



Executive Committee Revised Agenda

Date: Wednesday, April 24, 2024
Time: 9:15 am
Location: Electronic Meeting, Public Venue to watch the livestream:
Islands Trust's Victoria Office: 200 - 1627 Fort Street, Victoria, BC

	Pages
1. CALL TO ORDER	9:15 AM - 9:15 AM
2. APPROVAL OF AGENDA	
2.1 Introduction of New Items	
2.2 Approval of Agenda	
2.2.1 Agenda Context Notes	5 - 5
3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING	
None	
4. ADOPTION OF MINUTES	
For review and approval	
4.1 Draft Executive Committee Regular Meeting Minutes of March 27, 2024	6 - 13
4.2 Draft Executive Committee Special Meeting Minutes of April 17, 2024	14 - 16
5. FOLLOW UP ACTION LIST AND UPDATES	
5.1 Follow Up Action List/Director/CAO Updates	
5.1.1 Revised attached	17 - 23
5.2 Local Trust Committee Chair Updates	
5.3 Islands Trust Conservancy Liaison Update	
6. BYLAWS FOR APPROVAL CONSIDERATION	
None	
7. TRUST COUNCIL MEETING PREPARATION	
7.1 Executive	

7.1.1	Code of Conduct - RFD	24 - 39
	THAT the Executive Committee forward the draft Code of Conduct to Trust Council Committee of the Whole in June 2024 for discussion and recommendation to Trust Council.	
7.1.2	Accommodation Charge Back	40 - 41
	Trustee Elliott - Postponed from March Trust Council	
7.1.3	Transport Canada Presentation to Trust Council June 2024	42 - 42
	Trustee Maude	
7.1.4	June Trust Council 3-day Schedule - Draft	
	See Item 2.2.1 Agenda Context Notes	
	7.1.4.1 Revised attached	43 - 43
7.2	Planning Services - None	
7.3	Administrative Services - None	
7.4	Trust Area Services - None	
8.	EXECUTIVE COMMITTEE PROJECTS	
8.1	Trust Council Initiated	
	8.1.1 Executive	
	8.1.1.1 Strategic Planning Update - BRF	44 - 51
	8.1.2 Trust Area Services - None	
	8.1.3 Planning Services - None	
	8.1.4 Administrative Services - None	
8.2	Executive Committee Initiated	
	None	
	8.2.1 Executive	
	8.2.2 Trust Area Services	
	8.2.3 Planning Services	
	8.2.4 Administrative Services	
9.	NEW BUSINESS	
9.1	Executive/Trust Council	

9.1.1	Review of fees bylaw policy for referrals from other agencies	52 - 52
	Vice-Chair Elliott	
9.2	Trust Area Services	
9.2.1	LTC Chairs Report on Local Advocacy Topics	
9.3	Planning Services	
9.3.1	Gabriola Local Trust Committee - Approval of Funds for Legal Review of Covenant	53 - 106
	That the Executive Committee approve up to \$4,500 for a legal review of a covenant, to be charged to the Gabriola Local Trust Committee budget.	
9.4	Administrative Services - None	
10.	CORRESPONDENCE (for information unless raised for action)	
10.1	2024-03-25 Metro Vancouver - Letter re: Proposed Regional Park at Cape Roger Curtis	107 - 121
	Director Cermak - Verbal update	
10.2	2024-04-05 R Botterell - June Trust Council Presentation Request	122 - 123
10.3	2024-04-05 General Vessels Technical Working Group - Interest in Islands Trust Representative	124 - 129
	See Item 2.2.1 Agenda Context Notes	
10.4	2024-04-08 Minister of Housing - Bill 16	130 - 133
10.4.1	<i>Update - Housing Statutes Amendment Act (Bill 16) - BRF</i>	134 - 135
	Director Cermak	
10.5	2024-04-09 D Rapport - Requesting Trust Council's Response to Serious Concerns Regarding Trust Actions	136 - 141
10.6	2024-04-11 Ministry of Housing - Bill 35	142 - 142
10.7	2024-04-18 Vancouver Island Coastal Communities - Climate Summit May 6 & 13	143 - 144
11.	WORK PROGRAM	
11.1	Review and amendment of current work program	145 - 147
12.	ISLANDS TRUST CONSERVANCY BOARD JOINT SESSION	1:00 PM - 1:00 PM
	Executive Committee is joined by Islands Trust Conservancy Board members to address agenda items in this category.	
12.1	Geographic Information System Funding and the Property Management Team Lead	1:00 PM - 1:10 PM
	Verbal discussion	

12.2 Islands Trust Conservancy Presentation to June Trust Council 1:10 PM - 1:15 PM

Verbal update

12.3 Climate Change - BRF 1:15 PM - 2:00 PM 148 - 163

13. CLOSED MEETING (if applicable)

That the meeting be closed to the public subject to Sections 90(1)(a) and (c) of the Community Charter in order to consider matters related to personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and labour relations or other employee relations; and that staff attend the meeting.

14. NEXT MEETING

The next Executive Committee meeting will be held electronically on May 15, 2024, at 9:15 a.m.

15. ADJOURNMENT

Agenda No.	From	Context Notes
7.1.4	EO	<p>For Executive Committee’s consideration when scheduling June’s Trust Council meeting:</p> <ul style="list-style-type: none"> • Invitation to Premier Eby & Minister Kang (letters sent, awaiting response, follow up in process) • Strategic Planning • 50th Anniversary Celebrations • Proposed Presentations (at this time): <ul style="list-style-type: none"> ○ Trustee Maude – Transport Canada Presentation (45 min) (item 7.1.3) ○ Rob Botterell Presentation (45 min) (item 10.2) ○ BC Hydro delegation/presentation (notice given at March Trust Council)
10.3	DTAS Frater	<p>Under Trustee Morrison’s direction (Jan 2024), she has been removed from the General Vessels Technical Working Group email distribution list, as she is no longer part of the group. At this time, no other Islands Trust trustees are listed as an alternate. Information on the details (e.g. topics discussed, membership, meeting schedule) of the group has been included to seek trustees interest in joining the group.</p>



Executive Committee

Minutes of a Regular Meeting

Date: March 27, 2024
Location: Electronic meeting

#200 1627 Fort Street
Victoria, BC

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

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Legislative Services (DLS)
Stefan Cermak, Director, Planning Services (DPS)
Kate Emmings, Islands Trust Conservancy Manager (ITCM)
Tyler Brown, Senior Policy Advisor (SPA)
Lori Foster, Executive Coordinator

Members of the public present: None

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:15 a.m., stating gratitude to live and work on Coast Salish First Nations territory.

Each vice-chair introduced themselves and gave a land acknowledgement.

Northern Office Administrator, Wil Cottingham, retires tomorrow after seven years with Islands Trust.

Chair Luckham noted yesterday's "Living with Fire" webinar workshop offered on Islands Trust website was well attended.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

By general consent Metro Vancouver's letter dated 2024-03-25 circulated to Executive Committee re: "Proposed Regional Park at Cape Roger Curtis – Compliance with Islands Trust Policy Statement" was deferred to the next business meeting.

2.2 Approval of Agenda

By general consent the agenda was adopted as presented.

2.2.1 Agenda Context Notes

Attached for information to items as indicated.

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

4. ADOPTION OF MINUTES

4.1 Draft Executive Committee Minutes of January 31, 2024

For consideration to amend Executive Committee's January 31, 2024, minutes as follows:

- Page 1, attendance block, move "Russ Hotsenpiller, CAO" from "Members Present" to "Staff Present".

By general consent the Executive Committee adopted the January 31, 2024, minutes as amended.

4.2 Draft Executive Committee Minutes of March 12, 2024

By general consent Executive Committee adopted the March 12, 2024, minutes as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List/Director/CAO Updates

Executive Committee reviewed the Follow-up Action List (FUAL).

Staffs' verbal updates included the following:

- Upcoming Corporate Planning working group meeting.
- Governance Committee updates.
- Joe Elliot, Islands Trust new Senior Indigenous Relations Advisor (SIRA) begins late April.
- An overhaul by eScribe, the Trust's agenda software provider, is being reviewed to address meeting management issues, electronic voting and HTML products.
- Director Mobbs, DLS Marlor and ITC Manager Emmings will attend the Municipal Insurance Association of BC Risk Management Conference April 3-5, 2024.

5.2 Local Trust Committee (LTC) Chair Updates

Verbal updates on LTC meetings included the following:

- Mayne LTC addressing land use bylaw amendments in progress.
- Vice-Chair Maude to Alt/Chair South Pender LTC Special Meeting.
- LTC's and short-term vacation rentals legislation.
- LTC chairs attendance at LTC meetings be in-person.
- EC/ITC next liaison meeting is April 24, 2024.

5.3 Islands Trust Conservancy (ITC) Liaison Update

EC/ITC Liaison, Elliott, verbally updated the following items:

- ITC Conservancy Board response and direction following Minister Kang's January 29, 2024, letter.
- ITC Board Member, Ken Thomas's term expires August 21, 2024.

6. BYLAWS FOR APPROVAL CONSIDERATION

6.1 Thetis Island Local Trust Committee Bylaw Nos. 113 and 114 amendments - RFD

Vice-Chair Elliott spoke to the request for decision (RFD) which establishes an expanded bylaw area in the marine area surrounding Scott, Dayman and Hudson islands.

EC-2024-038

It was MOVED and SECONDED,

That the Islands Trust Executive Committee approve Thetis Island Local Trust Committee Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EC-2024-039

It was MOVED and SECONDED,

That the Islands Trust Executive Committee approve Thetis Island Local Trust Committee Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

7. TRUST COUNCIL MEETING PREPARATION

7.1 Roundtable Review of March 12-14 Trust Council Meeting – Discussion

Executive Committee discussed:

- More meeting time for budget session.
- Valuable workshops, but two was too many for time.
- Extra time allotted but still went overtime.
- Management of new business.
- Challenges with electronic attendance and voting.
- Strategic Plan working session outcomes and next steps.

- Call for policy on disposition of delegations.

At 10:21 a.m., for two minutes, Vice-Chair Peterson left the meeting.

EC-2024-040

It was MOVED and SECONDED

That Executive Committee request staff bring a request for decision with process and policy options to Executive Committee and Trust Council regarding the disposition of delegations, correspondence and calls to action through Public Comment.

CARRIED

7.2 Executive

7.2.1 March Trust Council Business Decision Highlights

By general consent amend the March Trust Council Business Decision Highlights that the last subject line indicate September Trust Council will be tentatively held on Gabriola Island.

By general consent Executive Committee requested the March Trust Council Business Decision Highlights be circulated to subscribers and posted to the website as amended.

7.2.2 Trust Council Follow Up Action List (FUAL)

Executive Committee reviewed the Trust Council FUAL as presented.

7.3 Planning Services - None

7.4 Administrative Services - None

7.5 Trust Area Services - None

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive - None

8.1.2 Trust Area Services

8.1.2.1 Educational Webinar for Trustees: Legal Framework and Responsibilities Under the SARA Act - RFD

ITCM Emmings gave a staffing update that Erica Wheeler has joined the ITC as Species at Risk Coordinator and spoke to the request for decision (RFD).

EC-2024-041

It was MOVED and SECONDED,

That the Islands Trust Executive Committee direct staff to organize and deliver a two hour webinar to trustees, regarding the legislative framework of, and responsibilities under, the Canadian Species at Risk Act.

CARRIED

8.1.2.2 Grant To Advance Biodiversity Conservation on Private Lands - RFD

ITCM Emmings spoke to the request for decision and next steps with NAPTEP.

EC-2024-042

It was MOVED and SECONDED,

That the Executive Committee direct staff to prepare a project charter for a project to prepare for advocacy to the Province for changes to the Islands Trust Natural Area Protection Tax Exemption Program (NAPTEP) regulation to increase the incentive available.

CARRIED

EC-2024-043

It was MOVED and SECONDED,

That the Executive Committee direct staff to apply for a one-time Grant for Local Governments to Advance Biodiversity Conservation on Private Lands with the Fraser Basin Council to undertake analysis of tax shift scenarios for the Islands Trust Natural Area Protection Tax Exemption Program (NAPTEP) and to prepare a request to the Province for changes to the Islands Trust Natural Area Protection Tax Exemption Program (NAPTEP) regulation.

CARRIED

8.1.2.3 Islands Trust Conservancy Presentation to Trust Council June 2024 – Briefing

This item will be on the EC/ITC April 24 liaison session for further discussion.

8.1.2.4 Islands Trust Property Tax Assessment Notice Insert for 2024/25 – Briefing

Discussion that an opportunity to add other information to the tax notice insert had passed, the item was received as presented.

8.1.2.5 Policy Statement Trust Amendment Project Next Steps – Discussion

SPA Brown spoke to a proposed content and communications plan regarding the next proposed draft of the Policy Statement engagement phase.

8.1.3 Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 Executive Committee Sponsorship of Trustee Attendance at AVICC – RFD

See agenda context notes.

EC-2024-044

It was MOVED and SECONDED,

That Executive Committee sponsor Trustee Patrick’s registration fees of \$451.50 to attend the Association of Vancouver Island and Coastal Communities Conference April 12-14, 2024 in Victoria and that the fees come out of Executive Committee’s 2024/25 Training and Conferences budget.

CARRIED

8.2.1.2 Meeting with Ministry of Transportation and Infrastructure – Briefing

Vice-Chair Peterson and others are attending an electronic meeting scheduled for April 29, 2024.

8.2.1.3 Public Recording of Meetings - Briefing

DLS Marlor spoke to the briefing and creating scripts that chairs could read before the start of a public meeting

By general consent staff will create scripts as written in the follow-up at the end of the briefing. Change it to “advise

The meeting recessed for lunch at 12:00 p.m., and reconvene at 12:30 p.m.

8.2.1.4 September Trust Council invitation to Coast Salish Leaders – Discussion

See agenda context notes.

Vice-Chair Elliott discussed inviting Coast Salish leaders to September Trust Council for a ½ day and feast.

8.2.2 Trust Area Services

8.2.2.1 Collaborative Action to Resolve Boat-related Issues in the Capital Region District (CRD) - Islands Trust

See agenda context notes.

The CRD will host an in-person/online session with southern gulf island trustees, chairs and others April 30, 2024.

8.2.3 Planning Services

8.2.3.1 Science Horizons Internship Program - RFD

DLPS Cermak spoke to the request for decision (RFD).

EC-2024-045

It was MOVED and SECONDED,

That Executive Committee request staff to prepare a grant application to the Science Horizons Youth Internship Program, to hire a Sustainability Science Technician intern to advance the development of the Suitable Land Analysis tool.

CARRIED

8.2.4 Administrative Services - None

9. NEW BUSINESS

9.1 Executive/Trust Council

9.1.1 Annual Meeting with Bowen Island Municipality

See agenda context notes.

Continue to seek out a time to meet with Bowen Island Municipality.

9.2 Trust Area Services - None

9.2.1 LTC Chairs Report on Local Advocacy Topics - None

9.3 Planning Services - None

9.4 Administrative Services - None

10. CORRESPONDENCE - Items are received for information unless otherwise noted.

10.1 2024-03-20 Trustee Yates - Request for June or September Trust Council

By general consent staff report back to Executive Committee on recommendations from Trustee Yates.

10.2 2024-03-20 Active Vessel Traffic Management Program Update

10.3 2024-03-18 R. Cruickshank - Canada's Land Thoughts For All

10.4 2024-03-16 P. Nicholas - May Day for Mother Earth Event

10.5 2024-03-15 Trustee Harris - 50th Anniversary

By general consent staff will add “extend invitation to all First Nations” to the proposed June Trust Council schedule for further Executive Committee decision.

11. WORK PROGRAM

11.1 Review and amendment of current work program

Received for information.

12. NEXT MEETING

EC-2024-046

It was MOVED and SECONDED,

That Executive Committee schedule a Special Electronic meeting to be held April 17, 2024, beginning at 9:00 a.m. to consider next steps and processes for the Policy Statement Amendment Project.

CARRIED

The following Executive Committee meeting will be held electronically on April 24, 2024, at 9:15 a.m.

13. CLOSED MEETING - None

14. ADJOURNMENT

By general consent the meeting was adjourned at 1:00 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator

Minutes are not adopted until approved at the next meeting.



Executive Committee Minutes of a Special Meeting

Date: April 17, 2024
Location: Electronic meeting

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

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (Victoria Boardroom)
Clare Frater, Director, Trust Area Services (Victoria Boardroom)
David Marlor, Director, Legislative Services (Victoria Boardroom)
Tyler Brown, Senior Policy Advisor
Alexandra Trifonidis, Acting Executive Coordinator/Recorder (Victoria Boardroom)

Members of the public present: No member of the public was present.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:00 a.m. Trustees and Staff introduced themselves.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

No new items were presented for consideration.

2.2 Approval of Agenda

By general consent the agenda was approved as presented.

3. EXECUTIVE COMMITTEE PROJECTS

3.1 Trust Council Initiated

3.1.1 Executive - None

3.1.2 Trust Area Services

3.1.2.1 Deliberation on new draft of Policy Statement via Committee of the Whole meetings - RFD

Director Frater introduced the request for decision.

DRAFT

Discussion ensued on the following items:

- Scheduling:
 - concern around planning three Trust Council meetings in May before Trust Council seeing the draft version of the Policy Statement
 - meeting schedule flexibility for trustees
- Clear and adequate communications (e.g. First Nation responses, newsletters)
- Consideration of one initial meeting of Trust Council to focus on the whole document first, and then three subsequent meetings to specifically speak on topic areas
- Challenging formatting of the Policy Statement rollout timeline document (page 7 of the agenda)

EC-2024-047

It was MOVED and SECONDED,

that Executive Committee direct staff to arrange a Trust Council Committee of the Whole meeting in May 2024 for consideration of the new draft of the Policy Statement, to be followed by a special Executive Committee meeting for consideration of next steps for Trust Council to deliberate and develop recommendations on the new draft of the Policy Statement.

Discussion ensued.

EC-2024-048

It was MOVED and SECONDED,

that Executive Committee direct staff to arrange a Trust Council Committee of the Whole meeting in May 2024 for consideration of the new draft of the Policy Statement **and the process by which it will be considered**, to be followed by a special Executive Committee meeting for consideration of next steps. ~~for Trust Council to deliberate and develop recommendations on the new draft of the Policy Statement.~~

CARRIED

The main motion as amended was adopted, with the final wording being as follows:

That Executive Committee direct staff to arrange a Trust Council Committee of the Whole meeting in May 2024 for consideration of the new draft of the Policy Statement and the process by which it will be considered, to be followed by a special Executive Committee meeting for consideration of next steps.

CARRIED

Schedule the first meeting to be 3 hours in length. Staff to poll trustees regarding availability.

DRAFT

3.1.3 Planning Services - None

3.1.4 Administrative Services - None

4. NEW BUSINESS

None

5. CORRESPONDENCE (for information unless raised for action) - None

6. NEXT MEETING

The next Executive Committee meeting will be held electronically on April 24, 2024, at 9:15 a.m.

7. CLOSED MEETING (if applicable)

None

8. ADJOURNMENT

By general consent the meeting adjourned at 10:02 a.m.

Peter Luckham, Chair

Certified Correct:

Alexandra Trifonidis, Recorder

Minutes are not official until adopted at a subsequent meeting.

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Explore future education/workshop sessions on decision-making to benefit trustees.	Russ Hotsenpiller	Meeting: 24-May-2023 Target: 26-Sep-2023	In Progress

Director Legislative Services

Activity	Responsibility	Dates	Status
1 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. 2023-10-11 EC update: review against Provincial guidelines and provide recommendation for any amendments.	David Marlor	Meeting: 12-Apr-2023 Target: 26-Jul-2024	In Progress
2 Staff to discuss, with interested trustees, requirements and options and report back on possibilities and effort required to improve Trustee access to key documents. On hold pending administrative staffing availability.	David Marlor	Meeting: 29-Jun-2023 Target: 26-Jul-2024	In Progress
3 Staff consider options and report back on possibilities and effort required to provide Trustee view access to integrated calendar of Trust Meetings. On hold pending IT staffing availability.	David Marlor	Meeting: 29-Jun-2023 Target: 26-Jul-2024	In Progress
4 Inform Finance that EC will sponsor Trustee Patrick's registration fees to AVICC April 12-14 conference.	David Marlor	Meeting: 27-Mar-2024 Target: 29-Mar-2024	Completed

Follow Up Action Report

Executive Committee

Director Legislative Services

Activity	Responsibility	Dates	Status
5 Circulate to Executive Committee a script on recording of public meetings which can be read at the opening of LTC meetings.	David Marlor	Meeting: 27-Mar-2024 Target: 15-May-2024	In Progress
6 Report back to EC on Sue Big Oil re: Trustee Yates 2024-03-30 correspondence.	David Marlor	Meeting: 27-Mar-2024 Target: 15-May-2024	In Progress

Director of Planning Services

Activity	Responsibility	Dates	Status
1 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: 31-Mar-2024	In Progress
2 Staff to follow up with Ministry staff regarding the letter from Minister Fleming of November 29, 2023.	Clare Frater Stefan Cermak	Meeting: 20-Dec-2023 Target: 15-Feb-2024	Completed
3 Staff to assist Chair Luckham in responding to the letter writers of Bylaw 537 thanking them for their letter and that their issues were considered in light of the Policy Statement. Note: The Committee noted that the response to 10.1.9 from the Tsawout First Nation will need to be customized.	Clare Frater Stefan Cermak	Meeting: 28-Feb-2024 Target: 01-Apr-2024	In Progress

Follow Up Action Report

Executive Committee

Director of Planning Services

Activity	Responsibility	Dates	Status
4 Provide to EC and ITC options for sharing GIS resources.	Stefan Cermak	Meeting: 31-Jan-2024 Target: 24-Apr-2024	In Progress
5 Add Metro Vancouver's letter re: Proposed Regional Park at Cape Roger Curtis - Compliance with Islands Trust Policy Statement to April 24 EC agenda.	Stefan Cermak	Meeting: 27-Mar-2024 Target: 24-Apr-2024	Completed
6 Prepare a grant application to the Science Horizons Youth Internship Program, to hire a Sustainability Science Technician intern to advance the development of the Suitable Land Analysis tool.	Stefan Cermak	Meeting: 27-Mar-2024 Target: 24-Apr-2024	In Progress

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: 18-Sep-2024	In Progress
2 Staff to research the possibility of self-insurance for the organization.	Julia Mobbs	Meeting: 29-Jun-2023 Target: 11-Dec-2024	In Progress

Director, Trust Area Services

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>1 Staff to work with trustees to organize two film screenings of the movie <i>Dust n Bones</i> 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. As SSI LTC and Gabriola LTC initially expressed an interest in hosting a screening, Vice Chairs Peterson and Elliott will assess if the interest remains and will be involved in outreach and organizing those screenings.</p>	Clare Frater	Meeting: 26-Feb-2020 Target: 31-Mar-2024	In Progress
<p>2 Investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.</p>	Clare Frater	Meeting: 07-Oct-2021 Target: 31-Mar-2024	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>3 Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act. This request responded to changes to the Islands Trust Act to give Trust Council new discretionary powers relating to supporting and give financial assistance to others to</p> <p>(iii)engage in activities to gain knowledge about the unique amenities and environment of the trust area and to increase public awareness, understanding and appreciation of the unique amenities and environment;</p> <p>(iv)preserve and protect the unique amenities and environment of the trust area.</p> <p>Executive Committee has discussed there may be an opportunity to concurrently review the secretariat services, and grants in aid policies with the intention of identifying administrative efficiencies.</p>	Clare Frater	Meeting: 12-Apr-2022 Target: 30-Jun-2024	In Progress
<p>4 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.</p>	Clare Frater Stefan Cermak	Meeting: 29-Jun-2023 Target: 31-Mar-2024	In Progress
<p>5 Staff to add to a future EC agenda: Honoraria for Indigenous elders providing welcomes or presentations at local trust committee meetings.</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 08-Mar-2024	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>6 The Committee request this Advocacy for provincial assistance re: heritage protection BRF be brought back to the joint meeting on January 31, 2024.</p> <p>JAN 26: On the Chair's (Luckham and Smith) request this item has been deferred until the next joint meeting.</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 31-Jan-2024	In Progress
<p>7 Staff to develop a project charter for a webinar in 2024 on the role of Islands Trust.</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 31-Mar-2024	In Progress
<p>8 Staff to follow up with Ministry staff regarding the letter from Minister Fleming of November 29, 2023.</p>	Clare Frater Stefan Cermak	Meeting: 20-Dec-2023 Target: 15-Feb-2024	Completed
<p>9 Discussion on a coordinated approach by Islands Trust Conservancy and EC to advance the request to the Province to review the funding model and governance structure of the Islands Trust, highlighting the successes of the Conservancy in protecting and preserving valuable ecological areas for the benefit of the Province and residents of BC, be added to the agenda for the Jan 31 EC/ITCB joint meeting.</p>	Clare Frater	Meeting: 17-Jan-2024 Target: 31-Jan-2024	In Progress
<p>10 Staff to send an invitation to San Juan County to attend Trust Council in June or Sept and indicate their preference.</p>	Clare Frater	Meeting: 31-Jan-2024 Target: 12-Mar-2024	In Progress
<p>11 Staff to add new business item: <i>Annual meeting with BIM</i>, as per Chair Luckham request, to an upcoming EC agenda.</p>	Clare Frater	Meeting: 12-Mar-2024 Target: 24-Apr-2024	Completed

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>12 Staff to assist Chair Luckham in responding to the letter writers of Bylaw 537 thanking them for their letter and that their issues were considered in light of the Policy Statement.</p> <p>Note: The Committee noted that the response to 10.1.9 from the Tsawout First Nation will need to be customized.</p>	<p>Clare Frater Stefan Cermak</p>	<p>Meeting: 28-Feb-2024 Target: 01-Apr-2024</p>	<p>In Progress</p>
<p>13 Deliver a two hour webinar to trustees, regarding the legislative framework of, and responsibilities under, the Canadian Species at Risk Act.</p>	<p>Clare Frater</p>	<p>Meeting: 27-Mar-2024 Target: 10-Sep-2024</p>	<p>In Progress</p>
<p>14 Prepare a project charter for a project that requests the Province for NAPTEP funding changes.</p> <p>Apply for one-time Grant for Local Governments to Advance Biodiversity Conservation on Private Lands in preparation for request to Province.</p>	<p>Clare Frater</p>	<p>Meeting: 27-Mar-2024 Target: 15-May-2024</p>	<p>In Progress</p>
<p>15 Add "extend invitation to all First Nations" to the proposed June Trust Council schedule for further Executive Committee decision.</p>	<p>Clare Frater</p>	<p>Meeting: 27-Mar-2024 Target: 15-May-2024</p>	<p>In Progress</p>



REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** April 24, 2024
From: David Marlor, Director,
Legislative Services **Date Prepared:** April 17, 2024
SUBJECT: Code of Conduct

RECOMMENDATION:

THAT the Executive Committee forward the draft Code of Conduct to Trust Council Committee of the Whole in June 2024 for discussion and recommendation to Trust Council.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

Trust Council's Standards of Conduct policy has been amended but is not consistent with updated (2022) guidelines provided by the Province. This recommendation establishes a robust code of conduct to facilitate the efficient operation of Islands Trust decision making bodies.

1 PURPOSE:

To provide the Executive Committee with an overview of the Islands Trust Code of Conduct and how it compares to guidelines provided by the Provincial Government.

2 BACKGROUND:

At its regular meeting on April 12, 2023, the Executive Committee requested 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. The Executive Committee amended this in November 2023 to ask Staff to review against Provincial guidelines and provide recommendation for any amendments.

Islands Trust Code of Conduct

Islands Trust Policy 2.1.2 Standards of Conduct was adopted in December 1997, and was updated June 2000, December 2003, December 2010, December 2017 and November 2021. The policy establishes that ethical principles shall govern conduct of elected trustees and groups them into four categories: Performance of Duties, Organisational Responsibility, Personal Interests, and Meetings. The policy establishes an internal review process.

Provincial Government Guidelines on Code of Conduct

In October 2022, the Working Group on Responsible Conduct, put together jointly by the Local Government Management Association (LGMA), Union of British Columbia Municipalities (UBCM)

and the Province of British Columbia, released a model code of conduct entitled “Getting Started on a Code of Conduct for your Council/Board (the Guide)”.

What is a code of conduct? The guide states that “a code of conduct is a written document that sets shared expectations for conduct or behaviour”, and that “responsible conduct of elected official is not optional; it is essential to good governance”.

The model code of conduct reflect foundational principles of integrity, respect, accountability and leadership and collaboration. For each, it provides model conduct that reflects the foundational principle. The Guide also indicates that local governments may: add examples of specific behaviour to further elaborate the standards of conduct; add additional standards that address specific topics important to the local government; and include provisions to support compliance, such as a complaint and resolution process.

Staff has review the existing Standards of Conduct against the model code of conduct and has concluded that the current standards of conduct could do with an update to bring them in line with the recommended model code of conduct.

Attached is a revised draft code of conduct for consideration by the Executive Committee and Trust Council. This code of conduct applies to all elected trustees and appointed members of the Islands Trust Conservancy Board. Staff has added in the foundational principles and conduct that exemplifies that behaviour at the start, followed by specific codes of conduct covering personal interests, conduct in meetings, collection and handling of information, interactions with staff and advisory bodies, use of social media, and interactions with public and media.

Staff has revised the enforcement process to make it clear that the Chair and CAO are not adjudicating the dispute, but are only there to ensure a process is followed. Complaints under this policy, as per the model, are only permitted from staff, trustees or Islands Trust Conservancy Board appointees.

There is no mechanism for public complaints under this policy. Public complaints regarding trustees are dealt with under the Trust Council’s Handling of Administrative Fairness Complaints Policy.

The Guide recommends that Council owns the code of conduct, as it is essential for the success of adhering to the code. This may be obtained by allowing Trust Council initially time to review and comment on the code of conduct, discuss the code of conduct in a Committee of the Whole meeting, before finally adopting it as policy. Beyond that, the policy’s foundational principles, and the behaviours should be front and centre on every agenda or meeting. Inclusion of a session on the code of conduct during new term orientation, and a commitment by Trust Council to hold learning sessions on good conduct behaviours throughout the term is another means to ensure ownership and understanding of the code of conduct.

The draft has the following changes:

- **Policy Name** - changed from “Standards of Conduct” to “Code of Conduct”
- **Section A** – from existing policy with minor edits
- **Section B** - definitions added for “Confidential Information”, “Member”, “Officer”, “Personal Information”, “Staff”, and “Trust Body”.
- **Section C Introduction** – NEW – adapted from the Guide
- **Section D Scope** – NEW – adapted from the Guide
- **Section E Foundational Principles of Responsible Conduct** – NEW – adapted from the Guide
- **Sections F.1 Integrity, F.2 Respect, F.3 Accountability and F.4 Leadership and Collaboration** – NEW – adapted from the Guide.
- **Section F.5 Personal Interest** – from existing policy with some edits
- **Section F.6 Meetings** – from existing policy with some edits

- **Sections F.7 Collection and Handling of Information, and F.8 Staff and Advisory Bodies** – an amalgamation of some existing policies with mostly new language adapted from District of Saanich and other municipalities’ codes of conduct.
- **Section F.9 Social Media** – NEW – adapted from other local municipalities codes of conduct.
- **Section F.10 Public and Media** – NEW – adapted from District of Saanich code of conduct.
- **Section G Enforcement** – NEW – adapted from District of Saanich code of conduct.

Recommended Process:

- **April 2024** – review by Executive Committee and forward to Trust Council Committee of the Whole.
- **June 2024** – Trust Council Committee of the Whole reviews and makes recommendations to Trust Council. Staff to revise policy based on Committee of the Whole discussion.
- **September 2024**– Trust Council to consider adoption of amended Code of Conduct Policy.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

No organizational implications

FINANCIAL:

No financial implications

POLICY:

Revised Code of Conduct policy.

IMPLEMENTATION/COMMUNICATIONS:

Placed on next Trust Council Committee of the Whole agenda. No other communications required at this stage.

FIRST NATIONS:

No First Nations implications.

OTHER:

No other implications.

4 RELEVANT POLICY(S):

Trust Council Policy 2.1.2 Standards of Conduct

5 ATTACHMENT(S):

Draft revised Trust Council Policy 2.1.2 Code of Conduct

RESPONSE OPTIONS

Recommendation:

THAT the Executive Committee forward the draft Code of Conduct to Trust Council Committee of the Whole in June 2024 for discussion and recommendation to Trust Council.

Alternative:

The Executive Committee may request Staff to edit the draft Code of Conduct before sending to Trust Council Committee of the Whole for discussion.

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date:

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Policy:	2.1.2
Approved By:	Trust Council
Approval Date:	1992-09-12
Amendment Date(s):	1997-12-06 2000-06-17 2003-12-05 2010-12-08 2017-12-06 2021-11-30 2024-__-__
Policy Holder:	Chief Administrative Officer

CODE OF CONDUCT

A. Purpose:

Elected trustees, and Islands Trust Conservancy Board appointees, by their declaration, are obliged to execute the duties of their office. The purpose of this policy is to set minimum standards of conduct to guide elected officials and appointed board members in carrying out their duties to ensure: impartial and equal service to all, faithful discharge of their duties without fear or favour, and democratic processes which are duly responsible to the public and which foster public confidence in the Islands Trust's integrity. These standards are in addition to those established in provincial law.

B. Definitions:

Confidential Information includes information that could reasonably harm the interests of individuals or organizations, including the Islands Trust, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the *Community Charter* applies.

Member means a trustee and a person appointed to the Islands Trust Conservancy Board by the Provincial Government.

