

Gambier Island Local Trust Committee

Regular Meeting Agenda

Date: March 14, 2023
 Time: 10:00 am
 Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 10:00 AM - 10:05 AM
 "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **REPORTS** 10:05 AM - 10:20 AM
 - 3.1 **Trustee Reports**
 - 3.2 **Chair's Report**
 - 3.3 **Electoral Area Director's Report**
4. **DELEGATIONS**
5. **PUBLIC COMMENTS** 10:20 AM - 10:30 AM
6. **MINUTES** 10:30 AM - 10:35 AM
 - 6.1 **Local Trust Committee Meeting Minutes dated January 31, 2023 - for adoption** 3 - 11
 - 6.2 **Section 26 Resolutions-Without-Meeting Report dated March 1, 2023** 12 - 12
 - 6.3 **Advisory Planning Commission Minutes - none**
7. **BUSINESS ARISING FROM MINUTES** 10:35 AM - 11:35 AM
 - 7.1 **Follow-up Action List dated March 7, 2023** 13 - 19
 - 7.2 **Shoreline Erosion and Sea Level Rise - for discussion**
 Areas Sensitive to Sea Level Rise in Atl'ka7tsem/Txwnéwu7ts/Howe Sound:
<https://oceanwatch.ca/howesound/wp-content/uploads/sites/2/2020/08/OceanWatch-HoweSoundReport2020-CC-ShorelineErosion.pdf>
 - 7.3 **Business Case for Thormanby Island Foreshore Protection - for discussion**

8.	APPLICATIONS AND REFERRALS		
8.1	GM-SUB-2022.2 - Picante Community Holdings - 10% Lot Frontage Waiver Request - Staff Report	11:35 AM - 11:45 AM	20 - 34
8.2	GM-DP-2020.2 Swain - Lot 28 Brigade Bay - Staff Report	11:45 AM - 11:55 AM	35 - 76
9.	LOCAL TRUST COMMITTEE PROJECTS - none		
10.	CORRESPONDENCE - none		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
11.	NEW BUSINESS	11:55 AM - 12:00 PM	
11.1	Climate Change Mitigation and Adaptation		
12.	REPORTS	12:00 PM - 12:20 PM	
12.1	Trust Conservancy Report dated February 2023		77 - 78
12.2	Applications Report dated March 7, 2023		79 - 82
12.3	Trustee and Local Expense Report dated January 2023		83 - 83
12.4	Adopted Policies and Standing Resolutions		84 - 87
12.5	First Nations Activities		
12.6	Local Trust Committee Webpage		
13.	WORK PROGRAM	12:20 PM - 12:35 PM	
13.1	Active Projects Report dated March 7, 2023		88 - 88
13.2	Future Projects Report dated March 7, 2023		89 - 90
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for Tuesday, June 20 , 2023 at 10:00 am at Keats Camp - Chartroom - Keats Island, BC		
15.	CLOSED MEETING - none		
16.	ADJOURNMENT	12:35 PM - 12:40 PM	



Gambier Island Local Trust Committee Minutes of Regular Meeting

Date: January 31, 2023
Location: John Braithwaite Community Centre
 145 West 1st Street
 North Vancouver, BC

Members Present: Peter Luckham, Chair
 Kate-Louise Stamford, Local Trustee and Electoral Area F Director
 Joe Bernardo, Local Trustee

Staff Present: Renee Jamurat, Regional Planning Manager
 Marlis McCargar, Island Planner
 Warren Dingman, Bylaw Compliance & Enforcement Manager
 Katherine Vogt, Recorder by Zoom

Others Present: Sharon Horsburgh, Consultant with Bayshore Planning Services by Zoom
 Approximately eight (8) members of the public

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:00am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced Trustees, Staff, Recorder, and Regional Director, and welcomed members of the public.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT

None.

4. REPORTS

4.1 Trustee Reports

Trustee Stamford reported on the following:

- Musqueam and Tsleil-Waututh First Nations acknowledgement.
- Gambier lost power for 5 days in the big storm in December which led to downed hydro and communication wires.
- The December storm released a log sort and damaged New Brighton and private docks.
- Derelict structures such as old docks and styrofoam are washing up on the shore and communities need help to deal with it.
- Community functions and gatherings are returning to normal post pandemic.

- A recent fire at GM Estates resulted in someone losing their home. Thank you to all the volunteers who helped fight the fire.

4.2 Chair's Report

- Recognition of the richness of First Nations history and Coast Salish peoples.
- Formation of a new Trust Council with 15 new voices.
- Meetings of the Trust Programs and Governance Committees have been held.
- Getting ready for the first budget session at Trust Council in March.

Recorder Katherine Vogt joined the meeting at 10:10 pm.

4.3 Electoral Area Director's Report

Director Stamford reported on the following:

- Upcoming meeting with Squamish First Nation on dock issues will take place this spring.
- Major inspections of docks on Gambier and the Mainland expected this spring.
- A major inspection of the New Brighton dock on behalf of Squamish First Nation was conducted and results are pending.
- Ongoing concerns about severe drought across the Sunshine Coast Regional District.
- A proposed Eastbourne water system upgrade would benefit approximately 170 users of the system. An information meeting about the proposal will be held on February 7, 2023.

5. DELEGATIONS

5.1 Errin Poyner for Waterfront Owners at Vaucroft, North Thormanby Island regarding Thormanby Islands Foreshore Protection Pilot Project and related Enforcement Processes

Errin Poyner presented on behalf of 'affected waterfront owners' of the Vaucroft community of North Thormanby Island, noting the following:

- The 'affected waterfront owners' are requesting that the Local Trust Committee (LTC) put a hold on enforcement measures against property owners for seawall repair violations within the 7.5-meter setback; and defer the issue to the Thormanby Islands Foreshore Protection Pilot Project, a project listed on the LTC's future projects list.
- A 6-page written submission to the LTC includes numerous referential hyperlinks.
- The seawalls are modest, historic, naturalized, and functional structures that have worked well for decades for allaying storm and King-tide driven erosion in the sandy, low-bank esplanade eco-system.
- Cabins, homes, and habitats are at risk if seawalls are not maintained.
- The lengthy permit applications process to repair a seawall leaves properties vulnerable.

