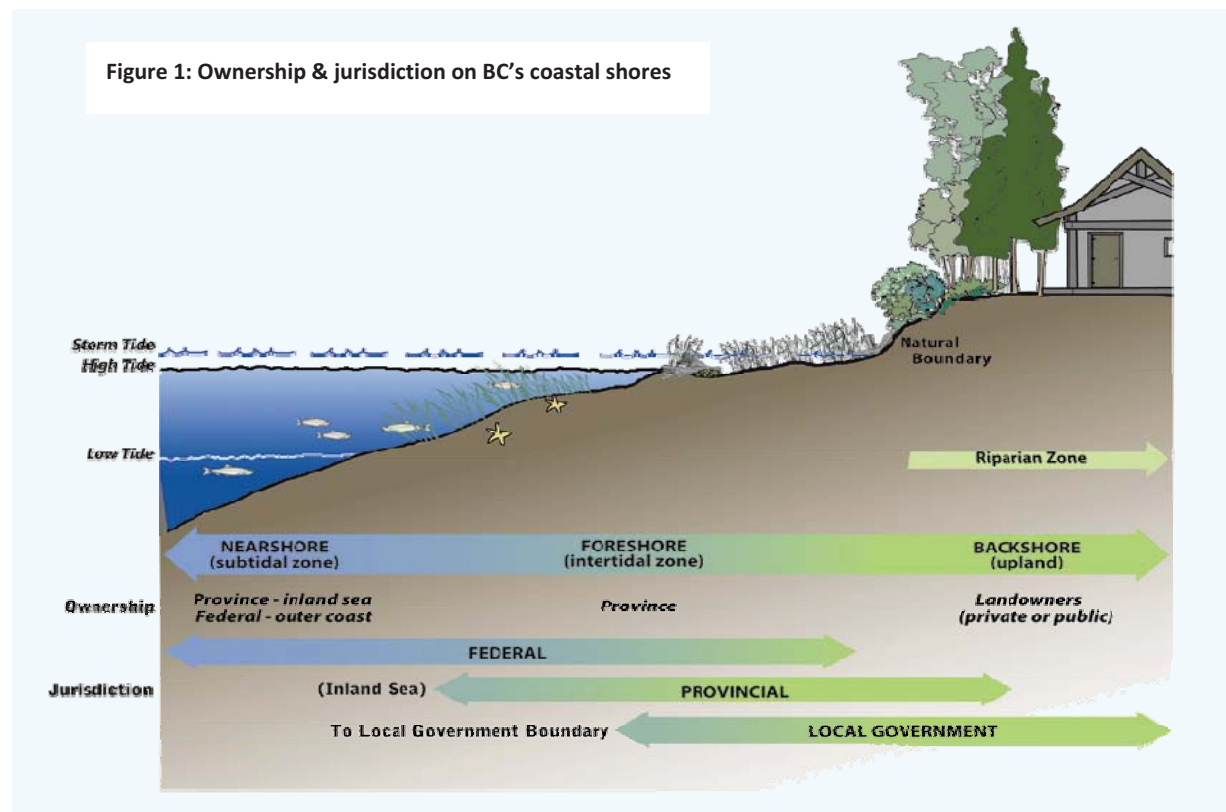
[REDACTED]

Coastal Shore Jurisdiction in British Columbia

***Jurisdiction:** the power, right and authority to interpret and apply the law. (Merriam Webster on-line)*

Who's in charge of coastal shores?

All levels of government have some role in managing coastal shores in BC (Figure 1 and Table 1).



The provincial government owns most of the foreshore (the area between the low water level and the natural boundary¹) with a few exceptions,² as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. The Integrated Land Management Bureau (under the Ministry of Forests and Range) administers these aquatic lands and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. The Province also establishes regional coastal zone plans where these are needed.

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The federal Dept. of Fisheries and Oceans is responsible for managing and protecting fish populations and fish habitat under the *Fisheries Act*, including shoreline “riparian” habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigable Waters Protection Act*. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands³, such as Victoria, metro Vancouver, Port Alberni, Prince Rupert and Nanaimo harbours.

This Issue Sheet is based on research and interpretation by the Green Shores Technical Working Group, with review by applicable government staff. It does not represent a legal opinion.

Local governments (municipalities and regional districts) hold the authority to plan and regulate land use within their respective boundaries, which may extend over foreshore and nearshore areas. They do this through official community plans, zoning, development permits, subdivision authority, building permits, and a variety of regulatory bylaws that affect land development.

First Nations have authorities similar to provincial and local governments over upland and aquatic lands within Indian Reserves. Outside Reserves, traditional rights to marine resources are the subject of ongoing Treaty negotiations for many of the First Nations along BC's coast. The provincial and federal governments have a duty to consult with First Nations on any shoreline tenure applications to ensure that they do not significantly affect aboriginal or treaty rights.

Table 1 - Who Governs on Coastal Shores

	Local Government - municipal, regional	Provincial Government	Federal Government	First Nations
Backshore	Plan and regulate land use through OCPs, zoning, development permits, etc.	Issue tenures (permit, licence of occupation, lease or grant) and sale of provincial Crown lands	Fish habitat ⁴ protection, including shoreline/ riparian vegetation and timing windows ⁵	Planning and regulation in Reserve lands; may be negotiating Treaty rights elsewhere
Foreshore	Land use planning & regulation extends into foreshore that lies within LG boundary	Issue tenures over all foreshores	Fish and fish habitat protection Protect public navigation	Same as above
Nearshore	Land use planning and regulation extends into nearshore areas that lie within LG boundary	Issue tenures over all nearshore areas in inland seas	Fish and fish habitat protection Protect public navigation	Same as above

What “rights” do waterfront property owners have with respect to coastal shores?

Under what is known as “common law”, shoreline owners in BC enjoy certain “riparian rights” that run with the upland property. These include:

- The right to unimpeded access to and from any point along the natural boundary of their property to deep water for the purpose of navigation. This also means that if someone constructs an improvement along their waterfront, it cannot interfere with the right of access of neighbouring properties.
- The right to protect their property from erosion or flooding by installing protective structures on their own land. Extending structures below the *current* natural boundary requires the approval of the Province.
- The right to acquire land that slowly and naturally accretes to the shore once that land takes on upland characteristics. This does not apply to land created by a sudden deposit due to a flood, filling or an artificial interference in natural processes. To claim accretions, landowners must have the accreted land surveyed and apply to the provincial Surveyor General to have the revised legal survey adopted in the land title registry.

What “rights” does the public have with respect to coastal shores?

The public enjoys a privilege to use the foreshore and other aquatic lands held by the Crown. The only public *rights* that exist, however, are the right to land boats on and embark from the foreshore in cases of emergency, and the rights of navigation, anchoring, mooring and fishing over lands covered by water.⁶

In addition, when the Province issues tenure in the form of a foreshore lease, the leaseholder may restrict public access to the leased area; tenures in the form of a permit or licence of occupation do not allow the holders to restrict access.

What happens to waterfront property if a shoreline erodes?

When shore land naturally erodes causing the natural boundary to recede, the land lost becomes part of the foreshore and consequently, becomes Crown land owned by the Province.

However, eroded land is not automatically removed from the title of the associated upland property, reverting to the Crown. A new land survey showing the revised natural boundary is required. This typically occurs when an owner wishes to subdivide a parcel, but can also occur with the consent of the upland owner or, if necessary, a court declaration. "On occasion, the {Ministry of Agriculture and Lands} will find it necessary to take formal notice of the fact that a waterfront property owner's natural boundary has moved inland as a result of gradual and imperceptible erosion. To protect the interests of the public, particularly to maintain the privilege of public foreshore access and use, and also to provide for other uses of aquatic Crown land, the Ministry may lay claim to eroded land." ⁷

If I want to protect my shoreline or build along the shore of my property, what do I need to do?

In BC, various agencies review shoreline proposals to ensure that development in and around shorelines will: avoid hazards and be safe; protect the shoreline environment and habitats; maintain water quality; and respect public access. Table 2 outlines the approvals that a proposed shoreline project *may* be required to obtain.

Table 2 – Approvals for Shoreline Projects

WHO	WHAT IS REQUIRED	WHEN/WHERE IS IT REQUIRED
Municipality or regional district	Development permit Building permit	If the shoreline is in a Development Permit Area designated under an OCP For structures over a certain size specified in the local building bylaw
BC Integrated Land Management Bureau	Temporary permit (for works or activities less than 2 years in duration). Lease or licence of occupation (for permanent works or structures)	If any proposed works or structures will project into the foreshore (i.e., seaward of the natural boundary)
Federal Dept of Fisheries and Oceans (DFO)	Operational Statement Notification or Letter of Advice or Fisheries Act Authorization	The proposed activity is covered by an Operational Statement ⁸ and can comply with all of its requirements. Any harm to fish habitat can be avoided by taking measures outlined by DFO staff. Fish habitat will be harmed, but may be acceptable if mitigation and compensation measures are followed; an Environmental Assessment under the <i>Canadian Environmental Assessment Act</i> is also required before an authorization can be issued.
Transport Canada	Approval under the <i>Navigable Waters Protection Act</i> (NWPA).	For any project that would erect a structure or work in, on, over, under, through or across any navigable water.
BC Ministry of Environment	A Wildlife Management Area permit	If the property lies within a Wildlife Management Area, such as the Parksville-Qualicum Beach WMA.

Where do I go to get approval for a shoreline project?

You may need to go to more than one agency, but it's usually best to start with your local municipal (if you live in a city, town or other incorporated area) or regional district office (if you live in a rural area). Some local governments are able to provide a 'one-stop' service in terms of advice, checking your application and referring it to other agencies. In other situations, the local government may direct you to the local office of the applicable provincial or federal agency, and suggest additional information that you may need to provide.

If your plans extend below the existing natural boundary or high water mark, you will most likely need to apply for a foreshore tenure from the Province. In most cases, that process starts with a visit to Front Counter BC at 1-877-855-3222 or- www.frontcounterbc.gov.bc.ca/.

What do I need to provide in an application for shoreline works?

If the work is being contracted, the permitting process would in most cases be handled by your project designer or contractor. Information with the application required by local governments or other approving agencies may include (*check with your local agency for specifics*):

- The landowner's name, address, telephone number and, if available, a fax number and e-mail address;
- the water body name and location of the work site, including the complete legal description, and, if known, the latitude and longitude;
- proof of ownership for the properties where the work will be done and the most recent legal survey(s);
- the type of activity being proposed, such as tree removal, bank reinforcement, installing bulkheads, dock building, etc.
- the rationale for the project;
- a detailed description of the work site including a signed and dated site map or sketch with dimensions indicating the location of existing buildings, property lines and the natural boundary;
- a copy of your plans containing a description of construction details, timing, building techniques and materials, and, if possible, a description of any alternative designs being considered;
- a list of equipment to be used;
- photographs of the work site and the surrounding shoreline during ice-free and snow-free conditions if possible;
- the proposed start and end date for the project;
- a description of the substrate at the work site (sand, silt, clay, rock, gravel and aquatic vegetation, etc.);
- a description of existing fish habitat and fish communities (species names) at or near the site, and whether any endangered species or plant communities inhabit the site;
- any mitigation measures you plan to introduce to minimize harmful impact (e.g., working in the dry, sediment erosion controls, etc.); and
- federal, provincial, territorial, or municipal government agencies you have contacted or that have contacted you.

NOTES

¹ The common definition of **natural boundary** is "the visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river stream, or other body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself" (*BC Land Act*). In marine systems, the natural boundary is generally determined as the lower elevation of terrestrial vegetation or the upper boundary of distinctive aquatic vegetation.

² Small areas of foreshore are privately owned (through historical Crown granted waterlots) and some is owned by the federal government in, for example, major harbours. (D. Berry, ILMB: pers.comm.)