Officer means a member of staff designated as an officer under s.17 of the *Islands Trust Act*, and includes deputy officers.

Personal Information has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

Staff means an employee or contract employee of the Islands Trust, and includes staff that supports advisory bodies.

Trust Body means any one or more of Trust Council, Executive Committee, local trust committees, and the Islands Trust Conservancy Board, all as defined in the *Islands Trust Act*.

Trustee means local trustees and municipal trustees as defined in the *Islands Trust Act*.

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C. Introduction:

- C.1. We recognize that responsible conduct is essential to providing good governance for the Islands Trust.
- C.2. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.
- C.3. In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

D. Scope:

- D.1. This code of conduct applies to the members of Trust Council, local trust committees, and Islands Trust Conservancy Board. It is each member's individual responsibility to uphold both the letter and the spirit of this code of conduct in their dealings with other members, staff, and the public.
- D.2. Members must conduct themselves in accordance with the law. This code of conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the Trust Bodies, the common law and any other legal obligations which apply to members individually or as a collective council, committee or board.

E. Foundational Principles of Responsible Conduct:

- E.1. **Integrity** – means conducting oneself honestly and ethically.
- E.2. **Respect** – means valuing the perspectives, wishes, and rights of others.
- E.3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one's actions.
- E.4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

F. Standards of Conduct:

- F.1. **Integrity:** Integrity is demonstrated by the following conduct:
 - F.1.1. Members will be open and truthful in all local government dealings, while protecting confidentiality where necessary.

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- F.1.2. Members will behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
 - F.1.3. Members will act in the best interest of the public and community.
 - F.1.4. Members will ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the council or board.
 - F.1.5. Members will demonstrate the same ethical principles during both meetings that are open and closed to the public.
 - F.1.6. Members will express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.
- F.2. **Respect:** Respect is demonstrated through the following conduct:
- F.2.1. Members will treat elected officials, staff, and the public with dignity, understanding, and respect.
 - F.2.2. Members will acknowledge that people’s beliefs, values, ideas, and contributions add diverse perspectives.
 - F.2.3. Members will create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.
 - F.2.4. Members will refrain from any form of discriminatory conduct against another elected official, staff, or the public.
 - F.2.5. Members will honour the offices of local government and fulfill the obligations of Mayor/Chair and Councillor/Director dutifully.
 - F.2.6. Members will recognize and value the distinct roles and responsibilities of local government staff.
 - F.2.7. Members will call for and expect respect from the community towards elected officials and staff.
 - F.2.8. Members will ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.
- F.3. **Accountability:** Accountability is demonstrated through the following conduct:
- F.3.1. Members will be transparent about how they carry out their duties and how council, committees and the Islands Trust Conservancy Board conducts business.

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- F.3.2. Members will ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
- F.3.3. Members will correct any mistakes or errors in a timely and transparent manner.
- F.3.4. Members will accept and uphold that the council, committees and the Islands Trust Conservancy Board are collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.
- F.3.5. Members will listen to and consider the opinions and needs of the community in all decision making and allow for public discourse and feedback.
- F.3.6. Members will act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.
- F.4. **Leadership and Collaboration:** Leadership and collaboration is demonstrated through the following conduct:
 - F.4.1. Members will demonstrate behaviour that builds public confidence and trust in the Islands Trust.
 - F.4.2. Members will provide considered direction on Islands Trust policies and support colleagues and staff to do the same.
 - F.4.3. Members will educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary.
 - F.4.4. Members will create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority.
 - F.4.5. Members will advocate for shared decision-making and actively work with other members, staff, the public, and other stakeholders to achieve common goals.
 - F.4.6. Members will foster positive working relationships between members, staff, and the public.
 - F.4.7. Members will commit to building mutually beneficial working relationships with First Nations with interest in the Islands Trust Area to further advance reconciliation efforts.
 - F.4.8. Members will positively influence others to adhere to the foundational principles of responsible conduct in all Islands Trust dealings.
- F.5. **Conduct Related to Personal Interests:**

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- F.5.1. Members will avoid lobbying activities toward any Trust body for personal interests or profit and/or for any other person.
 - F.5.2. Members will declare to the relevant chair and/or Chief Administrative Officer their direct or indirect interest or the known interests of any close relatives in any enterprise that proposes to transact business with the Islands Trust.
 - F.5.3. Members will declare their interest, direct or indirect, or the known interests of any close relatives in any property that is subject to an application to the Islands Trust, to the Executive Committee.
 - F.5.4. Members will avoid situations, related to their duties, which could result in securing special privileges, favours or exemptions for themselves, or any other person.
 - F.5.5. Members will not commit organizational resources of any kind for activities that are not directly related to the official business of the Islands Trust.
 - F.5.6. Members will not undertake election campaign related activities on Islands Trust property unless specifically organized by the Islands Trust (i.e. candidate procedures, all candidate orientation, etc.).
 - F.5.7. Members will not request or use any Islands Trust resources or property for election campaign work including staff time, equipment such as photocopiers and computers, supplies, facilities or email lists, etc.
- F.6. **Conduct in Meetings:**
- F.6.1. Members must prepare for and regularly attend meetings of trust bodies to which they have been elected or appointed. Members have an obligation to attend meetings and the expectation is that members will attend meetings for the duration of the meeting, unless they notify the chair of the trust body that they are ill or have compelling reasons which prevent them from attending. Section 125(5) of the Community Charter [unexcused absence from council meetings] applies to members.
 - F.6.2. Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.
 - F.6.3. During meetings, members shall listen courteously and attentively to all discussions before the body, and focus on the issues and facts.

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- F.6.4. The diverse perspectives of each member, as they reflect the interest of their own communities, will be respected.
- F.6.5. When making decisions, members must consider all relevant facts, opinions, debate and analyses of which they should be reasonably aware.
- F.6.6. Disagreements will be seen as a natural part of Council, committee and board work. Such disagreements will not be taken personally, nor made personal.
- F.6.7. Members can expect courteous behaviour from each other. Members shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the trust body.
- F.6.8. When speaking publicly and at trust body meetings, members shall avoid inflammatory language. They are expected to speak in an objective manner.

F.7. Conduct in Collection and Handling of Information:

- F.7.1. Members must collect and use personal information in accordance with *Freedom of Information and Protection of Privacy Act* legislation and policies and guidelines regarding protection of privacy as established by the Islands Trust Council.
- F.7.2. Members must protect information that is specifically marked confidential, that is personal information and other material identified or understood to be confidential in nature.
- F.7.3. Members must refrain from discussing or disclosing any confidential information with persons outside the organization except as authorized.
- F.7.4. Members must refrain from discussing or disclosing any personal information with or to other members, officials, Staff, or with persons outside the organization except in a manner consistent with the duty to protect personal information under the *Freedom of Information and Protection of Privacy Act*.
- F.7.5. Members must take reasonable care to prevent the examination of confidential material or access to personal information by unauthorized individuals.
- F.7.6. Members must not use confidential information except for the purpose for which it is intended to be used.

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- F.7.7. Members must only release information in accordance with established Islands Trust policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act* (British Columbia).
- F.7.8. Members must not disclose decisions, resolutions or report contents forming part of the agenda for or from an in-camera meeting until a corporate decision has been made for the information to become public.
- F.7.9. No members shall disclose or release to the public, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the relevant Trust Body to do so.
- F.7.10. No members shall disclose the substance of deliberations of an in-camera meeting or details of in-camera deliberations or specific details on whether individual members voted for or against an issue, until the relevant Trust Body discusses the information at a meeting that is open to the public or releases the information to the public.
- F.7.11. When dealing with personal information, members must comply fully with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information includes information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.
- F.8. Conduct in Interactions with Staff and Advisory Bodies:**
- F.8.1. Members are to contact staff according to the procedures authorized by Trust Council and/or the Chief Administrative Officer regarding the interaction of trustees, board members and staff.
- F.8.2. Members are to direct enquiries regarding Trust Council or Trust-wide issues or questions to the Chief Administrative Officer or the Director of the appropriate department and refrain from contacting other staff without first discussing the issue with the relevant Director.
- F.8.3. Members are to direct enquiries regarding local trust committee business or issues to the Director, Planning Services, to the appropriate Regional Planning Manager, or to the designated Island Planner, and must refrain from contacting other staff without first discussing the issue with the Director, Regional Planning Manager or Island Planner.

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- F.8.4. Members are not to issue instructions to any of the Islands Trust's contractors, tenderers, consultants or other service providers.
- F.8.5. Members must not make public statements attacking or disparaging staff or advisory body members and shall show respect for the professional capacities of staff. Members must not involve staff in matters for political purposes.
- F.8.6. Members must not publish or report information or make statements attacking or reflecting negatively on staff or advisory body members except to the Chief Administrative Officer as appropriate to bring a complaint to the attention of the Chief Administrative Officer for follow up.
- F.8.7. Significant information provided to any member of a Trust Body, which is likely to be used in a meeting or in political debate, should also be provided to all other members of the relevant Trust Body, and to the Chief Administrative Officer.
- F.8.8. Members must treat the public, other members, advisory body members and staff appropriately, and without bullying, abuse or intimidation in order to preserve a workplace free from harassment.

F.9. **Conduct in Use of Social Media:**

- F.9.1. It is not the role of members to report directly on Islands Trust related business. Members will use caution in reporting decision-making by way of their social media profiles and websites ensuring that any material they publish is accurate, precise and communicates the intent of the relevant Trust Body.
- F.9.2. Members will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow-up posts to the Islands Trust social media postings and when creating original posts pertaining to Islands Trust related business. (Sample Disclaimer – "Opinions expressed are my own and do not reflect the view or opinions of the [Islands Trust Council] [Islands Trust Conservancy Board] [____ Island Local Trust Committee]").
- F.9.3. Members will refrain from using or permitting use of their social media accounts for purposes that include generating or recirculating:
- defamatory remarks, obscenities, profane language or sexual content;
 - negative statements disparaging other members of a Trust Body;
 - negative statements disparaging staff or calling into question the professional capabilities of staff;

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- content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
- statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
- promotion of illegal activity; and
- information that may compromise the safety or security of the public or public systems.

F.9.4. Members must regularly monitor their social media accounts and immediately take measures to remove messages or postings by others that violate this Code of Conduct.

F.10. Interactions with the Public and the Media:

F.10.1. Members will accurately communicate the decisions of the relevant Trust Body, even if they disagree with the majority decision, and by so doing affirm the respect for and integrity in the decision-making processes of Council.

F.10.2. When discussing the fact that they did not support a decision, or voted against the decision, or that another member did not support a decision or voted against a decision, a member will refrain from making disparaging comments about other members or about the relevant Trust Body's processes and decisions.

G. Enforcement Process:

This section is for internal use only. Members and staff within the Islands Trust can use this section to lodge a complaint against a member in relation to their own interactions with that member.

G.1. Council officials are to abide by the requirements of the *Community Charter* and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.

G.2. Alleged breaches of this Code of Conduct by members shall be submitted in a written complaint addressed to the Trust Council Chair and the Chief Administrative Officer within six (6) months of the last alleged breach. In the event that the Chair is the subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed to the a Vice-Chair unless that individual is the subject of, or implicated in the complaint. In the event that the Chief Administrative Officer is the

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subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed to the Director, Legislative Services unless that individual is the subject of or implicated in the complaint.

- G.3. Upon receipt of a complaint under section G.2 the Chair or designated Vice-Chair, and the Chief Administrative Officer or designate (Director, Legislative Services) shall review the Policy and the details of the alleged breach. The role of the Chair and Chief Administrative Officer (or designates) is to be the keeper of the process, not to adjudicate the complaint. Their role is to facilitate and seek a mutually beneficial resolution between the parties. Information from both parties should be obtained, reviewed and options for resolution canvassed. There is no ability for the Chair / Chief Administrative Officer or designates to give advice about the processing or quality of resolution of the complaint.
- G.4. The parties may come to an informal agreement on a resolution, which may include:
- dismissal of the complaint; or
 - public censure of the member for misbehaviour or a breach of this Code of Conduct;
 - a recommendation that a member apologize to any person adversely affected by a breach of this Code of Conduct;
 - counselling of a member; and/or
 - such other recommendations as are deemed appropriate by the parties.
- G.5. If the situation is not able to be resolved through the informal process within thirty (30) days, the Chair and the Chief Administrative Officer or designates will work to appoint an independent third party. Numerous third party investigators will be identified. The Complainant(s) and Respondent(s) will be provided with the resumes of the identified parties. The Complainant(s) and Respondent(s) have the ability to agree or disagree that the proposed parties have the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator"). The Complainant(s) and Respondent(s) will notify the Chair and Chief Administrative Officer or designate if they have a conflict of interest with any of the proposed Third Party Investigators. The Third Party Investigators will then be contacted and the individual with the next available opening in their schedule will be appointed to the matter.
- G.6. If the parties cannot agree on the choice of investigator, a nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator.
- G.7. If the Complainant(s) or Respondent(s) refuse to participate in a formal investigation, the investigation may continue without that individuals' participation. The Third Party Investigator will make their determination based on the information they are provided.

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Not participating in the processes as outlined in sections G.4G.5 and G.6 may also be considered grounds for a complaint under the policy.

G.8. Throughout both the informal or formal investigation, either party can have legal counsel present to assist them. This legal counsel will be required to follow any rules of in-camera or procedural bylaw process that are applicable.

G.9. As confidentiality is key, information provided to the Respondent(s) will be limited to the written complaint completed by the Complainant.

G.10. The Third Party Investigator:

G.10.1. May conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed; if the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:

G.10.1.1. Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice.

G.10.1.2. Provide an investigation update, within ninety (90) days of his or her appointment, to the Chair and the Chief Administrative Officer or designates, as applicable, and to the Complainant and the Respondent.

G.10.1.3. Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Chair and the Chief Administrative Officer or designates, as applicable.

G.10.1.4. Provide recommendations regarding if a copy of or selected sections of the final Report should be provided to the Complainant and the Respondent.

G.10.1.5. Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:

- dismissal of the complaint; or
- public censure of the member for misbehaviour or a breach of this Code of Conduct;

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- a recommendation that a member apologize to any person adversely affected by a breach of this Code of Conduct;
- counselling of a member; and/or
- such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.

G.11. The Chair and the Chief Administrative Officer or designates shall consider whether the Report or an executive summary of the Report should be presented to Trust Council.

G.12. The Director, Legislative Services will receive and retain all reports prepared related to the complaint.

G.13. At the conclusion of the process the Third Party Investigator will destroy all notes that were taken or documents that were provided throughout the process of the investigation.

G.14. Where a member alleges a breach of this Code of Conduct by a fellow member, all members shall refrain from commenting on such allegations at open meetings pending the conclusion of the Report and any decision of Trust Council on the Report.

G.15. Members who retain legal counsel to represent them in proceedings under this section may request in writing that the Islands Trust Council indemnify them for their reasonable costs of representation, subject to limitations in Trust Council Bylaw 145.

G.16. Staff who retain legal counsel to represent themselves in proceedings under this section may request, in writing, reimbursement of reasonable costs from the Islands Trust subject to limitations in Trust Council Bylaw 145.

H. Legislated References:

H.1. Policy and Procedures Manual:

- Statutory Rules of Conduct (2.1.1)
- Governance Principles (2.1.3)

H.2. Local Trust Committee Procedural Bylaw

H.3. Trust Council Procedural Bylaw

From: Tobi Elliott
Sent: Wednesday, April 17, 2024 1:08 PM
To: Alexandra Trifonidis; Lisa Gauvreau
Subject: Re: Postponed Motion from March Trust Council

Hi Alex,

I do want to have it raised at TC, but I'm thinking the agenda might be too full.

Let's put it on the draft agenda and EC can discuss.

Thank you!

Tobi

On Apr 16, 2024, at 1:30 PM, Alexandra Trifonidis
<atrifonidis@islandstrust.bc.ca> wrote:

Good afternoon Trustee Elliott:

During the March Trust Council meeting you moved the following motion that was subsequently postponed until Trust Council in June:

TC-2024-041

It was MOVED by Trustee Elliott and SECONDED by Trustee Gauvreau,

that staff explore options to charge accommodation costs back to Trustees if they commit to attendance in person, but do not, with the exception of medical emergencies or extraordinary circumstances.

TC-2024-042

It was MOVED by Trustee Morrison and SECONDED by Trustee Evans,

that Trust Council defer this item to the June Trust Council meeting.

CARRIED

In following policy, if you would like motion **TC-2024-041** to be included in the June Trust Council agenda, please let me know by stating that you wish that it be placed on the agenda.

As a reminder, if the item is not taken up by Council at the next meeting, it automatically falls off and won't be brought back.

Thank you,

Alexandra Trifonidis

A/Executive Coordinator

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5171 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scáwáðan, səlilwatał, SEMYOME, shíshálh, Sḵwḵwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SḶÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEŁP, WSIKEM, Xelátxw, Xwémalhkww, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: David Maude
Sent: Monday, April 15, 2024 6:48 AM
To: Executive Admin
Subject: TC presentation

I would like to request adding to the EC agenda having Ryan Greville from Transport Canada present to Trust Council on wrecked, abandoned, or hazardous vessels on the coast, and the Wrecked, Abandoned or Hazardous Vessels Act

I feel this would be of strong interest to both trustees and the public


Thank you

D

Mayne Island Trustee
Islands Trust Council Vice Chair
Wi'la'mola - We are all travelling together

DRAFT Islands Trust Council Schedule

June 18-20, 2024

Tuesday, June 18		Wednesday, June 19		Thursday, June 20	
9:00	Executive Committee Bellenas-Winchelsea LTC Meeting	9:00	Strategic Planning Session - Full Day	8:30	Closed Meeting
10:00	Executive Committee Meeting				Public are welcome to attend all sessions excluding the Closed Meeting
					Rise and Report
12:00	Lunch			9:30	Break
1:00	Land Acknowledgement (Joe Elliot) Call to Order and Approval of Agenda General Business Arising Consent Agenda Item(s) Adoption of Minutes Resolution Without Meeting Trust Council Follow-up Action List			9:45	Presentation (?)
				10:30	Disposition of Delegations Correspondence
		10:30	Break	11:15	New Business Trustee-Initiated Requests for Decision Placeholder (Trustee Morrison - Notice of Motion from March Trust Council) Placeholder (Trustee Elliott - Postponed Motion from March Trust Council)
1:30	Trustee Roundtable Emerging issues and island updates				
2:15	Delegations / Public Comment			12:00	Trustee Updates about Working in Cooperation with Others Atl'ka7tsem/Howe Sound Biosphere Region Baynes Sound/Lambert Channel Ecosystem Forum Southern Gulf Islands Forum Salt Spring Island Watershed Protection Alliance (SSIWPA) VICC Climate Leadership Steering Committee Snaw-naw-as Nation/ Islands Trust Joint Working Group First Nations Relations Shellfish Aquaculture Management Advisory Committee Freighter Anchorages/Oceans Protection Plan Update BC Ferries Advisory Committees
3:00	Break	12:00	Lunch		Priorities Chart September Trust Council Draft Schedule
3:15	Executive Council Work Program Executive Committee Work Program Governance Committee Report				
4:00	Trust Area Services Consent Agenda Item(s) Decision/Discussion Items Trust Programs Committee Work Program Islands Trust Conservancy Work Program (45 min presentation)				
5:15	Local Planning Services Consent Agenda Item(s) Decision/Discussion Items Local Planning Services Work Program	3:00	Break	1:00	Adjournment (approx.)
5:45	Administrative Services Consent Agenda Item(s) Decision/Discussion Items Financial Planning Committee Work Program				
6:30	Adjourn for the Day (approx.)	5:30	Adjourn for the Day (approx.)		
*times are provided for information and may vary				 <p>Visit the meeting webpage: https://islandstrust.bc.ca/event/trust-council-quarterly-meeting-2/ ~ to view the agenda package ~ to join the meeting electronically, view livestream or attend by phone-in</p>	



BRIEFING

To: Executive Committee **For the Meeting of:** April 24, 2024
From: CAO **Date Prepared:** April 18, 2024
SUBJECT: Strategic Planning Update

PURPOSE: To update Executive Committee on the status of the Corporate and Strategic Planning processes.

BACKGROUND: As EC will recall a ‘long range goals and objectives’ session was held at the recent March Trust Council meeting. At that meeting trustees worked with Cheying Ho, consultant with WCJ, to refine its strengths, weaknesses, opportunities and threats analysis and to also identify long range goals and objectives. The draft of that session is attached here as Appendix A. Staff have taken the original session report and made some possible edits which is attached as Appendix B.

Staff then presented the goals and objectives to the Corporate Planning working group at its April 18 meeting, and discussion ensued on a variety of topics which have led to the following considerations:

- It is time to divide development of a Corporate Plan, (which is with the Governance Committee, who has then formed the Corporate Plan working group), from the development of a strategic plan.
- By policy, development and guidance of a strategic Plan is the responsibility of Executive Committee.
- We have had 3 committees working on these topics over the last few months and it is time to ensure role clarity.
- The Corp Planning working group reviewed the outcomes of the strategic planning session in March and recommends that Executive Committee and Trust Council need to engage in an extended strategic planning session in order to fully develop a strategic plan.
- Once the strategic plan is completed, the corporate planning implementation can commence in full. Nevertheless, some elements of corporate planning are proceeding concurrently.
- The working group also, generally agreed, that any new strategic planning session should take approximately 2 days and should be facilitated by an external facilitator.

Therefore,

It is recommended that Executive Committee direct staff to investigate the feasibility of arranging for either:

1. a two day strategic planning session for the upcoming June Trust Council meeting, or

2. a one day session at the June Trust Council, followed by a supplemental electronic meeting if needed, or
3. a fully electronic strategic planning session.

Attached is also the Corporate Planning Framework adopted by Trust Council, for the benefit of the Committee.

ATTACHMENT(S):

Appendix A: original report “Long range goals and objectives” March 2024 Trust Council meeting facilitated by Cheeying Ho.

Appendix B: amended Goals and Objectives Report by staff.

Appendix C: Corporate Planning Process

FOLLOW-UP: For consideration in Trust Council meeting planning for June 2024.

Prepared By: R Hotsenpiller

Reviewed By/Date:

Islands Trust Focus Areas and Strategic Directions 2025-2028

Focus Area	Governance & Organizational Excellence	Growth Management & Community Resiliency	Ecosystem Health & Integrity	Climate Change	First Nations Relations & Reconciliation
Strategic directions (higher priority)	<ol style="list-style-type: none"> 1. Update the Policy Statement <ul style="list-style-type: none"> ○ Include First Nations relations and reconciliation lens ○ Include climate imperatives – mitigation, adaptation ○ Include strong engagement principles 2. Develop corporate plan <ul style="list-style-type: none"> ○ Include initiatives to improve organizational systems 	<ol style="list-style-type: none"> 1. Review and update OCP and LUB processes <ul style="list-style-type: none"> ○ Include policies and bylaws to support a diversity of housing types, increased access to housing for working residents and for lower income/workforce workers ○ Include climate action and resiliency policies 2. Clarify/better understand Islands capacity and constraints and their implications <ul style="list-style-type: none"> ○ Research and understand data on growth trends, projections; geological and hydrological capacities; infrastructure; current development rates and timing ○ Research into evidence-based constraints/thresholds that need to be understood for informed land use (place protection) planning for islands ○ Set limits to growth rooted in science 	<ol style="list-style-type: none"> 1. Update and implement freshwater strategy 2. Develop strategy for protecting and restoring ecosystems <ul style="list-style-type: none"> ○ Set targets for ecosystem restoration ○ Increase support for ITC ○ Protect and maintain forests and farmland ○ Improve opportunities for resident and landowner involvement in land, marine and freshwater stewardship ○ Increase/work with other partners 	<ol style="list-style-type: none"> 1. Develop innovative climate action strategy <ul style="list-style-type: none"> ○ Understand our (IT) role in climate action ○ Prepare for and communicate climate change preparedness 	<ol style="list-style-type: none"> 1. Increase recognition of co-governance 2. Strengthen relationships and engagement with First Nations 3. Update the Reconciliation Action Plan
Strategic directions (lower priority)	<ol style="list-style-type: none"> 3. Strengthen relationship with province <ul style="list-style-type: none"> ○ Secure increased funding and protocol agreement 4. Improve public engagement and communications 5. Improve transparency 	<ol style="list-style-type: none"> 3. Support diverse communities and businesses 4. Support sustainable businesses and employment opportunities 5. Ensure sufficient amenities and food security, including housing for aging and increasing population 	<ol style="list-style-type: none"> 3. Develop policies and bylaws for marine and foreshore protection 4. Protect marine and foreshore in cooperation with First Nations 		<ol style="list-style-type: none"> 4. Update/create protocol agreements 5. Transfer ITC properties to First Nations

Islands Trust Focus Areas and Strategic Directions 2025-2028

Goal/Focus Area	1. Governance & Organizational Excellence	2. Growth Management & Community Resiliency	3. Ecosystem Health & Integrity	4. Climate Change	5. First Nations Relations & Reconciliation
Objective Statements	<p>Invest and improve in Governance and decision making</p> <p>Enable land use decision making through modern guiding policy</p> <p>Develop a deep and cooperative relationship with the Province</p>	<p>To comprehensively understand the communities, context, natural areas and environmental systems of the Trust Area</p> <p>To develop and maintain land use planning tools to improve community welfare and preserve and protect the environment</p>	<p>To steward the natural environment</p> <p>To measurably engage and support community action in maintaining ecosystem health</p>	<p>To mitigate and adapt to climate change impacts.</p>	<p>Strengthen relationships and engagement with First Nations</p>
Strategic directions (higher priority)	<ol style="list-style-type: none"> Update the Policy Statement Develop corporate plan 	<ol style="list-style-type: none"> Review and update OCP and LUB processes Clarify/better understand Islands capacity and constraints and their implications 	<ol style="list-style-type: none"> Update and implement freshwater strategy Develop strategy for protecting and restoring ecosystems Set targets for ecosystem restoration Increase support for ITC Protect and maintain forests and farmland Improve opportunities for resident and landowner involvement in land, marine and freshwater stewardship Increase/work with other partners 	<ol style="list-style-type: none"> Develop innovative climate action strategy 	<ol style="list-style-type: none"> Explore opportunities for shared decision making/co-governance Update the Reconciliation Action Plan

These are suggested bridging comments that explain the Goal/Focus areas

Staff Draft April 18/2024

Strategic directions (lower priority)	<ol style="list-style-type: none"> 3. Strengthen relationship with province 4. Secure increased funding and protocol agreement 5. Improve public engagement and communications 6. Improve transparency 	<ol style="list-style-type: none"> 3. Support diverse communities and businesses 4. Support sustainable businesses and employment opportunities 5. Ensure sufficient amenities and food security, including housing for aging and increasing population 	<ol style="list-style-type: none"> 2. Develop policies and bylaws for marine and foreshore protection 3. Protect marine and foreshore in cooperation with First Nations 		<ol style="list-style-type: none"> 3. Update/create protocol agreements 4. Transfer ITC properties to First Nations
Actions/Initiatives Work planning	DRAFT				
	Update Policy Statement <ul style="list-style-type: none"> ○ Include First Nations relations and reconciliation lens ○ Include climate imperatives – mitigation, adaptation ○ Include strong engagement principles 	Update OCP and LUBs <ul style="list-style-type: none"> ○ Include policies and bylaws to support a diversity of housing types, increased access to housing for working residents and for lower income/workforce workers ○ Include climate action and resiliency policies 		Climate Strategy <ul style="list-style-type: none"> ○ Understand our (IT) role in climate action ○ Prepare for and communicate climate change preparedness 	
	Develop corporate plan <ul style="list-style-type: none"> ● Include initiatives to improve organizational systems 	Capacity studies <ul style="list-style-type: none"> ○ Research and understand data on growth trends, projections; geological and hydrological capacities; infrastructure; current development rates and timing ○ Research into evidence-based constraints/thresholds that need to be understood for informed land use (place protection) planning for islands ○ Set limits to growth rooted in science 			

I have taken the more tactical actions and added them for each strategic direction

For some of the strategic directions we will need to develop new actions.

It is from this point that we will begin to develop workplans and departmental plans.

CORPORATE PLANNING PROCESS ROADMAP	TIMELINE	Status	NOTES	
PHASE 1: Assess the Environment (SWOT)	June 2023	Complete, updated in March 2024		
PHASE 2: Develop a Term Strategic Plan Part 1 – Direction & Goal Setting Step 1: Determine the Vision Step 2: Understand the Mission/Mandate Step 3: Determine Values	September 2023	Step 1. Complete Step 2. Complete Step 3. Undetermined (policy statement)		
Step 4: Determine & Prioritize Goals & Objectives	September 2023 to June 2024	Step 4. Session completed in March 2024 (Cheeying Ho	Analysis and policy development	
Part 2 – Strategy Implementation Step 1: Determine actions to achieve objectives Step 2: Prioritize actions & Assign Responsibilities			Part 1.4 through Phase 3 is significant and would be the next tasks in plan development.	
PHASE 3: Develop Departmental Plans to support strategies and financials				1.
PHASE 4: Develop the Annual Budget & Long-Term Financial Plan Step 1: Review Background Documents	August 2024 to March 2025	2.	3. Relevant policies and planning needs to further integrate projects and financials	5.

Step 2: Budget Submissions Step 3: Draft Annual Budget & Draft Financial Plan Step 4: Senior Management Review Step 5: Financial Planning Committee Review Step 6: Trust Council Review Step 7: Public Feedback & Consultation with Municipalities Step 8: Financial Planning Committee Review Step 9: Trust Council Approval Step 10: Financial Plan Bylaw Submission to Minister			4. By the end of June the Corporate Plan process and framework, with policies, would be ready to be implemented for the 2025 budget cycle.	
PHASE 5: Monitoring, performance management and risk assessment	Post March 2025	6.	7. New process needs development	8.

1 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

This is a current strategic direction of Trust Council and the responsibility of both Executive Committee and Governance Committee. There will need to be the following staff resources dedicated to the project over the next 8 to 10 months.

Assumptions:

Working term: October 2023 to May 2024.
Committee meetings: October 2023 to May 2024: 9 meetings approx. for either subgroup or GC
Staff meetings: 5-6 half day meetings or equivalent October-May
Policy Development: Analysis of plan, committee planning, budget planning, link to LTC projects, other

Communications

Training: at this point this item is hard to approximate, depends on monitoring and reporting requirements.

	Notes	Hours	Totals
CAO	Main contact and project lead Department planning, Committee liaison Ongoing strategic management	5 hours a week for 32 weeks	160 hours
Executive Coordinator	Administration, agenda development	2 hours a week for 32 weeks	64 hours
Director of Leg Services	Policy Development, training	1 week of work	40 hours
Director of Admin Services	Corp/budget rationalization, FPC contact	2-4 hours week for 32 weeks	40-80 hours
Director of TAS	General policy development, analysis, training	1.5 week	60 hours
Dir of Planning Services	Policy development, training	1-2 hours week for 20 weeks	40 hours
Communications	Internal and external comms needed, mainly next fiscal year.	pending	
Sub Committee	1 meeting a month from Oct to May		
Governance Committee	3-4 meetings, Oct to May		

From: Tobi Elliott
Sent: Monday, April 8, 2024 8:35 AM
To: EC
Subject: Review of fees bylaw policy for referrals from other agencies

Follow Up Flag: Follow up
Flag Status: Completed

Categories: EC

For consideration on a future agenda, please.

Our fees bylaw update increased fees for referrals from other agencies as well, such as for the BC Liquor control board, for applications that have nothing to do with land use planning. The Gabriola fees jumped from \$100 to \$510 to process referrals, such as a temporary license change for a 1-time fundraising event by a non profit group (Gabriola Lions Club). I had asked that we review this policy, because as Trustee Yates points out, why do we have to charge fees for a service that has nothing to do with the mandate or any of the services we provide?

When we discussed it in August 2023, David Marlour had indicated he would add referrals for non-profits and government agencies to the consideration of policy amendment.

Thank you, Tobi

Following a Legal Services Request to Young Anderson, staff received a cost estimate of \$3,000. Since this cost exceeds \$500, the LTC has requested EC approval for this expense consistent with Policy 6.5.3 through the following resolution:

GB-2024-019

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that the Executive Committee approve up to \$4,500 (four thousand five hundred dollars) for the legal review of a covenant, to be charged to the Gabriola Island Local Trust Committee budget.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Some staff time will be required to review the legal opinion and provide a report to the LTC. This work will be undertaken by the Island Planner. Note that if the covenant is approved and signed by all parties, the covenant states that the Stewardship Plan contained within the covenant shall be reviewed and revised at least once every three years. This will necessitate staff review, staff reporting to the LTC, and administrative coordination.

FINANCIAL: The LTC is requesting up to \$4,500 to complete the legal review.

POLICY: Policy 6.5.3. Procurement states that disbursements over \$500 charged against the LTC expense budget should be approved by resolution of the LTC and that the LTC should approach EC to request a budget adjustment for expenditures in excess of the annual budget allocation.

IMPLEMENTATION/COMMUNICATIONS: Staff will authorize legal counsel to conduct a review of the covenant. The results of this will be shared with the LTC to inform their final decision on becoming the holder for the Covenant registered on Title of the Gabriola Commons property.

FIRST NATIONS: No immediate implications.

OTHER: None.

4 RELEVANT POLICY(S):

[Policy 6.5.3 - Procurement](#)

[Policy 6.9.2 – Legal Services Access and Management](#)

5 ATTACHMENT(S):

1. Draft Covenant

RESPONSE OPTIONS

Recommendation: That the Executive Committee approve up to \$4,500 for a legal review of a covenant, to be charged to the Gabriola Local Trust Committee budget.

Alternative: That the Executive Committee deny approval of funds for a legal review of the covenant.