Planner McCargar noted that the pilot project has been on the LTC Future Project list since 2013 but a project charter was never actually initiated.

Trustees noted the following:

- A recollection that previous planner recommendations for a Development Permit Area (DPA) for the foreshore had not been accepted by the community.
- Individual property owners have always been able to request a Development Variance Permit (DVP) regarding their seawall situation; and the LTC can examine them one at a time, until a community solution might be found.
- Two recent DVP applications within foreshore setbacks have been rejected.
- There is a distinction between a DVP application that seeks to maintain existing structures within a setback and one that wishes to change and/or expand those structures.
- Seawall and other construction on one property may adversely affect another.

Manager Dingman noted that a standing resolution to pause bylaw enforcement should be specific to seawalls.

GM-LTC-2023-001

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to bring a motion to the Local Trust Committee for a standing resolution to defer bylaw enforcement on the Thormanby Island shoreline protection issues.

CARRIED

6. PUBLIC COMMENTS

Peter Scholefield, President of the Gambier Island Conservancy, spoke on the following:

- Regarding the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Engagement Summary Report, there should be more focus on conservation within the existing 15-meter setback, rather than a proposal for an expanded 30-meter setback; trails are a conservation benefit that keeps people on trails; there is a bias in the recommendations for increased logging; Squamish First Nation was missed in references to outside engagement; a good recommendation is to inventory old growth forests.

Previous Trustee Dan Rogers spoke on the following:

- Regarding the Thormanby Islands Foreshore Protection Pilot Project, it is a very important project on a very unusual ecosystem; efforts to conserve the adjacent park were resisted by the community when it was initially introduced.
- The Thormanby Islands Foreshore Project must include the Sechelt and shíshálh Nations.
- Please include Keats in any discussions with MOTI about island road standards.
- I have available an updated contact list for the local trust area that include all the islands and outlying areas.

7. MINUTES

7.1 Local Trust Committee Meeting - None

7.2 Section 26 Resolutions-Without-Meeting Report dated January 24, 2023

Received.

7.3 Advisory Planning Commission Minutes – None

A Trustee noted that the Gambier LTC had not often appointed an APC, except for specific projects, because the community is so widespread among different islands, that the legalities of the APC are hard to accommodate. It has been more common to create a project-based Working Group structure.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated January 24, 2023

Trustees discussed 'Activity 1. Request staff to investigate data regarding projected sea level rise in the Keats Island/Howe Sound area related to the Keats Shoreline Protection Project.'

- Planner McCargar noted there was general provincial data but not specific data for Keats.

A Trustee considered that 'Activity 4. Request staff to contact provincial government regarding the stakeholders for engagement during Sechelt negotiations to see that the Islands Trust be added as a stakeholder' needed more attention this term.

8.2 Letter dated December 15, 2022 from P. Luckham, Chair, Islands Trust to SCRD regarding Request for Letter of Support for UBCM Disaster Risk Reduction - Climate Adaptation Program for development of a Coastal Flood Mapping Grant Application

Received.

9. APPLICATIONS AND REFERRALS - none

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Official Community Plan (OCP) and Land Use Bylaw (LUB) Project Update - Staff Report

Planner McCargar presented the staff report that provides a status update on the OCP/LUB Project and asks Trustees to endorse the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Engagement Summary Report, dated January 12, 2023, and to consider next steps. She noted that staff recently met with Squamish First Nation staff who indicated a willingness to be involved in the bylaw creation process, a collaborative undertaking that would be new for the Islands Trust.

Consultant Horsburgh presented highlights of the Engagement Summary Report by PowerPoint, noting the following:

- The areas focused on were archaeological and cultural protection; forest ecosystem protection; shoreline protection and access to public docks.
- The OCPs across the Trust area are outdated and need to be updated to reflect the United Nations Declaration of the Rights of Indigenous People.
- It is recommended that a new DPA be introduced to cover an expanded setback protection of 30 meters from the boundary of the sea; any development within this setback requiring an environmental assessment and discouraging tree cutting.

There was public concern about the loss of community docks. Group docks should be encouraged.

- People need public docks to access inland properties.
- The private moorage application process with the Province is approximately 2 years.
- Public docks applications will be reviewed faster than private ones, which provides incentives for shared docks.
- Raw survey data is held by planning staff.

A Trustee considered the option to receive rather than endorse the Engagement Summary Report.

GM-LTC-2023-002

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee receives the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Engagement Summary Report, dated January 12, 2023.

CARRIED

GM-LTC-2023-003

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to create a work plan for Local Trust Committee consideration that will outline the next steps in the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project.

CARRIED

A Trustee noted the following:

- The survey process is challenged by the far-flung structure of the Gambier Trust area.
- The OCP Review process was started because of the threat of logging on Crown Land of a significant portion of Gambier Island.
- The Pender Harbor and New Brighton dock issues and the recent Islands Trust Policy Statement references to docks have become confounded with local private dock issues.
- Further community consultation is upcoming.

GM-LTC-2023-004

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee forward the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Engagement Summary Report, dated January 12, 2023 to Squamish First Nation Staff.

CARRIED

By general consent Agenda item 11.1 was considered before Agenda Item 10.2

10.2 Review of Active & Future Projects - Staff Report

Planner McCargar presented the staff report that asks Trustees to consider their current Work Program of Active and Future Projects, noting that the budgeting process would allow for 1 major and 1 minor project per fiscal year; and that to undertake a major

project in the next fiscal 2024/2025 year, the LTC would need to begin to build a business case now. The Gambier OCP/LUB Targeted Review Project is expected to be a multi-year project.

A Trustee noted that given that the OCP/LUB Review Project is waiting on Squamish First Nations considerations, the Thormanby Foreshore Project should be given means to move forward because the issues are becoming worse.

- Planner McCargar noted that staff work on the OCP/LUB Review Project is still a priority, even though in the first phase of community engagement has been completed.