³ Crown land is a general term for all lands or lands covered by water that are not privately owned and remain in public ownership with either the federal or provincial government. In BC, the vast majority of Crown land (94% of all land in the province) lies with the Province. When an individual or organization wishes to these lands, the Province may agree to enter into a tenure agreement to lease the land for a certain purpose over a set period of time.

⁴ Under the federal *Fisheries Act*, fish habitat means "all areas that fish depend on directly or indirectly throughout their life stages. It includes spawning grounds and nursery, rearing, food supply and migration areas"; this also includes shoreline

riparian areas. Examples of activities that could potentially harm fish habitat include removing riparian vegetation, introducing sediment into aquatic habitat, infilling foreshore or nearshore areas, dredging, and building or removing a dock.

⁵ DFO establishes seasonal timing windows (also known as “work” or “operating” windows), which are time spans considered to present the least risk of harm to fish, including their eggs, juveniles, spawning adults and/or organisms on which they feed. Timing windows vary for different parts of the BC coastline, and may differ by species; check with the Pacific Region’s website http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/timing_marine_e.htm or contact the local DFO office for specifics.

⁶ BC Ministry of Agriculture and Lands, 2008b; p. 5

⁷ BC Ministry of Agriculture and Lands, 2008b; p. 18

⁸ DFO has issued [Operational Statements](#) (OS) that outline acceptable practices for a number of routine activities in and around aquatic systems that pose little risk to fish habitat. A project may proceed without DFO review when the conditions and “Measures to Protect Fish and Fish Habitat” found within the applicable OS are met. If there is no OS developed for an activity or if the conditions of an OS cannot be met, the proposal must be submitted to DFO for review.

References –

BC Ministry of Agriculture and Lands. 2008a. Land Procedure – Accretions and Derelictions. 2p. www.agf.gov.bc.ca/clad/leg_policies/procedures/accretions.pdf -

BC Ministry of Agriculture and Lands. 2008b. Riparian Rights and Public Foreshore Use in the Administration of Aquatic Crown Lands. Occasional Paper No. 5. 22p. www.al.gov.bc.ca/clad/tenure_programs/cabinet/riparian.pdf

Dept. of Fisheries and Oceans Canada– Reviews and Authorizations: <http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/os-eo3-eng.htm>

Dept. of Fisheries and Oceans Canada– Pacific Region Operational Statements: http://www-heb.pac.dfo-mpo.gc.ca/decisionsupport/os/operational_statements_e.htm

Dept. of Fisheries and Oceans Canada– Habitat Enforcement: http://www-heb.pac.dfo-mpo.gc.ca/habitat_policy/enforcing_the_act_e.htm

Development Impacts

Rather than being sensitive to development, altered shores are the recipients of development impacts. These can include:

- Straightening and hardening of the shore zone, reducing the amount and diversity of substrates available for organisms to colonize or find shelter.
- Burying benthic habitat under fill or structures.
- Removing natural seawater flows to shore areas and/or filling in intertidal and inshore areas, eliminating habitats such as salt marshes and mudflats.
- Removing shoreline vegetation, causing bank destabilization and a decline in habitat quality and quantity.
- Altering how and where sediment is deposited along the shore, changing long-established patterns of erosion and beach formation.
- Creating localized changes in wave energy, reflection and resonance, which can cause shore erosion or make shores unusable.
- Shading marine plants, thereby making habitat less productive.
- Introducing pollutants through outfalls, during construction or operational activities, or by the choice of building material, such as creosoted pilings.
- Poor drainage practices on upland properties, which can lead to erosion, slumping and failure of shore bluffs and banks.
- The interception and redirection of freshwater flows and sediment, precluding the establishment of deltas and brackish estuarine habitats for wildlife.
- Altering the shoreline, its substrate or salinity can encourage the establishment of nuisance or non-native species, which can grow quickly and eliminate native species.

The cumulative effects of altered shores in populated areas have reduced biodiversity and ecosystem health.

Canadian Wildlife Service



In many populated parts of the coast, shores have been altered dramatically. The installation of shore protection works often begins a costly chain reaction, as homes have often been built too close to the shore.

Fisheries and Oceans Canada



Shore protection works can affect the way that wave energy is dissipated and can alter sediment movements, creating areas of intense scouring and deposition.

Mike Tarbotton



Low-lying coastal areas can be subject to dramatic changes during severe storms. Waves and storm surges can combine to flood low-lying areas.

Coastal Planning and Approvals

Mike Tarbotton



Who Does What

The previous chapters describe how activities on land and shore influence coastal shore conditions. We must make decisions from a sound understanding of the biophysical forces and processes that shape and sustain coastal shores.

This chapter is about making those decisions. It will tell you “who does what” in the coastal environment. It begins with a brief summary of where jurisdiction lies and then describes roles and responsibilities for federal, provincial and local governments and First Nations governments, focusing on planning and approvals. Finally, it summarizes the roles that non-governmental organizations, landowners and shore users play in coastal decision-making.

The following table provides a quick guide for navigating through this range of responsibilities.

Acronyms listed on next page

Canada:

Environment Canada	(EC)
Canadian Environmental Assessment Agency	(CEAA)
Fisheries and Oceans Canada	(DFO)

British Columbia:

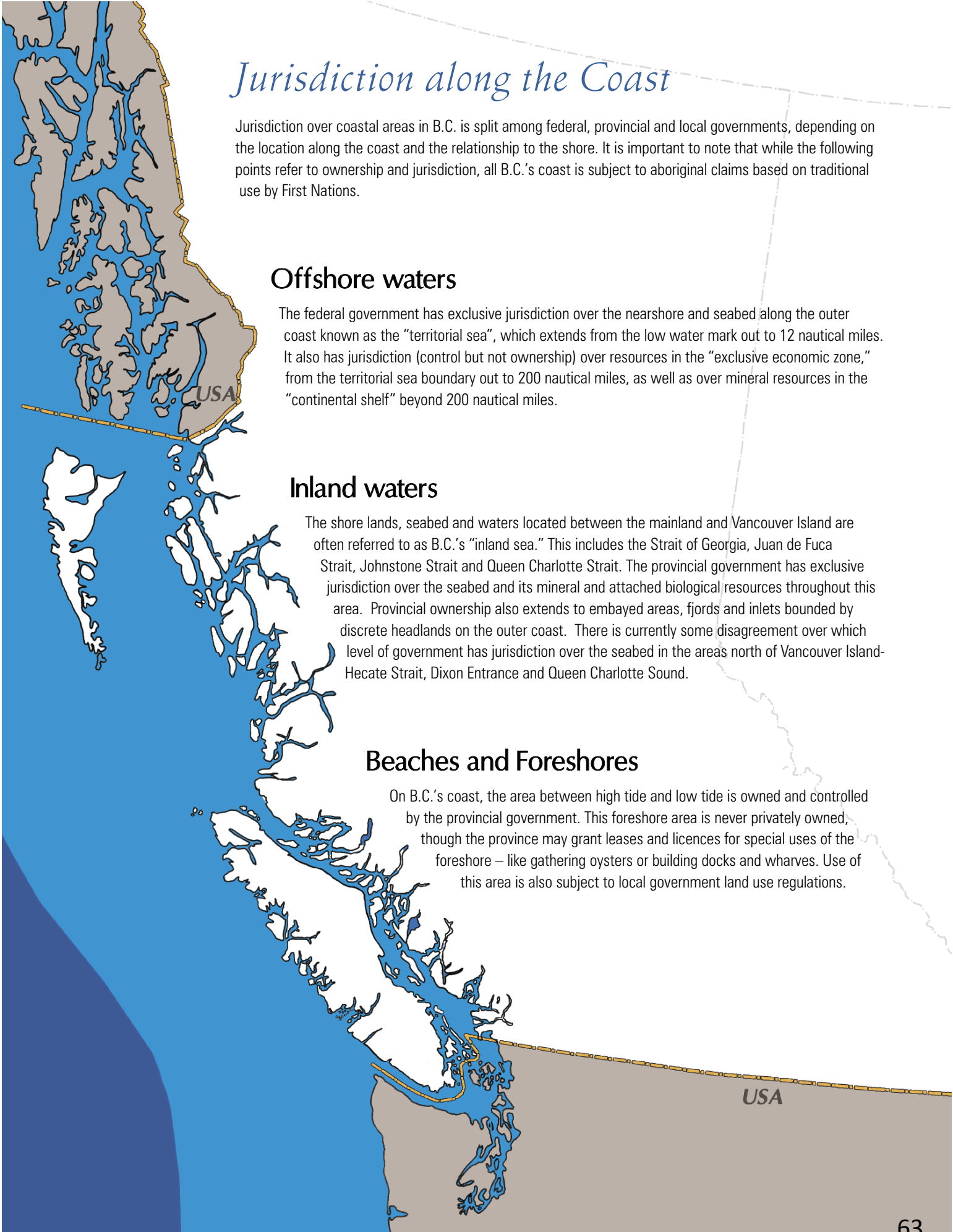
Ministry of Agriculture, Food and Fisheries	(MAFF)
Ministry of Community, Aboriginal and Women’s Services	(MCAWS)
Ministry of Energy and Mines	(MEM)
Ministry of Sustainable Resource Management	(MSRM)
Ministry of Water, Land and Air Protection	(MWLAP)

Note:

Text written *like this* identifies federal or provincial legislation.
Information written *like this* is available on the Internet - refer to the Website Address Insert included in this document for details.

Roles in Coastal Planning and Approvals

	<i>Planning Role</i>	<i>Approvals Role</i>	<i>Legislation</i>
Federal Government	Facilitate coastal zone planning under Canada's Ocean Strategy	Protect fish and aquatic habitat; marine mammals; migratory bird habitat Regulate to maintain navigable waters Regulate disposal of materials to deep ocean Assess environmental impacts of federal projects Designate protected areas	<i>Oceans Act: DFO</i> <i>Fisheries Act (Canada): DFO</i> <i>Migratory Birds Convention Act: EC</i> <i>Canada Wildlife Act: EC</i> <i>Navigable Waters Protection Act: DFO</i> <i>Canadian Environmental Assessment Act: CEAA</i> <i>Canadian Environmental Protection Act: EC</i> <i>Species at Risk Act: EC</i>
Provincial Government	Deliver coastal zone planning to address land and resource uses	Allocate, license and regulate the use of Crown foreshore and aquatic lands Approve and regulate discharges to coastal waters Approve and regulate aquaculture operations Regulate mineral, oil and gas development Designate protected areas	<i>Land Act: MSRM</i> <i>Waste Management Act: MWLAP</i> <i>Fisheries Act (B.C.): MAFF</i> <i>Fish Protection Act: MRSRM and MWLAP</i> <i>Wildlife Act: MWLAP</i> <i>Petroleum and Natural Gas Act: MEM</i> <i>Environmental Assessment Act: MSRM</i> <i>Local Government Act: MCAWS</i> <i>Community Charter (as of December 2002): MCAWS</i> <i>Mines Act: MEM</i> <i>Mineral Tenure Act: MEM</i> <i>Park Act: MWLAP</i> <i>Ecological Reserve Act: MWLAP</i>
Local Governments, Municipalities, Regional Districts, the Islands Trust	Prepare and implement regional and community plans Zone lands for specific uses Plan and provide such local services and facilities as roads, parks, water, sewer and drainage	Approve and regulate residential, recreational, commercial and industrial development along coastal shores	<i>Powers derived from: Local Government Act</i> <i>Community Charter (December 2002- for municipalities only)</i> <i>Regional Growth Strategies</i> <i>Official Community Plans</i> <i>Zoning</i> <i>Subdivision</i> <i>Watercourse protection</i> <i>Tree protection, landscaping</i> <i>Drainage, stormwater management</i> <i>Sediment and erosion control</i>
First Nations	Exercise aboriginal rights to traditional lands and waters along coast. Conduct or collaborate with federal/provincial/local governments on coastal inventory and planning.		
Landowners	Call for and participate in local inventory and planning programs	Respect regulations Protect, restore and enhance coastal habitat on properties Demonstrate stewardship practices Adopt best management practices for all activities or works on private waterfront properties "Eyes and ears" for coastal stewardship	
Non-governmental Organizations	Advocate for plans where needed Participate in inventory and planning programs Acquire key coastal habitat	Advocate for improved regulations Inform and educate Manage local restoration/enhancement projects "Eyes and ears" for coastal stewardship	

A map of the British Columbia coastline, showing the mainland and various islands. The map is divided into three main color-coded zones: a light blue area representing offshore waters, a white area representing inland waters, and a grey area representing the land. A dashed line separates the offshore waters from the inland waters. The word 'USA' is written in the grey land area in two locations. The title 'Jurisdiction along the Coast' is written in a blue, cursive font at the top left.