Prepared By: Stephen Baugh, Island Planner

Reviewed By/Date: Stefan Cermak, Director, Planning Services / April 8, 2024

Schedule A: COVENANT

This Agreement is between:

The GABRIOLA COMMONS FOUNDATION, a Non-profit Society at 675 North Road, Gabriola Island, BC.

and

XXXXXXXXXXXXXXXXXXXXXX

These are collectively referred to in this document as the Parties and the document is dated:
DD MM YYYY.

The Gabriola Commons acknowledges with gratitude that we are on the traditional and unceded territory of the Snuneymuxw First Nation.

PREAMBLE

Every **Commons** is defined within the parameters of a specific site and historic cultural background.

The Gabriola Commons binds the land and the people in a vibrant, affirmative and synergetic relationship. The land provides gifts of nature and is a source of diversity, abundance and well-being. The integrity of the land is sustaining and restores in people a sense of purpose, belonging and commitment.

The land anchors the community in local geography, history and a set of traditions. The community cares for and stewards the land with deep knowledge, imagination and responsibility so its living systems flourish.

The Gabriola Commons is an entrusted and emergent commonwealth passed on in perpetuity to future generations. It is centered in a global commons resurgence that offers an ethics of sufficiency, community determination, ecological resilience, social equity, and cultural connection to a beloved landscape.

RECITALS

GIVEN THAT:

A) The **Legal Owner** is the registered owner of the **Land**.

B) The **Legal Owner**, and the **Covenant Holder** agree that it is in the public interest to protect, preserve and steward the Land and **Amenities** as a **Community Commons**.

C) The Legal Owner has agreed to grant the Covenant Holder a covenant pursuant to Section 219 of the *Land Title Act* to protect the use of the Land as a Community Commons.

D) A statutory right of way in favour of the Covenant Holder is necessary for the exercise of the specific rights granted to the Covenant Holder of this Agreement.

E) The Covenant Holder has been designated by the British Columbia Minister of the Environment & Climate Change, as authorized to accept a statutory right of way, pursuant to Sections 218 and 219 of the *Land Title Act*.

NOW THEREFORE, in consideration of the payment of \$2 by the Covenant Holder to the Legal Owner, the receipt and sufficiency of which is acknowledged by the Legal Owner, and in consideration of the promises exchanged below, the Parties agree as follows, in accordance with Sections 218 and 219 of the *Land Title Act* (British Columbia).

1. INTERPRETATION

1.1 In this Covenant:

1.1.1 *Amenities* means the ecological, agricultural and multipurpose use features relating to the Land.

1.1.2 *Baseline Report* means the baseline documentation that describes the Land and the Amenities in the form of text, maps, and other records of the Land and the Amenities as of the date of registration of this Agreement, a copy of which is on file with each of the Parties at the addresses set out in Section 16. An overview of the Report is attached to this Agreement as Schedule A, *Gabriola Commons Baseline Report Overview*.

1.1.3 *Community Agriculture* means multi-functional agricultural uses of the Land shared by a community of users whose focus is local cooperative food production using sustainable practices.

1.1.4 *Commons* means a resource that belongs to everyone, is inherited jointly and is held in trust for future generations; plus, the values and protocols are determined by a defined community with a special regard for equitable access, use and long term stewardship.

1.1.5 *Community Commons* means the Land and Amenities to be used by the community through practices of shared responsibility and to provide the community with agricultural, environmental and social benefits on a sustainable basis, while excluding for profit commercial enterprises on the Land.

1.1.6 *Covenant Holder* means XXX and includes its permitted successors and assigns.

1.1.7 *Fishing* means the activity of catching fish by techniques such as angling, netting, trapping, spearing or hand-gathering for recreation or food.

1.1.8 *Garbage* means unsolicited waste materials potentially harmful to the land, air, water or wildlife.

1.1.9 *Hunting* means the practice of pursuing wildlife for food, recreation or trade.

1.1.10 *Industrial Agriculture* means monocropping and dependence on the unsustainable use of artificial amendments, chemical pesticides and herbicides.

1.1.11 *Land* means the parcel of land legally described as Lot 1, Plan VIP27281, Section 19, Land District 32, Gabriola Island (PID 002-600-992).

1.1.12 *Legal Owner* means the Gabriola Commons Foundation and includes any successor of the Legal Owner.

1.1.12 *Logging* means the harvesting of trees for commercial profit.

1.1.13 *Multi-purpose Use* means educational and interpretive activities, space for not for profit enterprises, including the storage of materials, indoor and outdoor gatherings, meetings and events, except where specifically restricted in this Agreement.

1.1.14 *Natural State* means the state of the Land as described in the attached Gabriola Commons Baseline Report Overview.

1.1.15 *Rent Charge* means the rent charge granted by the Legal Owner under Section 11.1, below.

1.1.16 *Rent Charge Amount* means the amount set out in Section 11, the payment of which is secured by the Rent Charge.

1.1.17 *Restorative Justice* means a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that allow all willing stakeholders to meet, leading to transformation of people, relationships and communities.

1.1.18 *Stewardship Agreement* means a document in which the Parties agree to long-term stewarding of the Land in accordance with Section 5 which is attached to this Agreement as Schedule B: *Gabriola Commons Stewardship Agreement*.

1.1.19 *Stewardship Plan* means a document through which the Parties are guided by the usages and practices of stewarding a Community Commons in accordance with the Covenant and Baseline Report.

1.1.20 *Successor* means any non-profit society that, any time after registration of this Agreement, becomes owner of the Land.

1.1.21 *Trapping* means the live capture of animals for their pelts, use as recreation, as food or for other commercial purposes.

1.2 This Agreement shall be interpreted in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia.

1.3 This Agreement comprises the recitation of the Parties, the Recitals to this Agreement, and Part 1 of the Land Title Act Form C to which this Agreement is attached

2. REPRESENTATIONS AND WARRANTIES

2.1 The Legal Owner warrants that the facts set out in Recital A and Recital C are true as of the date of this Agreement.

2.2 The Agreement Holder warrants that the facts set out in Recital E are true as of the date of this Covenant.

2.3 The Parties warrant that the facts set out in Recitals B and D are true as of the date of this Agreement.

3. INTENT OF THE COVENANT

3.1 The Parties each agree that the intent of this Agreement is:

3.1.1 to protect the unique balance between the ecology of the Land, its agricultural value within the Agricultural Land Reserve, and the multi-purpose use of space and facilities.

3.1.2 to protect, preserve and steward the Land and the Amenities as a Community Commons.

3.1.3 to restrict any occupation or use of the Land that will impair or interfere with the state of the Land and Amenities as a Community Commons.

3.2 This Agreement shall be perpetual to reflect the public interest in the protection, preservation and stewardship of the Land and Amenities as a Community Commons.

4. RESTRICTIONS ON USE OF THE LAND

4.1 The Legal Owner agrees that the Land shall only be used as a Community Commons in a manner that:

4.1.1 protects, preserves and stewards the **Natural State** of the Land in ways that respect its ecology, sensitive environmental ecosystems, species at risk, wildlife habitats, wetlands and riparian areas while not diminishing or negatively impacting the agricultural use/values of the Land; and

4.1.2 supports the agricultural significance of the Land and allows for specified farm activities and **Community Agriculture** in locations that will not impact or diminish the identified environmental values; and

4.1.3 ensures access to the Land and Amenities for **Multi-Purpose Use** that benefits the community with social, recreational, educational and interpretive values; access shall not be restricted, impeded or limited except as set out in this Agreement.

4.2 Except as expressly permitted in this Agreement, the Owner must not do anything, omit to do

anything, allow anything to be done, or allow any activity or use which:

4.2.1 permits **Industrial Agriculture**;

4.2.2 causes erosion of the Land;

4.2.3 places any financial encumbrance on the Land;

4.2.4 permits use pursued primarily for profit.

4.2.5 interferes with the protection of the Natural State of the Land or the Amenities, or

4.2.6 facilitates any action that may destroy, diminish, or negatively alter the Natural State of the Land;

4.2.7 uses toxic substances on the Land;

4.2.8 brings **Garbage** onto the Land except for waste materials to be transformed into non-deleterious and usable form for ecologically useful purposes;

4.2.9 causes or facilitates the loss of water, soil, gravel or rock from the Land;

4.2.10 permits **Hunting, Fishing, Trapping or Logging** on the Land; or

4.2.11 interferes with the ecological and agricultural values as specified in the *Gabriola Commons Baseline Report Overview*, attached as Schedule A.

4.3 The Legal Owner shall not enter into any agreement for the use of the Land or any part thereof unless the agreement is made subject to the provisions of this Agreement.

5. STEWARDSHIP PLAN

5.1 The Legal Owner and the Covenant Holder agree that it is in the public interest to enter into a **Stewardship Agreement** that includes an outline for a **Stewardship Plan** and which are attached in Schedule B: *Gabriola Commons Stewardship Agreement*.

5.2 The Stewardship Plan addresses the stewarding activities that will be conducted and the roles and responsibilities of the people involved.

6. BASELINE DOCUMENTATION REPORT

6.1 The Land and the Amenities are as described in the **Baseline Report** (see Schedule A, *Gabriola Commons Baseline Report Overview*).

6.2 The Report provides an objective baseline of information within the terms of this Agreement. The Parties agree that this Report provides an accurate description of the Land and the Amenities as of the date of this Agreement.

6.3 The Parties acknowledge that the natural flora and fauna on the Land will evolve over time without human intervention and, unless expressly permitted by this Agreement, references to the Baseline Report in this Agreement are intended to take account of this natural evolution.

7. STATUTORY RIGHT OF WAY

7.1 The Legal Owner grants to the Covenant Holder a license and a statutory right of way, pursuant to Section 218 of the Land Title Act permitting the Covenant Holder:

7.1.1 to enter upon and inspect the Land;

7.1.1 a) at all reasonable times upon prior written notice by a Covenant Holder to the Legal Owner of at least 24 hours unless, in the opinion of a Covenant Holder, there is an emergency or other circumstance which prevents the giving of reasonable notice; and

7.1.1 b) in order to take soil, water or other samples, photographs, video, or sound recordings as may be necessary to monitor the terms of this Agreement; and

7.1.2 to recommend actions which protect, preserve and steward the Land or the Amenities:

7.1.2 a) if an act of nature or any person destroys, diminishes or negatively affects or alters the Land or the Amenities from the condition described in the Baseline Report and/or as the Land has evolved as documented in successive Stewardship Plans; and

7.1.2 b) at the Legal Owner's expense, if an action of the Legal Owner, or any other person acting with the actual or constructive knowledge of the Legal Owner, contravenes any term of this Agreement;

7.1.3 to assess progress of any plan agreed upon between the Parties for the protection, preservation and stewardship of all or any portion of the Land or the Amenities.

7.2 If any Party intends to act as permitted in Section 7.1.2 that Party shall give at least 30 days' prior written notice to the other Party. Such notice shall describe in reasonable detail the intended action, the purpose for it, and its likely effect on the Land or the Amenities. The Legal Owner shall request the Covenant Holder to enter upon and inspect the Land if any action is proposed under Section 7.1.2. The Party to whom notice is given may comment on the proposed action, and the Party intending to take action under Section 7.1.2 shall take those comments under consideration before doing anything under that Section.

8. LEGAL OWNER'S RESERVED RIGHTS

8.1 Subject to Sections 3 and 4, the Legal Owner reserves all its rights as Legal Owner of the Land, including the right to use and maintain the Land in any way that is not expressly restricted or prohibited by this Agreement, federal or provincial laws or local by-laws, so long as the use or maintenance is consistent with the intent of this Covenant.

8.2 In an emergency situation such as fire or threat to human safety, the Legal Owner may, without the consent of the Covenant Holder, act reasonably to prevent injury or death. The Legal Owner must notify the Covenant Holder of the circumstances of such action within 30 days, including the actual or likely effect on the Land or the Amenities.

9. LEGAL OWNER'S OBLIGATIONS

9.1 The Legal Owner is obliged to preserve, protect and steward the Land as a Community Commons.

9.2 The Legal Owner retains all responsibilities and bears all costs and liabilities related to the legal ownership, use and maintenance of the Land.

9.3 The Legal Owner must indemnify the Covenant Holder, its directors, officers, employees, agents and contractors, from and against any and all liabilities, damages, losses, personal injury or death, causes of action, actions, claims, and demands by or on behalf of any person, arising out of any act or omission, negligent or otherwise, by the Legal Owner in the use and maintenance of the Land or the Amenities.

9.4 The Legal Owner shall not be liable for:

9.4.1 injury or alteration to the Land or the Amenities resulting from natural causes, or causes beyond the Legal Owner's reasonable control, including vandalism and any use by a third party contrary to the Agreement, but excluding injury or alteration resulting from actions of the Legal Owner or any other person with the actual or constructive knowledge of the Legal Owner;

9.4.2 any prudent action taken by the Legal Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Land or Amenities resulting from natural causes; or

9.4.3 injury or alteration to the Land caused by the Agreement Holder exercising their rights under this Covenant.

9.5 Without limiting the generality of Sections 9.1, 9.2, 9.3 and 9.4 the Legal Owner:

9.5.1 is solely responsible and liable for any loss or damage of any kind (whether civil criminal or regulatory) resulting from the Legal Owner's action or negligence, in any way connected with the existence in, on, or under the Land of any pollutant, contaminant, or any matter that impairs the environment; and

9.5.2 must indemnify the Covenant Holder from and against any loss, damage, liability, cause of action, action, penal proceeding, regulatory action, order, directive, notice or requirement, including those of any government agency, incurred, suffered, brought against or instituted against the Covenant Holder, jointly or severally, in any way associated with anything described in Section 9.5.1.

9.6 Where, as provided under Section 9.3, the Legal Owner is not responsible for damage or theft due to unauthorized use, the Legal Owner shall take all reasonable steps to identify and seek **Restorative Justice** with the person responsible for the damage or theft. Failing restorative justice, the wronged party may pursue remedies available to it under the law.

9.7 The Legal Owner shall pay when due all levies, fees and charges of whatever description which may be assessed against the Land, and shall pay any arrears, penalties and interest in respect thereof.

9.8 Any debts or other amounts due from the Legal Owner to the Covenant Holder under this Agreement, if not paid within 30 days after notice, will bear interest at the annual interest rate that is 1% greater than the prime rate of interest. For the purposes of this section, the prime rate of interest is the annual rate of interest charged from time to time by Vancouver City Savings Credit Union for demand Canadian dollar commercial loans and designated from time to time by Vancouver City Savings Credit Union as its prime rate.

9.9 The indemnities granted by the Legal Owner to the Covenant Holder under 9.3 and 9.5.2 are an integral part of the Covenant granted under Section 219 of the Land Title Act.

9.10 Nothing in this Agreement restricts or affects the right of the Legal Owner to act reasonably to:

9.10.1 prevent injury or death to any individual; or

9.10.2 prevent, abate or mitigate any damage or loss to any real or personal property.

10. ENFORCEMENT REMEDIES OF THE COVENANT HOLDER

10.1 If the Covenant Holder believes that the Legal Owner has neglected or refused to perform any of the obligations set out in this Agreement, or is in breach of any term of this Agreement, the Covenant Holder may serve on the Owner a notice setting out particulars of the breach and of the Covenant Holder's estimated maximum costs of remedying the breach.

10.2 The Legal Owner has 30 days from receipt of the notice given under Section 10.1 or from the conclusion of a dispute resolution process under Section 13 if it is invoked, to remedy the breach or make arrangements to the Covenant Holder's satisfaction for remedying the breach, including the time within which the breach must be remedied.

10.3 If the Legal Owner does not remedy a breach described in Section 10.2 within the time acceptable to the Covenant Holder under this Section, the Covenant Holder may enter upon the Land and remedy the breach or carry out the arrangements referred to in Section 10.2.

10.4 Expenses incurred by the Covenant Holder under this Section, until paid, are a debt owed by the Legal Owner to the Covenant Holder.

11. RENT CHARGE AND ITS ENFORCEMENT

11.1 As security for the performance of the Owner's obligations under this Agreement, the Owner grants to the Covenant Holder a perpetual **Rent Charge** against the Land, ranking prior to all other financial charges and encumbrances registered against the Land, including options to purchase and rights of first refusal. The Rent Charge is granted both under section 219 of the Land Title Act as an

integral part of the statutory covenant created by this Agreement and as a fee simple rent charge at common law.

11.2 The Rent Charge secures payment to the Covenant Holder by the Owner of the sum of \$_____ per year, subject to adjustment under section 11.3, for each violation occurring within that year. For clarity, only one Rent Charge Amount is payable by the Owner for each violation.

11.3 The **Rent Charge Amount** is to be adjusted on January 1 of each year by increasing or decreasing, as the case may be, the Rent Charge Amount by the amount determined by multiplying the Rent Charge Amount on the December 31 immediately preceding by the percentage increase or decrease, as the case may be, in the Consumer Price Index (CPI) between the previous January 1 and that December 31, and adding the amount so determined to the Rent Charge Amount as it stands on that December 31. If Statistics Canada, or its **Successor** in function, ceases to publish a CPI or comparable indicator as determined by the Covenant Holder in its sole discretion, the Parties agree that the factor to be used in determining the Rent Charge Amount for each year shall be an increase of 3%.

11.4 At the date of any breach of this Agreement, the Rent Charge Amount shall be increased by a sum equal to 110% of the market value of any flora or fauna, soil, rock, gravel or minerals which have been altered, damaged, destroyed, moved, harvested or removed.

11.5 The Rent Charge Amount shall be doubled if, in the sole opinion of the Covenant Holder, the damage resulting from a breach of this covenant cannot be repaired or remediated.

11.6 The Covenant Holder shall be entitled to recover from the Owner all reasonable expenses incurred as a result of enforcement of the Rent Charge.

11.7 The Rent Charge is suspended unless and until the Owner is in breach of any provision of this Agreement and has not cured the breach, cannot cure the breach or is not diligently proceeding to cure the breach in accordance with article 10 of this Agreement.

11.8 The Covenant Holder may enforce the Rent Charge by any of the following:

- a) an action against the Owner for the Rent Charge Amount;
- b) distraint against the Land to the extent of the Rent Charge Amount;
- c) an action for appointment of a receiver in respect of the Land; or
- d) an order for sale of the Land.

11.9 If the Covenant Holder wishes to enforce the Rent Charge, it shall provide notice to that effect to the Owner. This notice may be given at any time after notice is given under section 10.1.

11.10 Within ten Business Days of receipt of a notice given under section 11.9, the Owner must pay the full Rent Charge Amount to the Covenant Holder.

12. WAIVER

12.1 An alleged waiver of any breach of this Agreement is effective only if it is written and signed by the Covenant Holder and is only effective to the extent of that waiver and does not operate as a waiver of any other breach.

12.2 The failure of the Covenant Holder to require performance by the Legal Owner at any time of any obligation under this Agreement does not affect the Covenant Holder's right to subsequently enforce that obligation.

13. DISPUTE RESOLUTION

13.1 The Parties agree to use best practices in dispute resolution before utilizing the process outlined in this section.

13.2 If a breach of this Agreement occurs or is threatened, or if there is disagreement as to the meaning of this Covenant, any party may give notice to the other Party requiring a meeting of both Parties within 10 days of receipt of the notice.

13.3 All activities giving rise to a breach or threatening a breach of this Agreement, or giving rise to a disagreement as to the meaning of this Agreement, must immediately cease upon receipt of written notice.

13.4 The Parties shall attempt to resolve the matter, acting reasonably and in good faith, within 20 days of receipt of the written notice.

13.5 If the Parties are not able to resolve the matter within that time, the Parties may appoint a mutually acceptable person to mediate the matter, with the costs to be borne equally between the Parties. The Parties, in good faith, must act reasonably and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 days after the mediator is appointed.

13.6 If the Parties are not able to resolve the matter within that time with the assistance of a mediator, the Parties shall submit the matter to a single arbitrator, appointed jointly by them, under the Arbitration Act (British Columbia).

13.7 If the Parties cannot agree on a single arbitrator, then the Covenant Holder must present to the Legal Owner a list of three arbitrators, and the Legal Owner must choose one arbitrator from the list.

13.8 The decision of the arbitrator shall be final and binding.

13.9 The cost of the arbitration shall be borne equally between the Parties.

14. SUCCESSORS OF THE LEGAL OWNER

This Agreement shall enure to the benefit of and be binding on the Legal Owner and any Successor of the Legal Owner.

15. ASSIGNMENT OF COVENANT OR DISSOLUTION OF THE COVENANT HOLDER

15.1 A Covenant Holder may assign all its rights and obligations under this Agreement, but only to a non-profit society qualified by law at the time of transfer to hold covenants under Section 219 of the Land Title Act (or any successor provision then applicable) and any applicable regulations.

15.2 The Covenant Holder agrees that before assigning its rights and obligations under this Section, it must consult with the Legal Owner with respect to the proposed assignee. The Covenant Holder must give notice to the Legal Owner of the proposed assignment. Such notice shall set out in reasonable detail the identity of the proposed assignee and the qualifications and experience of the proposed assignee relevant to performance by the assignee of the rights and obligations of the Covenant Holder under this Agreement. The Legal Owner has 60 days after the Covenant Holder gives notice to the Legal Owner under this Section to accept or reject the proposed assignee. At the end of this period, if the Legal Owner has not commented on the proposed assignee, the Legal Owner is conclusively deemed to have declined to comment on the proposed assignee and to have consented to the assignment.

15.3 In the event of the winding-up or dissolution of a Covenant Holder, the Covenant Holder must use its best efforts to assign and transfer all its interest under this Agreement to a non-profit society authorized to accept covenants under Section 219 of the Land Title Act. If the Covenant Holder does not assign and transfer all its interest under this Agreement as set out in this Section, it shall be deemed to have assigned and transferred all its interests under this Agreement to His Majesty the King, Right of the Province of British Columbia until a new covenant holder can be found.

16. NOTICE

16.1 Any notice or other communication required under this Agreement shall be in writing and shall be:

16.1.1 sent by registered mail addressed to the Parties at their respective addresses set out in Section 16.2, and

16.1.2 sent to the Parties using electronic means specified in Section 16.2, followed by a copy sent by ordinary mail as set out in Section 16.2.

16.2 The addresses and contact information of the Parties for notice are as follows:

To the Legal Owner, the Gabriola Commons Foundation:
 Postal Address: PO Box 94, 675 North Road, Gabriola BC V0R 1X0
 Electronic Address: info@gabriolacommons.ca

To the Covenant Holder: XXXX:
 Postal Address: YYYY
 Electronic address: ZZZZZ

16.3 Each Party agrees to give notice immediately to the other Party of any change in its addresses or other contact information from those set out in Section 16.2.

16.4 When notice is sent by registered mail, it shall be deemed to have been received on the seventh business day following the day on which the notice was sent. When notice is sent electronically, it shall be deemed to have been received on the day following transmission of the notice.

17. PUBLICATION

17.1 The Legal Owner agrees to allow the Covenant Holder to publicize the existence of this Agreement. The style and location of the publicity shall be approved by the Legal Owner prior to its placement.

17.2 The Legal Owner agrees to allow the Covenant Holder to publicize, at the expense of the Covenant Holder, that they hold a covenant on the Land. The style and location of the publicity shall be approved by the Legal Owner prior to its placement.

18. NO LIABILITY IN TORT

The Parties agree that this Agreement creates contractual obligations, and obligations arising only out of the nature of this Covenant, as a covenant under seal. Without limiting the generality of the foregoing, the Parties agree that no tort or fiduciary obligations or liabilities of any kind are created or exist between the Parties. The intent of this Section is to exclude, among other things, tort liability of any kind and to limit the Parties to their rights and remedies under the law of contract and the law pertaining to covenants under seal.

19. REMEDIES NOT EXHAUSTIVE

Exercise or enforcement by a Party of any remedy or right under or in respect of this Agreement does not limit or affect any other remedy or right which that Party may have against the other Party under this Agreement.

20. COVENANT RUNS WITH THE LAND.

Every obligation and covenant of the Legal Owner in this Agreement constitutes a covenant with the Land and also a covenant granted under Section 219 of the Land Title Act (British Columbia) and a statutory right of way granted under Section 218 of the Land Title Act (British Columbia) in respect of the Land. This Agreement is tied to the Land and runs with it and binds the Successors in title to the Land.

21. REGISTRATION

21.1 The Legal Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement, and the interests it creates, are registered against title to the Land.

21.2 The Legal Owner shall do everything necessary and possible to ensure that this Agreement, and the interests it creates, are registered with priority over any financial charges, liens and encumbrances registered in the Land Title Office at any time.

22. SEVERANCE

If any part of this Agreement is held by a court or arbitrator to be invalid, illegal or unenforceable, that part is to be considered to have been severed from the rest of this Covenant, and the rest of this Covenant is to remain in force unaffected by that holding or by the severance of that part.

23. NO OTHER AGREEMENTS

This Agreement is the entire Agreement between the Parties.

24. INDEPENDENT ADVICE

24.1 The Legal Owner has sought and obtained independent advice from an accountant or other tax expert with respect to the tax implications of this Agreement.

24.2 The Legal Owner has sought and obtained independent legal advice as to the meaning and effect of this Agreement. The Legal Owner further acknowledges and agrees that no legal advisor of the Covenant Holder has advised the Legal Owner on the meaning or effect of this Agreement or in connection with this Agreement.

25. AMENDMENTS

This Agreement is meant to be perpetual and may only be changed by a written instrument signed by all the Parties.

26. DEED AND CONTRACT

By executing and delivering this Agreement, each Party intends to create a contract and a deed and Covenant executed and delivered under seal.

27. GENERAL

27.1 As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the Land Title Form C to which this Agreement is attached and which forms part of this Agreement.

27.2 The schedules referred to throughout the document are attached after this page.

LIST OF SCHEDULES

- A. Gabriola Commons Baseline Report Overview
- B. Gabriola Commons Stewardship Agreement

Gabriola Commons Baseline Report Overview

DRAFT of October 27, 2018

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Gabriola Commons Baseline Report Overview

1.0 Introduction and Acknowledgements

This report describes the physical and biological conditions of the **Land** and **Amenities** as of the _____ day of _____, 2018. It will be used as a baseline inventory to ensure the property is stewarded in accordance with the terms and conditions of this Covenant.

The area to which the Covenant will be applied is the entirety of the Land. The term *survey* used in this report is in reference to the baseline inventory survey, not a legal land survey.

The Legal Owner and the Covenant Holder hereby acknowledge and agree that the following is an accurate description of the Land and Amenities as of the reference date of this Agreement.

The Legal Owner and Covenant Holder also acknowledge this document is a summary of the Baseline Inventory Full Report that contains additional information, maps and photographs. Copies of the Full Report are held by each Party and may be viewed at

_____ and _____.

Signed by: _____ on behalf of the Legal Owner, on the _____ day of _____, 2018: _____ (signature)

and

Signed by: _____ on behalf of the Covenant Holder, on the _____ day Of _____, 2018: _____ (signature)

2.0 Contact Information

Legal Owner: Gabriola Commons Foundation, PO Box 94, 675 North Road, Gabriola Island, BC, V0R 1X0; e.mail: info@gabriolacommons.ca.

Covenant Holder: _____

3.0 Property Description, Zoning and Location

3.1 Legal Description

- Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 27281 (PID 002600994)

- Latitude: 49.172346, Longitude: -123.841431
- There are no existing rights-of-ways, easements or covenants attached to the title. Water rights are registered to the Gabriola Commons Foundation.
- The entire property of 26.51 acres (10.72 hectares) is to be protected by Covenant (see Appendix B Gabriola Commons Cadastral Map)

3.2 Zoning

The property is currently zoned “Gabriola Commons Comprehensive Development Zone” as shown in the Gabriola Island Official Community Plan (OCP) Land Use and Zoning Bylaws and is in the Agricultural Land Reserve (ALR), a British Columbia provincial zone in which agriculture is recognized as the priority use. Commons Agriculture and Commons Institutional uses are supported for this property, and zoning that specifies agricultural and institutional uses as principal permitted uses is supported by this Plan (see Section 12 below).

3.3 Location

The property known as the Gabriola Commons is located on Gabriola Island, one of the Gulf Islands in the Islands Trust Area, lying within Area B of the Regional District of Nanaimo. It is acknowledged to be on the unsurrendered land of the traditional Snuneymuxw territory.

The Land is located at 675 North Road, one of the main roadways of the island, and borders the Village Core Centre (as designated in the Islands Trust Official Community Plan). It is across the street from the Gabriola Elementary School and the local Highways Yard, and is adjacent to the Rollo Seniors Centre to the east, Huxley Park to the west and a residential area to the south. Appendix A shows the location of the Gabriola Commons as shown on the map of Gabriola Island.

4.0 Significance of the Land and Amenities

Gabriola Island lies within British Columbia’s rare Coastal Douglas Fir moist maritime (CDF mm) biogeoclimatic zone. The Gabriola Commons is a unique and distinct property on Gabriola. Stewarded as a Community Commons, it is a place where agriculture, ecological sustainability and community meet. The Official Community Plan (OCP) of Gabriola recognizes that the Commons exists in perpetuity as a legacy for the community. It is in the public interest to protect, preserve and steward the Land as a Community Commons.

The Land is in the Agricultural Land Reserve which exists to preserve agricultural land and to encourage farming in the Province of British Columbia (BC). The OCP highlights the importance of agricultural activities to the Gabriola community as they “contribute to the local economy, the Island’s rural character, and provide a visual open space benefit.” Agricultural objectives in the Official Community Plan (OCP) include preserving land with agricultural potential, protecting and encouraging agriculture conducted in conformity with recognized standards and codes of practice and acknowledging the importance of locally grown food.

The Covenant area slopes down from surface sandstone bedrock in the north to clay-based marshland in the south. Running diagonally through the Covenant area, the seasonal Goodhue Creek and its riparian area nourish a large man-made pond and contribute to the largest watershed area on the island. Sporadic use of the Land over the past century has left clearings along North Road and several farm buildings, including a former residence, concentrated in the north-east corner of the property.

The west half of the property has remained a largely untouched forest of diverse ecosystems reflecting the underlying nature of the soils and natural water systems. The Covenant area consists of the entirety of the Land.

4.1 Agricultural Significance of the Land

With particular reference to the Land, an OCP objective recognizes and encourages involvement in community agriculture and supports a range of uses related to agricultural on the Commons. Described as Commons Agriculture in the rezoning of the Land, these potential uses include harvesting and selling agricultural crops, raising livestock, processing and selling agricultural products and storing farm equipment. Further permitted agricultural uses of the Land include research gardens, community allotment gardens, a marketplace supporting local farmers, agricultural fairs and an approved community kitchen permitting community members to process locally grown produce. Specifically excluded is Industrial Agriculture, characterized by monocropping and dependent on the unsustainable use of artificial amendments, pesticides and herbicides.

An extensive soil survey of the Land in 2005 (see Appendix C) revealed two primary soil conditions: arid, infertile sand over bedrock (see Appendix D: Photo through typical vertical section) and deep clay over bedrock with a seasonal high water table hostile to most permanent planting. The results of the survey were unexpected, since the adjacent property to the south of the Land consists of extensive depths of peat and is being commercially farmed as a market garden. Late spring and early autumn frosts in the wetland area are a further challenge. In the face of these geophysical and climatic limitations, the principles of permaculture design, based on sustainable land use, encourage creative solutions in developing the agricultural potential of the Land.

4.2 Ecological Significance of the Land

The Covenant area lies within the overall bio-geoclimatic descriptor: Coastal Douglas Fir moist maritime (CDF mm) zone. This zone, one of the rarest of BC's 16 bio-geoclimatic zones, occurs only on the East Coast of Southern Vancouver Island, islands of the Salish Sea and small areas of the mainland of British Columbia (BC) (Islands Trust Conservancy, 2007).

The Islands Trust defines an ecosystem as a system of living species interacting with their non-living environment. Some ecosystems, identified as sensitive, rely on a delicate mix of species and conditions that are easily affected by human activities. "Sensitive ecosystems are rich in biodiversity and often rare. The islands in our region hold a disproportionate number of these sensitive ecosystems, due to the high density of especially rare species that seek sanctuary here and the challenges associated with residential development" (Islands Trust Conservancy, 2010, p. 1).

It is significant that the Land lies adjacent to the commercial centre of the island, with residential development to the south and institutional development to the north, across the main road (see Appendix A). The Land links a band of Douglas fir forests to the east and west and displays a diversity of ecosystems which have evolved with changing geological and climatic conditions, including occasional agricultural clearing over the past century. The need to protect the forested zone

is recognized as vital to the area as a whole, not only as a part of the landscape, but also as a wildlife corridor and habitat for plant and animal species which regulate climate, clean water, generate and clean soils, recycle nutrients and pollinate crops. It also offers opportunities for social well-being through recreation, education and research.

Within the Covenant area two sensitive primary ecosystems, Mature Forest and Wetland, have been identified by the Islands Trust, offering specific benefits to the environment and requiring protection. They are contiguous, providing ecological integrity to the Land.

- **Mature Forest** promotes connectivity across the landscape and acts as a buffer for adjacent sensitive areas. The biodiversity values of Mature Forests increase with age, meaning they can sustain rich communities of plants and animals that are dependent on their unique environment. Mycorrhizal fungi, forming symbiotic relationships with many forest plants, are considered to be the keystone of coastal Douglas fir forests.
- **Wetland** ecosystems exhibit high biodiversity, supporting fragile species with their specialized habitat, functions and connectivity. The freshwater pond provides a habitat for a broad range of organisms including aquatic plants, invertebrates, dragonflies, frogs, newts and stickleback fish. Resident beavers maintain the structure of the pond's clay walls. Surveys of the pond also reveal a population of racoons, muskrat, deer and a multitude of resident and migrating birds including Red-winged Blackbirds, Violet-green and Barn Swallows, Mallards, Bufflehead ducks and Great Blue Herons. There are occasional exotic visitors such as the Virginia Rail and Trumpeter swan.