A Trustee noted that the Keats Island Shoreline Protection Project page on the Islands Trust website contains generic but not specific scientific references for Keats Island; there is extensive public resistance to the project as it is currently proposed; a previously scheduled in-person Community Information meeting on the project had been canceled due to the Covid Pandemic; and, a substitute virtual meeting was held in September 2022.

A Trustee noted that besides scientific rationale, that a significant rationale for proposed amendments to the bylaw was that past activities on the foreshore had had destructive impacts to neighboring properties.

Trustees discussed the extent of public consensus with and resistance to the proposed draft OCP and LUB Bylaws; the extent to which Trustees were adequately representing their constituents; and, that there was no critical need to rush the process.

Trustees considered that the scientific and other rationales for various proposed amendments to the bylaws, when available, could be footnoted or directly externally linked to each of the proposed bylaw changes for public clarity.

GM-LTC-2023-005

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee rescinds the scheduling of a Public Hearing on Bylaw Nos 153 and 154 and requests staff to schedule a Community Information Meeting to take place after the Local Trust Committee meeting scheduled to take place on Keats Island on June 20, 2023 in person.

CARRIED

Chair Luckham noted that funding protocols allowed for one Major Project for Gambier and Keats as a single regional unit; the 2023/2024 budget was already committed; a business case needed to move forward for fiscal 2024/2025.

- A Trustee considered the possibility of strategic initiative regional funds.

GM-LTC-2023-006

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee requests staff to provide a draft business case regarding the Thormanby Island Foreshore Protection Pilot Project.

CARRIED

A Delegate for the 'Waterfront Owners at Vaucroft' asked Trustees if emergency seawall repairs could be conducted immediately.

- Owners were advised to get Development Variance Permit (DVP) applications in as quickly as possible after damage to a seawall or to apply for a DVP as precaution for anticipated damage.

11. CORRESPONDENCE

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

11.1 Email dated November 28, 2022 from D. Rogers regarding Sunshine Coast Regional District (SCRD) Well Drilling on Keats Island

A Trustee noted that an information meeting for affected residents about the proposed Eastbourne water system upgrade will be held on February 7, 2023.

By general consent the meeting recessed at 12:17 pm and reconvened at 12:47 pm.

12. NEW BUSINESS

12.1 Climate Change Mitigation and Adaptation

12.2 Ministry of Transportation and Infrastructure Road Standards and Letter of Agreement - for discussion

Received.

12.3 Local Trust Committee 2023 Meeting Schedule - Staff Report

GM-LTC-2023-007

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee schedule its regular business meetings on the following dates in 2023: March 14, June 20, August 29, October 17, and November 21, 2023; with the meetings on June 20 and August 29 to be held in-person on Keats Island and Gambier Island respectively.

CARRIED

12.4 Introductory Meetings With Other Elected Officials, Government Agencies & Regional Boards - for discussion

Chair Luckham noted that introductory letters will soon be going out to all other elected officials, including Members of the Legislature, introducing Trustees and Trust elected officials.

It was discussed that initial staff to staff communication was helpful and that meetings with the Regional Board usually occurred once per year.

GM-LTC-2023-008

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee asks staff to arrange a meeting with the Sunshine Coast Regional District Board and pertinent staff as soon as conveniently possible.

CARRIED

GM-LTC-2023-009

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee requests staff to set up an introductory meeting with the Ministry of Transportation and Infrastructure and the Sunshine Coast Regional Office as soon as conveniently possible.

CARRIED

13. REPORTS**13.1 Trust Conservancy Report dated October 6, 2023**

Received.

13.2 Applications Report dated January 24, 2023

Received.

13.3 Trustee and Local Expense Report dated November, 2023

Received

13.4 Adopted Policies and Standing Resolutions

Received

13.5 First Nations Activities

None to report.

13.6 Local Trust Committee Webpage

Trustees suggested the following:

- That the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Engagement Summary Report be added to the webpage.
- That the link to the Gabriola Northern Planning office phone numbers be highlighted on the Gambier Local Trust Committee front page.

14. WORK PROGRAM**14.1 Active Projects Report dated January 24, 2023**

Previously discussed.

14.2 Future Projects Report dated January 24, 2023**15. UPCOMING MEETINGS****15.1 Next Regular Meeting Scheduled for Thursday, March 14, 2023 at 10:30 am to be held electronically via zoom.**

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GM-LTC-2023-010

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering: (d) Adoption of In-Camera Meeting Minutes dated September 1, 2022 and (f) Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The regular meeting was recessed at 2:28 pm.

Recorder Katherine Vogt left the meeting at 2:29 pm.

16.2 Recall to Order

There was nothing to rise and report.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:51 pm.

Peter Luckham, Chair

Certified Correct:

Katherine Vogt, Recorder



Resolutions Without Meetings Log

Gambier Island

Resolution Number	Action	Date
2023-001 (Standing)	Carried	22-Feb-2023
That the Gambier Island Local Trust Committee adopt the following Standing Resolution: Defer enforcement on existing seawalls on North Thormanby Island. The deferment of enforcement should not be interpreted as permitting any new additions or structures from requiring a permit or otherwise requiring compliance with the Gambier Associated Islands Land Use Bylaw No. 120."		



Follow Up Action Report

Gambier Island

14-Oct-2021

Activity	Responsibility	Dates	Status
1 LTC requests EC explore and clarify level of engagement of IAP2 spectrum on bylaw amendment projects.	David Marlor		In Progress

26-May-2022

Activity	Responsibility	Dates	Status
1 Request staff to investigate data regarding projected sea level rise in the Keats Island/Howe Sound area related to the Keats Shoreline Protection Project.	Marlis McCargar		In Progress
2 Review the MOU with MOTI and arrange for a virtual meeting to discuss road issues.	Kate-Louise Stamford Wil Cottingham		Completed
3 The LTC to review the Islands Trust Policy Statement at the July 2022 LTC meeting.	Becky McErlean Marlis McCargar		Completed

UPDATE: Trust Council referred the ITPS back to Trust Programs Committee so at this point there isn't a complete version of the document for the LTC to endorse. Staff suggest LTC postpone review of the ITPS until such time as it's closer to completion.