Jurisdiction along the Coast

Jurisdiction over coastal areas in B.C. is split among federal, provincial and local governments, depending on the location along the coast and the relationship to the shore. It is important to note that while the following points refer to ownership and jurisdiction, all B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations.

Offshore waters

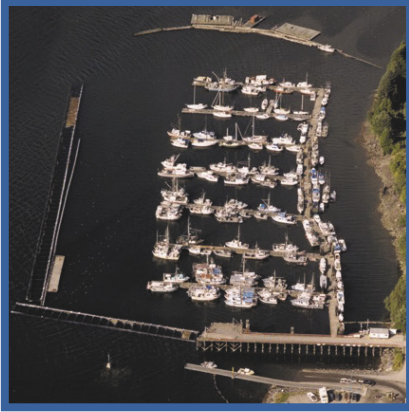
The federal government has exclusive jurisdiction over the nearshore and seabed along the outer coast known as the "territorial sea", which extends from the low water mark out to 12 nautical miles. It also has jurisdiction (control but not ownership) over resources in the "exclusive economic zone," from the territorial sea boundary out to 200 nautical miles, as well as over mineral resources in the "continental shelf" beyond 200 nautical miles.

Inland waters

The shore lands, seabed and waters located between the mainland and Vancouver Island are often referred to as B.C.'s "inland sea." This includes the Strait of Georgia, Juan de Fuca Strait, Johnstone Strait and Queen Charlotte Strait. The provincial government has exclusive jurisdiction over the seabed and its mineral and attached biological resources throughout this area. Provincial ownership also extends to embayed areas, fjords and inlets bounded by discrete headlands on the outer coast. There is currently some disagreement over which level of government has jurisdiction over the seabed in the areas north of Vancouver Island- Hecate Strait, Dixon Entrance and Queen Charlotte Sound.

Beaches and Foreshores

On B.C.'s coast, the area between high tide and low tide is owned and controlled by the provincial government. This foreshore area is never privately owned, though the province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. Use of this area is also subject to local government land use regulations.



Prince Rupert Harbour, Rushbrook



Nanaimo waterfront and uplands areas

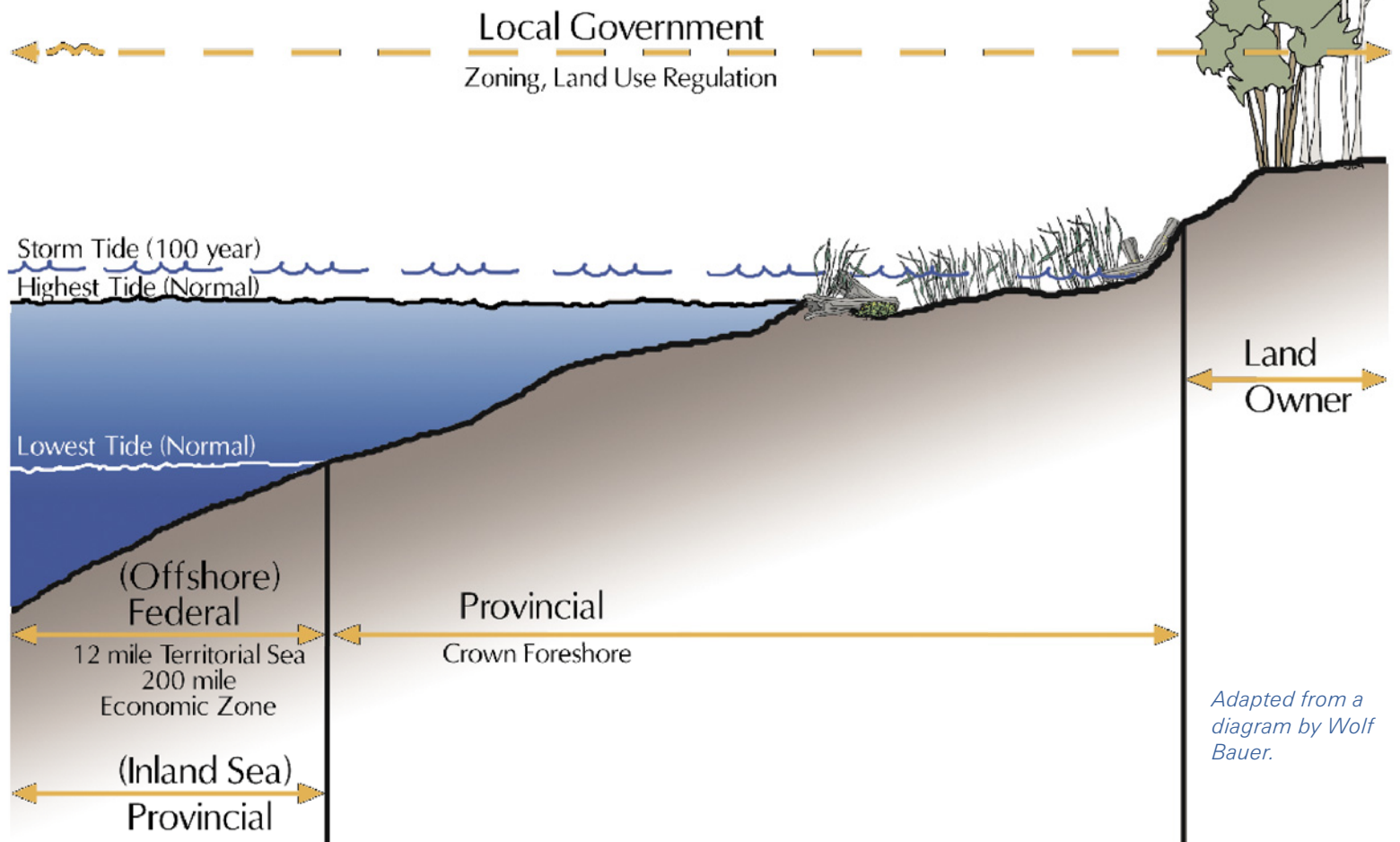
Ports and Harbours

In British Columbia, independent port corporations have management authority over seven major harbours: the Ports of Vancouver, Victoria, Fraser River, Nanaimo, Port Alberni, Prince Rupert and the North Fraser.

Traditionally, other "small craft" harbours have been administered by Fisheries and Oceans Canada as marinas or by Transport Canada as federal wharves and shore facilities. However, these harbours are gradually being turned over to management by local governments, authorities and/or corporations. There are currently about 300 of these.

Upland areas

The coastal upland is either owned privately (most prevalent in southern areas) or owned by the province as Crown lands (largely the case in central and northern parts of the coast). Exceptions are lands held by the federal government (e.g. Indian Reserves, national parks and national defence lands) or by local governments (e.g. community parks). Privately owned lands and some aspects of Crown provincial land use are subject to local government regulations. Tenures on provincial Crown lands, such as timber and recreation leases, are subject to the applicable provincial regulations.



Adapted from a diagram by Wolf Bauer.



Federal Roles

Planning - Canada's Oceans Act

Traditionally, the federal government's role in coastal planning was to manage fisheries, protect fish habitat and oversee transportation safety. This mandate has changed under the *Oceans Act*.

The *Oceans Act* is aimed at optimizing the economic potential of Canada's oceans while maintaining the sustainability of marine and coastal ecosystems. The Act calls on Fisheries and Oceans Canada (DFO) to develop and implement a comprehensive strategy for Canada that will:

- Balance economic, social, cultural, environmental and economic values to ensure sustainable development;
- Manage the increasingly complex and diverse use of the oceans through the development and adoption of integrated management approaches; and
- Engage communities and stakeholders in making decisions that affect them.

The primary means of implementing this strategy is through collaboration with provincial and local governments, First Nations and coastal communities in developing Coastal Integrated Management Plans.

National Marine Conservation Areas Act

This new legislation allows the establishment of National Marine Conservation Areas to protect and conserve marine areas for the benefit, education and enjoyment of everyone. It is administered by Parks Canada, under the Minister of Canadian Heritage.

Fisheries

The *Fisheries Act*, first enacted in 1868, is one of the strongest federal laws to protect Canada's freshwater and marine ecosystems. The Act, administered by DFO and Environment Canada, regulates the harvesting and management of fisheries and the discharge of pollutants into fish bearing waters. It also prohibits the "harmful alteration, disruption or destruction of fish habitat" (a HADD) unless authorized under Section 35 (2) of the Act.

Authorizations issued by DFO require the project result in "no net loss of habitat productive capacity" as required under the National Policy for the Management of Fish Habitat.

Marine Pollution

Complementing the *Fisheries Act*, the *Canadian Environmental Protection Act* (CEPA), enacted in 1999, enables the federal government to set national standards and regulate toxic substances, establish national guidelines (standards) for water quality, and regulate the disposal of materials to ocean environments. Environment Canada administers this act.

Navigation and Marine Transport

The *Navigable Waters Protection Act* (NWPA) is one of the oldest pieces of federal legislation. When it became law in 1882, it was intended to protect marine navigation routes by controlling the logging industry and the location of bridges and dams on navigable waters. Although its application has evolved over the years, its primary purpose is still to protect the public right of navigation. Today the Act is applied to many types of projects in all navigable waterways and coastal areas across Canada. The Canadian Coast Guard, a division of DFO, is responsible for administering its application.

The *Canada Shipping Act* regulates boating and shipping standards and activity. Transport Canada administers it.

Migratory Birds and Wildlife

The Canadian Wildlife Service of Environment Canada conserves and manages populations of migratory birds under the *Migratory Birds Convention Act*. The act protects migratory birds and their eggs and nests from destruction or harassment, governs the taking, capturing or use of migratory birds, and allows establishment of Migratory Bird Sanctuaries. Under the *Canada Wildlife Act*, the Canadian Wildlife Service may establish National Wildlife Areas on land or sea, to protect nationally significant habitat areas.

Environmental Assessment (EA) Review

An environmental assessment and review makes sure the environmental effects of a proposed project are identified, assessed and mitigated early in project planning. This is to prevent the project from harming the environment.

Both Canada and B.C. can require environmental assessments (EAs) of proposed projects. The Canada-B.C. Accord on Environmental Assessment Cooperation promotes cooperative environmental assessment when both federal and provincial EA requirements apply to the same project.

Projects that receive federal funding, occur on federal lands, or are subject to specific federal approvals fall under the *Canadian Environmental Assessment Act* (CEAA) and its regulations. The Act establishes a number of EA tracks, depending on the nature of the project and the likely environmental effects. All projects are screened initially. Larger projects that may have greater environmental impact may require a more detailed EA.

If an EA is required, the proponents are encouraged to review the legislation and relevant regulations that can apply to their project or contact relevant federal departments early in the planning phase. A discussion with such agencies, especially at the local level, assists in identifying potential environmental impacts and necessary mitigation measures. The earlier that environmental considerations are taken into account in project planning, location and design the more likely the project will succeed and have less impact on the environment. An important consideration with regard to CEAA is the cumulative effects assessment that is required; proponents must assess the contribution their project has towards a cumulative effects in the area. This effectively extends the assessment beyond the specific site.