It is essential to protect this rich biodiversity by preserving the integrity of multiple ecosystems on the Land. An awareness of this richness brings a corollary responsibility to take an active role in protecting it.

4.3 Significance of Multi-purpose Uses of the Land

While the development of the agricultural potential of the Land is recognized as a primary land use, the Agricultural Land Commission has recognized the existence of geophysical and climatic factors which affect the agricultural capacity of the property and has approved specified non-agricultural uses of the Land in distinct areas. These non-agricultural uses (further described in the zoning) include a diversity of Commons Institutional uses of benefit to the residents of Gabriola, creating opportunities for human interaction through cultural, recreational and educational activities, public assembly, indoor and outdoor gatherings, meetings and events. Use of space is also permitted for the stewardship and direction of activities on the Land and the provision of administrative space supporting other non-profit or not for profit enterprises. The amenities described in Section 9 are essential to the institutional multi-purpose use of the Land.

5.0 Land Use

5.1 History of Property

Gabriola Island lies in the traditional unsundered territory of the Snuneymuxw People. There is no evidence that the Land contains any archeological sites, but petroglyphs and middens elsewhere on the island attest to both seasonal and prolonged habitation, possibly over several thousand years. By the mid 1850s, European settlers had cleared land on the island for forestry, farming and residential

uses. Little is known of non-agricultural uses of the Land, beyond a small diatomaceous earth industry which flourished in the 1930s. The product was destined mainly for China to be used for many purposes (fine filter, polishing agent, stabilizer in the manufacture of dynamite, face powder for women). Later, unusually large Cascara trees on the Land were harvested for the production of laxatives.

Not as fertile as the adjacent properties to the south, the Land's agricultural use seemed to be limited to occasional homesteading, with lower areas sown as hay meadow. In 1967 the stage was set for the future of the Land as a community gathering space when it became the site for an international "Rainbow Gathering".

In the intervening years the Land became known as the Goat Farm, owned by James Brown and managed by Philippa Brown, for the production and marketing of goat cheese. It was one of the earliest commercial goat cheese plants in British Columbia. Land was cleared in the northeast corner to build a residence and three large farm buildings: a goat barn, cheese plant and woodwork shop. A deep well was drilled for potable water and a large pond, fed by Goodhue Creek, was created as a reservoir for an extensive irrigation system. Portions of the forest were cleared for grazing.

By 1997, the Goat Farm was for sale and a vision emerged of a public space belonging to the community as a whole. By 2005 the dream became a reality when a non-profit society, Amazing Grace Ecological Society (AGES), purchased the Land with a generous down-payment and invited the community to participate in creating what came to be recognized as a commons, owned by and for the benefit of the island community. By 2018 the balance of the mortgage was paid with donations from the community.

5.2 Current Use

There are currently multiple uses of the Land:

- **Agricultural:** Community gardens, local seed bank, mid-week farmers market, agricultural fairs, processing of market vegetables and fruit in community kitchen
- **Ecological:** Focussed study of the species within the various ecosystems on the Land to raise awareness of the need to preserve their biodiversity and interconnectedness, creation of trails as means of defining mindful access to the Land and control of invasive species such as Scotch broom and *Daphne laureola*
- **Community non-profit purposes:** Creating opportunities for human interaction through educational/interpretive/recreational activities, fund-raising events, stewarding the multiple aspects of the Commons, including community events, meetings, workshops and storage.

5.3 Stewarding the Land and Amenities is an important ongoing function of the Commons

5.3.1 Stewardship Goals

Every commons is defined within the parameters of a specific site and historic cultural background. The **Community Commons** on the Land is a unique balance between its agricultural value within the Agricultural Land Reserve, the intrinsic ecological value of the Land, and its cultural significance.

5.3.2 Stewardship Vision

The intent of the Covenant is to protect, preserve and steward the Land and the Amenities as a Community Commons through stewardship which involves balancing the needs of a working agricultural landscape with ecological protection and sustainable multi-purpose community use.

There are opportunities for energetic and creative community engagement in stewarding the shared resources and assets, while maintaining a process which is open, equitable and transparent. Though it is critical to an overall stewardship plan that the environmental, agricultural and community spaces be looked at as a whole, each aspect has particular stewardship requirements.

The primary land uses (agricultural, ecological and institutional) are central to design elements. The built environment is planned using building practices which follow principles of sustainability and ensure design elements and patterns achieve a visually pleasing, integrated public space.

5.4 Description of the Right of Access to the Land

Beyond the statutory right of way formally granted to the Covenant Holder, a significant aspect of the nature of the Commons lies in the right of general public access to the Land. Engaging in a wide range of activities (gardening, indoor and outdoor gatherings, meetings, community events and workshops) as well as developing an appreciation for the natural landscape, open night sky and features such as the labyrinth, requires a relatively unrestricted access to the Land.

Restrictions apply to areas identified specifically as ecologically sensitive (including seasonal protection of nesting birds) or protected during restoration or enhancement work. All future Stewardship Plans must pay attention to this right of public access to the land and participation in stewardship activities.

6.0 Physical Features

6.1 Topography: Geology and Soils

Sandstone bedrock underlies the Land, sloping from north to south. It belongs to the late-Cretaceous Nanaimo Group (specifically the Gabriola Formation approximately 65 million years old. There is evidence of glacial till, such as granodiorite erratics, from the ice ages ending about 12,000 years ago.

6.1.1 In the north half of the Land, the soils are identified primarily as Bellhouse:

- Dominant soil: channery sandy loam, colluvial and glacial drift materials less than 30 cm deep over sandstone bedrock and drainage well to rapid;
- Subdominant soil: sandstone bedrock exposed or covered by moss or mineral soil less than 10 cm thick; rock to 30% in a subdued and hummocky, often rocky terrain with a southerly aspect under grass and bedrock exposure at random.

The above description was confirmed in 2005, through an intensive inventory of the soils on the Land based on a grid of 30x30 metres. See Appendix C Soil Survey of Gabriola Commons 2005.

Granular and impoverished, the shallow soil in the north section lies over near-surface bedrock (see Appendix D Photo of the vertical cut through cliff behind Folk Life Village).

6.1.2 To the south, the lower half of the Land is an alluvial flood plain around a seasonal stream, with soils over the sandstone bedrock identified as:

- Metchosin: shallow organic soils over silty clay less than 100 cm and
- Fairbridge: less than 20 cm silty loam over diatomaceous earth greater than 5 cm deep over 150 cm spongy silty clay (montmorillonite) with poor drainage.

In the soil survey of 2005, the initial categorization of the soils in the southeast corner of the Land as Class 2 was based on an extrapolation from the deep reserves of peat known to lie under an adjacent property. The reality proved to be very different and corresponds to the Fairbridge description, although a band of approximately 10 metres running along the south property line offers further agricultural potential.

6.2 Hydrology, Climate and Agriculture

6.2.1 Water Courses (see Appendix B)

A major watershed on Gabriola includes Goodhue Creek, which runs into the Land from the north east and cuts diagonally into a man-made pond before exiting through a channel to the south. Excavated in 1980 with a potential volume of 800,000 gallons, the pond is an important source of water for irrigation as well as the basis for a rich ecosystem. An extensive system of water distribution had been created to pump water from the pond to irrigate low-maintenance landscaping, including a cedar hedge which surrounded the residence.

For the health of the ecosystem, the riparian areas along the creek and the pond are kept in a wild, unmanicured state with the exception of a narrow boardwalk bridging the creek at its entry point on the east to provide access to the south gardens. The fenced community allotment gardens established near the exit channel from the pond date from an early stage in the agricultural development of the Commons.

In the northwest corner of the Land, a natural swale funnels rainwater to the south, running above and below ground to seep into the wetland around the pond. A narrow channel was excavated in 1995 to receive the overflow from a pond on the adjacent land to the west, created to hold rainwater from the extensive roof system of the commercial centre in the Village Core.

A group of biologists and naturalists, including the local Streamkeepers, visit regularly the waterways on Gabriola Island, assessing fish habitat and presence, obstructions to fish passage and quality of the water. These Streamkeepers have included the Land in their assessment, keeping data on such indicators of health as turbidity, pH, temperature, dissolved gasses, coliforms in the pond.

6.2.2 Topography and Climate

In the higher areas along the north and west boundaries of the Land, the sandy or rocky gravel over shallow bedrock offers little capacity for water retention, whereas the deep reserves of clay in the

lower reaches create a flood plain in winter, with a high water table delaying the sowing of crops until late spring. From early fall to late spring the gardens near the pond are subject to severe frosts.

The open-textured structure of the montmorillonite clay surrounding the pond acts as a sponge allowing the overall water table to rise and fall with evaporation and irrigation usage. The level in the pond is closely monitored and, with the increasingly severe droughts in the summer and fall, the dropping level has brought an awareness that this is a finite source of water.

7.0 Agricultural Features

Traces of agricultural activity over the past century are still visible in the timothy and alfalfa among the wild grasses of earlier hay meadows in the south and in the clearings created in the upper woodlands to allow grazing for an expanding goat herd. Invasive plant species have taken hold in the clearings and adjacent woodlands and are in the process of being removed. Rusty remnants from earlier homesteading occasionally surface in the gardens. Appendix E shows a cluster of solid buildings in the northeast portion of the Land remaining from the goat cheese manufacturing enterprise in the 1980s. This includes a large house (converted to meeting rooms and offices), a woodwork shop, the former goat barn, a former cheese plant now remodeled into a Community Kitchen.

An extensive system of water distribution was created in the early 1980s to pump water from the pond to irrigate the low-maintenance landscaping that includes ornamental trees and shrubs along the entry driveway and the hedge, surrounding the residence. From 2005 to 2008, this irrigation system was extended to the various gardens. A well drilled in 1980 provides excellent drinking water.

7.1 Current Agricultural Use of the Land (see Appendix E)

Total area in agriculture: 1.8 acres (0.73 hectares)

7.1.1 Community Allotment Gardens

• North Gardens (in northeast section, area 0.45 acre)

General description: Reasonable sun exposure (partially shaded by Douglas firs).

Soil: Sandy, rocky loam with very rapid drainage, improved over 10 years with raised beds, mulching and amendments to soil. Subject to cyclical vole incursions.

- 25 + plots averaging 100 sq. ft. gardened by community members
- Plots gardened by Food Bank
- Dragon Gardens: gardened communally by elders, with raised beds and wide path-ways for wheelchair access
- Hazelnut grove and 4 plum trees

• South Gardens (in southeast section on lower flood plain, area 0.74 acre)

General description: Reasonable sun exposure, partially shaded by tall forest to east.

Subject to late spring and early fall frosts; high water table delays sowing until early summer

Soil: Originally thin loam over diatomaceous earth over 5 feet of clay (poor drainage).

Improved with raised beds, mulching and amendments. Heavy concentration of wire worm in early years

- 52 plots averaging 400 sq. ft. gardened by community members
- Area gardened includes compost bins, toolshed, moldering toilet and walkways

7.1.2 Commons Farm Team Gardens

- **Kitchen Garden** (central, area 0.115 acre).

General description: shaded by mature Douglas firs to southeast

Original soil: sandy, rocky, impoverished with very rapid drainage; improved with composting and mulching over ten years

- Diverse produce grown for community events, workbee soups, market sales including rhubarb, raspberries, strawberries, beans, peas, carrots, leeks, kale, asparagus, artichokes

- **Little Field** (south of the North Allotment Garden, area: 0.25 acre)

General description: Good sun exposure

Soil: mix of loam with heavy clay and glacial-till erratics. Slowly improving over ten years with intensive mulching, tilling and perpetual rock removal

- Crops grown largely for events and market: beans, potatoes, tomatoes, squash, cabbage, garlic, grains (wheat, oats, rye, barley, amaranth)

- **Orchard** (central, area: 0.26 acre)

General description: located on mid slope (shallow depth of soil in upper reaches)

Good sun exposure; mixed soils from sandy to clay

- 25 apple trees (Belle de Boscop, Red Gravenstein, Cox's Orange Pippin, Fuji, Northern Spy, Golden Transparent, King, Dolgo crab apple
- 1 Quince, Anjou pears, 2 olive
- 20 Haskap bushes; 110 blueberry plants
- 2 figs, 1 walnut planted outside fenced orchard

7.2 Agricultural Spaces and Structures

Fenced community allotment gardens, orchards and gardens growing food for workbees and events have emerged since 2005. The irrigation system with water originating in the pond extends to these gardens. Small structures serve as tool sheds, compost bins and greenhouses. A 320 sq. ft. equipment shed between the Orchard and the Kitchen Garden provides needed storage for large farm equipment and offers its south-facing roof for the installation of solar panels with a potential 5 kWatt of power.

8.0 Inventory of Natural Ecological Features. (see Appendix F Map of Ecosystems on the Land.)

Reference : "Gabriola Island Sensitive Ecosystem Mapping 2007." (Islands Trust and BC Ministries of the Environment, and of Forests and Range.)

8.1 Assessment Procedures

Several explorations of the Land by groups comprised of biologists, geologists and citizen scientists have revealed a rich diversity of ecosystems on the Land. Twenty-three polygons were identified, delimited by clear transition vegetation and given a code letter to permit in-depth surveys over time.

Twenty-three small inventory teams each adopted a polygon for study over 18-24 months, recording observations at different seasons. Professional wildlife biologists and botanists were available for consultation. Notes and photographs from these working groups are filed with the Full Baseline Report/Inventory.

8.2. Sensitive Ecosystem Inventory (Ward et al., 1998)

The Covenant area lies within the Coastal Douglas Fir moist maritime (CDF mm) zone, recognized as rare in British Columbia.

8.2.1 Within the broad CDF mm classification there are two primary ecosystems on the Land, recognized as sensitive and/or rare: Mature Forest and Wetland.

• Mature Forest (Older Second Growth Forest)

General Definition: Usually conifer dominated, occasionally deciduous; dry to moist forest types generally over 80 years old.

Subclass: 75% Conifer

- 50% is classified as mature forest (80 years old or more), with 75% coniferous vegetation (mainly Douglas fir with western red cedar)
- 40% is a secondary ecosystem (red alders, red huckleberry, dull mahonia, salal, sword fern)
- 10% is a tertiary ecosystem (described as wetland/swamp, with western red cedar, pacific crab apple, cascara, deer fern)

• Wetland

General Definition: Areas saturated or inundated with water long enough to favour vegetation and biological activity adapted to wet environments

Subclass: Swamp

- 60% is swamp with willows, hardhack, salmonberry, sedges and reed grasses
- 20% is a secondary ecosystem designated Non-sensitive Rural Residential, showing disturbance from human impact, including irrigation piping, fenced community gardens, a labyrinth, boardwalk and invasive species such as thistles, Queen Anne's lace and ox-eye daisy
- 10% is a tertiary ecosystem designated Freshwater

Subclass: Pond, more than 2 metres deep, with potamogeton and watershed; includes beaver lodge

- 10% is a tertiary ecosystem class designated **Shallow water transition**: i.e. flowing water less than 2 metres deep, no surface vegetation

Subclass: Riparian including a distinct ecosystem in the edges of Goodhue Creek, with willows, red-osier dogwood, cascara, salmonberry

Surveys of the pond reveal a healthy habitat for stickleback fish, newts, dragonflies, and frogs (including threatened red-legged frogs), as well as a muskrat, beaver, raccoons and seasonal presence of birds (including rare sightings of Trumpeter Swans and the Virginia Rail). A Great Blue Heron, listed by the Committee on the Status of Endangered Wildlife in Canada as vulnerable, stands guard over the main beaver lodge.

8.2.2 There are two secondary sensitive ecosystems on the Land: Woodland and Herbaceous.

• Woodland

General definition: dry open forest, usually between 10 to 30% tree cover, often mixed conifer and deciduous; shallow soils and bedrock outcroppings

Identified on the Land: mixed Douglas fir and Arbutus, with dull Mahonia, trailing blackberry and Oregon beaked moss

- **Herbaceous**

General definition: open, less than 10% tree cover; thin soils, bedrock outcroppings

Identified on the Land: shrub/herbaceous vegetation cover: grasses, snowberry, evergreen huckleberry, strawberry, Yerba buena, electrified cat's tail moss, lichens and rare orchids, such as Calypso and Coral roots

8.2.3 Transition species between ecosystems reflect the impact of rock and water in the underground setting: The Bald-Hip and Nootka roses mark the transition from the clay of the wetland to the dry rocky upland. Red alder with salmonberry generally signals moist, deeper soil. Willows can stand in water for much of the year.

8.3 Endangered or Invasive Species

8.3.1 Species considered as threatened or at risk in reports by the Committee On the Status of Endangered Wildlife In Canada (COSEWIC) have been identified on the Land:

- the Northern Red-legged Frog (*Rana aurora*), noted of special concern in 2015 as an indicator species of environmental health with its large spatial requirements
- the Pacific Great Blue Heron (*Ardea herodias fannini*), seen mainly in the southern portion of the Salish Sea, bluelisted in 2008 for declining numbers due to habitat loss and human disturbance.
- the Barn Swallow (*Hirundo rustica*), noted as threatened in 2011.

Several structures on the Land have become habitat for a wide variety of animal species recognized as vulnerable such as bats, Barn swallows (nesting under the eaves of the buildings and in the trusses of the woodwork shop) or the Brewer's blackbird (nesting in the hedge).

8.3.2 Invasive Species

From 2005 to the present the existence of two invasive species on the Land has been recognized as a critical concern: all forested areas harbour deep, impenetrable thickets of *Daphne laureola* while the herbaceous areas had been overcome by Scotch broom in some areas. A stewardship program was launched to eliminate these two species using continuous removal and monitoring has resulted in significant containment of both species. An assessment of the species' potential to increase in number and the implication of this is ongoing.

9. Inventory of Buildings, Structures and Other Physical Modifications (see Appendix E)

9.1 General Buildings and Structures

Early in the 1980s all traces of structures dating from earlier homesteading of the Land were removed to permit the construction of four buildings near North Road for the creation of a goat cheese enterprise: residence, barn, woodwork shop and cheese plant. All buildings were constructed and inspected to building codes of the time. Since 2005, all cedar or asphalt shingle rooves on the Commons have been replaced with high quality metal roofing.

9.1.1 Residence

In 1982, a 2-storey residence with a total area of 3200 sq. ft. was constructed near in the north east corner of the property. Solidly built and well insulated, with a 10 foot deck running the length of the south facade, it now serves as a space for meetings, gatherings and undertakings of many community

organizations. A 200 amp electrical panel was originally installed, along with a subpanel connected to a generator, with a secondary string of DC lighting for power outages. A 5 kWatt array of solar panels was installed on the south-facing roof in 2016.

A Red cedar hedge along three sides of the house provides privacy from the road and separation from the farm activities. A driveway gives access from North Road to the house. Located to the west of the hedge, three buildings form an inverted U-shaped unit which defines the space potentially enclosed between them (see Appendix B).

9.1.2 Goat Barn

One of the first structures to be built was a 2300 sq. ft. high-ceilinged barn for the shelter, milking and birthing of the goat herd. Reinforced concrete foundation walls eight inches thick extend to four feet above the adjacent grade. These have been sounded by structural engineers who approved both the condition and spacing of the reinforcing. Manufactured roof trusses were designed to exceed the structural requirement for agricultural buildings. A 200 amp electrical panel has been installed to service the structures in the centre of the Land.

9.1.3 Community Kitchen

In 1983, a 1200 sq. ft. facility was constructed on the Land for the commercial production of goat cheese, satisfying fully the regulations of the Island Health Authority at the time, with hot water radiant heat in the concrete slab floor and a separate doubly-insulated room for refrigeration. This former cheese plant has undergone substantial changes to become an approved Community Kitchen available to community groups. Regular tests continue to affirm the high quality of the well water.

9.1.4 Multi-Purpose Shop

A 1000 sq. ft. insulated shop is outfitted with essential tools for woodworking and maintenance. A 200-amp electrical panel installed in the shop serves the energy needs of the shop and powers the deep well pump.

9.1.5 Current Multi-purpose Structures

- A one and one-half floor timber frame structure was donated and erected on the Land in 2008 by the Gabriola Island School of Building Arts. It serves to shelter various community events such as a mid-week market during the summer.
- A central equipment shed (320 sq. ft.) needed for the storage of large farm equipment is also serving to support a second 5 kW ground-mounted solar array. This fulfills three goals: to explore and promote alternative energy sources for Gabriola Island, to limit the erection of structures on the Land, and to supplement electric energy for the Commons.
- Small structures have been built to serve as tool sheds, greenhouses and compost bins. A 3-bin composting facility receives the compostables from the local grocery store, turning former garbage into valuable earth.
- A 28-foot diameter yurt installed in 2011 on concrete piles as a temporary structure is used by the community for cultural events and workshops.

- A classic Cretan labyrinth was created on a clearing between the orchard and the pond, near a path accessing the wild ecosystems on the Land. Memorial benches offer space for meditation.
- A boules court, located between the Community Kitchen and the Timber Frame, is a simple rectangle surfaced with gravel and available for use by the community at weekly games.

9.2 Modifications to the Land - Roads and Trails

9.2.1 Vehicular Access

To accommodate the vehicular presence on the Land, several areas have been cleared and surfaced with permeable material to permit safe off-street parking required for access to community events.

Three points of vehicular entry exist along the 900 feet of North Road:

- one to the east, giving access to the house
- one centrally located, providing general parking and access to all utility buildings
- one to the west providing additional parking with access to recent structures and trails through the forested areas.

A fourth entry, in the south east corner of the Land off Redwood Road, provides direct access to the South Allotment Gardens and to a pathway with boardwalk to the upper reaches of the Land.

9.2.2 Trails

To preserve the integrity of the natural area while still inviting walking access to enhance people's awareness of and respect for nature, there are two kinds of trails on the Land: primary, marked trails intended to protect the environment through which they pass and minimal secondary trails to provide access to and through the Land for scientific study.

The primary trails are:

1. Main Trail, which runs diagonally across the Land, connecting the residential neighbourhoods in the south east to Gabriola's Village Core in the north west (see Appendix A)
2. Upper Trail, which links the facilities along North Road to the gardens, viewpoints and special features
3. Circle Path, which leads through the major ecosystems on the Land, from Red cedar groves to Cascara and Skunk cabbage swamps and back through Red Alder groves and a Labyrinth to open grasslands with Yerba buena and Mahonia.

A central entry path off North Road, focussed on a tall landmark Arbutus, allows people to avoid cars entirely when they come to explore the trails.

9.3 Utilities

Overhead connections to transformers on North Road give access to the electrical grid for three 200-amp panels. Infrastructure supporting solar power projects has also been installed:

- A potential of 10 kWatt of solar energy is tied in to the grid under the net metering agreement with BC Hydro through an array of solar panels on the roof of the house, connected to its electrical panel, and a solar panel array on the Equipment Shed, connected to the panel in the Woodwork Shop via an underground line.
- Vacuum tubes on the south face of the Community Kitchen use solar energy to preheat hot water through a heat exchanger in the Kitchen.

See Appendix E for roads, trails, parking lots and utility lines

9.4 Excavations and Soil Removal

There is no evidence of any past removal of soil, gravel or other material from the Land. The excavation of the pond in the early 1980s was a major modification, with the clay transferred to amend the upper sandy soil.

9.5 Contaminants, Garbage and Pollution Sources

Minor traces of garbage buried during early homesteading were found in 2005 and 2006, but not since. No traces of pollution or contaminants have been detected.

9.6 Vegetation Modification and Removal

In 2004, old-growth Douglas firs (36" - 48" in diameter) were removed at the edge of North Road, leaving the stumps. Young Douglas firs began growing vigorously in the areas which had been cleared for grazing by the goats. Where they shade areas used for growing food they are gradually removed.

Invasive vegetation (*Daphne laureola*, Scotch broom and Holly) is removed in an ongoing endeavour. Invasive Hawthorn bushes are expanding on the Land and under scrutiny.

10.0. List of Appendices

A: Map of Gabriola Island identifying location of Gabriola Commons.....	p. 17
B: Cadastral Map of Gabriola Commons incl. Water courses and Contours.....	p. 18
C: Soil Survey of the Gabriola Commons (2005)	p. 19
D: Photo showing typical section through Bellhouse soil.....	p. 20
E: Map of Gabriola Commons showing Agricultural and Institutional Features....	p. 21
F: Map of Principal Ecosystems on Gabriola Commons.....	p. 22

11.0 References

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Acknowledgements:

Nick Doe for generous information on the geology of the Gabriola Commons

Hank Sirlin for his painstaking analysis of the soils collected in 2005

Christine McKim (csm perspectives) for her detailed surveying of the Land

12.0 Gabriola Commons Land Use: Permitted Accessory Uses

Commons Institutional means the provision of special purpose services including educational and interpretive activities, without the purpose of gain, provided by non-profit or not for profit enterprise for the benefit of residents of Gabriola Island, and includes skateboard park structures;

Commons Accessory Commercial means commercial activity that is ancillary, secondary and exclusively devoted to a principal use, and that is intended solely for the benefit and support of community initiatives and community organizations based on the property;

Commons Accessory Food Depot means an establishment for the distribution of food produced on the property or obtained from off the property for distribution to the public at no charge;

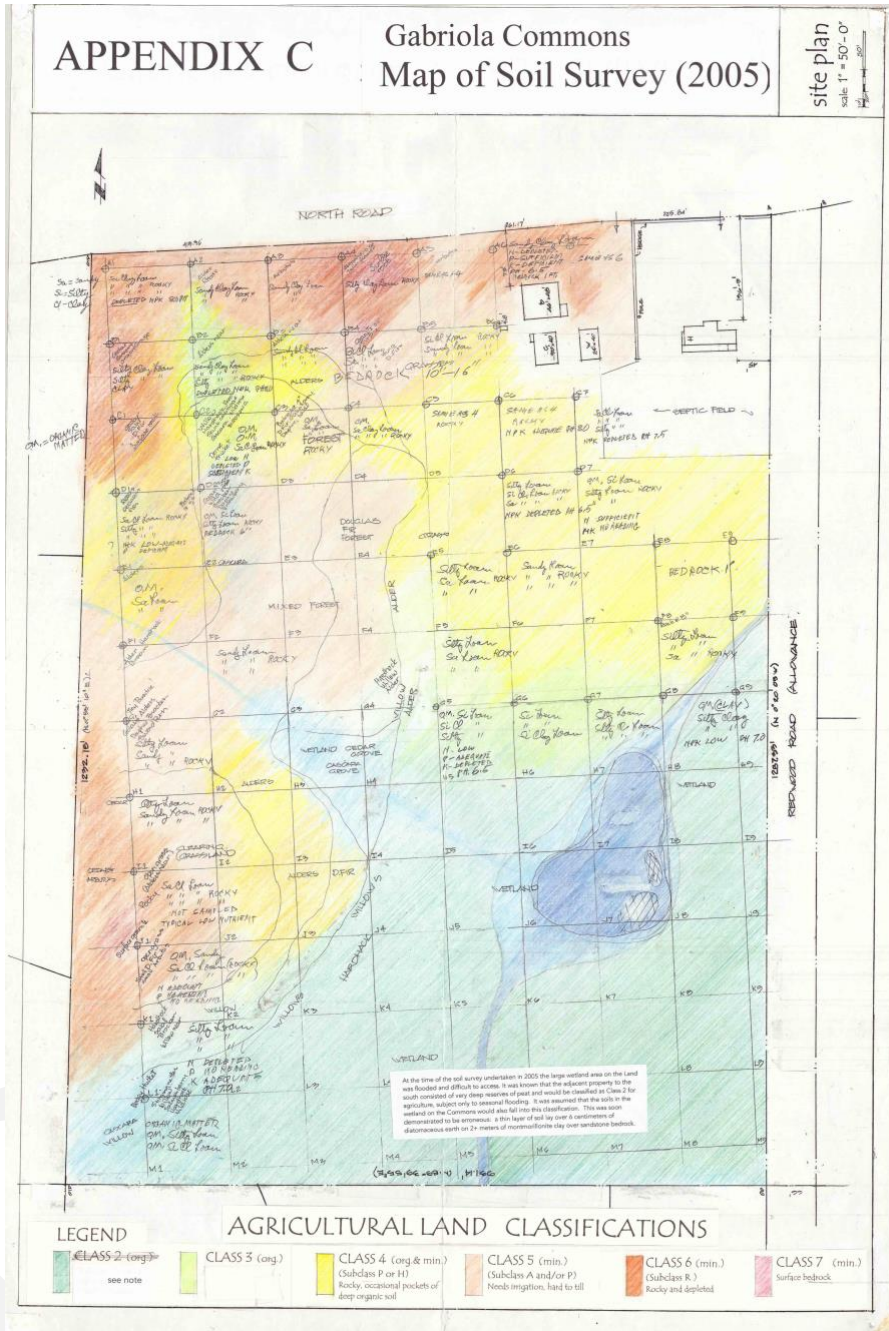
Commons Accessory Office and Storage means space identified for the management and direction of activities on the parcel and the provision of administration space for other non-profit or not for profit enterprises, including the storage of materials necessary for conducting activities on the parcel, but excludes such uses as retail sales, manufacturing, and professional services;

Commons Accessory Public Assembly means indoor and outdoor gatherings, meetings, and events and includes infrastructure necessary to support these activities, such as washroom facilities, dining hall space, and institutional kitchen facilities;

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APPENDIX B Gabriola Commons	Cadastral Map (showing watercourses and contours)
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Appendix D Photo of vertical section through Bellhouse soil structure

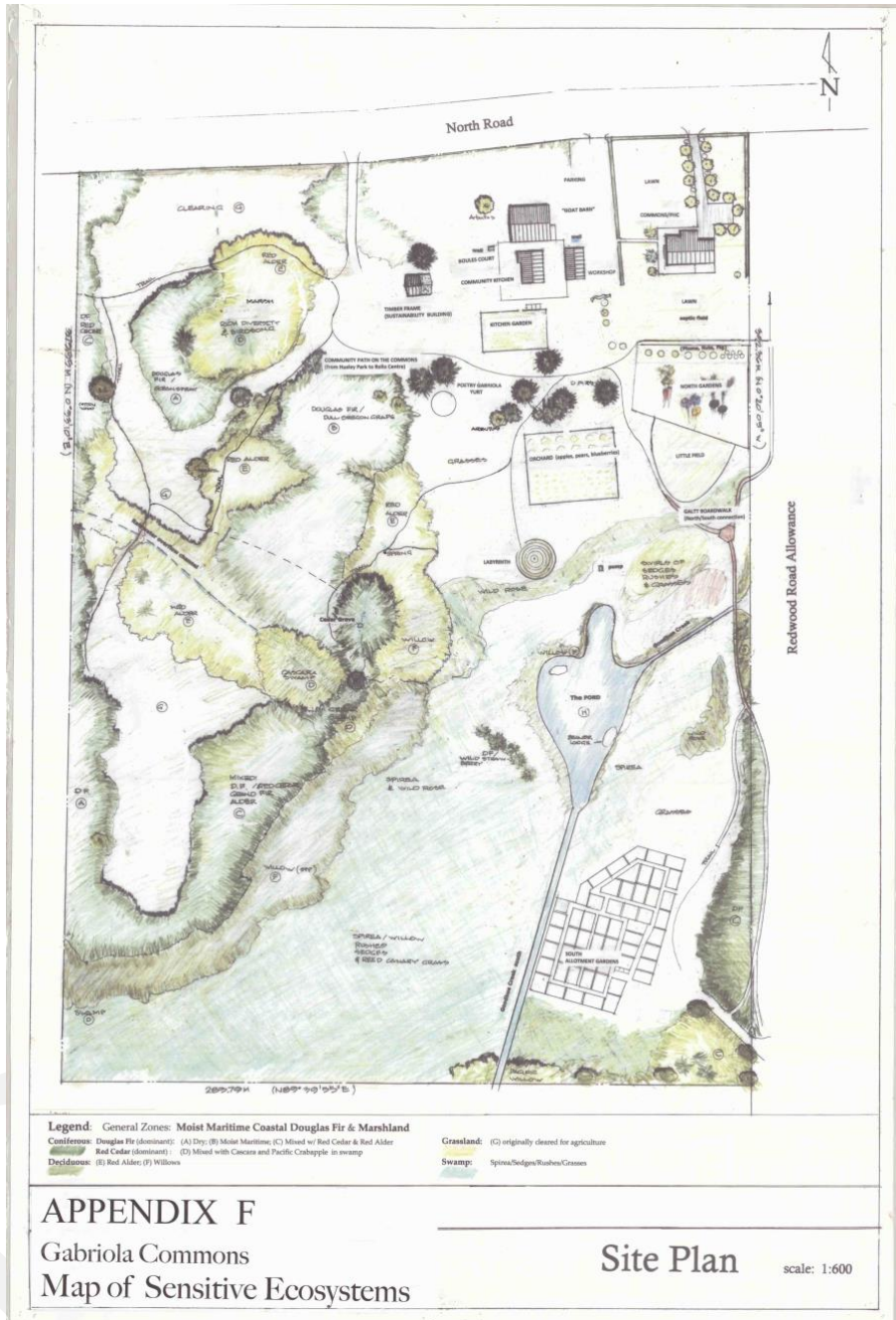


APPENDIX E Map showing Agricultural and Institutional uses

Gabriola Commons



Inventory of Agricultural Features		Inventory of Institutional Features (for multi-purpose events on the Commons)	
<p>Gardens</p> <p>A-1 South Allotment Gardens in southwest corner of the Commons</p> <ul style="list-style-type: none"> - 25 plots of 400 square feet - irrigation systems with standpipes throughout garden - deer proof fencing - tool shed, mulching table, compost bins and pergola <p>A-2 North Allotment Gardens</p> <ul style="list-style-type: none"> - 20 plots from 20 to 100 sq ft (including Dragon Garden) - irrigation systems with standpipes - deer proof fencing - 2 greenhouses, 2 tool sheds, compost bins and pergola <p>A-3 Kitchen Gardens (near Community Kitchen)</p> <ul style="list-style-type: none"> - mulch gardening for events and market sales - perennial asparagus, raspberries, herbs, figs - deer proof fencing - central irrigation standpipes - compost bins <p>A-4 Latta Field</p> <ul style="list-style-type: none"> - market parking for events and market sales (includes large scale growing of beans, asparagus, garlic, potatoes) - fencing, irrigation projects <p>A-5 Orchard</p> <ul style="list-style-type: none"> - apples, hazelberries, plums, olives, quince, huckleberries - fencing and irrigation projects 	<p>Supporting Infrastructure:</p> <ul style="list-style-type: none"> I-1 Irrigation System Pump and piping distributing water from pond to all gardens I-2 Equipment shed (tools, sensors, cycles) P-1 Parking Lot SW - headwork connection between gardens CK Commercial Kitchen (produce for products) TF Timber Frame Structure (customer market) P-2 Parking Lot 	<p>Supporting Infrastructure:</p> <ul style="list-style-type: none"> Electrical systems 1-200 amp system 2 solar arrays providing 10 kW power P-1 and P-2 Parking lots 	<p>Inventory of Institutional Features (for multi-purpose events on the Commons)</p> <ul style="list-style-type: none"> House - 2 story structure providing space for meetings, dancing, music, planning - Lower floor currently houses Paul Bialik Hall - 2200 square feet providing space for large events Woodwork Shop <ul style="list-style-type: none"> - portable water system (connected to deep well pump, water filtering, generator for power outages) - repair and maintenance of all facilities - retail space for community members - pottery studio - woodshop Community Kitchen <ul style="list-style-type: none"> - retail space for community members - general events concourse - woodshop Timber Frame <ul style="list-style-type: none"> - centre of outdoor events at the Commons Vat <ul style="list-style-type: none"> - community use (dances, music, yoga) Labyrinth <ul style="list-style-type: none"> - space for meditation Buckin Court Trails



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Schedule B: Gabriola Commons Stewardship Agreement

DRAFT October 17, 2018

THIS AGREEMENT dated for reference [insert date] is

BETWEEN:

Gabriola Commons Foundation, PO Box 94, 675 North Road, Gabriola Island, BC. V0R 1X0

AND:

Name and address of covenant holder

(collectively, the “Parties”)

BECAUSE:

A. The **Legal Owner** is the registered owner in fee simple of the **Land**;

B. The Gabriola Commons binds the land and the people in a vibrant, affirmative and synergetic relationship. The land provides gifts of nature and is the source of diversity, abundance and well-being. The integrity of the land is sustaining and restores in people purpose, belonging and commitment.