01-Sep-2022

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gambier Island

01-Sep-2022

Activity	Responsibility	Dates	Status
1 That the Gambier Island Local Trust Committee approve issuance of Development Variance Permit GM-DVP-2022.2.	Becky McErlean Penny Hawley Stephen Baugh		Completed
2 That the Gambier Island Local Trust Committee approve issuance of GM-DP-2022.2.	Becky McErlean Penny Hawley Stephen Baugh		Completed
3 That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2021.6, as amended with updated site survey.	Becky McErlean Heather Kauer Penny Hawley		Completed
4 That the Gambier Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as presented on July 14, 2022 for further consideration by the incoming Local Trust Committee, as amended. The following be classified as an OCP/LUB project: Identification of Crown reserves and properties in GM LTA: Identification of all Crown reserves (strips) and similar Crown properties (i.e. islets) in the Gambier Island Local Trust Area. That the Gambier Island Local Trust Committee request Staff to add educational outreach on environmentally friendly mooring buoys to the Projects List.	Heather Kauer		Completed

Follow Up Action Report

Gambier Island

01-Sep-2022

Activity	Responsibility	Dates	Status
5 That the Gambier Island Local Trust Committee request staff amend the scope of the Gambier Official Community Plan Targeted Review Project Charter to include: · Reconsider the zoning designation title "Wilderness Conservation;" · Add a definition for "breakwater;" · Consider policies and regulations regarding trams (tracks, funicular). · Review Site specific water zoning; · define Water tanks as structures within the LUB	Marlis McCargar Sonja Zupanec		In Progress
6 Revise business case for Gambier OCP/LUB Project to reflect \$16,500 for next fiscal. UPDATE: Business case has been submitted to Senior Management for review by FPC at their October 12, 2022 meeting.	Heather Kauer Marlis McCargar	Target: 23-Sep-2022	Completed
7 That the Gambier Island Local Trust Committee request staff to refer Proposed Bylaw No. 154 as amended to S?wx_wú7mesh (Squamish) Nation.	Becky McErlean		Completed



Follow Up Action Report

Gambier Island

01-Sep-2022

Activity	Responsibility	Dates	Status
8 That the Gambier Island Local Trust Committee request staff to schedule a Public Hearing for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB). Possibly mid-October, postponed until New Year. This request was rescinded at the Jan 31, 2023 LTC Meeting.	Becky McErlean Marlis McCargar		Completed
9 Request staff to contact provincial govt regarding the stakeholders for engagement during Sechelt negotiations to see that the IT be added as a stakeholder reference: https://news.gov.bc.ca/releases/2022IRR0051-001245 <i>Response from Ministry of Indigenous Relations & Reconciliation: "We have received your request and the team will engage with you once BC is ready for engaging stakeholders."</i>	Kate-Louise Stamford Marlis McCargar Wil Cottingham		Completed
10 Bylaw No. 154 be read a second time, as amended: 1.item k replace "this may" with "this will" require 2. replace all reference to 36m2 with 47m2 3.replace all reference to 25m2 with 30m2 4.replace all reference to 85m2 with 105m2 5.replace all reference to 1000m2 with 1500m2	Becky McErlean Marlis McCargar		Completed

31-Jan-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gambier Island

31-Jan-2023

Activity	Responsibility	Dates	Status
1 request that bylaw staff bring forward a motion to the LTC for a standing resolution to defer bylaw enforcement on the Thormanby Island foreshore protection issues (e.g. retaining walls). ·The standing resolution should not be interpreted as permitting any new work. ·further communication in the form of a letter to the property owners once the standing resolution is passed.	Warren Dingman		Completed
2 That the Gambier Island Local Trust Committee receive the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Engagement Summary Report, dated January 12, 2023 and post to the website project page.	Marlis McCargar Wil Cottingham		Completed
3 request staff to create a work plan for LTC consideration that will outline the next steps in the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project.	Marlis McCargar Sonja Zupanec		In Progress
4 forward the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Engagement Summary Report to Squamish Nation staff	Marlis McCargar		Completed



Follow Up Action Report

Gambier Island

31-Jan-2023

Activity	Responsibility	Dates	Status
5 rescind the scheduling of a public hearing for proposed bylaws 153/154 (see resolution GM-2022-047) and request staff to schedule a CIM to take place after the LTC meeting on June 20, 2023, in-person on Keats. <i>Venue rental extended to accommodate CIM. Details of CIM to follow in April.</i>	Becky McErlean Marlis McCargar Wil Cottingham		Completed
6 provide a draft business case 2024/25 regarding Thormanby Foreshore Protection project.	Marlis McCargar		In Progress
7 That the Gambier Island Local Trust Committee schedule its regular business meetings on the following dates in 2023: March 14, June 20, August 29, October 17, and November 21, with the meetings on June 20 and August 29 to be held in person on Keats and Gambier.	Wil Cottingham		Completed
8 request staff to coordinate an introductory meeting with the SCRD Board and pertinent staff as soon as conveniently possible (extend the invite to the CAO to attend). <i>April 24/23 flagged by SCRD and IT as potential date for zoom meeting. Awaiting response from trustees re: availability.</i>	Wil Cottingham		In Progress
9 set up an introductory meeting with MOTI as soon as possible via zoom. <i>Wil to follow up in April 2023</i>	Wil Cottingham		In Progress

Follow Up Action Report

Gambier Island

31-Jan-2023

Activity	Responsibility	Dates	Status
10 On 'contact trustees' webpage include a link to Northern Office contact information (see Trustee Bernardo for more details) <i>Clare Frater contacting Trustee Bernardo directly.</i>	Clare Frater Wil Cottingham		Completed

File No.: GM-SUB-2022.2
(Green for Picante Community
Holdings Corp.)