For more information on the Act and its regulations, refer to the publication *Environmental Assessment: Making a Difference* available on [Environment Canada's website](#). There are also several helpful guides available through the [Canadian Environmental Assessment Agency](#):

- *The Citizen's Guide: Canadian Environmental Assessment Process* : A guide to determining whether a project is likely to cause significant adverse environmental effects, you can access this guide [on their website](#).
- *A cumulative effects assessment—practitioners' guide*: you can access this guide [on their website](#).
- *Guide for the preparation of a comprehensive study*: you can access this guide [on their website](#).

The Community Mapping Network

(CMN) comprises organizations that collect and map natural resource information. Its steering committee includes representatives from provincial and federal agencies, local governments, provincial environmental organizations and community groups. The CMN integrates data from many sources and makes them accessible through its mapping system. Information is mapped on fish and wildlife distributions, streams and wetlands, eagles and herons, rare and endangered species and possible restoration sites. The intent is to provide inventories and maps for community planning, storm water management, emergency response, habitat restoration and enhancement, watershed planning, coastal planning, development referrals, impact assessment, research, education and awareness. All maps and information are available from the [Community Mapping Network website](#).



Provincial Roles



Coastal Zone Planning

For many years, coastal planning in British Columbia took place primarily in response to specific issues in specific areas — typically harbours and estuaries. During the 1970s and '80s, management plans were developed for the estuaries of the Fraser River, Cowichan River, Squamish River, Ladysmith Harbour, Sooke Harbour and Comox-Puntledge River. More recently, management plans have been developed for the Port of Stewart, Prince Rupert Harbour, Tofino Harbour and several other areas.

However, since the early 1990s there has been consensus on the need to strengthen and improve long range planning in the coastal zone. Such planning allows levels of government to collaborate in the allocation and management of resources to meet national, provincial and local interests.

The province's initial emphasis was on strategic level plans (1:100,000 to 1:250,000) for large regions and sub-regions (e.g. Vancouver Island Land Use Plan). These plans rarely define where various uses would best occur, but offer broad direction for resource use planning and management.

More recently, provincial attention has shifted towards landscape or local scale plans (1:20,000 to 1:50,000) that provide clearer direction on resource allocation. For coastal regions, these plans suggest where applicants are likely to have success in applying for tenured uses such as aquaculture, log handling, float homes, tourism, and other types of foreshore and nearshore uses. Local-scale plans have been completed for Barkley Sound, North Island Straits and Nootka Sound. Plans are under way for Kyuquot and Quatsino Sounds, and the Malaspina Inlet Complex on the Sunshine Coast.

Smaller scale planning (e.g. 1:20,000 scale or more detailed) addresses specific issues, such as the [Baynes Sound Shellfish Aquaculture Action Plan](#) and log handling in Nanaimo Estuary. The results can include area designation maps, specific management measures and such operational action plans as compliance and enforcement strategies.

The [Ministry of Sustainable Resource Management](#) (MSRM) is the main agency responsible for the delivery of provincial coastal zone plans, through its regional offices and its [Coast and Marine Planning Office](#) (CMPO). The CMPO also designs planning processes, so there is a consistent planning approach between regions, and coordinates provincial coastal policy.

Coastal Inventories and Data Resources

The [Coastal Resource Information System \(CRIS\)](#) is managed by Decision Support Services of the MSRM. This system is designed to streamline the collection and dissemination of marine habitat and fishery resource information for coastal B.C. The system provides a central, accessible source of spatially geo-referenced information on marine habitat and fish resources. Although the individual databases and GIS layers may reside on different computers in a range of agency data warehouses, the CRIS Atlas provides all the information at one location. There is work underway to integrate and build a relational database for all databases within the CRIS. The CRIS system provides an online data entry system.

Decision Support Services has also developed the British Columbia Marine Ecological Classification system and the British Columbia Biophysical Shorezone Mapping System, which identify marine sensitive areas and shore zone mapping standards. It has mapped most of the coast for its biophysical capability to support shellfish and finfish aquaculture. For more information, check the [Decision Support Service's website](#).

The [Sensitive Ecosystem Inventory](#) is a joint endeavour of Environment Canada and the B.C. ministries of Sustainable Resource Management and Water, Land and Air Protection. It identifies and maps remnants of rare and ecologically fragile terrestrial ecosystems in parts of the province that are experiencing heavy growth. Its goal is to encourage land-use decisions that support the survival of these ecosystems. The inventory is available in hardcopy (1:20,000) and electronic (ArchInfo) formats, and is accompanied by a manual that suggests measures that could be taken to preserve these fragile resources. A Sensitive Ecosystem Inventory has been completed for East Vancouver Island and the Gulf Islands, and inventories are underway for the Sunshine Coast and the Central Okanagan region. Visit the [Sensitive Ecosystem Inventories website](#).

The [Resources Information and Standards Committee \(RISC\)](#) sets provincial standards for natural and cultural resources inventories, including collection, storage, analysis, interpretation and reporting of inventory data. Committee members represent provincial, federal, aboriginal and private sector agencies and other resource interests. RISC has established standards and published manuals for both physical and biological shore zone mapping. It also has a [website database](#) of coastal resource inventories.

Land and Foreshore Tenure

As the “landlord” of B.C.’s public (or Crown) lands, the provincial government can issue tenure or sell public lands. Crown lands include intertidal areas and inner coastal waters and seabeds. The right to occupy these areas requires some form of tenure - typically a lease or license of occupation. These are issued for a variety of uses including aquaculture, mariculture (shellfish), log storage, private and public moorage, wharves and marinas, and recreational uses. Land and Water B.C. Inc. (formerly B.C. Assets and Lands Corp.) is the agency responsible for allocating Crown land tenures, and reports to the [Minister of Sustainable Resource Management](#).

Activities proposed on Crown shores and seabeds require an assessment of environmental impacts. These assessments are usually managed through an internal referral process administered by LWBC though large projects may be passed to the B.C. Environmental Assessment Office. For more information, visit the [Land and Water B.C. website](#).

Waste Management

The provincial [Waste Management Act](#) controls emission and discharge of pollutants from land into the marine environment. This includes liquid waste (including stormwater) and hazardous waste, as well as contaminated sites. The Act is administered by the Ministry of Water, Land and Air Protection.

Fish and Wildlife

The B.C. [Fisheries Act](#) (to be distinguished from the federal [Fisheries Act](#)) controls activities associated with commercial fisheries and aquaculture operations. Its primary concern is the licensing of fish processing plants, fish buying establishments, fishers selling their own catch, wild oyster and marine plant harvesting and aquaculture operations.

The [Wildlife Act](#) regulates the management and protection of wildlife on land and sea. The [Fish Protection Act](#) provides for the regulation and management of anything affecting shellfish, resident finfish and marine plants. It authorizes water managers to consider impacts on fish and fish habitat before approving water licenses. The [Ministry of Water, Land and Air Protection](#) administers both acts.

Oil, Gas and Minerals

The [Mines Act](#) enables the regulation and management of extracting non-metallic (e.g., sand and gravel) and metallic minerals in the inland sea. The [Petroleum and Natural Gas Act](#) oversees the regulation and management of oil and gas exploration and development in the inland sea. The [Ministry of Energy and Mines](#) administers both acts.

Environmental Assessment

The provincial [Environmental Assessment Act](#) requires projects of certain types and sizes to have formal environmental assessment. Such projects include, but are not limited to:

- Aquaculture/food processing
- Offshore oil and gas development (exploration and production)
- Offshore mining operations (exploration and production)
- Large destination resorts and such associated facilities as marinas and golf courses
- Highways, railroads, transmission lines and pipelines
- Larger ports and ferry terminals
- Local government solid and liquid waste management projects
- Dams and reservoirs, dikes, diversion projects, groundwater extraction, and shore modification

Generally, residential building projects are not subject to this process because they usually are regulated solely by local governments. Their impacts are usually below provincial assessment thresholds.

Environmental assessment reviews are managed and coordinated by the Environmental Assessment Office. Details of the process are outlined in the *Guide to the British Columbia Environmental Assessment Process (January 2001)*. This guide is available [on their website](#).

Marine Protected Areas

A number of federal and provincial agencies have responsibilities related to the creation of protected areas in coastal waters. For example, Fisheries and Oceans Canada is the lead federal agency responsible for coordinating the development of a system of marine protected areas, and can establish protected areas under the **Oceans Act**. Fisheries and Oceans works closely with Parks Canada and Environment Canada, who have their own responsibilities for marine protection under the **National Marine**

Conservation Areas Act, and the **Canada Wildlife Act/Migratory Birds Convention Act**, respectively.

The overall objective of these programs is to further conservation and protection of living marine resources and their habitats.

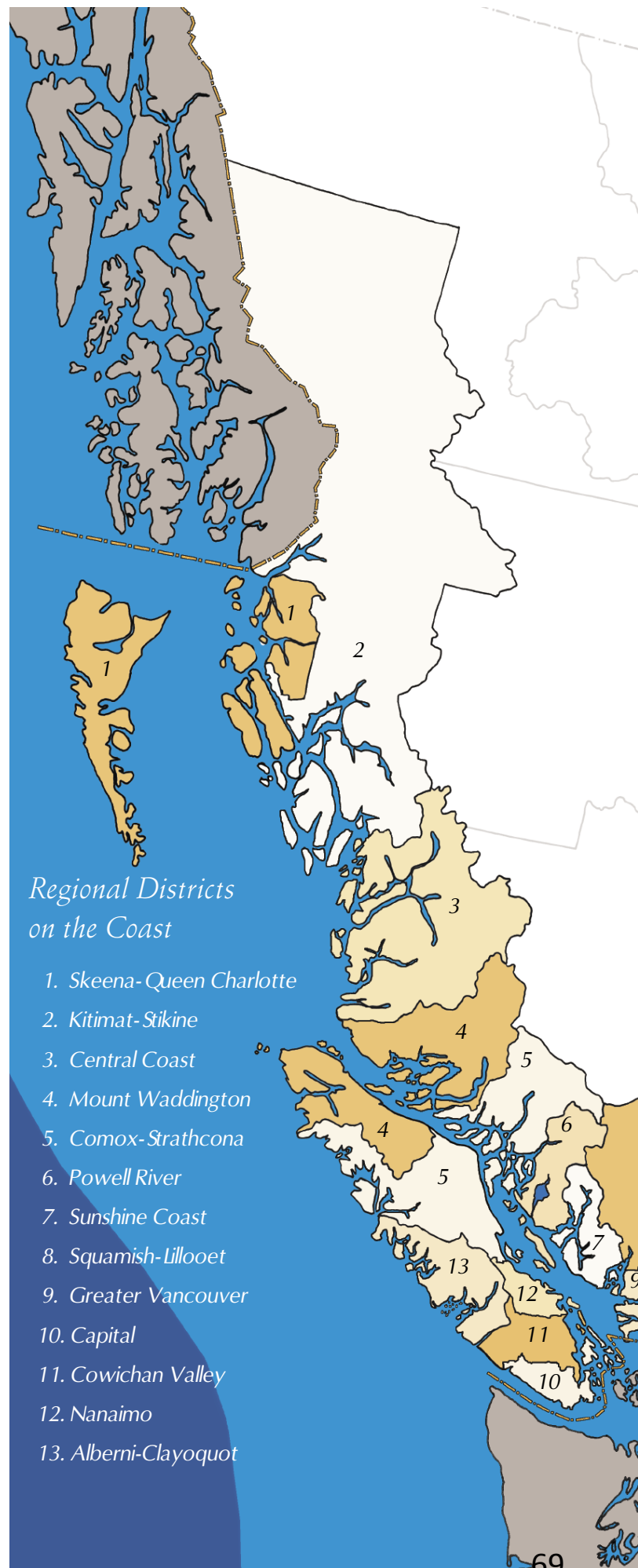


Canadian Wildlife Service

A Marine Protected Areas Strategy for Canada's Pacific Coast is being developed jointly by the governments of Canada and British Columbia. This strategy is intended to lead to a network of marine protected areas along the Pacific coast, using new and existing federal and provincial statutes. Under this Strategy, objectives for MPAs include:

- Contribute to the protection of marine biodiversity, fish and their habitats, and cultural heritage resources;
- Provide opportunities for recreation and tourism;
- Provide scientific research opportunities and support the sharing of traditional knowledge; and
- Increase education and awareness efforts.