The land anchors the community in local geography, history and a set of traditions. The community cares for and stewards the land with deep knowledge, imagination and responsibility so its living systems can flourish.

The Gabriola Commons is an entrusted and emergent commonwealth passed on in perpetuity to future generations. It is centered in a global commons resurgence that offers an ethics of sufficiency, self governance, ecological resilience, social equity and cultural connection to a beloved landscape.

C. The stewardship and use of the Land will protect and preserve the Land and **Amenities** as a **Community Commons**;

D. The Owner has granted the **Covenant Holder** a covenant pursuant to S. 219 of the Land Title Act, respecting the protection, preservation, and stewardship of the Land and the Amenities and a statutory right of way pursuant to S. 218 of the Land Title Act;

E. The Parties agree that the Land will be stewarded in accordance with the terms of the **Covenant** and this Agreement;

The Covenant requires the Parties to enter into a written Stewardship Agreement for the stewardship of the Land;

NOW THEREFORE in consideration of the payment of \$2.00 by the Covenant Holder to the Legal Owner, the receipt and sufficiency of which is acknowledged by the Owner, and in consideration of the promises

exchanged below, the Owner, and the Covenant Holder agree as follows:

1. DEFINITIONS

In this Agreement:

- 1.1 *Amenities* means the ecological, agricultural and multipurpose use features relating to the Land.
- 1.2 *Baseline Report* means the baseline documentation that describes the Land and the Amenities in the form of text, maps, and other records of the Land and the Amenities as of the date of registration of this Agreement, a copy of which is on file with each of the Parties at the addresses set out in Section 12.
- 1.3 *Commons Coordinating Council* means the shared governance stewardship structure with ongoing responsibility to hold the Gabriola Commons as a Community Commons in trust for current and future generations, to uphold the practices and protocols determined by the participants and to ensure the mutual interests of all participants are represented.
- 1.4 *Community Agriculture* means multi-functional agricultural uses of the Land shared by a community of users whose focus is local cooperative food production using sustainable practices.
- 1.5 *Community Commons* means the Land and Amenities to be used by the community through practices of shared responsibility that provide the community with agricultural, environmental and social benefits on a sustainable basis, while excluding for-profit commercial enterprises.
- 1.6 *Covenant* means the covenant agreement between the Owner and [insert name of covenant holder] to which this Agreement is attached.
- 1.7 *Covenant Holder* means XXX and includes its permitted successors and assigns.
- 1.8 *Covenant Purposes* means the purposes set out in Section 3 of the Covenant;
- 1.9 *Land* means the parcel of land legally described as Lot 1, Plan VIP27281, Section 19, Land District 32, Gabriola Island (PID 002-600-994).
- 1.10 *Legal Owner* means the Gabriola Commons Foundation and includes any successor of the Legal Owner.
- 1.11 *Multi-purpose use* means educational and interpretive activities, the distribution of food produced on the property at no charge, space for the management and direction of activities on the Land and the provision of administration space for other non-profit or not for profit enterprises, including the storage of materials, indoor and outdoor gatherings, meetings, and events except where specifically restricted in this Agreement.
- 1.12 *Stewardship means* the action of caring for and sharing responsibility for the Land and Amenities.
- 1.13 *Stewardship Plan* means a document in which the Parties agree to long-term stewarding of the Land and is guided by the usages and practices of a community commons, an overview of which is

attached to this Agreement as Schedule A: Stewardship Plan for the Protection and Preservation of the Gabriola Commons.

1.14 *Stewardship Team* means the group of individuals and representatives entrusted with implementing and overseeing the periodically reviewed and revised Stewardship Plan.

1.15 *Successor* means any non-profit society or group that, any time after registration of this Agreement, becomes an owner of the Land.

2. GRANT OF LICENSE

This section does not grant any property right or interest in the Land and the non-exclusive contractual license created by this section is only for the purpose of enabling stewardship rights and obligations under this Agreement.

3. STEWARDSHIP AND USE OF THE LAND

The Owner and the Covenant Holder agree that the Land must be stewarded:

- (a) according to the terms of the Covenant;
- (b) according to the terms of this Agreement;
- (c) according to the terms of the **Stewardship Plan**;
- (d) according to the terms of the **Baseline Report**;
- (e) only for the **Covenant Purposes**, and
- (f) subject to all applicable laws, statutes, bylaws, regulations, orders and directives.

4. TERM OF THIS AGREEMENT

This Agreement starts on the reference date noted above and runs with the Covenant.

5. STEWARDSHIP VISION AND GOALS

Subject to Section 3 the concept of **Stewardship** is central to the ethos of the Gabriola Commons “where land and people meet”.

6. STEWARDSHIP PLAN

6.1 The creation, review and revision of a Stewardship Plan for the Land and Amenities shall be initiated by the Legal Owner.

6.2 The Stewardship Plan shall include goals, objectives, operational and fiscal guidelines, and planning in accordance with maintaining and sustaining a Community Commons.

6.3 The Stewardship Plan shall ensure public notification, reception and consideration of paper or electronic input, open consultative meetings, and a public record, begun within 90 days of activation.

6.4 The Stewardship Plan shall be reviewed and revised at least once every three (3) years.

6.5 Each Stewardship Plan shall be signed by representatives of the Legal Owner and the Covenant Holder.

6.6 The Legal Owner must consult with the Covenant Holder regarding any proposed substantive change to the Land as referenced in the Stewardship Plan.

7. STEWARDSHIP PLAN IMPLEMENTATION

7.1 Once the Stewardship Plan is approved and adopted, the **Stewardship Team** is mandated to implement the Plan.

7.2 A duly constituted Stewardship Team shall be determined by the **Commons Coordinating Council**.

8. STEWARDSHIP COSTS

8.1 The Legal Owner retains all responsibilities and bears all costs and liabilities related to the legal ownership, use, occupation and maintenance of the Land

8.2 The Covenant Holder bears all costs for monitoring and enforcement.

8.3 Costs associated with implementing the Stewardship Plan and the Plan's operational and maintenance costs are determined and set out in each version of the Plan.

9. INDEMNIFICATION

The Owner and the Covenant Holder are released from any claim, right, remedy, action, cause of action, loss, damage, expense or liability against the Owner and Covenant Holders in respect of this Agreement or its performance or breach.

10. INSURANCE

The Owner agrees to obtain and maintain in effect throughout the term of this Agreement, public liability insurance against liability to anyone for personal injury, death, property loss and property damage. The insurance must be underwritten by an insurance company licensed in British Columbia.

11. ASSIGNMENT

The Owner and Covenant Holder may not assign this Agreement or sub-contract any of its rights or obligations under this Agreement.

12. NOTICE

12.1 Any notice or other communication required under this Covenant shall be in writing and shall be:

12.1.1 sent by registered mail addressed to the Parties at their respective addresses set out in Section 12.2, and

12.1.2 sent to the Parties using electronic means specified in Section 12.2, followed by a copy sent by ordinary mail as set out in Section 12.2.

12.2 The addresses and contact information of the Parties for notice are as follows:

To the Legal Owner, the Gabriola Commons Foundation:
 Postal Address: PO Box 94, 675 North Road, Gabriola BC V0R 1X0
 Electronic Address: info@gabriolacommons.ca

To the Covenant Holder: XXXX:
 Postal Address: YYYY
 Electronic address: ZZZZZ

12.3 Each Party agrees to give notice immediately to the other Party of any change in its addresses or other contact information from those set out in Section 12.2.

12.4 When notice is sent by registered mail, it shall be deemed to have been received on the seventh business day following the day on which the notice was sent. When notice is sent electronically, it shall be deemed to have been received on the day following transmission of the notice.

13. NO LIABILITY IN TORT

This Agreement creates only contractual obligations. No tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind in connection with this Agreement and to limit the parties to their rights and remedies under the law of contract.

14. WAIVER

14.1 An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

15. INTERPRETATION

15.1 This Agreement is comprised of the recitation of the parties, the recitals to this Agreement, and the Schedules to this Agreement.

15.2 In this Agreement:

15.2.1 Every reference to a party is deemed to include successors, assigns of such parties wherever the context so requires or allows; and

15.2.2 The headings are inserted for reference and convenience only and must not be used to construe or interpret the provisions hereof.

16. SEVERANCE

If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding, or by the severance of that part.

17. NO OTHER AGREEMENTS

This Agreement is the entire agreement between the parties regarding its subject.

18. ENUREMENT

18.1 This Agreement binds the parties to it and their respective successors.

18.2 As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement.

APPENDIX A

Stewardship Plan for the Protection and Preservation of the Gabriola Commons

For the time period _____ to _____

This Stewardship Plan has effect through the statutory covenant entered into with the Covenant Holder registered by the _____ (Registration Number _____).

The statutory covenant is registered over the **Land** and is binding on future owners. The **Legal Owner** and **Covenant Holder** to this agreement are:

The Gabriola Commons Foundation

And

Covenant Holder

1. GENERAL PROPERTY DETAILS

1.1 Property Name and Ownership Details

Property Name: Gabriola Commons

Legal Owner: Gabriola Commons Foundation

1.2 Real Property Description

Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 27281 (PID 002600994)

1.3 Area of Property and Covenanted Area

Total property area 26.51 acres (10.73 Hectares)

Total area protected by covenant 26.51 acres (see attached map – Page #)

2. PROPERTY DESCRIPTION, LAND USE AND ATTRIBUTES

2.1 Permitted Uses of the Land

The Land is designated Agricultural Land Reserve (ALR). The Agricultural Land Reserve is a British

Columbia provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.

ALR land is the responsibility of the BC Provincial Agricultural Land Commission (ALC), an independent administrative tribunal dedicated to preserving agricultural land and encouraging farming in British Columbia.

The Land is zoned “Gabriola Commons – Comprehensive Development Zone” (Islands Trust – Gabriola Official Community Plan (OCP) – Consolidated Version July 2015).

The zoning is included in the Official Community Plan - Section 5: Agriculture. The Land is recognized as a unique and distinct property on Gabriola. Managed as a Community Commons by a community-based association, it is a place where sustainability, community and agriculture meet. The Gabriola Commons is intended to exist in perpetuity for the benefit of the community, a community legacy serving community needs.

The permitted principal uses are Commons Agriculture and Commons Institutional and the Gabriola Land Use Bylaw for the Land regulates uses, buildings and structures, siting requirements, coverage and maximum floor area for the principal and accessory uses.

Community agriculture and institutional uses are supported for this property, and zoning that specifies agriculture and institutional uses as principal permitted uses is supported by this Plan. The institutional uses permitted will include non-profit and not-for-profit enterprises that provide services of benefit to the residents of Gabriola. Educational uses also fall under the definition of institutional. It is intended that the Commons will be a place for learning about agriculture, food production, and sustainability practices (Gabriola Island Official Community Plan, 2015 & 2016).

2.2 Land Description

High rocky ridges near north and west edges of the Land dominantly podzolic soils; from Bellhouse bedrock with shallow sandy overburden and glacial drift, draining rapidly, sloping down to Fairbridge or Cowichan soil (shallow loam over marine deposits over deep silty clay with high ground water levels and poor drainage). The major Hogan Lake watershed crosses the land with Goodhue Creek, swale-formed, flowing from east into excavated pond and exiting to south.

2.3 Agricultural Attributes

There are two main agricultural zones, following topography:

- Poor to medium soil nutrient regime in dry soil with rapid drainage;
- High and medium bench floodplain (poor to medium soil nutrient regime over deep clay with poor drainage (frost pocket).

2.4 Ecological Attributes

There are two zones in the covenanted area: Coastal Douglas-Fir (CDF) and Coastal Western Hemlock (CWH), with dominant subzones (both identified as sensitive ecosystems):

- CDF Moist Maritime (w/Ocean Spray, Salal, Kindbergia)
- CWH Moist Maritime (w/Alder, Red Cedar, Sword Fern)

2.5 Multi-Purpose Attributes

As stated in the Gabriola Official Community Plan (OCP), the Land may be used for non-profit and not-for-profit enterprises that provide benefit to the community without purpose of private gain or commercial profits.

Provision of administration space for other non-profit or not for profit enterprises is permitted and includes the storage of materials necessary for conducting activities on the Land.

Public assembly, indoor and outdoor gatherings, meetings, and events for the benefit and use of the public are all permitted. The provision of special purpose services includes educational and interpretive activities.

3. ELEMENTS OF SIGNIFICANCE

3.1 Agricultural Significance

The Land is in the Agricultural Land Reserve which exists to preserve agricultural land and to encourage farming in the Province of BC.

Agricultural activities are considered to be important to the Gabriola community as they contribute to the local economy, the Island's rural character, and provide a visual open space benefit.

Agricultural objectives in the community plans include preserving land with agricultural potential; protecting and encouraging agriculture conducted in conformity with recognized standards and codes of practice; and recognizing the importance of locally grown food.

With particular reference to the Land, an OCP objective recognizes and encourages involvement in Community Agriculture and supports a range of agriculturally-related uses on the Land.

The Land is a place for learning about agriculture, food production, and sustainability.

3.2 Ecological significance

The Covenant Area includes two sensitive ecosystems identified by the Islands Trust mapping and designation: Wetlands/Marshland and Moist Maritime Coastal Douglas Fir zones.

The Coastal Douglas Fir Zone, one of the rarest of BC's 16 biogeoclimatic zones occurs only on the East Coast of Southern Vancouver Island, islands of the Salish Sea and small areas of the BC Mainland.

The riparian area and stream are parts of a continuous waterway running through the property from and to neighbouring properties. The Land is located in the largest watershed area on Gabriola Island.

Considerable biodiversity exists within the ecosystem including: woodland (open forest); woodland (open mixed conifer/deciduous); herbaceous; freshwater pond; freshwater stream; riparian area.

Endangered, rare or threatened species and habitat are found in the Covenant Area and designated as red or blue listed.

3.3 Social and Cultural Significance

The Gabriola Commons is an ongoing reciprocal relationship between the Land and the people of Gabriola that is interdependent and contributes to the common good and education of the community.

The Land is held in trust for the community and that trust is grounded in effective and vigorous stewardship rooted in community vision, use and sense of place.

4. VISION FOR THE STEWARDSHIP PLAN

4.1 The intent of the Plan is to protect, preserve and steward the Land and the Amenities as a Community Commons.

4.2 Stewardship involves balancing ecological protection, a working agricultural landscape and multi-purpose community use. Stewardship pays attention to the right of public access to the land and participation in stewardship activities. Public restrictions only apply to ecologically sensitive areas and from time to time areas off limits due to restoration or enhancement work.

4.3 The stewardship of the shared resources and assets is open, equitable and transparent. There are opportunities for creative and substantial community engagement.

5. PRINCIPLES FOR THE STEWARDSHIP PLAN

5.1 Stewardship is rooted in committed engagement of people with the land, paying both objective and empathetic attention to shifting conditions and the needs arising from these such as the need to limit its use or pursue remedial action.

5.2 It is critical to an overall stewardship plan that the environmental, agricultural and community spaces are looked at as a whole.

5.3 The Baseline Report provides the benchmark against which to measure changes in the land and its features. It describes the existing state of the Land, its flora, fauna, natural and agricultural features and amenities at the time the covenant is placed on the land.

6. GUIDELINES FOR THE STEWARDSHIP PLAN

6.1 Guidelines for stewardship of the agricultural use of the land:

- *uphold Community Agriculture*
- *promote agricultural education*
- *enhance food security*
- *protect agricultural land*
- *promote farming*

6.2 Guidelines for the stewardship of the environment:

- *strengthen the ecological integrity of the Land*
- *protect sensitive ecosystems*
- *maintain biodiversity*
- *cultivate deep knowledge of the land*
- *eliminate invasive species*

6.3 Guidelines for the stewardship of community space use (indoors & out):

- *Ensure the community benefits of the buildings, the gathering places (indoors & out) by balancing the widest possible range of permitted community use with quiet peaceful sanctuary*
- *Maintain buildings and infrastructure to safety and accessibility standards*
- *Ensure the built environment is mindfully and carefully planned using best building practices and principles*
- *Integrate design elements and patterns to achieve a visually pleasing, beautifully integrated public space*
- *Ensure compliance with ALC approval of “non-farm” uses*

6.4 Without limiting the generality of Sections 6.1, 6.2 and 6.3, the Stewardship Plan addresses:

6.4.1 The condition of the Land and degree of alterations at time of covenant registration

6.4.2 Pertinent Government Regulations

6.4.3 The Islands Trust Official Community Plan: Development Permit Areas for Riparian Area Protection

6.4.4 Agricultural Land Commission

6.4.5 Climate Change Considerations

All future stewardship plans for the Covenant must include consideration of the impacts of climate change and plan for adaptation and mitigation efforts to preserve and protect the ecological values of the land.

6.4.6 Social and Human Impact Considerations

The unique blend of the Land and people in ongoing relations of interaction poses a unique stewarding challenge. This requires a willingness to limit the scale and/or pace of human activity on the Commons so as to remain within the carrying capacity of both the land and the social infrastructure.

7. Strategies for the Gabriola Commons Stewardship Plan

7.1 Agricultural Stewardship Strategies

Objective: To encourage community agriculture that supports a range of agriculturally-related uses on the land.

Strategies for successive stewardship plans to meet the objective include:

- *Promote agricultural knowledge and importance of locally grown food.*
- *Pursue sustainable agricultural practice.*
- *Prepare periodic inventory of agricultural areas.*
- *Assess and review scale of agricultural activities to meet ALC agricultural and farming requirements.*

- *Prepare and apply maintenance and repair plans for agricultural buildings, structures and infrastructure.*

7.2 Ecological Stewardship Strategies

Objective: To protect sensitive ecosystems and biodiversity of the land as identified in the Baseline Report.

Strategies for successive stewardship plans to meet the objective include:

- *Review inventory of the flora and fauna*
- *Identify features or areas that are degrading*
- *Restore ecological features that have suffered degradation and can be enhanced through restorative actions*
- *Maintain the Land and its Amenities to ensure ongoing protection*
- *Regularly monitor the land to ensure compliance with the provisions of the ecological values of covenant*
- *Protect watercourses and riparian areas that meet or exceed Riparian Areas Regulations*
- *Ensure that work undertaken in any part of the ecological areas is done in a manner that causes the least amount of disruption.*

7.3 Multi-purpose Stewardship Strategies

Objective: To provide community benefits and enjoyment of indoor and outdoor space for social, recreational and cultural purposes.

Strategies for successive stewardship plans to meet the objective include:

- *Prepare and apply maintenance and repair plans for buildings, structures and infrastructure.*
- *Address safety and security issues*
- *Reflect mindful planning for integrated public space in all design elements.*
- *Pursue synergy between buildings and outdoor space.*

7.4 Successive Plans require a detailed budget attached to the Plan that outlines projected revenues and expenses for the time of the Plan and identifies in detail the human and material resources required to carry out the Plan.

8. Administrative Provisions

For details regarding release and indemnity, waiver, default, and settlement of disputes, refer to general provision in the statutory Covenant.

9. Map of Covenanted Area

See attached plan of Land and Amenities which are covered by the Covenant.

10. Reference

Gabriola Island Official Community Plan (Consolidated Version, July 2015). Section 5.3: Agriculture; Agriculture Objectives 5.3.3, Agriculture Policies Section 5.3.i. Gabriola Island Land Use Bylaw (Consolidated Version, November 2016) – D.2.8.



March 25, 2024

File: PA-02-01-22-PC00061

Stefan Cermak, Director
Planning Services, Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
VIA EMAIL: scermak@islandstrust.bc.ca

Dear Stefan Cermak,

Proposed Regional Park at Cape Roger Curtis – Compliance with Islands Trust Policy Statement

I am writing regarding the proposed Regional Park at Cape Roger Curtis in Bowen Island Municipality.

This letter seeks clarity and provides additional information relating to the August 25, 2023 Island Trust Executive Committee decision that found the draft rezoning and Official Community Plan (OCP) amendment bylaws to allow for seasonal low impact tent camping, are contrary to or at variance with the Islands Trust Policy Statement (ITPS), and subsequent October 17, 2023 request from Bowen Island Municipality (BIM) to Metro Vancouver for a revised application to comply with the ITPS.

It is Metro Vancouver's position that the current park proposal as reflected in the application aligns with the ITPS. The process and rationale for the Islands Trust determination that the application is non-compliant is insufficiently clear for Metro Vancouver to respond effectively.

We are accordingly seeking additional information on the specific areas where Islands Trust Executive Committee has identified an “absolute and direct collision” between the draft bylaws and ITPS and “directions as to changes to the bylaw that would be required for approval”, in accordance with, among other things, the BIM – Islands Trust Protocol Agreement and Islands Trust policies. This information is required to provide Metro Vancouver a reasonable opportunity to understand and address concerns raised by the Islands Trust. Metro Vancouver requested this information from Bowen Island Municipality, however the Municipality confirmed they “are not able to provide specific amendments required to address the concerns raised by the IT Executive Committee”.

The proposed park concept plan includes extensive investment in the park and community to ensure a sustainable, well-managed park is established incrementally over time. The park proposal

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seeks to protect an ecologically and culturally rich landscape in perpetuity in place of the currently permitted private residential development. The park presents an opportunity for greater benefits and lower impacts than what is permitted under existing land use zoning, and strong alignment with the Islands Trust mandate “to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia”.

This letter and attachments clarifies background information, provides detailed responses to the Islands Trust Executive Committee comments, and ultimately request that Islands Trust provide clarity on its finding of non-compliance so Metro Vancouver can respond accordingly.

Rezoning and OCP Amendment Application – Islands Trust Executive Committee Decision

On August 25, 2023, the Islands Trust Executive Committee determined the proposed rezoning and Official Community Plan (OCP) amendment bylaws to allow for seasonal low impact tent camping at the proposed park to be contrary to or at variance with the ITPS. BIM Council and the Islands Trust Executive Committee subsequently met on October 16, 2023 to discuss this decision.

By letter dated October 17, 2023, Metro Vancouver was advised of BIM Council's resolution on October 16, 2023 requesting an amended OCP and rezoning application to comply with the Islands Trust Policy Statement Directive Policies prior to consideration of second reading. Although the BIM letter included reference to specific policies considered to be at odds with the application, the basis for the Islands Trust’s determinations was not clear.

In reviewing the Islands Trust Executive Committee's agenda, meeting minutes and comments, it seems the Executive Committee was not aware of the complete details and nature of the proposal, and supporting technical studies. Several of the Executive Committee comments included inaccurate statements related to projected visitation, water availability, park access, phasing and ecological protection in determining non-compliance with the ITPS.

As such, Metro Vancouver wants to offer clarity on these matters. Attachment 1 provides a summary of the park proposal and links to the technical studies and reports provided to BIM in support of the application. Attachment 2 provides a response and further clarifications that demonstrate compliance with the policy statements determined to be in non-compliance by the Islands Trust Executive Committee.

Islands Trust Policy 1.3.1 (Policy Statement Implementation) 4. states that "*as interpreted by the courts, "contrary to or at variance with," means that there is an absolute and direct collision between the local trust committee or island municipality bylaw and the Policy Statement.*" Further, Sections 3.6 and 3.7 of the BIM – Islands Trust Protocol Agreement require the Islands Trust to provide clear reasons for the return or refusal of an OCP amendment or rezoning bylaw and "*directions as to changes to the bylaw that would be required for approval*". The information provided to Metro Vancouver to date does not identify absolute or direct collisions with the ITPS or directions on associated, necessary application changes.

In light of the foregoing, Metro Vancouver requests the following:

1. For each ITPS policy identified as contrary to or at variance with, a clear explanation of the specific elements of the proposed application/Bylaws that are in "absolute and direct collision" with the ITPS, per Islands Trust Policy 1.3.1
2. Specific "changes to the application/draft Bylaws that would be required for Islands Trust approval", per Sections 3.6 and 3.7 of the BIM – Islands Trust Protocol Agreement
3. Confirmation the Island Trust Executive Committee will be provided with this letter, the material attached and linked, for reconsideration of the finding of non-compliance with ITPS

Next Steps

Metro Vancouver has provided a fulsome rezoning and OCP amendment application in support of a proposal for low impact, carefully phased and managed, seasonal tent campsites as part of an initiative to conserve an ecologically significant landscape in perpetuity.

It is Metro Vancouver's position that the current park proposal as reflected in the application aligns with the ITPS. The process and rationale for the Islands Trust Executive Committee determination of non-compliance, and subsequent BIM request for an amended application, are insufficiently clear for Metro Vancouver to respond effectively.

Metro Vancouver is accordingly requesting that the Islands Trust provide clarity on the Islands Trust Executive Committee determination process and next steps to advance the application, with reference to the applicable policies, requirements, guidance and procedures outlined in the ITPS and the BIM – Islands Trust Protocol Agreement.

Please do not hesitate to reach out with any questions or to set up a meeting to discuss the proposed regional park and requests outlined in this letter.

Sincerely,



Jeffrey Fitzpatrick
Division Manager, Design & Development, Regional Parks

JF/MR/jf

cc: Daniel Martin, Manager, Planning and Development, Bowen Island Municipality
Kris Nichols, Manager, Planning and Land Use, Ministry of Municipal Affairs
Ravi Chhina, Deputy CAO Operations, Metro Vancouver
Mike Redpath, Director, Regional Parks, Metro Vancouver
Lydia Mynott, Landscape Architect, Regional Parks, Metro Vancouver

Attachments:

1. Proposed Regional Park at Cape Roger Curtis – Background and Technical Reports
2. Metro Vancouver Response to Compliance with ITPS

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Proposed Regional Park at Cape Roger Curtis – Background and Technical Reports

Background

Metro Vancouver Regional Parks protect natural areas and connect people to nature. The regional park system includes nearly 14,000 hectares of important ecosystems that are protected and managed for ecological resilience with opportunities for people to learn about and be active within nature.

The proposed regional park at Cape Roger Curtis presents a generational opportunity to protect an ecologically and culturally rich landscape in perpetuity, with significant ecological, climate resilience, social, and health benefits to local and regional visitors, the community and wider region.

The application contemplates the development of 100 seasonal, low impact, tent campsites within the proposed park. Of those, over half (52) would be dedicated to walk/bike-in/shuttle access camping, a third (33) could be accessed by a single-vehicle for accessibility, 3-5 group tent camps would be available to youth and community groups, and 10 tent cabins would provide an opportunity for people without camping equipment to visit. No trailers or motorhomes will be permitted in the proposed park.

The proposed park will be delivered in three distinct phases over seven years, with approximately one-third of overall camping provision in each phase to allow for careful monitoring and adaptive management.

A park welcome centre in Crippen Regional Park (Snug Cove) and an electric shuttle bus service to the proposed regional park at Cape Roger Curtis will be established in advance of the park opening. A park reservation system and capacity management tools will ensure visitation is sustainable and low impact. Significant wildfire risk management and response measures will be established.

The site's ecological values will be protected and enhanced, and previously disturbed areas will be restored to a natural condition. All park amenities will be located in areas previously cleared for residential development.

Sustainable access to the park will be prioritized. A quiet, pedestrian-focused experience will be created by limiting vehicles, converting sections of existing road to public space, and establishing trail connectivity throughout the site. Environmental programming, education, stewardship and restoration will ensure ecological resiliency and community participation.

Metro Vancouver is working with local indigenous groups to explore opportunities to work collaboratively over the long term, and to incorporate traditional and current knowledge into park planning and management.

The proposed park protects 97-hectares of sensitive ecosystems – more than six-times the area currently protected under existing zoning and covenants. Under the current municipal zoning, the density limits for Rural Residential 1 (RR1) allows for one dwelling with accessory units, and permits

short term rental use of both dwellings, and also permits B&B accommodation as part of home occupation. Future subdivision or intensification of land use is also possible.