DATE OF MEETING: March 14, 2023
TO: Gambier Island Local Trust Committee
FROM: Margot Thomaidis, Planner 2
Northern Team
COPY: Renée Jamurat, RPP MCIP, Regional Planning Manager – Northern Office
SUBJECT: 10% Lot Frontage Waiver Request for Application GM-SUB-2022.2

RECOMMENDATIONS

1. That, per *Local Government Act* Section 512(2), the Gambier Island Local Trust Committee waive Regulation 8.6(1) Gambier LUB requirement to meet the minimum 10% lot frontage on a highway, for “Proposed Lot 11” and the proposed “Community Lot” in the subdivision proposal sketch for GM-SUB-2022.2.

REPORT SUMMARY

Staff requests that the Gambier Island Local Trust Committee waive the requirement of a minimum 10% lot frontage to allow two lots in a proposed 12-lot subdivision to have less than a 10% lot frontage on a highway. The consideration of an exemption is allowed through the Gambier Island Land Use Bylaw (LUB) regulation 8.6(1).

Staff recommend waiving the minimum 10% lot frontage requirement for both lots in order to align with the existing zone boundaries and reduce the road construction required for road access to an adjacent lot.

BACKGROUND

The applicant has applied to the Ministry of Transportation and Infrastructure (MOTI) for a 12-lot subdivision, and the application was forwarded to Islands Trust for review. Upon review and providing a preliminary response to MOTI, planning staff identified that two of the proposed lots (“Proposed Lot 11” and the proposed “Community Lot”) would not meet the LUB requirement for the minimum 10% lot frontage on a highway, and would therefore require an exemption from the Gambier LUB for that requirement.

ANALYSIS

Policy/Regulatory

Figure 2: Excerpt from Subdivision Proposal Sketch, “Proposed Lot 11”

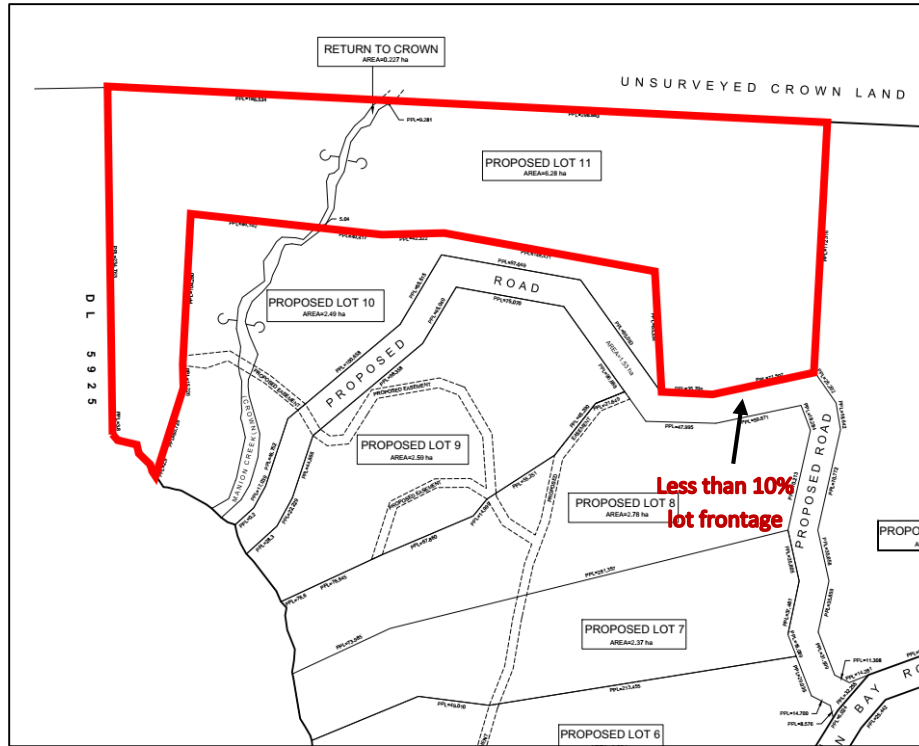
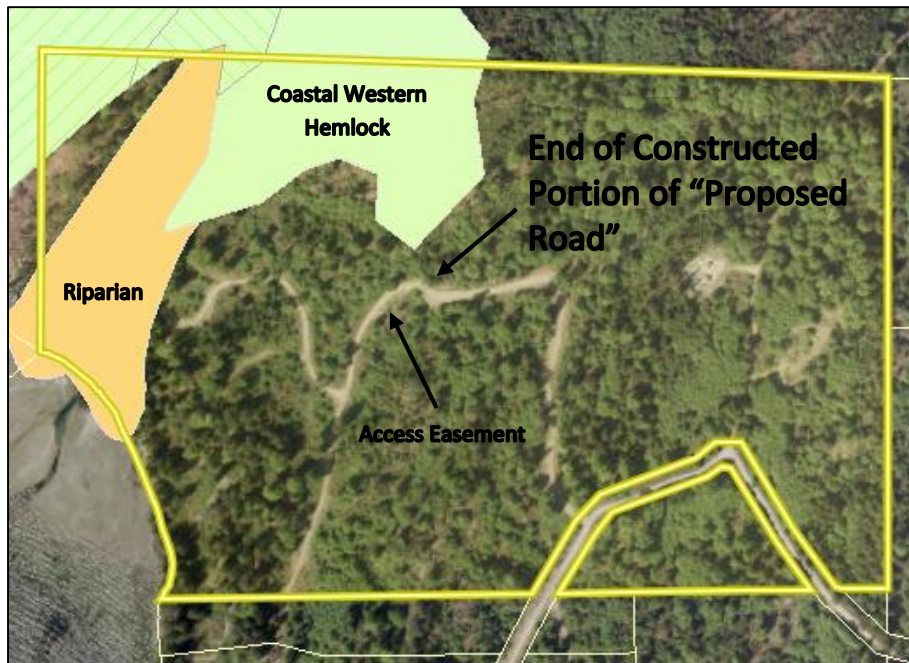


Figure 3: Mapped Sensitive Ecosystems and Constructed Road



Issues and Opportunities

The following issues and opportunities should be considered when deciding whether to waive the minimum 10% lot frontage subdivision requirements.