The Endeavour Hydrothermal Vents Area recently became Canada's first Marine Protected Area to be declared under the **Oceans Act**. Several other marine protected area initiatives are currently underway, including designation of Race Rocks and Bowie Seamount Area as Marine Protected Areas (by Fisheries and Oceans Canada), designation of the Scott Islands as a Marine Wildlife Area for seabird foraging protection (Environment Canada), and designation of the waters around Gwaii Haanas National Park Reserve as a national marine conservation area (Parks Canada).



Regional Districts on the Coast

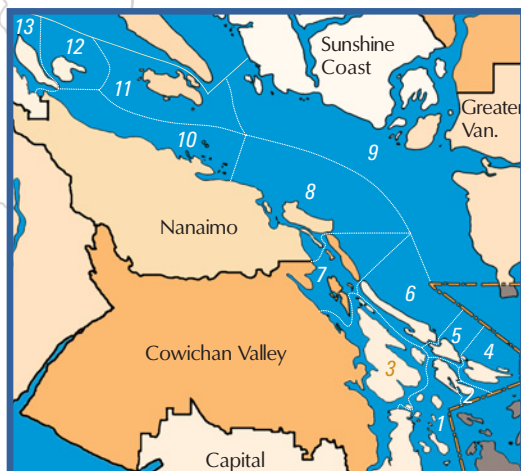
1. Skeena-Queen Charlotte
2. Kitimat-Stikine
3. Central Coast
4. Mount Waddington
5. Comox-Strathcona
6. Powell River
7. Sunshine Coast
8. Squamish-Lillooet
9. Greater Vancouver
10. Capital
11. Cowichan Valley
12. Nanaimo
13. Alberni-Clayoquot

Local Government Roles

Regional, Community and Islands Trust Planning

Municipalities, Regional Districts and the Islands Trust (collectively referred to as local governments) are responsible for planning land use and development within their respective boundaries. Their powers are defined under BC's *Local Government Act* and as of December 2003, under the *Community Charter* for municipalities. As such, local governments can have a tremendous influence on land based activities that affect coastal shores and nearshore areas.

These planning and regulatory powers also extend to areas covered by water. The *Local Government Act* defines land to include "the surface of water," and states that municipal boundaries can include "the whole or part of adjoining foreshore and any area below low water mark." This implies that the power to plan, zone and permit land uses covers freshwater bodies and marine foreshore and nearshore areas. Many local governments extend zoning into nearshore areas.



Islands Trust Area

- | | |
|-----------------|---------------|
| 1. North Pender | 7. Thetis |
| 2. South Pender | 8. Gabriola |
| 3. Salt Spring | 9. Howe Sound |
| 4. Saturna | 10. Executive |
| 5. Mayne | 11. Lasqueti |
| 6. Galiano | 12. Hornby |
| | 13. Denman |

Land use planning at the local level comes in two basic forms: Regional Growth Strategies and Official Community Plans.

A *Regional Growth Strategy (RGS)* is prepared by a regional district, which comprises municipalities and unincorporated electoral areas. An RGS promotes development that is socially, economically and environmentally healthy and that makes efficient use of public services, land and other resources. An RGS looks ahead at least 20 years to address population growth with reference to land use, economic development, transportation, environmental protection and other regional programs aimed at meeting the needs of people.

Any bylaws passed by a regional district board with an RGS must conform to the direction of the RGS. Similarly, Official Community Plans established by member municipalities of that regional district must be consistent with its RGS.

Like an RGS, an *Official Community Plan (OCP)* is a statement of objectives and policies to guide decisions on planning and land use management within a municipality or electoral (or unincorporated) area. It can identify land use designations, policies and guidelines related to development opportunities and requirements, transportation networks and environmental protection. It also establishes a basis for local government regulations and servicing programs. An OCP addresses a smaller area than a RGS and usually in more detail.

Supporting Coastal Stewardship in Local Planning

Regional Growth Strategies and Official Community Plans are effective tools in providing community direction for coastal stewardship. Especially in settled parts of the coast, these plans can play a significant role in establishing a framework for coastal stewardship by:

- Calling for coordination of policies, regulations and approvals among all levels of governments.
- Establishing land use designations and policies based on an understanding of the biophysical processes of coastal ecosystems.

The next page indicates some of the policies that could be included to support coastal stewardship at the local level.

Coastal Stewardship Policies in Regional Growth Strategies and Community Plans

Stakeholder Involvement

A stakeholder review is useful, either as a part of the main community plan process or as an adjunct to the planning process. It identifies issues that affect planning and management of coastal areas in the community or region.

A list of coastal stakeholders may include coastal landowner groups, industries, recreational users and conservation organizations. Institutional stakeholders may include port corporations, harbour authorities and regional offices of Fisheries and Oceans Canada, Environment Canada, Land and Water B.C. and the Ministry of Water, Land and Air Protection (MWLAP).

Setting goals

An Official Community Plan or Regional Growth Strategy may contain a variety of goals specific to coastal stewardship - such as:

- Developing tactics to protect, restore and enhance natural coastal systems
- Providing opportunities for public recreational use and enjoyment of coastal areas.
- Planning for marine oriented industrial and commercial development.
- Planning an integrated coastal strategy with other levels of government.

Partnership policies

Local governments can use intergovernmental agreements and partnerships with non-governmental organizations to help achieve community goals for coastal areas - for example:

- Coordinate inventory and shore mapping with the provincial Coastal Management and Planning Office, the Conservation Data Centre, etc.
- Develop awareness of best management practices, and run workshops for agencies, developers, waterfront landowners, NGOs and staff.
- Establish a Coastal Zone Technical Committee.

Environmentally Sensitive Areas

It is desirable to regulate development or avoid it in areas where coastal shores are physically or biologically sensitive or subject to natural hazards. This can be done through an OCP or RGS by:

- Identifying Environmentally Sensitive Areas (ESAs) and hazard areas,
- Working to acquire these areas for parks and greenways along coasts,
- Designating development permit areas for the protection of ESAs that establish conditions for development,
- Fostering community awareness of coastal stewardship, encouraging and supporting volunteer actions.

Development policies

Encourage development in appropriate areas by:

- Designating shore areas that are most suitable for development (see examples of coastal classification systems on the next page),
- Specifying best management practices to be used in these areas,
- Encouraging desired forms of development.

Recreation policies

Recognize recreational resources as community assets by setting policies that:

- Provide continuity of public access through the development of interconnected greenways
- Provide access for water-based sports and recreation on the shores that can best support these amenities
- Ensure that recreational uses and the structures that support them (such as a docks) do not adversely impact coastal processes

Water quality policies

Policies and guidelines that reinforce ways to manage liquid waste and stormwater can reflect coastal concerns. Suggested strategies:

- Identify areas with high septic system failure rates. Inform landowners about proper maintenance of on-site sewage disposal and stormwater systems. Promote testing to ensure that systems are properly installed and well maintained.
- Promote demand management strategies to reduce the impact of industrial and commercial sewage
- Reduce the impact of non-point source (NPS) pollution by increasing public awareness
- Work with such high-risk businesses as car washes and gas stations to develop site-specific NPS plans, work with municipal engineering and public works to develop local strategies to minimize the impacts of NPS.

Marine resource policies

Many municipal and regional district boundaries extend over coastal areas covered by water. Official community plans can include strategies that protect such nearshore marine resources as shellfish concentrations, eelgrass beds, etc:

- Collaborate with, or ask senior agencies to conduct mapping and inventory of nearshore resources and locate rare or sensitive species and habitat,
- Protect shellfish and other sensitive marine resources from impacts of upland land uses,
- Develop programs to periodically check the health and quality of nearshore resources.

Hazard management policies

Official community plans should include strategies that minimize risk. A common approach is to insist on development permits in all hazardous areas. These permits must respond to such unstable and hazardous conditions as:

- Ongoing shore erosion
- Occasional flooding from storm surges and tsunamis
- Seasonal flooding; some of these areas may have been identified as part of provincial flood risk mapping.
- Areas of steep slope or where soil seepage conditions create potential for slides.

The avoidance and management of risks is important not just during the construction phase of a project, but over its entire life, including operation and maintenance. The cost of maintaining and reinforcing structures built on eroding land far outweighs the cost of proper site location, or the loss of prime development land. Proper assessment of risk – including anticipation of unforeseen circumstances – prevents costly repairs or lawsuits.

Classifying Shores

A useful tool in planning at the local government level is to classify shores from a habitat sensitivity perspective. Federal and provincial agencies have been doing this for some time in collaboration with harbour authorities and regional districts as part of estuary management plans. A few local governments have developed shore classification systems for this purpose, too.

Fraser River Estuary Management Program — FREMP, a joint endeavour of federal, provincial and local governments and harbour authorities on the Fraser River, was created in response to enormous development pressure on this threatened estuarine system. Under FREMP, the shores in the estuary have been evaluated for their ecological significance and designated into three “zones”:

- A **Red zone** has highly productive habitat and any development must avoid impacts on the environment. The only exceptions are for projects vital to public health and safety.
- A **Yellow zone** has moderately productive habitat and permits development provided there is no net loss in habitat productivity. This requires a focused, intensive environmental impact assessment with full mitigation of impacts. Where impacts cannot be fully mitigated, compensatory habitats must be constructed prior to disturbance or destruction of the affected habitats.
- A **Green zone** is often an already disturbed area that provides marginal habitat or irrecoverable shore process functions. Development may occur, provided that reasonable efforts are made to mitigate environmental impacts.

This system provides guidance as to where development interest and initiative should be directed. For more information on [FREMP](#) check out its website.

Prince Rupert Harbour Foreshore Management Plan — Prince Rupert Port Corporation and the Skeena/Queen Charlotte Regional District have endorsed a harbour plan that focuses on protection of fish habitat while ensuring water access for economic activities in the harbour. The basis of the management plan is a foreshore habitat classification system similar to that used for FREMP, with the same colour coded zoning and assessment of habitat values. The classification system inventoried intertidal vegetation, physical shoreline type, wave exposure regimes and valued habitat features to develop foreshore classification maps. Other evaluation criteria for classifying shorelines include degree of modification, restoration potential and presence of compensatory habitat.

Regional District of Comox-Strathcona — This Regional District on mid-Vancouver Island is taking a different approach to shore classification. Its purpose is to protect the coastal environment, but also to protect public resources (historical, recreational and scenic) and limit risk and liability from construction on unstable shores. The approach is based on physical forces as well as biological characteristics. It identifies shore “cells”, initially by their sedimentation characteristics (eroding, transport, or accreting), and then by their relative energy level (high, medium, low) based on exposure to winter storm waves. The shore within each “cell” is then classified in segments, according to shore type (boulder/cobble, sand/gravel, mud, etc.) and relative biological productivity (high, low). Land use management policies are proposed for each major type of shore. The Regional District is still refining and testing this classification scheme for its usefulness as a management tool. For more information, contact the [RDSC Planning Department](#) on-line or call them at (250) 334-6000.

The Harbours Ecological Inventory and Rating (HEIR) project is an initiative to inventory and evaluate the ecological value of the backshore, intertidal and subtidal portions of Victoria and Esquimalt harbours and their connected waterways. Developed by the Victoria and Esquimalt Harbours Environmental Action Program (VEHEAP), the HEIR is a web-based information and mapping tool that provides materials to assist land and water use decisions, avoid further habitat degradation, and improve the restoration and enhancement of harbour ecosystems. Mapping layers, database information and ecological value ratings are accessible from the VEHEAP web site using the interactive ARC IMS mapping software [at their website](#).