Metro Vancouver has provided the following studies and supporting information in relation to the rezoning and OCP application:

1. [Environmental Overview; Diamondhead Consulting \(August 2022\)](#)
2. [Maps and Drawings; Metro Vancouver \(January 2023\)](#)
3. [Project Overview for OCP Amendment and Rezoning; Metro Vancouver \(January 2023\)](#)
4. [Draft Land Use Plan; Metro Vancouver \(February 2023\)](#)
5. [Ecological Background; Metro Vancouver \(March 2023\)](#)
6. [Draft Concept and Program; Metro Vancouver \(June 2023\)](#)
7. [Approaches to Implementation, Visitation, Operations and Access; Metro Vancouver \(March 2023\)](#)
8. [Trip Generation Review; Bunt and Associates \(March 2023\)](#)
9. [Visitor Use Management Plan; Metro Vancouver \(May 2023\)](#)
10. [Emergency Management Overview; Metro Vancouver \(June 2023\)](#)
11. [Phasing Summary; Metro Vancouver \(March 2023\)](#)
12. [Transportation Impact Assessment; Bunt and Associates \(July 2023\)](#)
13. [Water Study Analysis Results; Water Street Engineering \(June 2023\)](#)

Islands Trust Executive Committee Comments – Summary of Executive Committee Considerations:			
ITPS #	ITPS Text	Executive Committee Comments	Metro Vancouver Response
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.	Marked as not applicable in staff assessment - trustees felt that water is an issue in that area based on public feedback and reports indicating issues with water in that area.	<p>As noted below and under response to 5.2.5 the proposed park represents a reduction in the density of land use as compared to uses permitted under the existing zoning and OCP. Accordingly, ITPS policy 4.4.2 does not seem to apply, as noted in the checklist.</p> <p>Nonetheless, a technical memorandum Water Study Analysis Results (Water Street Engineering – June 2023) has been submitted and summarizes:</p> <ul style="list-style-type: none"> • Drinking water requirements of the proposed park are equivalent to what would be required for development permitted under existing zoning and OCP. • Water requirements of the proposed park are equivalent to what would be required for development permitted under existing zoning and OCP. • Drinking water availability is sufficient. <p>Furthermore, as a non-domestic user, Metro Vancouver will be required to license groundwater. This is not required under the existing Rural Residential (RR1) zoning and domestic land use. This effectively places additional requirements on Metro Vancouver to manage water use during droughts.</p> <p>The proposed park includes extensive ecological restoration and protection to support groundwater recharge and health aquatic ecosystems. Approximately 50% of the Huszar Creek Watershed will be part of the protected parkland.</p> <p>It is unclear whether the above report and information (and any other relevant materials) were received by the Islands Trust Executive Committee and what other materials were relied upon by the Islands Trust in making their determination in respect of this policy item. Please advise on next steps to clarify the application of ITPS policy 4.4.2 and, if it does apply, the direct conflict with the Application and required action to address that conflict.</p>

<p>5.2.3</p>	<p>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.</p>	<p>Aesthetic and social impacts - not properly addressed.</p> <p>Social impact - very specific concerns from long term residents about many aspects not sufficiently addressed. Fails test of social impacts for a project of this size.</p>	<p>The creation of the regional park through proposed BIM Bylaws No. 608 and 609 will protect 97-hectares of sensitive ecosystems in perpetuity. The ecologically sensitive landscape is currently zoned as Rural Residential 1 (RR1). The existing zoning permits one dwelling with accessory dwelling units, and allows for short-term rental use of both dwellings. It also permits B&B accommodation as part of home occupation.</p> <p>The proposed park includes seasonal low impact tent camping, and is proposed to be phased in over approximately seven years with ongoing adaptive management. Phasing, capacity management, ecological restoration, visitation transportation and access strategies have been prepared which seek to address the issues raised by long term residents.</p> <p>Volunteer conservation opportunities will be made available to people interested in contributing to park stewardship. The proposed park will provide Bowen Island residents with access to trails, open space and healthy ecosystems which will support quality of life.</p> <p>In respect of this item, please confirm with more specificity those social and aesthetic aspects of the Application found to directly and absolutely collide with the ITPS, the materials relied upon by the Islands Trust in reaching their conclusion, and the information provided to the Islands Trust to inform their decision.</p>
<p>5.2.4</p>	<p>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.</p>	<p>Marked as not applicable in staff assessment - concern about compatibility with environment and community character.</p>	<p>The proposed park represents a reduction in the density of land use compared to uses permitted under the existing zoning and OCP, and contemplates the preservation of 97-hectares in perpetuity, as further described below. Accordingly, it seems clear that the growth-related issues cited in ITPS policy 5.2.4 do not apply to the Application, as noted in the checklist.</p> <p>The existing Bowen Island community natural character includes natural areas such as steep slopes and hillsides, rural and marine areas and forests. These character areas have many different land uses such as municipal, regional and provincial parkland, resource extraction areas, in addition to residential, commercial, short-term rental accommodation and event facilities, including camps and retreats.</p> <p>The existing zoning permits one dwelling with accessory dwelling units, and allows for short-term rental use of both dwellings. It also permits B&B accommodation as part of home occupation.</p> <p>Under the existing RR1 zoning, 81.59 ha (84%) of the site area is unprotected and at risk of being subject to clearing, disturbance and development. Of this area, 59 ha is merchantable timber.</p>

			<p>The proposed BIM Bylaws No. 608 and 609 will protect 97 ha of sensitive ecosystems in perpetuity ensuring preservation and protection of the environment, natural amenities, resources and community character.</p> <p>Proposed low impact seasonal tent camping will be located within areas previously cleared for residential development and operated seasonally. Other areas that have been cleared will be restored.</p> <p>Ecological connections will be enhanced and natural resources will be managed, monitored, maintained and enhanced by trained park staff.</p> <p>Volunteer conservation opportunities will be made available to people interested in contributing to park stewardship.</p> <p>The proposed park will provide Bowen Island residents with access to trails, open space and healthy ecosystems which will support quality of life.</p> <p>The proposed park will be slowly phased in over approximately seven years to moderate change and allow for adaptive management.</p> <p>If ITPS policy 5.2.4 does apply, the above measures in our view address the aim of the policy item and any concern about compatibility with environment and community character. Please advise whether the above (or other) information was received by the Islands Trust Executive Committee to demonstrate consistency between Metro Vancouver’s Application and ITPS policy 5.2.4. If not, what is the process for addressing this item? What comprises the direct collision in this case and on what materials did the Islands Trust rely in making their determination?</p>
<p>5.2.5</p>	<p>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.</p>	<p>Marked as not applicable in staff assessment - campground capacity of 450 individuals exceeds density limits.</p>	<p>The proposed BIM Bylaws No. 608 and 609 represent a <u>reduction</u> in built form density limits from those currently permitted under the RR1 zoning. Accordingly, in our view ITPS policy 5.2.5, related to efficient use of the land base without over-densifying the development, is not applicable to the Application.</p> <p>The building and development density of the proposed park will include minimal built facilities (washrooms, park operations building with emergency equipment storage). Proposed buildings will adhere to municipal regulations concerning building siting and height.</p> <p>The Islands Trust Executive Committee has reviewed proposed BIM Bylaws No. 608 and 609 based on 450 – 465 people attending the campground daily. It is not clear where this figure derives from. Metro Vancouver estimates peak campground visitation in August to</p>

			<p>be approximately 260 individuals, in seven years, after the final phase of park development (See <i>“Approaches to Implementation, Visitation, Operations and Access”</i> Metro Vancouver, March 2023). The peak visitation estimate is based on an average campsite occupancy of 95%-100%, but considers average camping party sizes. The facility would only be open May – October.</p> <p>Existing zoning (RR1) allows for one dwelling with accessory units and permits short-term rental use of both dwellings. It also permits B&B accommodation as part of home occupation. Future subdivision or intensification of land is possible.</p> <p>Please confirm whether the above (or other) information was received by the Islands Trust Executive Committee to demonstrate consistency between Metro Vancouver’s Application and ITPS policy 5.2.5. If not, and if policy 5.2.5 does apply, what is the process for addressing this item? Please advise what materials were relied upon by Islands Trust in making their determination in respect of this policy item and clarify the direct collision identified.</p>
<p>5.5.4</p>	<p>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.</p>	<p>Marked as not applicable in staff assessment – reports provided by the regional district about environmental sensitive areas means this is relevant.</p>	<p>The existing municipal zoning is RR1 which allows for one dwelling with accessory units, and permits short-term rental use of both dwellings. It also permits B&B accommodation as part of home occupation.</p> <p>At present, 15.41 ha (16%) of the proposed park is protected through existing covenants established for the most environmentally sensitive areas. Under the existing zoning areas outside the covenants, 81.59 ha (84%) of the site area is subject to clearing, disturbance and development. Of this area, 59 ha is merchantable timber.</p> <p>The creation of the regional park through BIM’s proposed Bylaws No. 608 and 609 would protect 97 ha of sensitive ecosystems in perpetuity. Metro Vancouver would dedicate the area as regional parkland. Metro Vancouver’s Natural Resource Management Framework provides strategic direction for managing natural resources within regional parks and park planning. It is guided by the principles of ecosystem-based management, adaptive management, the precautionary principle and collaboration.</p> <p>Development of all park (recreational) facilities will be within areas previously cleared for residential or resource development. Environmentally sensitive areas will be protected and other previously cleared areas will be restored to natural condition. The proposed BIM Bylaws No. 608 and 609 do not contain plans for marinas, boat launches, docks or anchorages.</p> <p>Metro Vancouver will restrict access to sensitive lands including covenant areas by enforcing park bylaws with uniformed staff, and educating park visitors through</p>

			<p>stewardship, interpretation and outreach.</p> <p>Please confirm whether the above (or other) information was received by the Islands Trust Executive Committee to demonstrate consistency between Metro Vancouver’s Application and ITPS policy 5.5.4. If not, what is the process for addressing this omission? Please advise what materials were relied upon by the Islands Trust in making their determination in respect of this policy item and the identified direct collision(s) between ITPS policy 5.5.4 and the Application.</p>
<p>5.5.6</p>	<p>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.</p>	<p>Disagree with interpretation that 100 campsites are low impact.</p> <p>460 people getting off ferries on a Friday to go camping is a huge impact. Narrow road, no bike lanes, and at other end of the island to the ferry terminal.</p>	<p>The creation of the regional park through BIM’s proposed Bylaws No. 608 and 609 will protect 97 ha of regionally significant sensitive ecosystems in perpetuity and provide low-intensity passive outdoor recreation opportunities.</p> <p>The proposed park and campground will be owned and operated seasonally by the regional district and non-commercial (similar to Descanso Bay Regional Park Campground on Gabriola Island). No high impact recreational activities are proposed for the site.</p> <p>The proposed park includes tent camping facilities in areas previously cleared for residential development. Of those, over half (52) would be dedicated to walk/bike-in/shuttle access camping, a third (33) could be accessed by a single-vehicle for accessibility, 3-5 group tent camps would be available to youth and community groups, and 10 tent cabins would provide an opportunity for people without camping equipment to visit. No trailers or motorhomes will be permitted in the proposed park.</p> <p>The Islands Trust Executive Committee has reviewed proposed BIM Bylaws No. 608 and 609 based on 450 – 465 people attending the campground daily. It is not clear where this figure derives from. Metro Vancouver estimates peak campground visitation in August to be approximately 260 individuals, in seven years, after the final phase of park development (See “<i>Approaches to Implementation, Visitation, Operations and Access</i>” Metro Vancouver, March 2023). The peak visitation estimate is based on an average campsite occupancy of 95%-100%, but considers average camping party sizes. The facility would only be open May – October.</p> <p>The assessment that 460 people will disembark the ferry on a single day is inaccurate. The Traffic Impact Assessment (TIA) assesses and summarizes net vehicle trip generation against what can be expected under existing land use zoning (conservative estimate based on 24 single-family homes, not the maximum permitted land use). The TIA assesses the net impact as a reduction of 163 vehicle trips during peak day and an increase of 15 vehicle trips in the pm peak, an overall reduction in trip rate.</p> <p>While impacts of proposed BIM Bylaws No. 608 and 609 in creating a proposed park</p>

			<p>are assessed to be less than the existing permitted land use, Metro Vancouver has committed to the following mitigations:</p> <ul style="list-style-type: none"> • Utilizing existing park facilities at Crippen Regional Park in Snug Cove to create a park information centre and shuttle pickup location. • Providing an electric shuttle bus, operated by Metro Vancouver, will provide sustainable transportation directly to the park from the ferry. The shuttle bus will be in place when the park opens. • Working collaboratively with Bowen Island Municipality to secure grant funds to advance the construction of the Cross Island Greenway (part of the Regional Greenway Network). • Implementing visitor management systems including – parking restrictions, visitor reservations, and full-time uniformed staff enforcing park bylaws. Campground reservation system will direct vehicle access visitors to off peak ferry travel days/times. • Phasing delivery, all park amenities, including camping facilities, will be phased in over approximately seven years to allow for adaptive management. <p>Please confirm/provide copies of the specific materials relied upon by the Islands Trust in making their determination in respect of this policy item. We note the Islands Trust briefing note from staff cited examples of other campsites in the Islands Trust area and confirmed that one campsite per hectare is not high impact (camping and hiking were said to be low impact, while sports activities are typically considered higher impact). Please also clarify the absolute and direct collision between ITPS and the Application and provide guidance on addressing that collision.</p>
5.5.7	<p>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.</p>	<p>Address planning for bikes, pedestrian and trail systems - rezoning suggests traffic to campground via those means, but nothing in the plans say that when campground opens there will be any new paths or bike lanes.</p> <p>Not realistic to think people will walk 12 km from the ferry to the campground.</p>	<p>The directive policy refers to OCPs and regulatory bylaws. Metro Vancouver is proposing a comprehensive plan for pedestrian, cycling and equestrian trail systems within the park.</p> <p>Metro Vancouver has also committed to the following transportation and access programs:</p> <ul style="list-style-type: none"> • Metro Vancouver will renovate an existing park building (Seaside Cottage II) in Crippen Regional Park (Snug Cove) to create a park information centre and shuttle pickup location. • An electric shuttle bus, provided by Metro Vancouver, will establish sustainable transportation directly to the park, from the ferry. The shuttle bus will be in place when the park opens. • Metro Vancouver will work collaboratively with the municipality to secure grant funds to advance construction of the Bowen Island Municipality Cross Island Greenway (part of the Regional Greenway Network). • All park amenities will be phased and subject to a Section 219 covenant to allow 118

		Concern about safety of cyclist or hikers walking or cycling to the campground on the narrow roads.	<p>for adaptive management.</p> <p>Metro Vancouver manages Crippen Regional on Bowen Island (220 ha). The park provides significant value and benefits to local residents including trails, open space, access to nature, conservation and stewardship, heritage buildings and landscapes, a riding ring, memorial garden, and public toilet facilities. It is inaccurate to assume the park is the primary destination for all off Island visitors who pass through the park during their time on Bowen Island. Rather, Crippen is a cherished park that is closely intertwined with Snug Cove, and the broader trail network that visitors and local residents use to move around and enjoy the community as a part of daily life.</p> <p>The above features of the Metro Vancouver Application are directly aligned with ITPS policy 5.5.7. To what extent was the above information (and other relevant materials) received by the Islands Trust Executive Committee? Please confirm/provide copies of the specific materials relied upon by the Islands Trust in making their determination in respect of this policy item. Please also clarify the absolute and direct collision identified between ITPS and the Application and provide guidance on addressing that collision.</p>
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.	No evidence of support from Skwxwú7mesh (Squamish) First Nation.	<p>Metro Vancouver has engaged local Indigenous groups throughout the planning process for this project. In particular, Metro Vancouver is working carefully with Skwxwú7mesh (Squamish) First Nation to explore opportunities to work closely on the park, over the long term.</p> <p>Opportunities include, but are not limited to, cooperative planning, land management, cultural resource management, art, programing and interpretation, youth programming, and more.</p> <p>Please clarify the direct collision between the Application and ITPS policy 5.6.2 and advise on any specific requirements for demonstrating support. To what extent was the above information (and other relevant materials) received by the Islands Trust Executive Committee?</p>
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.	No evidence of support from Skwxwú7mesh (Squamish) First Nation.	<p>Opportunities include, but are not limited to, cooperative planning, land management, cultural resource management, art, programing and interpretation, youth programming, and more.</p> <p>More broadly, the proposed park will protect, in perpetuity, an ecologically and culturally sensitive landscape which is currently zoned for the development of large single family residential developments.</p> <p>Under existing zoning, the land can be developed with very limited environmental conservation or cultural resource management.</p>

			<p>Metro Vancouver has extensive experience managing cultural resources and working closely with First Nations on land management throughout the region.</p> <p>Please clarify the direct collision between the Application and ITPS policy 5.6.3, and advise on any specific requirements for demonstrating support. To what extent was the above information (and other relevant materials) received by the Islands Trust Executive Committee?</p>
<p>5.7.2</p>	<p>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.</p>	<p>A campground that allows 460 campers changes the character of the community.</p>	<p>ITPS policy 5.7.2 relates to addressing economic opportunities that are compatible with conservation of resources and protection of community character. The proposed park and campground will be owned and operated seasonally by the regional district and non-commercial (similar to Descanso Bay Regional Park Campground on Gabriola Island). The primary focus of the project is the conservation of sensitive ecosystems and the provision of opportunities for the public to engage with nature in a low impact way. The existing Bowen Island community character includes natural areas such as steep slopes and hillsides, rural and marine areas and forests. These character areas have many different land uses such as municipal, regional and provincial parkland, resource extraction areas, and residential, commercial, short-term rental accommodation and event facilities, including camps and retreats. The proposed campsite is entirely consistent with the community character.</p> <p>The creation of the regional park through BIM’s proposed Bylaws No. 608 and 609 will protect 97 ha of regionally significant sensitive ecosystems in perpetuity and provide low-intensity passive outdoor recreation opportunities. The proposed park will significantly expand protected areas on the island, protecting natural resources and enhancing community character.</p> <p>The Islands Trust Executive Committee has reviewed proposed BIM Bylaws No. 608 and 609 based on 450 – 465 people attending the campground daily. It is not clear where this figure derives from. Metro Vancouver estimates peak campground visitation in August to be approximately 260 individuals, in seven years, after the final phase of park development (See “<i>Approaches to Implementation, Visitation, Operations and Access</i>” Metro Vancouver, March 2023). The peak visitation estimate is based on an average campsite occupancy of 95%-100%, but considers average camping party sizes. The facility would only be open May – October.</p> <p>Metro Vancouver can confirm that:</p> <ul style="list-style-type: none"> • The majority of camp sites will have no vehicle access. Camping is restricted to tents only – no RVs will be permitted. Camping is seasonal from May to October. • A Section 219 covenant will be developed to phase delivery, mitigate abrupt change, and allow for adaptive management.

			<ul style="list-style-type: none">• An electric shuttle bus service to the park, and park information centre in Snug Cove will be provided in year one. <p>The above features of the Metro Vancouver Application are directly aligned with ITPS policy 5.7.2. To what extent was the above information (and other relevant materials) received by the Islands Trust Executive Committee? Please confirm/provide copies of the specific materials relied upon by the Islands Trust in making their determination in respect of this policy item. Please also provide additional clarity on the absolute and direct collision between ITPS and the Application as well as guidance on addressing that collision.</p>
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ROB BOTTERELL, NAACALUK¹

Via E-mail

April 5th, 2024

**Peter Luckham, Chair &
Executive Committee Members
Islands Trust**

Dear Chair Luckham and Executive Committee Members:

Thank you for your March 25th, 2024 letter to Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship regarding dock tenures in the Southern Gulf Islands.

June 2024 Trust Council

I am writing to formally request an opportunity to make a 30-40 minute presentation (including time for questions) at the June 2024 Trust Council meeting entitled, “Reconciliation, Consultation and Engagement in the Islands Trust Area”. The proposed presentation elements are as follows²:

1. Introductions & Territorial Acknowledgement
2. Refresher on S. 35 of Constitution, Aboriginal Rights (including Title) and BC Declaration Act
3. Diverse Indigenous Communities
4. Diverse Indigenous and Non-Indigenous Land Interests
5. Engagement, Collaboration, Consultation, G2G Meetings, Joint Decision-Making Agreements - A Continuum
6. Placing Islands Trust Policies, Projects, Decisions and Activities on the Continuum
7. Sample Principles to Guide Islands Trust work along the Continuum
8. Sample Application of Principles
9. Achieving Meaningful and Enduring Reconciliation in the Islands Trust Area
10. Questions & Discussion

I would work with your legal counsel to ensure we are aligned on the applicable law.

Background

Over the past 3 months, the Reconciliation policy development and implementation landscape has significantly shifted in BC. Examples include, but are not limited to, negative

¹ For over 25 years, I have focused on indigenous law, land and resource law, governance law, major project negotiations, law drafting, and advocating on behalf of First Nations and non-indigenous clients. I have negotiated agreements with all levels of government and major resource companies (forestry, energy, mining). The name NAACALUK is an honour I received from the Huu-ay-aht First Nations. It is a translation of my family motto “semper vigilans” which means “always watching”.

² In my experience these items can be covered in an average of 1.5 minutes per slide with expanded discussion in a 15 minute question period.

reaction to the BC engagement process for BC *Land Act* amendments, the shíshálh swiya (Pender Harbour, Sunshine Coast) Dock Management Plan, and more recently the draft Haida Title agreement.

Bottomline - All levels of government must proceed with great caution when engaging on public policy issues involving Reconciliation. This is especially the case for the intersection between the title, rights, privileges and interests of indigenous and non-indigenous people on federal and provincial crown lands, private fee simple lands and waters.

Clearly, proceeding with new policy development and implementation in a manner that is not open, transparent and fair to both indigenous and non-indigenous communities, or appears not to be, is virtually guaranteed to significantly erode support for Reconciliation as well as public trust in government and acceptance for the rule of law. And in a BC election year, non-partisan issues such as Reconciliation could become politicized with unpredictable and likely negative consequences.

A backlash against First Nations and the vitally important work of Reconciliation within the Islands Trust Area is the last thing we need right now.

I urge you to continue the important work of Reconciliation within the Islands Trust Area, while taking the additional time necessary to carefully and thoughtfully reconsider what is the best timetable and approach on items such as First Nations engagement, collaboration, consultation, G2G meetings, protocols/agreements, joint decision-making agreements, ownership/stewardship of conservancy assets, and oversight of federal or provincial crown lands.

Consensus not confrontation is our common goal. For example, the Islands Trust could take the next 6 months to reconsider and refine the approach to engagement and consultation on items such as the Policy Statement, future ownership of Conservancy Assets, referrals to First Nations on private fee simple land use applications and zoning changes, etc., etc.. In my view this will contribute to successful and enduring long-term outcomes. Where potentially controversial documents or policy proposals need to be publicly disclosed during the next 6 months, it is essential that the public and First Nations have strong assurances from the Islands Trust that these documents are only working drafts, nothing is “written in stone”, and there will be an open, transparent, inclusive, and meaningful engagement process that is fair to all.

During the 6 month reconsideration period, it will be helpful and important to hear from BC, First Nations, experts, and residents of the Islands Trust Area on the best path forward. And it is with this in mind, that I make the offer to contribute by way of a presentation to the Islands Trust Council in June 2024.

Taking the time necessary to build consensus on the path forward will help to ensure we achieve positive and enduring Reconciliation.

Many Thanks,



ROB BOTTERELL, NAACALUK

From: Giesbrecht, Emma (she,her | elle,la) (TC/TC)
<Emma.Giesbrecht@tc.gc.ca>
Sent: Friday, April 5, 2024 12:10 PM
To: Alexandra Trifonidis
Subject: RE: [External/Externe]: General Vessels Technical Working Group Email Distribution List
Attachments: Approach for SRKW technical working groups - Final.pdf
Categories: EC, To-do's

UNCLASSIFIED / NON CLASSIFIÉ

Hi Alexandra,

I've attached the overarching approach document for the Technical Working Groups. Note that this was created in 2018, and now we have merged the Sanctuary TWG with the Vessel Noise TWG2 and call it the 'General Vessels TWG'. That being said, the overarching messages are the same, as well as the clarity on member/alternates.

Meeting wise, we have somewhat cut down on in the past few months. As both DFO and TC are transitioning into a more longer-term/regulatory approach for the measures, the TWG has only really met two/three times in the past year. Once in the fall, and then as the larger group (Indigenous and Multi-Stakeholder Advisory Group) in early winter and spring. This may change, but I don't have enough information at the moment to say that with conviction, so a healthy average is 3 meetings a year.

Here is a list of member affiliations if that helps as well:

PWWA
Soundwatch
Tseilil-Waututh First Nation
Jasco Applied Sciences
University of Washington – Friday Harbor Labs
Sea Mammal Research Unit
SFAB
NOAA
Pacheedaht First Nation
World Wide Fund for Nature
BC Seafood Alliance
Cetus Society
Soundwatch
BC Government (Ministry of Tourism, Arts, Culture and Sport)
Scripps Institute of Oceanography
Washington State DFW
CORI / Oceanwise
Cowichan First Nation

BC Ferries
Cetus Society
Ditidaht First Nation
Natural Resources Defence Council Inc.
Rec Boating Advisory Coun./Sport Fishing Inst.
Pacific Pilotage Authority
Council of Marine Carriers
University of British Columbia
Oceans Initiative, US
Beam Reach, US
North Island Marine Mammal Stewardship Association
Puget Sound Partnership
B.C Seafood Alliance
Boating BC
Chamber of Shipping of BC
Raincoast Conservation Foundation
First Nations Summit
FLNRO&RD
Georgia Strait Alliance
Halalt First Nation
Maa-Nulth Treaty Society
Ministry of Environment and Climate Change Strategy
SATURNA ISLAND MARINE RESEARCH & EDUCATION SOCIETY (SIMRES)
Sport Fishing Advisory Board
UBC
Vancouver Fraser Port Authority

Hope this helps – but please don't hesitate to let me know if you have more questions! I'm also happy to set up a call if needed as well!

Cheers,

Emma

Emma Giesbrecht, MMM, ERGC, B.Sc

(She/Her/Elle)

I am grateful to learn, work, and live on the traditional unceded territory of the Anishinaabeg/Algonquin people.

A/ Policy Advisor | I/ Conseillère politique

Whale Protection Policy | Politiques de protection des baleines

Transport Canada | Transports Canada

Email | Courriel: Emma.Giesbrecht@tc.gc.ca

Phone | Téléphone: (343) 571-4903

**Southern Resident Killer Whale (SRKW)
Technical Working Groups**

Purpose

This document outlines the approach for the establishment of focused Technical Working Groups (TWGs) to support the development of measures to address key threats to the recovery of the Southern Resident killer whale (SRKW).

Overall Objective of the Technical Working Groups

To convene together policy, technical and scientific experts from the federal government, Indigenous Peoples/First Nations, environmental groups, industry and other areas to propose and advise on specific actions that deliver on the commitments made by the federal government to address imminent threats to the SRKW and facilitate their recovery.

Guiding Principles

TWGs serve the objective of delivering concrete proposals for actions, guided by the following principles:

- Proposals are developed and assessed using best available science and evidence, with the understanding that the imminent threats facing SRKW require action.
- Discussions are informed by a range of policy and technical/scientific expertise in the relevant area under consideration: e.g., experts in prey availability and accessibility, underwater noise, etc.
- Proposals will be developed and assessed based on their potential effectiveness in contributing to the recovery of SRKW, and, given the threats facing the population, will take a precautionary approach to protection and recovery, recognizing that action can be adapted over time.
- TWGs will work in a spirit of collaboration and consensus, but will not be required to reach full consensus around any particular proposal.
- In recognition of the temporal nature of both the challenges and solutions to SRKW recovery, TWGs will identify and propose actions that are both immediate and longer term. The proposed time-frame is as follows:
 - a. Immediate actions – actions that can be implemented by May 2019 for immediate effect during the 2019 whale season, mostly in support of measures announced in the Whales Initiative and on October 31
 - b. Longer-term actions – actions that can be implemented and/or will only achieve results following 2019 SRKW presence in Salish Sea

Governance

Where practical, pre-existing expert / working groups will be utilized in order to take advance of knowledge and work already underway and to maintain momentum of existing group(s).

These working groups are not intended to replace the Crown’s Duty to Consult and the Department will consult with Aboriginal groups when decisions may potentially affect Aboriginal fishery and/or other interests.

Given the focused membership of TWGs, as well as the national or international scope of some of the actions, Indigenous and multi-stakeholder engagement and consultation on proposed measures will often be required beyond the Working Groups; other processes may therefore need to be used to ensure appropriate engagement and consultation.

The SRKW Indigenous and Multi-stakeholder Group (IMAG) will be updated, engaged, and consulted as appropriate on all of the work of the TWGs.

To ensure that actions for the 2019 whale season can be implemented by May 2019, the TWGs will finalize proposals for immediate actions by March 1, 2019. Proposals for initial longer-term actions will be developed by June 2019.

The federal government will be responsible for invitations to join groups and ensure each working group is led by the right federal executive and include participation by the right federal experts to enable timely and effective development of proposed solutions.

TWGs will have periodic check-ins with the Deputy Ministers of Fisheries and Oceans, Transport Canada and Environment and Climate Change Canada, to ensure timely progress and a clear linkage between the proposals of the TWGs and government decisions and actions.

Technical Working Groups

The following TWGs will be established, based on key threats, announced measures, and potential future measures. All TWGs will consider Canada-U.S. collaboration in support of their proposals, with an immediate focus on the Washington State Task Force process, given the shared critical habitat of SRKW; however, TWGs should not limit their proposals to those made by the Task Force.

ISSUE	Federal LEAD	EXISTING WG
<p>Prey availability and accessibility</p> <ul style="list-style-type: none"> Review measures implemented in 2018 (e.g., whether fisheries reductions were achieved) and identify potential measures for 2019 season Contribute to identifying measures to rebuild wild Chinook stocks, prioritizing those of greatest importance to SRKW, in line with the objectives of Canada’s Wild Salmon Policy 	<p>Fisheries and Oceans Canada (DFO) – Andrew Thomson, Regional Director, Fisheries Management</p>	<p>Southern Resident Killer Whale (SRKW) Chinook Committee</p>
<p>Identification and development of proposed SRKW sanctuaries</p> <ul style="list-style-type: none"> Advance feasibility work on one or more SRKW sanctuaries, 	<p>DFO – Brigid Payne, A/Regional Director, Oceans and Salmonid Enhancement</p>	<p>NO</p>

ISSUE	Federal LEAD	EXISTING WG
including consideration of potential boundaries and permitted or restricted activities, within sub-areas of critical habitat		
Vessel Noise TWG 1: Commercial vessel noise measures (slowdown / lateral displacement) <ul style="list-style-type: none"> • Review effectiveness of 2018 measures and identify potential measures for 2019 season, including but not limited to an extension of the slowdown to include Boundary Pass • Identify the infrastructure e.g. monitoring and compliance promotion needed to support measures 	Transport Canada (TC) – Yvette Myers, Executive Director, Oceans Protection Plan (Alternate – Michelle Sanders, Director, Clean Water Policy)	ECHO Advisory Working Group, with the ECHO Vessel Operators Committee (VOC)
Vessel Noise TWG 2: General vessel noise measures <ul style="list-style-type: none"> • Identify noise reduction targets, and options for quiet-vessel design and other actions for noise reduction, including for Underwater Noise Management Plans (e.g. commercial vessels and ferries) • Identify additional measures to reduce noise impacts of commercial whale watching vessels and recreational vessels 	TC – Megan Nichols, Director General, Environmental Policy (Alternate – Michelle Sanders, Director, Clean Water Policy)	NO
Contaminants <ul style="list-style-type: none"> • Develop a framework to assess the effectiveness of existing controls on contaminants that affect the SRKW. • Identify key contaminants of emerging concern. • Identify and evaluate the contribution of point and non-point sources to contaminant loadings to the SRKW, their habitat and their prey. • Develop recommendations for additional measures to address contaminants affecting the 	Environment and Climate Change Canada (ECCC) – Gwen Goodier, Director General, Industrial Sectors, Chemicals and Waste Directorate	NO

ISSUE	Federal LEAD	EXISTING WG
SRKW, their habitat and their prey.		

The agenda for the first meeting of each TWG would include:

- Identification of options to include technical Indigenous Traditional Knowledge (ITK) expertise for each TWG
- Discussion of the Washington State Task Force Report and relevant recommendations for each TWG
- Development of a workplan for immediate actions (Jan-March 2019)
- Identification of long-term work items (Starting April 2019)

Canada-US Collaboration and the Washington State Process

Each working group would include US alignment as a priority in its work activities (e.g., cooperation between USCG and TC/CCG is essential for any commercial vessel slowdown or displacement plan), while recognizing that Canada has an independent responsibility to take action to support the survival and recovery of the SRKW. In addition, there could be occasional joint working group sessions to discuss a coordinated approach to US alignment on cross-cutting issues – such as the upcoming decision by the Governor on the Washington State process. These cross-cutting working groups would be led by a senior executive from DFO.

Participation and Expertise / Composition of Technical Working Groups

In order to ensure delivery of concrete actions in support of SRKW recovery, TWGs would consist of experts from both inside and outside government with expertise in the following areas relevant to each WG:

- Policy, regulations, and programs (including voluntary)
- Technical and scientific expertise
- ITK

Individuals and organizations with expertise in proposed areas under consideration will be engaged as appropriate. Membership is not limited to IMAG members.

Participants are generally responsible for their own costs related to travel and participation in TWG meetings.

The federal leads would arrange for payment for expertise and research outside the government as required to advance the workplan of each working group.

In agreeing to join a working group, participants commit to the Guiding Principles and Objectives set forth in this document.



BRITISH
COLUMBIA

VIA EMAIL

Ref: 66489

April 8, 2024

Peter Luckham
Chair
Islands Trust
Email: pluckham@islandstrust.bc.ca

Dear Peter Luckham:

On April 5, 2024, I introduced new legislation, Bill 16, intended to support local governments in their efforts to build more affordable and liveable communities. The proposed legislation strengthens the shift towards pro-active zoning by providing local governments with new authorities to secure affordable housing units and site-level infrastructure in new developments and to enable municipalities to adopt bylaws to help tenants facing eviction from redevelopment.

These changes are part of the broader set of local government changes that started in fall 2023 with Bills 44, 46 and 47 to help get more housing built faster while enabling updated and new tools to effectively fund the costs of infrastructure and amenities to support increased housing supply and growth. Those changes will result in fewer site-by-site rezonings, which many local governments currently rely on to secure key outcomes such as affordable housing, tenant protections, and site-level infrastructure. If passed, Bill 16 will provide authorities to local governments to secure these outcomes within a pro-active zoning framework.

Local trust committees advance a mandate, as established by the Islands Trust Act, to preserve and protect the trust area and its unique amenities and environment. This unique context and mandate were taken into consideration when developing Bill 16, and some of the proposed legislative changes will apply to local trust committee areas, while other authorities will not.

.../2

Office of the
Minister of Housing

Website:
www.gov.bc.ca/housing

Mailing Address:
PO Box 9074 Stn Prov Govt
Victoria BC V8W 9E9
Phone: 236 478-3970

Location:
Parliament Buildings
Victoria BC V8V 1X4
Email: HOUS.Minister@gov.bc.ca

Bill 16 will establish a new **Inclusionary Zoning** tool that allows local governments to require affordable housing in new development without relying on the rezoning process and to accept cash-in-lieu of affordable housing or affordable units on a different site by agreement. Local governments will need to undertake a financial feasibility analysis and consultation when developing Inclusionary Zoning bylaws to ensure that enough density is provided to offset the costs of providing affordable housing. They will also need to report annually on the outcomes of Inclusionary Zoning bylaws for transparency and to support provincial monitoring of implementation.

Local trust committee application: Inclusionary Zoning will not apply to local trust committees (except for Bowen Island Municipality). The effective implementation of this tool relies on there being demand for high density development in the area it is used (i.e. typically concrete apartment buildings). Implementation of Inclusionary Zoning within the local trust committee areas would directly conflict with the area's legislative mandate and would result in a high risk of deterring overall housing development.

The **Density Bonus** tool will be updated to clarify how it is used and to help ensure it works effectively with Inclusionary Zoning. Financial feasibility analysis and consultation will now be required to ensure that Density Bonus provisions are achievable and calibrated to local conditions. The proposed legislation clarifies that local governments can accept cash-in-lieu of affordable units and/or units on a different site. It also clarifies use of Density Bonus authorities in Transit-Oriented Areas (TOAs).

By mid-2025 (or a later date prescribed by regulation) local governments will be required to update all existing density bonus bylaws to comply with the new legislation, and density bonus authorities will only be able to be used above the minimum allowable densities in TOAs.