Previous Rezoning of the “Community Lot”

Satisfying the minimum 10% lot frontage regulation for the proposed “Community Lot” (**Figure 1**) would result in a split-zoned lot, which would require an approved Development Variance Permit or a Rezoning. Since a rezoning was already approved by the LTC for this area as part of subdivision, it is recommended to waive the 10% lot frontage regulation requirement in order to align the parcel with the existing zone boundaries.

The proposed “Community Lot” area is the only portion of Lot 1 zoned **Local Service S2(a)**, the rest being **Rural Residential (RR)** (see zone map in **Attachment 2**). A rezoning (file **GM-RZ-2012.1**) was adopted by the LTC in 2015 to zone this portion of land for the use of fire protection facilities and ramp access, to support the use of a neighbourhood dock in the water area adjacent to Lot 1. Although the frontage on the proposed “Community Lot” is only 6.0 metres, which is less than the required 10% frontage, the zone dimensions have already been considered and approved by the LTC during the rezoning process. This was part of a proposed subdivision application similar in nature to the current subdivision application, having the same proposed lot dimensions for the “Community Lot” as the current application. The previous subdivision was granted Preliminary Layout Approval by MOTI but was never registered on title, and has since expired. Therefore this 10% lot frontage waiver request seeks to align the proposed “Community Lot” with the existing **S2(a)** zone boundaries.

Sensitive Ecosystems

Satisfying the minimum 10% lot frontage regulation for “Proposed Lot 11” may result in greater vegetation and tree removal in coastal western hemlock and riparian sensitive ecosystem areas.

Owners are required to dedicate roads (also referred to as “highways”) per the *Land Title Act* during subdivision. *Section 75.1.a (i) – Requirements for subdivisions* provides that, to the extent of the owner's control, there must be a sufficient highway to provide necessary and reasonable access to all new parcels in a subdivision. Dedicating a portion of highway through subdivision does not necessarily mean it will be fully constructed at the time of subdivision. In fact, it is common for portions of highway dedication to remain unconstructed in rural areas, especially if they are not necessary for access to new parcels. Highways still need to be constructed to provide necessary and reasonable access to all new parcels, though.

Figure 3 shows that part of the proposed road accessing Proposed Lots 6, 7, 8, 9, and 11 has already been cleared and constructed by the owners. The proposed road beyond that has not yet been constructed, although access easements connect the proposed parcels (see **Figures 2 and 3**). If the frontage of “Proposed Lot 11” was increased to meet the 10% lot frontage requirement, additional road construction would be required to provide access to “Proposed Lot 10”. As noted in **Attachment 2** and shown in **Figure 3**, there are riparian areas and coastal western hemlock sensitive ecosystems in and around the proposed road adjacent to “Proposed Lot 10” and “Proposed Lot 11”.

Waiving the 10% lot frontage requirement for “Proposed Lot 11” would reduce the amount of road that must be constructed in order to access “Proposed Lot 10”, thus reducing the required vegetation removal in that area.

Consultation

No public hearing or consultation is required or recommended for this application.

First Nations

The Islands Trust Council and the Gambier Island Local Trust Committee has committed to reconciliation and the implementation of the *Declaration on the Rights of Indigenous Peoples Act*. As part of this commitment, Islands Trust seeks to ensure that in our interagency collaborations with MOTI that meaningful engagement with First Nations that may have interests, treaty, or territorial rights in the Gambier Island area be informed about subdivision applications. Islands Trust staff have encouraged MOTI to provide information regarding the subdivision to First Nations as part of meaningful engagement to ensure preservation and protection of cultural heritage of known and unknown sites.

Rationale for Recommendation

The rationale for the recommendation to waive the 10% lot frontage requirement is to reduce the vegetation removal required for access to “Proposed Lot 10” and to align the proposed “Community Lot” with the existing zone boundaries.

Alternatives

The LTC may consider the following alternatives to the staff recommendations:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request the following information [list] for GM-SUB-2022.2.

2. Deny the exemption request

The LTC may deny the exemption request. The applicant would then need to revise their subdivision layout plan to create additional frontage for “Proposed Lot 11” and the “Community Lot”. Staff advise that the implications of this alternative would be that more vegetation would be removed for road construction and that the applicant would then be required to obtain a development variance permit to permit the “Community Lot” to be split zoned.

That the Gambier Island Local Trust Committee deny the request to exempt the “Proposed Lot 11” and the “Community Lot” in the subdivision layout plan for GM-SUB-2022.2 from meeting Gambier Island Land Use Bylaw regulation 8.6(1), the minimum 10% lot frontage on a highway requirement.