Zoning

Zoning bylaws are used to regulate types, location and density of development by “zoning” lands for particular land uses. Zoning can extend over water to include intertidal and nearshore areas.

Zones specify such land use characteristics as minimum parcel or lot sizes, the dimensions and location of buildings, and setbacks or distances between structures and property lines. Zoning can even regulate the extent and location of impervious surfaces such as driveways, parking lots and tennis courts.

Local governments use zoning bylaws to help direct different kinds of development (residential, commercial, industrial) to suitable areas and away from unsuitable ones. Zoning bylaws can help protect shore areas by restricting inappropriate land uses and practices. Zoning can also establish building setbacks along or around sensitive coastal features. Zoning designations along waterfronts can respect unique physical and biological aspects of the adjacent shore systems and the potential impact of development on these systems.

A local government can also meet shore stewardship goals through rezoning. The rezoning process offers a local government the opportunity to demand measures that would benefit the community. This could include dedication of a shore greenway, protection of sensitive features and processes or provision or restoration of shore amenities.

Other zoning-related tools can also be used to protect shore areas:

- **Density bonus zoning** allows for higher density when certain measures are taken – such as the protection of an environmentally sensitive site, preservation of a shore “leave” strip or providing public access. For example, a 20 percent density bonus would allow up to 12 units per hectare from a base zoning of 10 units/ha, in exchange for one or more of these community benefits.
- **Comprehensive development (CD) zoning** involves the creation of a unique land use arrangement for a specific site. For example, a development proposal for a marina facility could include a mix of commercial, light industrial and multi-residential development along with areas of public use and conservation. This approach is used most often in larger developments.

Development Permit Areas

An OCP can designate Development Permit Areas (DPA) that have special land use and development conditions. Land within a DPA cannot be subdivided, altered or built on without first obtaining a development permit that contains requirements established for that DPA. Under the [Local Government Act](#), DPAs can be designated for three purposes:

- To protect the natural environment, its ecosystems and biological diversity;
- To protect a development from hazardous conditions; and
- To establish objectives for the form and character of intensive residential development and of commercial, industrial or multi-family residential development.

Several local governments have designated DPAs for coastal protection:

- **Nanoose Bay**, in the Regional District of Nanaimo (RDN), has designated a ‘leave’ strip extending 15 m inland from the natural boundary (or high water mark) of the shore as a DPA under its official community plan. “Leave” strips are intended to remain in an undisturbed state, and activities are regulated to protect habitat, prevent flooding and control erosion. Check the [RDN website](#) for a copy of Nanoose Bay’s OCP.
- **The City of Nanaimo** takes a similar strategy in its OCP by designating under its DPA a 15 m “leave” strip along its shores for watercourse protection (DPA #23). In addition, it defines particularly steep, erodible shore areas as DPAs for natural hazard management. The content of the OCP and DPA #23 are available on the [city’s website](#).
- **The District of North Cowichan** is revising its OCP in which “Shoreline Protection Areas” are being considered for DPA designation. These would extend 30 m inland from the natural boundary of marine shores. Development within that 30 m DPA would be restricted generally to uses that require shore access.
- **The OCP for Rural Comox Valley**, in the Regional District of Comox-Strathcona, designates most of its shore along the Strait of Georgia as a DPA for “aquatic environmentally sensitive areas.” No structures other than “shoreline protection devices” are permitted within 15 metres of the natural boundary. A portion of the shore with steep, erodible banks is also designated a DPA for hazardous conditions. The DPA specifies special protective, construction and planting requirements. The OCP and DPA can be viewed on the [RDCA website](#).

Subdivision

Subdivision approval is another tool that can be used to protect shorelines. Site plans must show lot layout, road and utility layout and development standards. Subdivision applications must also address the conservation of environmentally sensitive areas, avoidance or mitigation of hazardous conditions and provision of public access. Other subdivision tools can be used to protect shore areas:

- Up to 5 percent of land proposed for subdivision can be required as a **park** at the time of subdivision. This power can be used for public acquisition of coastal areas or for access to the coast.
- Subdivision can also incorporate a **conservation covenant**. This could preserve a portion of the property for its ecologically valuable features, set up a buffer zone adjacent to sensitive coastal areas, or require specific land use practices that protect coastal habitats or vegetation. The landowner retains the right to use the land in a manner consistent with the purposes of the covenant. The organization holding the covenant - which may be a local government or a registered conservation organization, or both - becomes responsible for ensuring the terms of the covenant are followed.

Other Bylaw-making Powers to Protect Shore Areas

*In May 2003, the Province introduced legislation (Bill 48) to protect farming and aquaculture from local government bylaws that could limit their operations. The legislation proposes to amend the **Local Government Act** to ensure provincial approval is required on any bylaws affecting aquaculture development or operations in ways that may violate the **Farm Practices Protection Act**. The latter Act would also be amended to clarify that Crown lands and foreshore areas suitable for aquaculture can be designated as “farming areas” and therefore, subject to protection under the Act. This proposed legislation could significantly restrict local governments’ ability to regulate aquaculture operations under zoning or other bylaws.*

Landscaping	Set requirements and standards that “preserve, protect, restore and enhance the natural environment.” These could be used to protect existing native shore vegetation to limit erosion, maintain vegetated corridors to support habitat, and require replanting adjacent to shore areas after construction.
Tree cutting/protection	(Municipalities only) protect significant or heritage trees by requiring permits for cutting. Regional governments can determine what trees must be preserved to prevent erosion.
Watercourse protection	Pass bylaws that prohibit polluting or impeding the flow of a watercourse. In shore areas, this could be used to protect and maintain clean freshwater inputs.
Sediment and erosion control	Require development projects to plan and undertake erosion and sediment control measures within the construction program. This could include: scheduling and designing earth moving to minimize erosion; retaining vegetation; replanting disturbed soil; diverting runoff from exposed soils.
Drainage and stormwater	Require landowners to manage the disposal of surface runoff and stormwater. The bylaw could also establish the maximum percentage of the area of land that can be covered by impermeable material. This could be an important consideration where runoff is often contaminated, or in bluff environments, where runoff can increase erosion.
Plan assessment	Require assessments of project plans as part of a rezoning or permit application. This examines the potential environmental, social and economic effects of the project and its projected benefit to the community.
Building permits	Require buildings and structures to comply with the B.C. Building Code. Approval of building permits can also be used to ensure compliance with local bylaws and see that the site is safe for development relative to hazards posed by coastal erosion, and the effects of construction on the stability of the coast.
Security	Require a security deposit to ensure that construction meets design specifications and/or permit conditions regarding restoration, landscaping, etc. Because of the greater risk of development on coastal shores, local governments should consider security deposits that address construction hazards posed by tides, wind, storms, etc.; spills (which can be widely dispersed by runoff and waves); and impacts to adjacent properties where shore development may disrupt longshore drift patterns, or cause slope failure or vegetation blowdown.

First Nations

Over 50 First Nations have traditional ties and enjoy aboriginal rights with respect to land and resources on the B.C. coast. Many are represented in treaty negotiations with the province and Canada.

Treaty Making

The treaty-making process is overseen by the B.C. Treaty Commission, an independent, neutral body responsible for facilitating treaty negotiations among the governments of Canada, B.C. and First Nations. A First Nation does not have to prove aboriginal rights - these are already recognized and protected by the Canadian Constitution. The main goal of the treaty process is to provide certainty of jurisdiction over B.C.'s land and resources. For more information, check the [B.C. Treaty Commission website](#).

Through the B.C. Treaty process, as well as through partnerships with government agencies, the roles of First Nations are evolving into those of an "order" of governance with respect to traditional shore resource and areas. Governance will vary, according to the settlement that is reached within each treaty negotiation, as will the relationship developed with senior government agencies and adjacent local governments.

Reserve Lands

Besides being affected by the future outcome of treaty negotiations, the B.C. coast is dotted with numerous Indian Reserves. The applicable Band Councils use bylaws to establish uses of these lands and their foreshore and nearshore areas, under the authority of the federal *Indian Act*. While federal funds often support the development of community or reserve land use plans, First Nations usually lead the activities themselves.

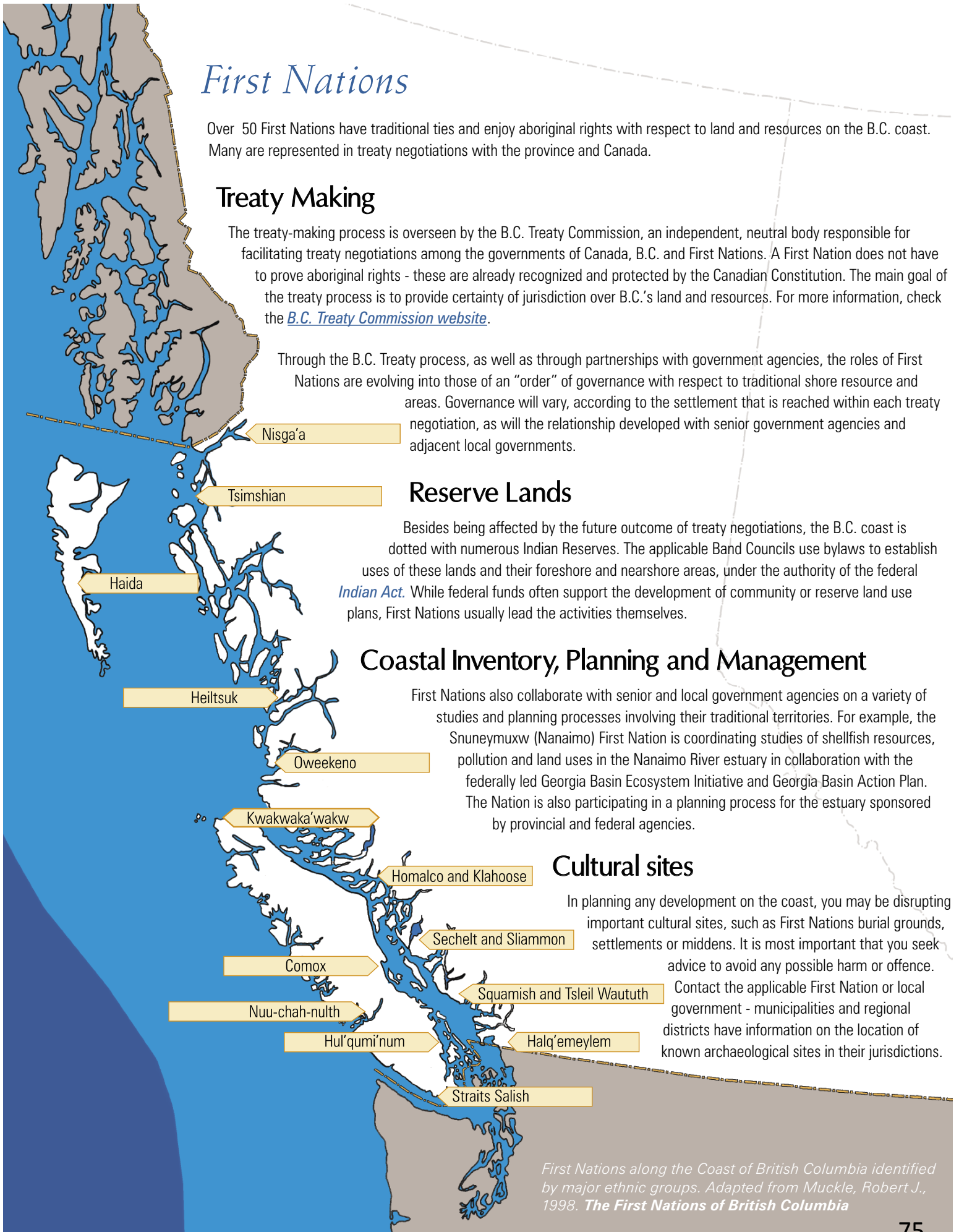
Coastal Inventory, Planning and Management

First Nations also collaborate with senior and local government agencies on a variety of studies and planning processes involving their traditional territories. For example, the Snuneymuxw (Nanaimo) First Nation is coordinating studies of shellfish resources, pollution and land uses in the Nanaimo River estuary in collaboration with the federally led Georgia Basin Ecosystem Initiative and Georgia Basin Action Plan. The Nation is also participating in a planning process for the estuary sponsored by provincial and federal agencies.