Local trust committee application: Density bonusing will remain available as a tool for these communities. The new requirements will apply to the local trust committees that currently use density benefits zoning bylaws.

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Bill 16 will also provide municipalities with the authority to develop **Tenant Protection Bylaws** that are implemented at the development permit stage. Municipalities will be able to withhold development permits until owners meet the conditions of the tenant protection bylaws. In addition, municipalities will be able to request information about the effect of proposed redevelopments on tenants, which will give municipalities more data to design tenant protection bylaws.

Local trust committee application: Tenant protection bylaws are appropriate in communities that have both purpose-built rentals of 5 units or more and development contexts where redevelopment for higher density is anticipated. For this reason, it is unlikely that local trust committees will be developing tenant protection bylaws in the near future and these bylaws will not apply to these areas.

Lastly, Bill 16 proposes new authorities for local governments to secure site-level infrastructure to service new development without relying on the rezoning process. These changes will give local governments clearer authority to require **works and services** for infill developments (i.e. at the building permit stage). As well, the legislation provides local governments with an expanded list of works and services they can require, including, for example, benches, street lamps, parklets, and sustainable design features like rain gardens. Local governments will also be able to require developments provide land adjacent to developments for new or upgraded roads without subdivision to support alternative transportation, accessibility and safety (such as wider sidewalks, bike lanes, and street trees). The legislation also gives local governments a new authority to define and require **Transportation Demand Management** measures within new developments, which can include, for example, charging stations or secure bicycle parking facilities.

Local trust committee application: Local trust committees will not have the authority to require land to be provided adjacent to developments for new or upgraded roads at building permit or to require additional land adjacent to developments for new or upgraded roads to support alternative transportation, accessibility and safety (such as wider sidewalks, bike lanes, and street trees) at building permit. This is reflective of the fact that local trust committees do not currently exercise similar powers (rather the overlapping regional districts do so).

.../4

Peter Luckham
Page 4

If Bill 16 is passed, local governments can use the capacity funding distributed in January to adopt these new tools.

The Province will continue to engage and collaborate with local governments to support implementation of the new legislative tools and requirements. Later this year, we will provide guidance for adoption of the new authorities: Inclusionary Zoning and Density Bonus, Works and Services and Transportation Demand Management, and Tenant Protection Bylaws. In the coming months, we will also be providing further guidance to support the implementation of the fall 2023 legislation, including guidance on the Interim Housing Needs Reports and comprehensive guidance on the development finance tools.

I appreciate all the work being undertaken to transition to a pro-active zoning planning framework and to help get more homes built for British Columbians.

Sincerely,



Ravi Kahlon
Minister of Housing

pc: The Honourable Anne Kang, Minister of Municipal Affairs
Teri Collins, Deputy Minister, Ministry of Housing
Okenge Yuma Morisho, Deputy Minister, Ministry of Municipal Affairs
Tara Faganello, Assistant Deputy Minister, Ministry of Municipal Affairs
Bindi Sawchuk, Assistant Deputy Minister, Ministry of Housing
Russ Hotsenpiller

Links:

Local Government Housing Initiatives Webpage: [Local government housing initiatives - Province of British Columbia](#)

Bill 16 Announcement: <https://news.gov.bc.ca/releases/2024HOUS0049-000471>

To: Executive Committee **For the Meeting of:** April 24, 2024
From: Director, Planning Services **Date Prepared:** April 19, 2024
SUBJECT: Update - Housing Statutes Amendment Act (Bill 16)

PURPOSE: To provide an early summary of *Bill 16* which proposes amendments to the *Housing Statutes Amendment Act, 2024*. The proposed legislation will give Local Trust Committees a clearer framework when considering drafting density bonusing bylaws and an expanded authority to secure some site level infrastructure at time of subdivision. The legislation excludes the Islands Trust from Inclusionary Zoning and Tenant Protection Bylaws. Both exclusions are in harmony with the exclusion of Local Trust Committees from the requirements to implement the small-scale multi-family housing legislation imposed on most of BC which is focused on imposing faster growth in urban areas.

BACKGROUND: On April 10th, 2024 the BC government gave third reading to [Bill 16](#), the *Housing Statutes Amendment Act, 2024*, which supports the recent legislative changes intended to increase the supply of housing in BC. According to the government, this bill presents the second phase of this work by providing governments with new authorities that will allow them to continue to secure important outcomes outside of rezonings, increasing transparency and certainty in the development approval process. Some of the changes include:

1. **Inclusionary Zoning.** Establishing a new authority for inclusionary zoning that will let local governments require affordable and special needs housing in new developments. It requires that local governments undertake a financial feasibility analysis, and establishes consultation requirements for development of an inclusionary zoning bylaw. Inclusionary zoning cannot apply to development in which all of the housing units will be owned by specific parties including registered charities, societies and housing cooperatives which are the majority, if not all, the affordable housing projects within the Islands Trust area. The new authority requires (annual) regular public reporting. This new tool is most effective in high value areas and high-density developments (e.g. high-rise concrete forms) where there is enough new density to offset the cost of the affordability requirements. The Islands Trust is excluded from this new authority.
2. **Density Bonus Framework.** Establishing a density bonus framework to parallel the inclusionary zoning, with similar requirements for financial analysis, consultation and reporting. The Local Government Act already permits density zoning bylaws; the change is in how density bonusing bylaws are drafted, what must be considered, and the requirement for reporting. The Islands Trust will be able to use the new density bonus framework.

3. **Site Level Infrastructure.** Expanding local government authorities to secure important site-level infrastructure like wider sidewalks, protected bike lanes, charging stations, and secure parking facilities for bicycles and scooters. The authority would require an owner to provide certain works and services as a condition of the approval of a subdivision or building permit. The provision in the act of land for highways in respect of building permits is not available to Local Trust Committees.

4. **Tenant Protection Bylaws.** Providing municipalities with clear authorities to protect tenants who are evicted as a result of redevelopment, including financial assistance or help finding alternate housing. This authority is not available to Local Trust Committees.

Early Assessment

The expanded authorities continue the Province's shift to proactive planning such as introduced in Bill 44 and the pre-zoning which affected most of BC but not the Islands Trust area - to the exception of BIM.

The changes would broadly enhance Local Trust Committee authority to proactively address some of the impacts of increased housing. However, it is unclear in some circumstances how these provisions might be used.

FOLLOW-UP: Staff will continue to monitor legislative changes and report back to the Executive Committee. Staff continue to reach out to provincial staff to get clearer understanding of the intent of the legislative changes from an Islands Trust perspective. Staff may require legal assistance to interpret some of the legislative changes upon Royal Assent.

Prepared By: Director, Planning Services

Reviewed By/Date: CAO / April 19, 2024

From: David Rapport <[REDACTED]>
Sent: Tuesday, April 9, 2024 11:41 PM
To: Peter Luckham; Executive Admin
Cc: Maffi Luisa; davidrapport; David Rapport
Subject: Requesting Trust Council's Response to Serious Concerns Regarding Trust Actions
Attachments: Rapport & Maffi.Driftwood 2024.02.14.pdf; Irresponsibility of No Response.pdf

Dear Mr. Luckham,

We are writing to you in your capacity as Chair of the Islands Trust Council to urge you and the Council to address the issues raised in two articles that we recently published in the Gulf Islands Driftwood: "Islands Trust 'runs rogue' with object and policy statement moves," (February 14, 2024) and "Irresponsibility of no response," (March 13, 2024)]. Both articles are attached here for your reference.

In those articles, we voiced serious concerns about actions of Trust Council (and our local LTC, to whom we are addressing a similar request) that appear to significantly water down the Trust's "Preserve and Protect" mandate—if they don't in fact undermine that mandate altogether by moving it in the opposite direction, from "Preserve and Protect" to "Disturb and Neglect," particularly through the untenable redefinition of the meaning of "amenities" in the Trust Act as including issues such as housing, tourism, and infrastructure that were never intended to be a part of the Trust's remit.

It's disappointing that our concerns, thus far, have not elicited a response from Trust Council. Perhaps this is because the Council, despite its mandate, is largely operating in a vacuum, being unaware of the extent to which its actions (or lack thereof) have contributed to ongoing deterioration in the health of the islands' ecosystems, with serious consequences for the health and the social, economic, and psychological wellbeing of our communities? Perhaps it is also because the Council fails to realize that the survival and thriving of people are inextricably and inexorably dependent on the vitality and resilience of our ecosystems?

As our professional Bionotes chronicle, we have been at the forefront of assessing the health of ecosystems and communities across the globe for many decades. And as we write, we are completing a comprehensive report on the health status of Salt Spring Island's ecosystems. As our report will show, all of Salt Spring's ecosystems are now in failing condition, and undoubtedly the same applies to the other main Southern Gulf Islands, given the prevalence of similar anthropogenic pressures throughout the Trust Area. Should degradation continue unabated, the health and the economic, ecological, and social wellbeing of our communities are also more than likely to rapidly decline. Ironically, it appears that the Trust has yet to recognize this threat, and to catch up to our Provincial Government, which has affirmed the urgency of not only "preserving and protecting" but also "revitalizing and restoring" biodiversity and ecosystem health throughout the Province.

If there is to be a viable future for the islands in the Trust Area, there must be a swift and decisive change of the current woefully misguided course and a return to adhering to the original intent of the Trust Act and its Policy Statement as elaborated in the 1986 Review by Trust Council. The current effort to redefine the term "amenity" in the Act--to the point of absurdity--and to pursue a course of action well outside of the Trust Mandate will only serve to hasten the demise of our life-support systems.

Carrying out actions that are not consistent with the Trust Act and the Trust Policy Statement cannot be condoned. Trustees must be, and must be held, accountable to the public.

As Trust Council has not seen fit to reply to the above-mentioned highly critical articles in the Driftwood, we rephrase the key questions here and ask for the considered views of Trust Council on each of the following:

1. Under the Trust Act, what authority does Trust Council have in re. to “fostering tourism, building infrastructure, or solving the affordable housing crisis”? And how does that square with the Preserve and Protect mandate, when clearly those activities will impart additional anthropogenic stress on already much ailing island ecosystems?
2. Does Trust Council recognize that our islands' life-support systems are already in massive failure, and thus that the health and wellbeing of our communities are at increasingly grave risk—especially so with ongoing and intensifying global warming, as we have already seen on our islands in recent years?
3. Does Trust Council realize that allowing open-ended development on the islands would bring further devastation to our already much-weakened ecosystems and thus to the health and social, economic, and psychological wellbeing of our communities?
4. What does Trust Council propose to do to meet this supreme existential challenge? How does it intend to bolster the health of our islands' ecosystems that sustain all of us? What policies has it put on the table to counter these threats and head off a calamitous future for all residents in the Trust Area?

We respectfully ask for a timely and detailed public response to each of the above points.

Sincerely,

David J. Rapport (PhD) and Luisa Maffi (PhD)
Co-directors, Salt Spring Island's Healthy Ecosystems Healthy Community Initiative

Bionotes:

David J Rapport holds an undergraduate degree in Engineering and Business Administration from the University of Michigan (Ann Arbor) and a PhD in Economics from the University of Michigan (Ann Arbor). Subsequently he was awarded a postdoctoral fellowship in Ecology at the University of Toronto, followed by two successive Canada Council I.W. Killam Senior Scholar Awards (each for two years) for innovative scholarship at the intersection of economics and ecology.

David was subsequently recruited by Statistics Canada to guide the development of the agency's fledgling environmental statistics program. At Stats Canada, he established the now universally adopted statistical framework for evaluating the relationships between human activities, the health of ecosystems, and the health of communities, and co-developed the agency's path-breaking Stress-Response Environmental Statistical System (now better known as DPSIR). This system underpinned Canada's 1st national Report on the State of the Environment (1986), co-directed and co-authored by Rapport with Peter Bird (of Health Canada). Their report, strongly endorsed by the then Minister of Environment, as well as a Committee of Senior Scientists of Canada, resulting in Parliament mandating follow-up national State of Environment Reports on a 5-year cycle.

In 1989, Rapport co-founded the Institute for Research on Environment and Economy at the University of Ottawa. In 1994, he was awarded a Tri-council Eco-Research Chair at the University of Guelph, co-funded by all three national Science Councils of Canada. This was the world's first Research Chair in the field of Ecosystem Health. At the University of Guelph, he spearheaded a program in Ecosystem Health and Veterinary Health in the College of Veterinary Medicine, which rapidly expanded across Canada, involving all five of the country's veterinary schools. In 1999 he co-developed the very first program in Ecosystem Health within a major Faculty of Medicine at the University of Western Ontario.

Rapport has held honorary professorships at universities and research institutes in Australia, Canada, China, Finland, and Japan, and has served as a senior consultant to numerous national and international organizations, including the World Water Assessment Program of the United Nations Scientific and Cultural Organization (UNESCO), the United Nations Environment Programme (UNEP), the United Nations Development Programme, (UNDP), the United States Environmental Protection Agency (US EPA), the Helsinki Commission, and the World Bank, among others. He was an official Canadian Delegate to the Organization for the Economic Cooperation and Development's Environmental Secretariat (OECD) and the Economic Commission for Europe (ECE)'s Water Quality Programme. He has also been a consultant to the Office of the Auditor General of Canada, Fisheries and Oceans Canada (on Indicators of the Health of Marine Ecosystems), the International Joint Commission on Boundary Waters (IJC), and various Canadian Provincial and Federal Bodies. Rapport was founding President of the International Society for Ecosystem Health and Editor-in-Chief of its peer-reviewed international journal, *Ecosystem Health* (Blackwell Science 1995-2001, today published by Springer under the title: "*EcoHealth*").

David has conducted fieldwork in Australia, Canada, China, Finland, Japan, Mexico, Sweden, and the USA, supported by Governments, Foundations, and Research Councils, and chaired or co-chaired advanced research workshops and symposia under the auspices of NATO, the Chinese Academy of Sciences' Institute for Applied Ecology, the International Congress of Ecology, the American Association for the Advancement of Science, and the Ecological Society of America, among others. He was co-founder of the International Society for Ecological Economics (ISEE), and for over a decade served as Chair of the Kenneth E. Boulding Memorial Award – ISEE's most prestigious award.

The author or co-author of nine books and over 100 peer-reviewed research papers published in scientific journals, including the *Biological Journal of the Linnean Society*, *BioScience*, *Trends in Ecology and Evolution*, *EcoHealth*, *Ecology*, *Ecological Economics*, *Ecological Indicators*, *Environmental Management*, *Perspectives in Biology and Medicine*, and *Science*, his current work focuses on eco-cultural health—the interconnection of the health of the world's ecosystems and the health and wellbeing of human communities.

In 1988, Rapport was elected a Fellow of the Linnean Society of London and in 2011 an International Fellow of the Explorers Club.

Luisa Maffi holds a BA in Linguistics from the University of Rome and a PhD in Anthropology from the University of California, Berkeley. Drawing from her background in linguistics, anthropology, and ethnobiology, Luisa pioneered the concept of biocultural diversity – the interconnected and interdependent diversity of life in nature, cultures, and languages. She is co-founder (1996) and Director of Terralingua, an international NGO devoted to sustaining biocultural diversity, and plays a leading role in this integrative field of knowledge and action. She spearheads Terralingua's multifaceted program of work, which spans research, policy, education and outreach, and field work, and is editor of Terralingua's flagship publication, *Langscape Magazine*.

Luisa held a US National Science Foundation postdoctoral fellowship at the University of California, Berkeley (1994-1997) and a National Research Service Award fellowship from the US National Institutes for Health at Northwestern University in Evanston, Illinois (1997-2000). She was a Research Associate in the Anthropology Department at the Field Museum of Natural History in Chicago, Illinois (1998-2003) and in the Anthropology Department at the Smithsonian Institution's National Museum of Natural History in Washington, D.C. (1999-2004).

She is currently a member of the International Union for the Conservation of Nature (IUCN), the International Society of Ethnobiology, and the Institute for Environmental Learning at Simon Fraser University (SFU); an Adjunct Professor at SFU; and an International Fellow of the Explorers Club. She has been a visiting researcher and lecturer at dozens of universities in North America, Europe, Asia, and Australia, an invited speaker in both academic and policy settings worldwide, and a consultant for international organizations such as IUCN, WWF, UNESCO, UNEP, the Convention on Biological Diversity (CBD), The World Bank, and the National Geographic Society, among others, and has collaborated with academic institutions and museums internationally. She has conducted fieldwork in Somalia, Mexico, China, and Japan, and has worked with First Nations in British Columbia. Both her work and that of Terralingua have been supported by dozens of grants from research councils and philanthropic foundations from North America and Europe.

The author of six books and nearly 100 articles published in journals, books, and encyclopedias as well as in popular magazines, Luisa has written extensively on the topic of biocultural diversity, including the foundational texts *On Biocultural Diversity: Linking Language, Knowledge, and the Environment* (L. Maffi, ed., Smithsonian Institution Press, 2001), *Ethnobotany and Conservation of Biocultural Diversity* (T. Carlson and L. Maffi, eds., Advances in Economic Botany Series Vol. 15. Bronx, N.Y.: New York Botanical Garden Press, 2004), and *Biocultural Diversity Conservation: A Global Sourcebook* (L. Maffi and E. Woodley, Earthscan, 2010).



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- 3 Enjoy being recognized** in the Driftwood and the satisfaction of knowing you have helped make Salt Spring a cleaner and healthier place to live.

It's time for the Driftwood's annual island-wide clean-up campaign! Join your friends and neighbours in clearing litter and other debris from island roadsides and beaches.

*Recipient of the 2021 & 2022 BC Media Industry Community Service Award

Driftwood GULF ISLANDS
250-537-9933 • 241 Fulford-Ganges Road
www.gulfislandsdriftwood.com • driftwood@gulfislandsdriftwood.com

Irresponsibility of no response

BY DAVID RAPPORT
AND LUISA MAFFI

If someone publicly charged you with “running rogue” for not adhering to your mandate, more likely than not you would feel compelled to respond and justify your actions, wouldn't you? Not so, it seems, in the case of our Local Trust Committee (LTC) and the Islands Trust Council (ITC). In the face of a scathing critique (“Islands Trust ‘runs rogue’ with object and policy statement moves,” Driftwood, Feb. 14) that asserts their actions undermine the mandate they were elected to uphold, they choose to remain silent.

Why this would be one can only guess. But if, as the adage goes, “Silence speaks volumes,” then lack of response may suggest that, at the very least, trustees have nothing valid to say in response.

Both the LTC and the ITC well know that their “preserve and protect” mandate has nothing to do with taking on responsibility for fostering tourism, building infrastructure, or solving the affordable housing crisis. Their mandate is, unequivocally, to ensure that our life-supporting ecosystems remain viable and are able to sustain present and future generations of islanders. Accomplishing that means doing everything possible to reduce anthropogenic stress on the island's ecosystems. For quite a while now, the LTC and ITC have been doing the exact opposite. Encouraging more tourism and further development increases, rather than diminishes, anthropogenic stress, and puts our ecosystems, and therefore our lives and livelihoods, at increasing risk. Far from staying the course of “preserve and protect,” the LTC and ITC are now veering toward “disturb and neglect.”

Whether the LTC and the ITC have set this course because they don't know enough or don't care is a matter for debate. What is certain is that any attempt to claim the Trust today is giving priority to preserving and protecting the natural environment that sustains us all is ludicrous. Trustees are making decisions, largely without public consultation, that blatantly conflict with the Trust Act and the Trust Policy Statement (and, on Salt Spring, with our official community plan). In so doing, they are acting against the expressed wishes of the large majority of respondents to the Trust's own 2019 survey “Islands 2050: The Future of the Trust Area,” who stated that the natural environment and the preserve and protect mandate are what they value most and that environmental change and environmental protection are their top concerns.

Even more shockingly, the Trust is also acting against the expressed, and repeated, wishes of the First Nations who have been the long-term stewards of these lands. Witness most recently the Feb. 2 letter by Tsawout Chief Abraham Pelkey to the Trust's Executive Committee, reiterating the First Nation's opposition to Bylaw 537 and expressing deep frustration for the Trust's lack of consultation on and consideration of their positions. That First Nations' views are so persistently ignored casts a dark shadow on the Trust's commitment to reconciliation and poses disturbing questions as to whether colonialist

thinking remains alive and well within the Trust.

The failure to uphold “preserve and protect” by opening the door to “disturb and neglect” is furthering the degradation of our life-support systems, and in so doing it is compromising the health and wellbeing of our island communities. Are our trustees blind to the fact we already have insufficient water to accommodate our existing population on the islands, let alone accommodate more tourists? Are they forgetting that, in recent summer droughts, the Trust was asking visitors to “BYO” — and they weren't talking about beer? Is it not apparent that, should the health of our island ecosystems continue to degrade, we are all at risk — not only for our health, but for our livelihoods and economic and social wellbeing?

Even more shockingly, the Trust is also acting against the expressed, and repeated, wishes of the First Nations who have been the long-term stewards of these lands.

Have the ITC and the Salt Spring LTC in particular embraced unrestrained development on islands that are not only intrinsically fragile, but also highly vulnerable to the impacts of climate change, as we have witnessed with increasingly severe episodes of drought and atmospheric rivers? Having an LTC and a majority of the ITC show little interest in adhering to the Trust's mandate and to reconciliation, and rather act in ways that undermine what they committed themselves to uphold is akin to having pyromaniacs as fire board trustees or proponents of fake news as school trustees.

As we see it, those trustees who have taken this course are betraying the mandate they pledged to honour. In our view, they should either recognize their unsuitability for the job and resign en masse or go back to serving the remit they were given with commitment and competence. The people of the Gulf Islands should expect and demand no less.

David J. Rapport holds a doctorate in economic development and international trade. He spearheaded Statistics Canada's statistical system for reporting on the state of the environment in relation to human activities, which has been widely adopted by national and international bodies.

Luisa Maffi holds a doctorate in anthropology and has spearheaded the field of biocultural diversity, which focuses on the vital interdependence of people and the natural world globally.

Both live on Salt Spring Island.



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NORTH SALT SPRING WATERWORKS DISTRICT NOTICE FLUSHING OF WATERMAINS

FLUSHING OF WATERMAINS WILL BE CARRIED OUT IN THE DISTRICT ON TUESDAYS, WEDNESDAYS, THURSDAYS AND FRIDAYS - MARCH 4 - APRIL 30, 2024

Short periods of low pressure and discolouration of water can be expected between these dates. Consumers are warned to be on alert for discoloured water, especially before using washing machines, dishwashers and other appliances.

Commercial establishments such as laundromats, restaurants and beauty salons will receive advance warning of flushing in their vicinity if a request for such notification is received by the District.

Please contact the NSSWD at 250-537-9902.

In no case can the District accept responsibility for any claims arising out of the use of discoloured water.

ISLAND VOICES

LETTERS to the editor

Ganges fire hall project updated

Salt Spring's upcoming fire hall project is proceeding smoothly, staying on track both in terms of schedule and budget, as reported by CAO Rodney Dieleman and the Salt Spring Island Fire Protection District board of trustees.

The recently received Schedule-B cost estimates, a crucial construction milestone offering up to 90 per cent cost certainty, validate the meticulous planning and estimation efforts, resulting in a project likely to meet or even surpass the original budget. Board chair Rollie Cook expressed confidence that the approved \$9.7 million borrowing from ratepayers is adequate for project completion.

The owner's representative on the project, Hans Hazenboom, pointed out that "the project is now entering the active tendering and construction phase, including inviting local contractors to get involved."

Hans added that while installing solar panels was beyond the original budget, "provisions are being made to accommodate a future installation."

Building permits are in progress, and water hookup negotiations have been successful. Action on the site is expected this spring as tenders for various project aspects are anticipated to be awarded in the next four to six weeks.

Chief Jamie Holmes highlighted key enhancements in disaster resilience, stating that the new fire hall, in contrast to its predecessor, will adhere to significantly higher disaster-proof standards.

Additional features, such as water storage and reclamation, have been incorporated into the plans.

CAO Dieleman mentioned the inclusion of extra space for CRD Emergency Management Salt Spring Island operations in the new fire hall, reinforcing community resilience against natural disasters for generations to come.

For more information and updates on the project, visit our website page at saltspringfire.com/new-firehall or call 250-537-2531 and speak with CAO Rodney Dieleman.

SALT SPRING ISLAND FIRE PROTECTION DISTRICT BOARD OF TRUSTEES

Letters to the editor are welcome, but writers are requested to keep their submissions to 350 words or less. For details about deadlines, and word limits for the Viewpoint and other longer opinion pieces, contact the editor at the email address below, or phone 250-537-9933. All submissions may be edited for brevity, legality and taste. Writers are asked to provide a telephone number where they may be reached during the day, and to sign letters with their full name. Letters published do not necessarily reflect the views of Driftwood Publishing Ltd., its staff or advertisers. Send letters to: news@gulfislandsdriftwood.com

Rants + ROSES



Rants

I would like to rant about the 80-km/hour speed limit sign posted on the Fulford-Ganges Road just north of Cusheon Lake Road by the Ministry of Transportation and Infrastructure. The signage as seen in the photo above is very confusing. It is only 33 metres in front of a 40-km/hr dangerous curve sign. Roses to the people of the island who have worked so hard to get the speed reduced in Ganges. We all need to slow down our traffic to protect our islanders and island environment. *Heather Neville*

Roses

We would like to thank paramedics Mike and Martin who ploughed through the snow on Jan. 17 to access my husband, who had fallen and was hurt. He has recovered well and our thanks go to them for their quick response.

H & T

The Salt Spring Island Public Library sends roses to all who helped create and launch the new ITOTELNEW HÁUTW / Tatul' utew't-hw Indigenous Learning Area, including Rose Spahan, Myrna Crossley Elliot, Chazz Elliott, James Jimmy, Maynard Johnny Jr, Angela Marston, Dr. John Elliot, Cosiniye Elliot, Rae Anne Claxton, Bill Jamison, Phil Vernon, Chris Marshall, Province of British Columbia through the Ministry of Municipal Affairs, The Salt Spring Island Foundation, The Philip and Muriel Berman Foundation, Salt Spring Books, Library donors, Library board, Christine Hunt, Anne Zeller, Library volunteers and staff, Caroline Dick, Maya Rosborough, Rob Bartram, Bobbi Ruckle, Alex Hasenfratz, Matt Tong, Calum O'Neill, Library Reconciliation Reading Circle members, CRD, Gulf Islands Driftwood, CBC Radio, Hungry Bubba's catering, and everyone else who contributed in any way. Huy ch q'u! HÍSWŪŪ!

QUOTE OF THE WEEK:

"I've seen when they're super hungry, they'll actually eat the bark off the tree. But typically they'll eat down to the mid-rib of a leaf."

DAVE HOLDEN, CANADIAN FOOD INSPECTION AGENCY BIOLIST, ON SPONGY MOTH BEHAVIOUR

Islands Trust 'runs rogue' with object and policy statement moves

BY DAVID J. RAPPORT AND LUISA MAFFI

One often hears that being an Islands Trust trustee is a thankless job — one of the classic "damned if you do [uphold the Trust's "preserve and protect" mandate], damned if you don't" sort. Confronted with that uneasy dilemma, the current Salt Spring Local Trust Committee (LTC) and a majority within Trust Council (TC) at large seem to have chosen to overcome the impasse by simply ignoring, and indeed undermining, the Trust's mandate. To put it succinctly, in our view the Trust is now running rogue.

We do not say that lightly. It is hard to imagine that fellow islanders would vie for the opportunity to serve as trustees and then deliberately turn their backs on the Trust's core mission. But how else might one interpret recent events in what we can only describe as the Trust's "Theatre of the Absurd"?

First, the TC has taken it upon itself to redefine the "object" of the Trust, turning it into a vehicle to

preserve and protect such "unique amenities" as housing, livelihoods, infrastructure, and tourism — seemingly without a hint of recognition that none of the above really qualify as being "amenities," let alone being "unique."

Second, it appears to us that the TC is seeking to reformulate the all-important Trust Policy Statement (TPS) in ways that align with their twisted concept of "amenities." That will prove to be difficult. The concept of "unique amenities," as defined and approved by the TC in 1986, clearly refers to the benefits of our natural environment, its rural character, and its cultural history for our island communities and people in British Columbia and beyond.

Third, the TC is so keen to promote its new "vision" for the TPS (apparently one of unrestrained economic growth and development — precisely the circumstances that the Trust Act was established to curb in our beautiful and fragile islands) — that it seems unwilling to wait for the required

INDEPTH

input from First Nations before going ahead and formulating its public relations strategy, complete with "talking points," "speaking notes" and "frequently asked questions" (as detailed in the Jan. 31 Driftwood's "Draft Policy Plan Delayed" story).

Fourth, our LTC recently attempted an "end-run" around public opposition to their proposal to open the floodgates on more ADUs by requesting Salt Spring's inclusion under the provisions of provincial Bill 44 — which was designed for municipalities, outlawing public hearings on housing matters provided that relevant decisions don't conflict with official community plans. That effort was thwarted by the Ministry of Housing, eliciting a sharp rebuke from Minister Ravi Kahlon, who reminded the LTC of our "existing infrastructure capacity issues" (particularly around water and waste

disposal), the interests of local First Nations and the LTC's obligations under the Trust's "preserve and protect" mandate.

Rather than focusing on "talking points," our LTC and the TC might be better advised to reflect on the limits of their authority. Much as some of them may fancy otherwise, they were not elected as politicians — that is, as authorities entrusted with "all-purpose" governance over the islands. Quite to the contrary, islands trustees — much like trustees for the fire board, school district or North Salt Spring Waterworks District — are elected for special purpose governance: to carry out a specific and limited, if crucial, mandate. Issues beyond their given remit are not within their purview.

Ironically, this is happening just as our provincial government is owning up its failure to ensure the health of ecosystems across the province. If the Minister for Land, Water, and Resource Stewardship has done so, it is more than high time for the Trust to follow suit.

Under all accounts, our island ecosystems are in dire straits. Yet, the LTC and the TC appear to be oblivious to this fact, blissfully pursuing an agenda that conflicts with their own mandate, at an increasing cost for our island ecosystems and, as a result, for the health and well-being of island residents.

The draft of the Province's flagship Biodiversity and Ecosystem Health Framework program (November 2023) should be mandatory reading for all Islands Trust trustees, as well as for island residents. It sets a new course on the stewardship of the environment, addressing head-on the life-essential need to restore health to our life-support systems. The draft document is available on the B.C. government's website.

David J. Rapport is an economist and ecologist who pioneered the field of ecosystem health. Luisa Maffi is a linguist and anthropologist who pioneered the field of biocultural diversity. They live on Salt Spring Island.

HOUS Housing Policy Branch HOUS:EX <Housing.Policy@gov.bc.ca>
RE: Gabriola Island Local Trust Committee Opting In to Bill 35 Principal Residence Requirement

Peter Luckham
Chair of Islands Trust Council
200 – 1627 Fort Street
Victoria, BC V8R 1H8
information@islandstrust.bc.ca

Dear Peter Luckham:

Thank you for your email of March 26, 2024, addressed to the Honourable Ravi Kahlon, Minister of Housing, regarding the decision for the Gabriola Island Local Trust Committee to opt-in to the provisions of the *Short-Term Rental Accommodations Act* (STRAA). As the Director, Housing Policy Branch, I am able to respond.

I acknowledge receipt of the request and resolution. As you are within a trust area, as defined in section 1 of the *Islands Trust Act*, you are eligible to opt-in to the principal residence requirement.

Formal acceptance of your request requires Cabinet approval and an amendment to the Regulation. You can subscribe for emailed updates to B.C.'s *Short-Term Rental Accommodations Act*, regulations, and related information by entering your email address in the Subscribe text box at:
<https://www2.gov.bc.ca/gov/content/housing-tenancy/short-term-rentals/subscribing-straa-updates>

Note that if the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

The request to opt-in to the principal residence requirement will take effect November 1, 2024, to give hosts notice to comply.

Thank you for submitting the request and for your support of the *Short-Term Rental Accommodations Act* and its objectives. I look forward to our continued partnership in tackling housing challenges in BC communities.

Sincerely,

Doug Page
Director
Housing Policy Branch
Ministry of Housing

CLIFF: 66481

From: Keith Lawrence <Keith.Lawrence@cvrd.bc.ca>
Sent: Thursday, April 18, 2024 10:13 AM
To: Keith Lawrence <Keith.Lawrence@cvrd.bc.ca>
Subject: FW: You're invited: Climate Summit May 6 & 13

Hi Regional Adaptation Advisory Group members,

VICC invites you to this Climate Summit for local government staff and elected officials. Further details and a registration link to this online event are below.

Hope to see you there,

Keith Lawrence
Environmental Services
Cowichan Valley Regional District

From: Peer Networks <peernetworks@communityenergy.ca>
Subject: You're invited: Climate Summit May 6 & 13

Hello,

Apologies if you have received this information more than once! On **May 6 & 13** from **9:30-12:30** each day, the Vancouver Island Coastal Community (VICC) Climate Leadership Steering Committee is hosting a Climate Summit for local government staff and elected officials from the VICC region.

This virtual event aims to:

- Share information across jurisdictions about what different municipalities and regional districts in the VICC region can do, and are doing, to effectively address climate change
- Build local government capacity through sharing of knowledge and best practices
- Provide a venue for relationship building

- Promote understanding of the benefits of regional climate action and build support for regional climate initiatives
- Identify opportunities to collaborate regionally on climate action initiatives
- Identify regional priorities for advocacy

To learn more about the Summit, and to register, please visit:

<https://www.communityenergy.ca/event/climate-summit>

Please share with other local government staff and elected in the region!