NEXT STEPS

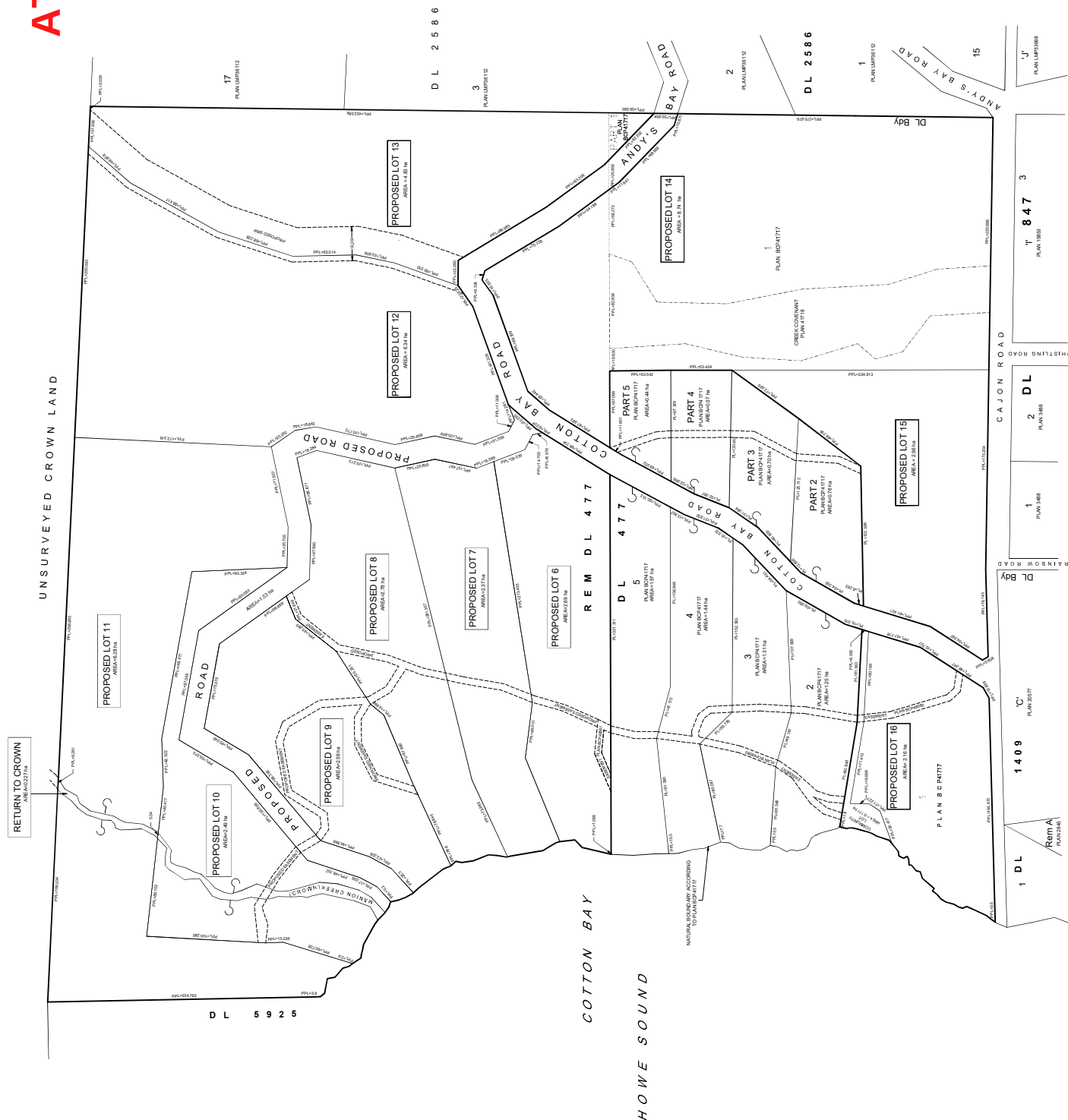
Subject to concurrence with the staff recommendation on page 1 of this report, staff will advise MOTI that the LTC has granted the exemption for “Proposed Lot 11” and “Community Lot” and can therefore update their layout/approval conditions.

Prepared and Submitted By:	Margot Thomaidis, MCP Planner 2	March 2, 2023
Concurred in By:	Renée Jamurat, RPP MICP, Regional Planning Manager	March 7, 2023

ATTACHMENTS

1. Subdivision Proposal Sketch (dated January 2023 by Javier Siu, BCLS)
2. Site Context

ATTACHMENT 1



SUBDIVISION PROPOSAL SKETCH
OF DL 477, Gp 1 NWD EXCEPT:
PART LYING SOUTH OF A LINE
DRAWN PARALLEL TO AND
PERPENDICULARLY DISTANT
NORTH 135.4 FEET FROM THE
SOUTH BOUNDARY OF SAID DL;
AND BCP44782 AND LOT 1 DL 477
Gp 1 NWD PLAN BCP41717
GAMBIER ISLAND
CIVIC ADDRESS: NONE
PD 015-990324

SCALE 1:1250

ALL DISTANCES ARE IN METERS AND DECIMALS THEREOF

LEGEND:

- DENOTES BOUNDARY
- BOY
- DENOTES DISTRICT
- OL
- DENOTES DISTRICT
- PPL
- DENOTES PHOTOGRAPHY LINE
- PL
- DENOTES PROPERTY LINE
- REM
- DENOTES REMINDER
- Boy
- DENOTES BOUNDARY
- DENOTES BOUNDARY

DATE:

ELEVATIONS ARE AS SHOWN.
CONTOUR INTERVAL = 2.0 METERS.

PROPERTY: THE PROPERTY LINES SHOWN ARE DERIVED FROM FIELD SURVEY AND PLAN BCN 117. OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES. REFER TO CURRENT CERTIFICATE OF TITLE FOR

GENERAL: THIS SLASH SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED DEVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.

NOTE:

FOR OPENED LOT BOUNDARIES SHOWN ARE BASED ON DETAILS OR INFORMATION RECEIVED FROM JIM GREEN, RECEIVED 2022-04-14.

TO PHOTOGRAPHIC OVERLAY SHOWN AND BASED ON DETAILS OR INFORMATION FROM MIKE THOMPSON, RECEIVED 2022-04-20.



LAND SURVEYING LTD.
BC LAND SURVEYORS
6344 PARKWAY ROAD GIBBS CREEK, B.C. V6N 4Y8
TEL. 604-666-2331 www.landellsurvey.com

DATE	BY
OCT 26, 2022	ES
DEC 23, 2022	ES
JAN 6, 2022	ES

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IDENTIFIED CONTACT

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

ATTACHMENT 2

ATTACHMENT #2 – SITE CONTEXT – GM-SUB-2022.2

LOCATION

Legal Description	DISTRICT LOT 477, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PART LYING SOUTH OF A LINE DRAWN PARALLEL TO AND PERPENDICULARLY DISTANT NORTH 1135.4 FEET FROM THE SOUTH BOUNDARY OF SAID DISTRICT LOT; and BCP44782 AND LOT 1, DISTRICT LOT 477, GROUP 1, NEW WESTMINSTER DISTRICT, PLAN BCP41717
PID	015-980-324 & 027-998-967
Lot Sizes	DL 477: 33.65 ha (83.16 acres) Lot 1: 12.62 ha (31.19 acres) Total: 45.937 ha (113.513 acres)