Cultural sites

In planning any development on the coast, you may be disrupting important cultural sites, such as First Nations burial grounds, settlements or middens. It is most important that you seek advice to avoid any possible harm or offence.

Contact the applicable First Nation or local government - municipalities and regional districts have information on the location of known archaeological sites in their jurisdictions.



First Nations along the Coast of British Columbia identified by major ethnic groups. Adapted from Muckle, Robert J., 1998. *The First Nations of British Columbia*

Non-governmental Organizations

There are many non-governmental organizations (NGOs) that are working to protect, preserve and enhance coastal environments. Some of these NGOs are profiled in Chapter 6. Their roles are many and varied, but can be summarized under the following headings.

- **Education** — Many NGOs conduct public information and education sessions about stewardship as part of their mandate. They provide an increasingly important role in supporting the public outreach of government agencies.
- **Habitat identification/inventory** — More stewardship groups are taking training and becoming volunteer “citizen scientists”. Quality of data and the consistency of collection methods and data management and sharing have arisen as issues. These issues are gradually being addressed through such programs as the Community Mapping Network and other collaborative efforts with local and senior governments.
- **Restoration and enhancement** — Local stewardship groups carry out site-specific restoration or enhancement projects within their communities. Conservancy organizations may forge management agreements with landowners or manage restoration or enhancement projects on the properties that they acquire.
- **Land conservation covenants** — Many NGOs, typically “land trusts”, hold and manage conservation covenants under the provincial *Land Titles Act*. Land trusts are private, non-profit organizations that protect areas for environmental, scientific, historical, cultural, scenic, or compatible recreational values. A conservation covenant is a voluntary, written agreement between a landowner and another party (such as the land trust) in which the owner promises to protect the land.
- **Participation/advocacy** — Many NGOs participate in local, regional and provincial programs to represent stewardship-related interests. They may join standing or ad hoc committees, or act as experts or participants in review processes. NGOs also play an important advocacy role, encouraging or lobbying government and corporations to take measures that support the stewardship of coastal resources.

Georgia Strait Alliance



Volunteer clean up events help keep coastal areas free of debris and pollutants.

Landowners

Shorefront landowners have direct contact with the shore, and a vital role and responsibility in stewarding these areas.

Rights and Responsibilities

Waterfront landowners hold some basic “riparian” rights, which include:

- A right to unimpeded access to the shore from the property. This limits the province’s ability to approve the use of fronting foreshore and nearshore areas without written authorization from the shore owner.
- At the same time, the public has the right to access the foreshore, which is public property. Property owners cannot impede public routes to the beach.
- A right to apply to the Crown to claim and acquire accretions as a natural expansion of their property. Accretion is the slow, natural deposit of sediment to a piece of shore, which enlarges the land area abutting the adjacent waterfront property. This right is tempered by consideration of the public right to access to the foreshore.
- The right to install protective works within the property in order to minimize erosion and related destruction of the property.

The exercise of these rights is subject to applicable federal, provincial or local government laws. For example, any works to protect property from coastal erosion are subject to local government regulations, provincial authorization if they extend below the high water mark, and federal authorization if they adversely affect fish habitat - which is usually the case.

For example, a landowner wants to remove several trees that are lying on the beach in front of her house in order to provide clear access to the beach. But the trees have become a habitat structure that has recruited sand and gravel and created a beach where surf smelt spawn. DFO would have to authorize the removal of these trees. Failure to obtain an authorization can result in criminal prosecution and a hefty fine.

Stewardship Role

Landowners obviously have a significant responsibility to care for their coastal properties – to protect their own interest and investment, and to ensure that the larger coastal environment is not affected adversely by their actions.

Landowners can also promote stewardship among their neighbours and other users of the shore. Living by the water, landowners can observe and report unusual events or hazardous activities. By word and example, they can help to educate other shore users on “better ways” of treating the coastal environment.

Pat Boyle

Working with the Coastal Shore

Alexe Lohvinen



As you set out to change or adapt shores near you, think forward — anticipate the outcomes and consequences of what you do.

- ☞ Your actions may change how the shore works.
- ☞ These changes could harm the living components of the shore.
- ☞ These changes could affect you, your neighbours and your community. They could be costly to fix and they could lead to the irretrievable loss of land, beaches or fishing areas. Changes done without approval could also subject you to serious financial penalties.

The results can be drastic — and unexpected.

Although the following section provides advice about factors to keep in mind when you are planning or working near coastal shores, there are really just three simple rules:

*Don't Disrupt,
Don't Harden,
Don't Pollute*

Note:

Text written *like this* identifies federal or provincial legislation. Information written *like this* is available on the Internet - refer to the Website Address Insert included in this document for details.

From: Tobi Elliott <telliott@islandstrust.bc.ca>

Sent: Thursday, July 6, 2023 12:35 PM

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

Cc: Russ Hotsenpiller <rhotsenpiller@islandstrust.bc.ca>

Subject: Consideration of a project on foreshore/shoreline protection and water jurisdiction under climate change

Could you add this letter to the agenda package for our July 12 meeting, Lori?

Hello EC Colleagues,

I would like to follow up on the brief discussion that was started at EC just before Trust Council on shoreline/foreshore policies and water/foreshore jurisdiction. It seems to me this falls under item 2.3 of our still-current strategic plan:

2.3. Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore.

This appears to be an area that no committee seems prepared or able to undertake. So I would like to explore how it can be advanced by EC as a project under climate change mitigation and adaptation.

There are 3 avenues I would like to explore:

1. Education on Foreshore and water jurisdiction and authority - there may be some education we can pull together for Trustees who aren't as familiar with the intersectional governance of water and shoreline. I certainly could use some info!
2. Compilation and promotion of resources already available through IT and ITC research, reports, and projects or publications done in cooperation or supported by other agencies (WA Dept of Fish and Wildlife, Cdn Edition "Your Marine Waterfront" is an excellent example) that could be made available to the public.
3. Explore ideas for further public education (webinars, mailouts, CIMs) on options to protect waterfront properties (ie GreenShores) and what has been attempted (ie pilot on Thetis) and the results.

I maintain that this will likely be the next area of potential enforcement, as more and more owners of waterfront property move full time to the islands and seek to protect their assets with hard armouring, not knowing that a. It's illegal, and b. there might be other options.

If we wait til the enforcement stage, we will run out of money very quickly and be unable to enforce our bylaws. I want to see proactive work done on this, but I don't see any committee that is prepared to take this on. And no, what we have on our website is not sufficient, to my view.

Thanks for your consideration, Tobi



BRIEFING

To: Executive Committee **For the Meeting of:** June 14, 2023
From: Staff **Date Prepared:** May 30, 2023
SUBJECT: Executive Committee (EC) / Islands Trust Conservancy (ITC) Liaison Meeting

PURPOSE: To provide a draft agenda for the EC/ITC Liaison Meeting for review and input.

BACKGROUND:

Trust Council (TC)/ITC Liaison is required under [Islands Trust Bylaw 86](#) which states:

3.1 In order to foster and maintain communications between the Board and the Council, the Council and the Board will meet at least once each calendar year to discuss matters of mutual concern in light of their respective roles and responsibilities. The Council and the Board may also agree to meet more often.

Currently, the ITC meets with EC annually and presents information to Trust Council about programs of interest. The ITC and EC have a scheduled meeting on **July 18, 2023**. This meeting is hosted by ITC with EC members as invited guests. ITC members are able to put forward and vote on resolutions during the meeting and these become directions for the ITC Board and staff.

At its March 13, 2023 meeting, the ITC Board passed the following resolution directing staff to add an agenda item regarding Trust Council decisions that affect ITC work:

ITC-2023-014

It was MOVED and SECONDED,

that Islands Trust Conservancy (ITC) Board raise concerns to Executive Committee regarding Trust Council decisions on conservation that have an effect on ITC work about which ITC Board has not had an opportunity to comment.

Staff have included this item below as item 4.1.

ITC/EC Meeting Agenda

The ITC Board reviewed the draft agenda below at their May 30 meeting and it is being provided for Executive Committee input. Final review and approval of the agenda will occur at the meeting on July 18.

Draft Business Items for ITC/EC Liaison Meeting Agenda

1. Overview of ITC work since last meeting (20 mins)

1.1. Slideshow of ITC work in 2022/2023; topics will include:

- ITC Plan Updates
- Regional Conservation Plan Updates
- Species at Risk Program
- Donor Engagement

Updates on current EC action items (20 mins)

1.2. As suggested by EC, requests from ITC Board include:

- Update on the Policy Statement Amendment Project

2. Roundtable: Topic(s) to be determined (20 mins)

2.1. Climate change initiatives

2.2. Other topics as suggested by EC– in 2022 the focus was on collaboration

3. Items for Discussion (60 minutes)

3.1. Trust Council decisions that affect ITC work

- Amendments to website to remove donation buttons

3.2. Update on the Governance Review

3.3. Provincial Funding request: In September 2019, Trust Council passed the following resolution:

That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.

ATTACHMENT(S):

Meeting Minutes, July 13, 2023 ITC/EC Liaison Meeting

[Agenda Package, ITC/EC Liaison Meeting July 13, 2022](#)

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Clare Frater, Director, Trust Area Services / May 30, 2023

Reviewed By/Date: Kate Emmings, Manager, Islands Trust Conservancy / May 30, 2023
Russ Hotsenpiller, CAO/June 3, 2023



Islands Trust Conservancy - Executive Committee Liaison Meeting Minutes of Regular Meeting



Date: Wednesday, July 13, 2022
Time: 1:00 p.m.
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

ITC Board Members Present Doug Fenton (attended in-person)
Kate-Louise Stamford, Chair (in-person)
Linda Adams (attended in-person)
Sue Ellen Fast, Vice Chair (attended electronically)

EC Members Present Dan Rogers, Vice-Chair (attended electronically)
Laura Patrick, Vice-Chair (attended in-person)
Peter Luckham, Chair (attended in-person)
Sue Ellen Fast, Vice Chair (attended electronically)

Regrets Risa Smith, ITC Board Member

Staff Present Aislyn King, Conservation & GIS Technician Co-op Student
Carmen Smith, Acting Communications Specialist
Corlynn Strachan, Administrative Assistant/Recorder
Heather Kauer, Regional Planning Manager, joined the meeting at 2:15 p.m.
Kate Emmings, ITC Manager
Kathryn Martell, Ecosystems Protection Specialist
Nuala Murphy, Property Management Specialist
David Marlor, Director, Local Planning Services
Russ Hotsenpiller, Chief Administrative Officer
Wendy Tyrrell, Species at Risk Coordinator

1. CALL TO ORDER

The meeting was called to order at 1:00 p.m. Chair Stamford acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

1.1 Introductions and Context for Annual Meeting

Chair Stamford welcomed the guests and initiated introductions.

2. APPROVAL OF AGENDA

By **general consent** the agenda was approved.

3. MINUTES

3.1 July 13, 2021 ITC-EC Liaison Meeting Minutes (Approved October 2021)

Received for information.