Thank you,

Sent on behalf of Vancouver Island Coastal Community (VICC) Climate Leadership Steering Committee

Sam Sedlowsky (she/her), Sr. Lead, Networks & Collaboration
Capacity & Leadership Development Service Area
Office: [250-469-6783 ext. 707](tel:250-469-6783)

[Redacted signature area]

CEA has established truth and reconciliation principles that guide our contribution to ending the systemic inequities faced by Indigenous communities. I gratefully acknowledge that I live and work in Ktunaxa ?mak?is, the territory of the Ktunaxa Nation.

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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 request additional funding from the Province, including revisiting the provincial grant funding formula to the Islands Trust.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 07-Mar-2023

3. Request for Provincial Review

Per Trust Council request respond to Minister Kang to the effect that Trust Council will revisit the request for a review of Islands Trust mandate, governance and structure and provide the minister with an update.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 08-Mar-2023
Target: 06-Dec-2023

Active Projects Report

Executive Committee

4. *Strategic Planning*

Responsible

Dates

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

Russ Hotsenpiller

Rec'd: 03-May-2023

5. *Communications*

Responsible

Dates

Development of an Islands Trust Communications Strategy.

Clare Frater
Russ Hotsenpiller

Rec'd: 03-May-2023

Future Projects Report

Executive Committee

1. <i>Marine Ecosystems</i>	Responsible	Date Received
Advance the preservation and protection of marine ecosystems.		03-May-2023
2. <i>MOTI MOU's</i>	Responsible	Date Received
To engage with the Ministry of Transportation on a updated Memorandum of Understanding.		03-May-2023
3. <i>Climate Change Emergency</i>	Responsible	Date Received
Programming associated with the Climate Change declaration of the Islands Trust.		03-May-2023
4. <i>Request to Minister for Review of Islands Trust</i>	Responsible	Date Received
To follow up on the request by Trust Council for a review of the Islands Trust by the Minister of Municipal Affairs.		01-Nov-2023
5. <i>Summary of requests by Trust Council to approach the Province to provide ongoing funding to the Islands Trust</i>	Responsible	Date Received
This work item is the combination of a number of requests by Trust Council (March 2023), (July 2023) and previous terms to develop a strategy to request further funding from the Province.		



BRIEFING

To: Executive Committee **For the Meeting of:** April 24, 2024
From: ITC Chair **Date Prepared:** April 17, 2024
SUBJECT: Addressing the Climate Change Emergency Together

PURPOSE: To seek ways in which the Executive Committee (EC) and the Islands Trust Conservancy (ITC) can work collaboratively to advance actions on the Trust Council 2019 declaration of a climate change emergency and Islands Trust commitments to take urgent and fair climate action.

BACKGROUND:

While some actions related to climate change are being addressed by both ITC and Islands Trust Council (TC), it is generally perceived that neither organization is treating climate change as an emergency. On the TC side commitments have been made to:

- update the Islands Trust Policy Statement to more effectively address climate change, which is progressing but has been delayed;
- develop and implement a Freshwater Sustainability Strategy, which addresses water shortages partially attributed to climate change and has resulted in some climate change adaptation actions such as a requirement for rainwater harvesting for new builds on some islands;
- undertake landowner stewardship education on climate change, which includes the fire smart program but has not been more generally done;
- map eelgrass beds throughout the Trust Area, which was halted after a first phase;
- implement land conservation strategies that consider climate change impacts.

On the ITC side the protected areas mandate is closely entwined with climate change:

- protecting natural ecosystems ensures that the natural environment is resilient to change and that carbon sinks and stores in those ecosystems are preserved;
- protecting and restoring species and ecosystems at risk, especially wetlands and forests, supports resilient ecosystems;
- a project charter proposing a pilot program on climate change has been approved but the project was never completed;
- links to climate change in all conservation covenants and natural areas approval are made in staff reports, although there is little data available to analyse the role of particular areas in climate change mitigation and adaptation.

On the local trust committee's side, several LTCs have adopted climate action plans and incorporated climate change into their Official Community Plans, although it is debatable whether climate action is elevated to the level of a priority in the planning processes.

Within the structure of Islands Trust, its three corporate structures – Islands Trust Council, Islands Trust Conservancy, and local trust committees – have different tools that could contribute to climate change action. While some actions have been taken, in light of public feedback during the Islands2050 public engagement (see attached briefing) Islands Trust should consider whether its actions are sufficient for a climate change emergency.

Both the provincial and federal governments have initiatives to support nature-based climate solutions, and have allocated funds for this. Several private conservancies within the Trust area have leveraged funds, from both the provincial and federal governments, to protect carbon sinks and stores in forests and wetlands on their islands. Yet the ITC and EC have not been nimble enough or had enough capacity to access these funds, even though some of the background work necessary has already been done. Nevertheless, Islands Trust has received \$111,000 through the Local Government Climate Action Program and the ITC Board would welcome a discussion on the use of these funds.

Forests

The world’s forests store and remove massive amounts of carbon from the atmosphere. It is generally agreed that without the role of forests in the carbon cycle it would be impossible to maintain global temperatures below 1.5 °C above pre-industrial levels (as is in the Paris Climate Agreement). A 2018 study estimated that the forests in the Trust Area sequester 190,506 tonnes of carbon per year, which equates to about 40,241 passenger vehicles per year. Forest in the Island Trust Area store 82% more carbon per hectare than forests in the rest of the Coastal Douglas-Fir Biogeoclimatic Zone ([CDF Tool Kit, 2018](#)).

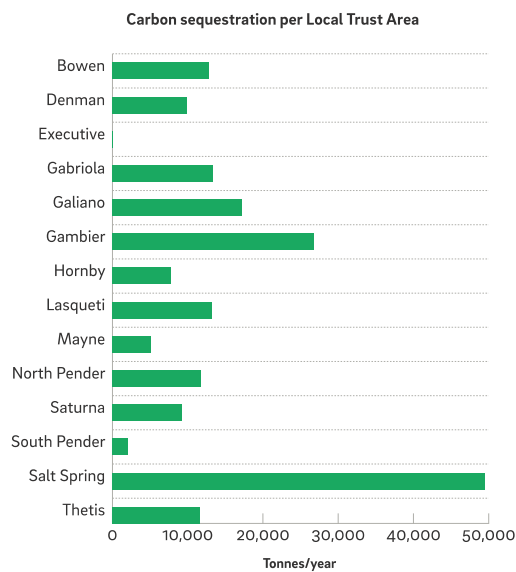


Figure 1: Carbon sequestration in the Islands Trust Area. Source: (Starke 2018)

Between 2004 and 2014, the Islands Trust Area saw deforestation of more than 1% of its land base ([ITC 2018-2027 Regional Conservation Plan](#)). Prevention of forest loss is an essential focus for global mitigation efforts both locally and globally and Islands Trust has a small, but important role to play.

Nearshore Marine Environments

While forests contain the most stored carbon globally, ecosystems like salt marshes and seagrass beds store more carbon on an area basis than most forests. Islands Trust has some ability to limit loss of nearshore habitat, but its most impactful tools for conservation apply to the upland areas that have impacts on the nearshore ecosystems. In the Islands Trust area, approximately 20% of shorelines where eelgrass is present have some form of protection; however, protection varies across the region with areas like Thetis Island having only 2.5% protected, while Denman and Hornby have almost a third of eelgrass shoreline protected.

The most recent data available suggests that between 1932 and 2016 eelgrass area has declined by 41% in Village Bay, Horton Bay and Lyall Harbour, and the fragmentation of remaining eelgrass beds has

increased by 76%.¹ Although data is not available for other islands there is a high likelihood that the same declines have occurred elsewhere. So much eelgrass has been lost globally and locally that many scientists have indicated that we should be protecting 100% of what remains.

Connecting Natural Spaces and Restoring Degraded Land

While preservation of natural systems is the foundation for effective climate mitigation and adaptation, including carbon retention, restoration of degraded ecosystems is needed to augment carbon sequestration and enhance biodiversity and connectivity. This rationale is one reason that Target 2 of the Kunming-Montreal Global Biodiversity Framework states: “Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and coastal and marine ecosystems are under effective restoration...”

Almost all of the ecosystems in the Islands Trust Area have been damaged and degraded in the last 150 years. Early logging at the turn of the twentieth century was selective, but logs being dragged to the ocean, often along streambeds, have left marks on the landscape that are still visible today. Similarly, wetlands that were ditched, drained and cleared for agriculture converted productive natural areas to human use, excluding many of the species that were formerly present. Later, clear cut logging, gravel and rock excavation, housing development and creation of commercial centers on the islands has further damaged and degraded the landscape. As of 2017, more than 67% of forest stands in the Islands Trust Area were under 80 years of age. These forests and other degraded habitats offer tremendous opportunity for habitat restoration and carbon sequestration.

Questions for Discussion

1. Do you think that the Trust Council and the Islands Trust Conservancy are treating climate change as if it were an emergency, as per the 2019 declaration?
2. Are there actions we can take together to enhance our climate change activities?
3. Do we fund climate change activities directly? Do we provide enough funds? Is this a priority for us?
4. We know that Islands Trust Area communities are concerned about the impacts of drought and fire. Do we need to reinforce messaging together on the importance of climate change for our own food and water security and safety? Is there an urgent need for this communication?
5. Islands Trust has received \$111,000 to be spent over the next 3 years from the Local Government Climate Action Program. What are the plans for these funds and are there opportunities for collaboration in their use?
6. Other?

ATTACHMENT(S):

- Islands Trust resources available at <https://islandstrust.bc.ca/programs/climate-change/>
- Trust Council Briefing: Islands Trust Climate Actions, March 12, 2024

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Risa Smith (ITC Chair) and Kate Emmings (ITC Manager)

Reviewed By/Date: Clare Frater, Director, Trust Area Services / April 18, 2024
Russ Hotsenpiller, CAO / April 18, 2024

¹ Nahirnick NK (2018). Long-term Spatial-temporal Eelgrass (*Zostera marina*) Habitat Change (1932-2016) in the Salish Sea using Historic Aerial Photography and Unmanned Aerial Vehicle. Geography Master of Science, 100, and Nahirnick NK, Costa M, Schroeder S, Sharma T (2020). Long-term eelgrass habitat change and associated human impacts on the west coast of Canada. Journal of Coastal Research 36, 30-40. <https://doi.org/10.2112/JCOASTRES-D-18-00112.1>

aid in protection of that zone and its associated ecosystems.	
1.2. Create a model development permit for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas fir zones throughout the Trust Area.	Last term, Regional Planning Committee decided to wait for work underway on Salt Spring Island on Coastal Douglas-fir ecosystem protection (wildfire resilience). At present, no future work planned.
2.1. Amend legislation to increase the percentage of the Natural Area Protection Tax Exemption Program (NAPTEP) to act as an incentive for the protection of forest cover for climate change mitigation and adaptation in the Islands Trust Area.	Not started. Ministry officials have referred the Islands Trust to the Ministry of Finance for further information. A tax shift analysis is required for a business case to the Province of BC regarding Trust Council's desire that legislation be amended to increase the NAPTEP exemption.
2.2. Create forestry initiatives including establishment of development permit areas, tree cutting authority advocacy, enforcement of development permits related to forestry and advocacy associated with the Private Managed Forest Land Act.	As per Trust Council direction in March, pursuit of tree cutting authority is not proceeding. Advocacy occurred with regard Private Managed Forest Land Act changes in 20/21. Enforcement of development permits remains a province wide issue. Trust Council may wish to provide specific direction in terms of outcomes associated with this strategic priority.
Objective: To preserve and protect marine ecosystems	
2.3. Map the extent of eelgrass and kelp beds throughout the Trust Area.	Phase 1 was completed in March 2022 and Phase 2 has not yet been funded. On Regional Planning Committee's future projects list.
2.4. 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.	Partially completed. On Regional Planning Committee's future projects list.
Protect quality and quantity of fresh water resources of the Trust Area	
2.5. Develop a regional freshwater management strategy that addresses responsibilities under the Water Sustainability Act, identifies water resources throughout the Trust Area, integrates water resource management into land use decision-making, and accounts for the impacts of climate change on island water resources.	Freshwater Sustainability Strategy received by Trust Council in December 2021. Trust Council requested that the Regional Planning Committee develop of a Freshwater Sustainability Strategy policy document and recommendations for implementation of the Strategy which is on Regional Planning Committee's future projects list.

	A webpage devoted to the Freshwater Sustainability Program was developed and implementation opportunities are occurring through development of products such as a Freshwater Atlas and Land Suitability Analysis.
2.6. Map and develop water budgets for groundwater aquifers in the Trust Area.	Partially complete. On Regional Planning Committee's active projects list. Water budgets still required for Hornby, Denman and Gabriola, Salt Spring, Thetis, Keats, Gambier and updates for Southern Gulf Islands.
2.7. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling.	On Regional Planning Committee's future projects list.
Mitigate and adapt to climate change impacts	
3.1 Amend the Islands Trust Policy Statement to add climate change mitigation, adaptation and resiliency policies.	In progress.
3.2 Amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas fir, foreshore and nearshore environments and groundwater.	Not started as Policy Statement Amendment Project not complete. The Gambier Island Official Community Plan update will address climate topics,
3.3 Develop i) a set of climate change, demographic and environmental data and ii) performance criteria in order to identify the effects of climate change in the Trust Area and to measure mitigation and adaption efforts.	Trust Programs Committee received a contracted report about climate indicators at the August 2020 meeting which it forwarded to Trust Council. Conservancy Board received a contracted report about climate projections in 2020. Performance criteria project not started.
Improve community engagement and participation in Islands Trust work	
2.8. Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council.	Complete. Reduces GHG emissions via reduced travel.
2.9. Develop a new website and initiate a social media program.	Complete. New webpages on climate change, freshwater sustainability and new social media channels implemented which can be used to share climate action information.
2.10. Develop and implement a stewardship education program directed towards the	Ongoing.

public, industry and stakeholders in the Trust Area.	<p>In 2020, TPC delivered a water conservation webinar, an eelgrass webinar and an ecosystem adaptation webinar. In February 2021, TPC delivered a groundwater licencing webinar.</p> <p>In 2023, Islands Trust Conservancy’s Species At Risk Program hosted digital events from Feb.-Apr, 2023 which included information on climate impacts.</p> <p>In 2024, Trust Programs Committee is planning a wildfire prevention webinar.</p>
To improve and modernize the ability of the Islands Trust to regulate land use activity and work with others	
5.2 Provide a secretariat role to forums within the Trust Area.	The Secretariat Services Program funds six coordination groups including, as of Dec 2023, the Vancouver Island and Coastal Communities Climate Leadership Steering Committee
Strengthen housing affordability throughout the Islands Trust Area	
4.4. iii. Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws.	Consultant Report received by Trust Council September 2021. Draft Housing Toolkit reviewed by Regional Planning Committee in July 2023 with all feasible regulatory options included. No further work recommended due to low value of using floor area ratio in rural areas and poor uptake of model bylaws.
4.4. iv. Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws.	Not started, and not recommended due to poor uptake of model bylaws. The Flexible housing bylaw created for Mayne Island is an example.

In addition:

Trust Council Initiatives

- [Natural Area Protection Tax Exemption Program \(NAPTEP\)](#)
- [Natural Area Protection Tax Exemption Program \(NAPTEP\) Fee Sponsorship Program](#)
- Carbon Neutral Operations
 - [Carbon Neutral Operations Policy](#)
 - [2023 Report to Province of BC’s Local Government Climate Action Program](#)
- [Shoreline Protection Model Bylaw Report](#)

Islands Trust Conservancy Initiatives

The Islands Trust Conservancy furthers climate action through its core work which is guided by:

- a [Five Year Plan](#) approved by the Minister of Municipal Affairs,
- a [Regional Conservation Plan](#),
- a [Land Securement Strategy](#), and
- a [Property Management Strategy](#)

and through its [Species at Risk program](#) funded by Environment and Climate Change Canada.

Due to a lack of staff resources, the Conservancy is challenged to undertake climate change adaptation work such as wildfire prevention planning and implementation.

Mapping

The Islands Trust has access to several mapping layers relevant to climate action planning including:

- Sea level rise (some portions of the Trust Area)
- Wildfire vulnerability (some portions of the Trust Area)
- Eelgrass mapping (not suitable for bylaw development until Phase 2 completed)

In addition, Islands Trust has a conservation model in the GIS mapping system that could be used for protected area network planning for climate change adaptation purposes.

Grant funding

There are various grant programs available to fund climate action work. Some examples are below:

- [Local Government Climate Action Program](#) (Provincial)
 - Islands Trust expects to receive \$38,000 in 2024/25 in provincial grant funding for climate change mitigation or adaptation initiative.
- [Disaster Risk Reduction Climate Adaptation Program](#) (UBCM) (up to \$150,000) (next application deadlines in October 4, 2024 and March 28, 2025.)
 - In March 2023, Trust Council voted to approve Sunshine Coast Regional District applying for, receiving, and managing 2022 grant funding on behalf of the Islands Trust for development of a Coastal Flood Mapping.

The intent of the DRR-CA funding stream is to support eligible applicants to reduce risks from future disasters due to natural hazards and climate-related risks through the development and implementation of:

- Accurate foundational knowledge of the natural hazards they face and the risks associated with BC's changing climate
- Effective strategies to prepare for, mitigate, and adapt to those risks.

Islands Trust is eligible in two categories:

- Category 1: Foundational activities (risk mapping, risk assessments, planning) (projects may include mapping, assessment and/or planning for private land, only with the land owners' consent.)
- Category 2: Non-structural activities (land use planning, community education, purchase of eligible equipment)

Note: Applicants must demonstrate engagement with First Nations and/or Indigenous organizations in advance of submitting the application and as part of the proposed project

- [Active Transportation Network Planning Grant](#) (via Provincial) Active Transportation Infrastructure Program (Islands Trust has been accepted for a \$25,000 grant for the SSI Active Transportation Project but is trying to sort out matching funds).

The Network Planning grant supports smaller communities in developing active transportation network plans to support active transportation for all ages and abilities

- [Complete Communities](#) (UBCM) (Salt Spring Island LTC has been accepted for a \$150,000 project for a "Building a Complete Community for Salt Spring Island" project.

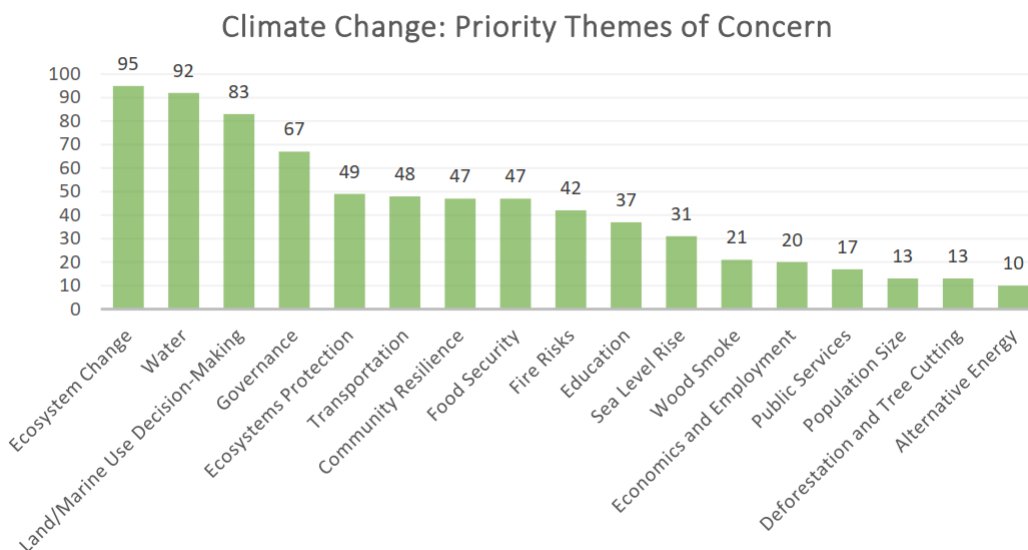
The Complete Communities program supports local governments and modern treaty First Nations in advancing identified community goals through the creation of more complete communities. The program supports communities in undertaking assessments to inform land use decision-making, considering housing need, supply, and location; providing transportation options including increased walkability; and making connections to infrastructure investment and servicing decisions.

Partnerships

- Conservation Decisions Lab at University of British Columbia (Trust Council has requested a data sharing agreement which will be arranged when staff capacity permits)
- [Vancouver Island and Coastal Communities Climate Leadership Steering Committee](#) (Trust Council is a member via Trustee Morrison).
- Regional Climate Adaptation Advisory Group (For local governments and First Nations) (Islands Trust does not have capacity to participate without backfill of the Senior Policy Advisor position).
 - January 2024 agenda topics included: drought planning presentation by Island Health; sea level rise assessment presentation by Malahat Nation; climate risk assessment presentation by the Municipality of North Cowichan; and hazard risk and vulnerability assessment presentation by Emergency Management Cowichan

Climate-related previous public engagement results via Islands 2050 project:

Phase 1 (2019): Islands Trust asked communities in the Islands Trust Area, “In the context of a changing climate, what are your concerns for the next 30 years? Result:



Phase 3 (2022): In final report about the engagement results, it was noted:

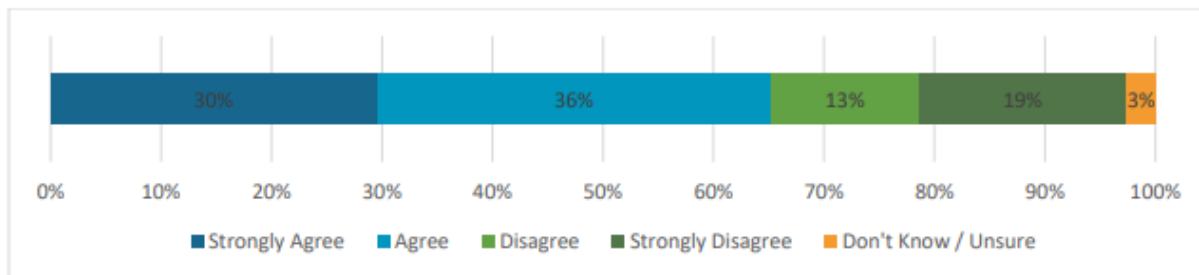
- Participants often mentioned the urgency of climate change. Respondents most often suggested that protection of the coastal and marine environment should be the priority as human activity and climate change are having significant impacts. Some noted they have seen visible changes to the foreshore and are worried about continued degradation.
- Respondents shared that agriculture on the islands is valuable, and contributes to food security and climate resiliency.
- Generally, a call to protect the environment was one of the most frequent themes mentioned. Respondents shared that the environment should be a priority over development which negatively

impacts the environment. Some noted climate change impacts and depletion of resources means that their current way of life on the islands is not sustainable.

- Many participants shared concerns that Islands Trust is expanding its mandate to include climate change, affordable housing, forestry, agriculture, community, and reconciliation. Many considered these new policy mandates to overlap with existing regulations by other levels of government and questioned whether Islands Trust staff would have the appropriate expertise or adequate capacity to implement the scope of these policy changes.

A survey result included:

A) The impacts of climate change on ecosystems should be identified and monitored through climate vulnerability assessments in each local planning area. (1014 Responses)



Analysis of correspondence received during the engagement revealed that:

- Many correspondents expressed they were pleased to see “Climate Change” incorporated into the Policy Statement.
- Many felt that climate adaptation, resilience, and mitigation strongly aligned with Islands Trust’s mandate to preserve and protect the environment and unique amenities.
- Many correspondents expressed the need to include a call to action for ecosystem and human survival: They believe that directives should speak to how precisely Islands Trust can play a role in, for example reducing greenhouse gas emissions or ensuring fresh water supply;
- Some correspondents questioned the ability of Islands Trust to enact climate action and questioned their jurisdictional ability to take concerted action;
- Correspondents highlighted the importance of climate change directives and a call to urgent action in policy, considering past and recent extreme weather and environmental events affecting social, cultural, and economic life on the islands:
- Many correspondents highlighted a wide range of examples of how climate change is affecting their lives. To name some examples, residents described extreme weather events such as the BC wildfires, drought, and the 2021 ‘heat dome’ that caused heat-related deaths;
- Others described slow onset effects of climate change, such as sea level rise and ocean acidification, significantly affecting small island communities;
- Many correspondents described the issue of fresh water supply and water insecurity;
- Some correspondents noted that there was no mention of wildfires and suggested including “fire smart” principles and forest fire management and responses in the Policy Statement
- Some correspondents used the term “climate emergency” to describe their experience of climate change. The need for urgent and swift action to mitigate ecological and human loss and ensure survival was a key theme.
- Several interrelated themes arose that intersected with climate change mitigation and resilience such as water access, forest and tree management, sustainable agriculture, human health and wellbeing, coastal and marine stewardship, and reconciliation.
- Some correspondents acknowledged the value of Indigenous knowledge systems and teachings as helpful contributors to climate mitigation and adaptation. They viewed reconciliation and meaningful and authentic relationship building with local First Nations and Indigenous peoples as part of the work towards ensuring sustainability and stewardship of the land.

Climate-related themes that emerged from previous First Nations engagements (Phases 1 and 2) during Islands 2050 engagement:

- Importance of preserving, protecting, and providing access to harvesting areas, culturally significant species, forests, and freshwater networks for First Nations members who wish to occupy and harvest from lands and waters in their territories
- Concern about impacts of climate change on surface and groundwater
- Encourage a Trust Council commitment to restrictions necessary to preserve and protect sensitive coastal and marine waters
- Desire for Trust Council commitment to the following [UNDRIP](#) Articles:
 - *18: Indigenous peoples have the right to participate in decision-making in matters which would affect 16 their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions*
 - *25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard*
 - *29.1: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.*
 - *32.1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.*

ATTACHMENT(S):

- 1. Mitigation Tools from Climate Change Emergency Declaration Briefing provided to Trust Council in June 2019**
- 2. Adaptation Tools from Climate Change Emergency Declaration Briefing provided to Trust Council in June 2019.**

FOLLOW-UP: Staff will follow-up as directed.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Russ Hotsenpiller, CAO/February 20, 2024

Attachment 1: Mitigation Tools from Climate Change Emergency Declaration Briefing provided to Trust Council in June 2019 (not updated)

Climate Change Mitigation Tools

Climate change mitigation involves actions that reduce greenhouse gas emissions (GHGs). In the local trust areas the main source of GHGs is combustion from transportation and combustion from heating and cooling buildings. Therefore, any policies and regulations that reduce the need for transportation, or reduce the need for heating or cooling of buildings will help in reducing GHGs.

The Province committed to providing the Community Energy and Emissions Inventory (CEEI) for local governments. For the Islands Trust area there is very little data available. The only metric is residential heating using wood, propane or oil (and this is withheld for Lasqueti and Gambier LTAs). There are no metrics available for transportation or any other source of GHG emissions. The last year CEEI reports were undertaken was 2012. As a result we currently do not have metrics to measure progress towards targets in OCPs. Bowen Island Municipality has Community Energy and Emission Inventories (starting on page 40 of this linked document <https://bowenisland.civicweb.net/document/118760>).

Local trust committees and Bowen Island Municipality have the following tools available to them to reduce GHGs:

- **GHG Reduction Targets** - Section 473 of the *Local Government Act* – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- **Zoning Authority** – Section 479 of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** – Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions** - Section 488(1)(j) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to mitigate climate change.

1. **Enact existing Official Community Plan policies** for the mitigation of climate change that are already in the official community plans but have not yet been acted on (Appendix 2 contains a list of these policies).
2. **Update official community plans** to ensure the mandatory GHG reduction targets and policies are relevant and up to date; Galiano Island, Mayne Island, North Pender Island, South Pender Island and Saturna Island local trust committees have targets for GHG reduction set for 2020 with no targets for any future dates, and as such those targets will be out of date next year. The Salt Spring Island Local Trust Committee has not adopted any targets or policies for the Piers Island OCP. The Thetis Associated Islands OCP contains objectives and policies but no targets. While the Islands Trust has very limited metrics to measure progress, the requirement to have targets and policies in official community plans is mandatory under s. 473 of the *Local Government Act*. These official community plans should be updated within the next year to ensure they remain compliant with required content for an official community plan, and to address targets and polices for GHG reduction. Other local trust committees should review their targets and policies for relevance to current conditions.
3. **Use the zoning authority under s. 479 of the *Local Government Act* to cluster development** and move away from large lots to small compact "villages". This can be accomplished through OCP

policies to require this kind of development, rezoning appropriately by increasing density in appropriate locations and reducing in other locations and density transfer to move density to appropriate areas. Some local trust committees already have some form of this in their OCPs. Salt Spring and Gabriola have density transfer that has seen some significant land use changes. While these were not specifically created to address climate change mitigation, they can be effective in changing the land use pattern to one that is more sustainable and reduces the need for transportation.

5. **Use the climate change development permit areas to reduce the heating and cooling requirements for buildings.** To improve building energy efficiency, land use planning can require landscaping and orientation of buildings in a way to maximize sun in winter and shade in summer. This would be done through a development permit area (DPA), with the justification and objectives in the Official Community Plan and the guidelines in the Land Use Bylaw. Local trust committees and Bowen Island Municipality may use DPAs to reduce GHG emissions and for energy conservation under s. 488 of the *Local Government Act*. Using these DPAs, local trust committees and Bowen Island Municipality may establish guidelines around landscaping, siting of buildings and structures, form and exterior design of buildings and structures, machinery, equipment and systems external to buildings or structures. The DPA may also place restrictions on type and placement of trees and other vegetation in proximity to buildings and structures to provide for energy conservation and reduction of GHGs.

Attachment 2: Adaptation Tools from Climate Change Emergency Declaration Briefing provided to Trust Council in June 2019 (not updated).

A. Climate Change Adaptation Tools:

Climate change adaptation involves adapting communities to the anticipated effects of climate change. In the Islands Trust area, these effects include sea-level rise, longer periods of drought, more intense storm events, wildfires, warmer summers and warmer winters, and ecosystem changes which may impact plant and animal species.

Local trust committees and Bowen Island Municipality have the following tools available to them to adapt to climate change:

- **Zoning Authority** - Section 479 of the *Local Government Act*.
- **Runoff Control Bylaw** - Section 523 of the *Local Government Act*.
- **Development Permit Area to Protect Development from Hazardous Conditions** – Section 488(1)(b) of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** - Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote Water Conservation** – Section 488(1)(i) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to adapt their communities to the effects of climate change:

1. Sea Level Rise Adaptation Tools

The Provincial government has established an expected sea-level rise in the Victoria area of 3.1 cm/50 years.

The Provincial (Subdivision) Approving Officer is currently requiring at time of subdivision a covenant for a 15 metres setback and 1.5 metres above the current high high water mark for any buildings or structures. This approach by the Provincial Approving Officer is a broad-brush approach to adapting to climate change and does not consider site specific conditions. Before initiating adaptation measures local trust committees and Bowen Island Municipality should have an understanding of the local situation.

- a) **Undertake mapping of sea-level rise** on the islands to provide information to assist with developing policies and regulations to adapt to sea-level rise.
- b) **Enact zoning regulations under s.479 of the *Local Government Act* and flood level regulations under s. 524 of the *Local Government Act*.** Using these provisions, local trust committees and Bowen Island Municipality may enact regulations to require setbacks for buildings and structures from the future anticipated natural boundary of the sea, as well as establish a minimum elevation for buildings and structures above the anticipated future elevation of the sea. Local trust committees and Bowen Island Municipality could make exceptions for structures that are designed to be moved (not on permanent foundation). Notwithstanding, the Provincial Approving Officer will continue to have independent authority to establish different requirements.

2. Longer Periods of Drought Adaptation Tools

Islands Trust staff currently has little information on groundwater such as the effects of climate change on recharge and capacity of the aquifers to provide water. Research and mapping of aquifers would allow local trust committees to develop policies and regulations that reflect the capacity of the aquifers including anticipated climate change effects. Water storage and

alternative water supplies could be considered. Means to reduce water consumption includes using development permit areas for water conservation, requiring drought tolerant planting, and requiring features to reduce water use.

- a) **Undertake research and mapping of aquifers, develop water consumption budgets, and identify salt water intrusion risks**, based on expected climate change effects. This work would then inform the land use planning for future development on the islands. This work is already underway for some islands, and staff is working with the Ministry of Forest, Lands, Natural Resource Operations and Rural Development to undertake a robust salt water intrusion risk assessment and mapping for the Islands Trust Area.
- b) **Update policies and regulations to align their development potential** – through land use and density provisions – with the anticipated capacity of the aquifers.
- c) **Use the climate change development permit areas under s. 488 of the *Local Government Act* to promote water conservation.** Local trust committees and Bowen Island Municipality could establish goals, objectives and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote water conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for water conservation.

4. **More Intense Storms Adaptation Tools**

Climate change is expected to result in more intense storm events, with higher winds and heavier rain than in the past.

- a) **Develop runoff control bylaws** under s. 523 to deal with anticipated flood and runoff from storm events.
- b) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas subject to flooding and require they remain free from development except development may be permitted in accordance with the guidelines. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

5. **Wildfire Adaptation Tools**

As climate change results in hotter and longer dryer periods during the summer months, the risk of wildfires on the islands increases. Most islands have a wildfire plan prepared by the fire district or regional district.

- a) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas at risk to wildfires and include requirements respecting the character of development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures, and establish restrictions on the type and placement of trees and other vegetation in proximity to the development. These requirements may vary use and density

but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

6. **Warmer Summers and Warmer Winters Adaptation Tools**

Climate change is expected to lead to our summers and winters becoming warmer.

- a) **Establish development permit areas for energy conservation** under s. 488 of the *Local Government Act* to require that the exterior form and design of buildings, and other specific features of the development, reduce the need for energy in summer and winter. Local trust committees and Bowen Island Municipality could establish goals, objective and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote energy conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for energy conservation.