4. BUSINESS

4.1 Items for Information

4.1.1 ITC 2021/22 Year in Review (presentation)

Islands Trust Conservancy staff provided a presentation on the following topics:

- Regional Conservation Plan
- Property Management
- Reconciliation with First Nations
- Species at Risk Program
- Climate Change Project
- Communications and Engagement
- Fund Development
- Looking Ahead to 2022/23

Executive Committee members thanked staff for a professional and informative presentation. Discussion ensued on:

- invasive species management, including Japanese knotweed
- First Nations consideration of islands as family, marine protected area clusters around small islets, biodiversity protection priorities, and potential partnerships with other agencies for acquisition
- fallow deer management on Mayne Island and deer management in the Islands Trust area
- whether climate zones are moving north by 20 km per year

4.1.2 2021/22 Executive Committee Updates

Governance Report Follow Up

Trustee Luckham advised Trust Council (TC) created a standing governance committee consisting of seven elected members, including CAO Hotsenpiller.

CAO Hotsenpiller advised the first meeting is scheduled for July 29th where the committee will review current policy framework, develop questions and analysis, and consider funding. Islands Trust Conservancy (ITC) was not a part of the scope of the governance report. CAO Hotsenpiller recommends ITC track and provide input that informs the process due to potential impacts on ITC. There will be room for discussion and reflection on the nature of how IT governs.

Trustee Luckham noted TC has not yet discussed or debated the governance report and due to election timing, the committee will develop terms of reference to pass on to a future TC.

Trustee Luckham acknowledged it is not a good time globally/socially for TC to approach the Province for additional funding for ITC.

Trust Council Update

No update provided.

Policy Statement Update

Trustee Rogers advised that, after June Trust Council, there was a Special Meeting of the Trust Programs Committee to address issues raised through community consultation and First Nations engagement regarding the draft Islands Trust Policy Statement. Recommendations were put forward to staff on structure and policies contained within the draft policy statement. Another meeting of Trust Programs Committee is scheduled for August, but it is unlikely that there will be a revised draft policy statement and associated bylaw ready for first reading at the September Trust Council meeting.

4.2 Roundtable: Focus on Collaboration

4.3 Items for Collaboration

4.3.1 ITC Plan (2023-2025) – Briefing

The ITC Manager presented the briefing to Board and Executive members and provided background.

Discussion ensued on:

- bundling requests to First Nations together to make one approach, not overburdening nations
- support for the three-year plan
- using protocol agreements and letters of understanding and challenges associated with upholding agreements
- role of Crown Lands in the islands, First Nations interests and the use of “Crown Lands” colonial language
- using the Heron Newsletter as an information tool for ITC updates versus formal reports
- sharing social media updates with trustees to share ITC information
- ITC staff presentations at local trust committee meetings annually (as a delegation), in-person or over Zoom, using videos and or visual presentations to tell ITC stories
- adding the role of ITC Board members to elections communications

4.3.2 Communications with Trustees/LTCs

Discussed during item 4.3.1

4.3.3 Governance Review Opportunities

Chair Stamford advised she has been elected as a trustee on the standing Governance Committee and recommended ITC be included in the committee.

The ITC Manager suggested a formalized request through the committee for ITC participation, noting, due to limited staff resources, a formalized request would help determine how ITC staff time would be allocated for participation. Trustee Stamford will make the request to the Governance Committee to clarify ITC involvement.

4.3.4 Working with Crown Agencies to Protect Forests

The ITC Manager noted Executive Committee had met with the Ministry of Forests, Lands and Natural Resource Operations discussing topics on how to protect Coastal Douglas-fir Forests, tree protection bylaws, and Crown Land securement, which is currently not an active program for ITC due to limited resources for First Nations engagement.

Discussion ensued on use of “Crown Land” terminology and suggestion of use “Provincially Managed Lands”,

Trustee Patrick advised Salt Spring is building relationships with the Private Forest Landowners Association (PFLA) with biologists on staff.

4.3.5 Species at Risk Program Update – Briefing

The ITC Species at Risk Program Coordinator provided an update and overview of the Species at Risk Program.

Discussion ensued on cultural species, the abundance of camas fields this year, and adaptation of SAR to climate change.

4.3.6 Working with First Nations

Trustee Stamford is encouraged to note that First Nation engagement actions and opportunities and goals have been discussed throughout these agenda items and it is no longer a stand alone section. Trustee Stamford also noted that in the Howe Sound area, with respect to the Squamish Nation, there seems to be an intent by their staff to see initiatives through the framework of the Átl'ka7tsem / Howe Sound Regional Biosphere and data compatible with the Marine Stewardship Initiative (formally the Marine Reference Guide).

4.3.7 Biologist Support for Regional Planning Committee – Briefing

The ITC Manager welcomed Heather Kauer, Regional Planning Manager, and provided a background on available biologist support for planners over the last fifteen to twenty years.

Discussion ensued on strategic planning, creating management practices, better integration of land use planning with biodiversity goals, and the idea of having an expert panel of professionals to channel projects through.

Trustee Rogers commented this needs to be funded through Islands Trust, this is not an Islands Trust Conservancy issue, and that Trust Council should pick this up.

4.3.8 ITC Information for Ministry Staff

The ITC Manager advised this item came from the Executive Committee as an addition to the agenda and is related to moving funding requests forward as discussed earlier.

Trustee Patrick highlighted interest from Minister Cullen's office for Islands Trust to provide materials including Islands Trust area photos and publications, such as the ITC Impact Report. There is opportunity for Islands Trust to have a presence in ministry offices.

5. NEXT MEETING

To be determined in late 2022.

6. ADJOURNMENT

By general consent, the meeting adjourned at 3:06 p.m.

Kate-Louise Stamford, Chair

Certified Correct:

Corlynn Strachan, Administrative Assistant/Recorder

REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** July 12, 2023

From: David Marlor, Director,
Legislative Services **Date Prepared:** June 27, 2023

SUBJECT: Appointment of Deputy Secretary – Salt Spring Office

RECOMMENDATION:

That the Executive Committee appoint Legislative Clerk, Rob Pingle as Deputy Secretary.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The recommended resolution is a standard practice to ensure that there is designated signing authority in all three offices.

1 PURPOSE: To appoint the office of Deputy Secretary consistent with legislation.

2 BACKGROUND:

Section 17 of the *Islands Trust Act* requires the Islands Trust Council to appoint a person to the office of Secretary. Section 22 of the *Interpretation Act* provides for the appointment of a person as the public officer's deputy. Through Section 1(a) of Trust Council Bylaw 3, the Islands Trust Council has delegated the authority for appointment of officer positions to the Islands Trust Executive Committee.

The Director of Legislative Services is, by job description and role, the person intended to be designated as Secretary for the Islands Trust

Deputy Secretaries have been appointed for each office within Local Planning Services (i.e. Northern, Southern and Salt Spring Island offices) to ensure that there is ability to sign documents as necessary in each office, and to provide backup to the Secretary. Rob Pingle has been hired to fill the position of Legislative Clerk in the Salt Spring Office. This position is normally appointed as Deputy Secretary.

The appointment of Secretary and Deputy Secretary is necessary to ensure that there is a designated signing authority in the offices for a variety of Local Planning Services documents. The *Islands Trust Act*, other related provincial Acts, and Islands Trust office practices and procedures outline the duties of the Corporate Secretary, and by association the Deputy Secretary.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

No organization implications.

FINANCIAL:

No financial implications.

POLICY:

Ensure legislative requirements for appointment of Deputy Secretary are met.

IMPLEMENTATION/COMMUNICATIONS:

Staff will be advised through normal channels.

FIRST NATIONS:

No First Nation implications.

OTHER:

No other implications.

4 RELEVANT POLICY(S):

- Islands Trust Act (s.17)
- Interpretation Act (s.22)
- Trust Council Bylaw No. 3

5 ATTACHMENT(S):

No attachments

RESPONSE OPTIONS**Recommendation:**

That the Executive Committee appoint Legislative Clerk, Rob Pingle as Deputy Secretary.

Alternative:

N/A

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date: Russ Hotsenpiller, CAO/July 6, 2023

BRIEFING

To: Executive Committee **For the Meeting of:** July 12, 2023
From: Saturna Island LTC **Date Prepared:** July 7, 2023
SUBJECT: Request to review MOTI agreement

PURPOSE: To advise Executive Committee of a request from the Saturna Island Local Trust Committee regarding the agreement with Ministry of Transportation and Infrastructure

BACKGROUND:

Recently the local contractor for Ministry of Transportation and Infrastructure removed several trees on an iconic section of the road at Russel Reef, East Point Road, Saturna Island. Some tree removal work was deemed necessary to preserve the road from collapse but the large and excessive number of trees removed, and the unsightly appearance left has caused dismay in the community. Staff understand that proper process for such work was not followed by the contractor.

On May 25, 2023, the Saturna Island Local Trust Committee passed the following resolution

SA-2023-021

It was Moved and Seconded,
that the Saturna Island Local Trust Committee request the Islands Trust Executive Committee to revitalize the 1997 agreement with Ministry of Transportation and Infrastructure and re-establish the Task Force described in that agreement.

The Saturna Island Local Trust Committee Chair has written separately to MOTI staff.

The task “To engage with the Ministry of Transportation on a updated Memorandum of Understanding.” Is on the Executive Committee Future Projects list.

ATTACHMENT(S):

[Letter of Agreement between MOTI and Trust](#)
[Amending Agreement to the Letter of Agreement.](#)

FOLLOW-UP: Staff meet periodically with MOTI staff. Staff will follow-up as directed.

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date: Clare Frater, Director, Trust Area Services
Russ Hotsenpiller, CAO/July 6, 2023

From: Simon Palmer <[REDACTED]>
Sent: Wednesday, July 5, 2023 1:27 PM
To: Peter Luckham
Cc: David Graham; Sam Borthwick; Dave Ricketts; Pamela Willis; Simon Palmer
Subject: Trust Advocacy

Good Afternoon Peter,

Kindly accept this as a request to the Executive Committee for formal advocacy by the Trust to BC Housing on behalf of all the affordable housing projects in the Trust area that are intending to make Community Housing Fund application in the next funding cycle, anticipated in the second half of 2023.

The funding climate is highly competitive, as you know, and the pressure on BC Housing to build as many units as the budget will allow, by definition puts island projects at a disadvantage. Because building costs are higher, chiefly transportation and off-island skills, and because projects are smaller, requiring dedicated water, wastewater and other systems

I would be happy to make a presentation to the Executive, if you feel that is necessary

The important thing is that any communication should be as forceful as possible, emphasizing the particular fragility of island communities, the need for preserving a mixed demographic, providing on-island services and ensuring continuity in volunteer-led organizations that deliver many of them

Thank you for your continuing support

Best - Simon

Active Projects Report

Executive Committee

1. *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.
Updated Project charter approved March 2023. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)

Responsible

Clare Frater
Russ Hotsenpiller

Dates

Rec'd: 26-Feb-2020
Target: 26-Sep-2023

2. *First Nations Reconciliation*

Develop Islands Trust First Nations Reconciliation and engagement planning (Strategic Plan Items 4.5 & 4.6)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

3. *Provincial Funding Strategy*

Develop a strategy to increase the provincial financial contribution to the Islands Trust.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 07-Mar-2023

4. *Strategic Planning*

Guide the development and implementation of the Islands Trust Strategic Plan.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 03-May-2023

Active Projects Report

Executive Committee

5. *Communications*

Development of an Islands Trust Communications Strategy.

Responsible

Dates

Clare Frater

Rec'd: 03-May-2023

Russ Hotsenpiller

Future Projects Report

Executive Committee

1. *Marine Ecosystems*

Responsible

Date Received

Advance the preservation and protection of marine ecosystems.

03-May-2023

2. *MOTI MOU's*

Responsible

Date Received

To engage with the Ministry of Transportation on a updated Memorandum of Understanding.

03-May-2023

3. *Climate Change Emergency*

Responsible

Date Received

Programming associated with the Climate Change declaration of the Islands Trust.

03-May-2023