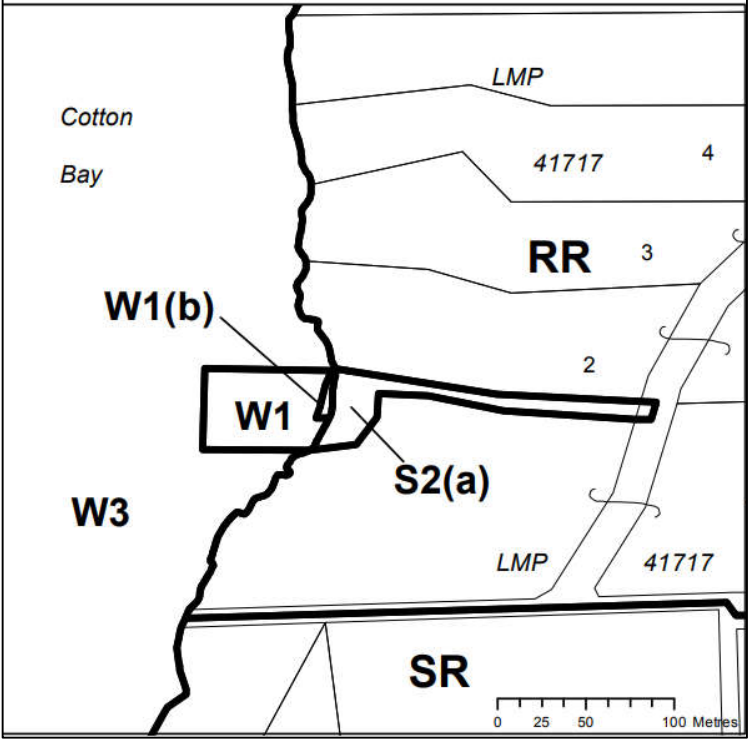
LAND USE

Current Land Use	Vacant
Surrounding Land Use	North: Crown Land/Forestry South: Residential East: Residential West: Ocean/waterfront

HISTORICAL ACTIVITY

File No.	Purpose
GM-DVP-2007.6	Variance requesting relief from the 5:1 ratio requirement of the depth and width of a new lot, as required for proposed Lots 2, 3, 4 and 5 - District Lot 477 (condition of GM-SUB-2007.1). Issued. CLOSED.
GM-DVP-2013.2	A variance to site a rock retaining wall and to authorize additional width for a walkway pier. Issued. CLOSED.
GM-RZ-2012.1	Rezoning a portion of Lot 1 from Residential to S2(a) to permit neighbourhood dock facilities zone and rezoning a portion of the marine area from W3 to W1. Approved. CLOSED.
GM-RZ-2015.1	Bylaw Amendment requested to allow for rock wall within the W1 water zone for support of the community dock facility. Approved. CLOSED.
GM-SUB-2007.1	Five parcel subdivision for Lots 1 to 5. Approved, subdivision registered on title. CLOSED.
GM-SUB-2012.2	Four parcel subdivision (lower lot). Approved. Preliminary Layout Approval granted by MOTI May 22, 2015. PLA was never registered on title. CLOSED.
GM-SUB-2010.1	Seven parcel subdivision (upper lot). Approved. Preliminary Layout Approval granted by MOTI May 22, 2015. PLA was never registered on title. CLOSED.
GM-BP-2012.17	To construct a bridge over Cotton Bay (private) Mannion Creek Bridge, Gambier Island. Issued. CLOSED.
GM-DVP-2012.17	Variance to setback to allow two concrete footings for bridge crossing creek.

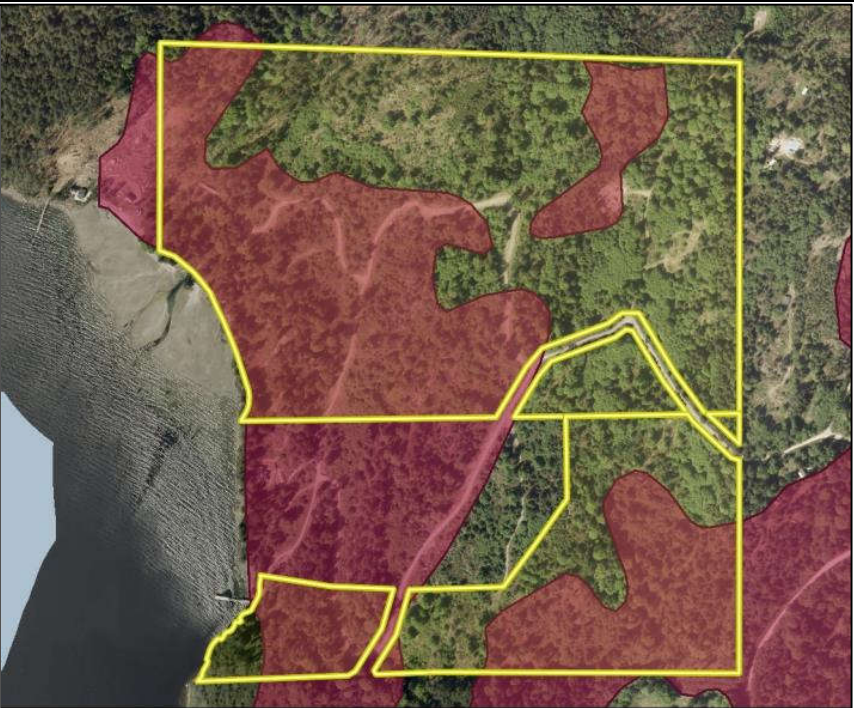
Z:\09 Current Planning\05 GM\3435 SUB\20 Referrals (P)\2022\GM-SUB-2022.2 Picante ComHold (Green)\06 Staff Reports\2023-03-14\GM-LTC_2023-03-14_GM-SUB-2022.2_ATT02-SITE CONTEXT.docx

	Inset A  LUB regulation 8.6(1) provides: “The frontage on a highway of any lot in a proposed subdivision shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee.” <u>Proposed Lot 11</u> Total perimeter = 1695.027m Minimum 10% required frontage = 169.503m Proposed frontage: 107.212m <u>Proposed Community Lot</u> Total perimeter = 438.260m Minimum 10% required frontage = 43.826m Proposed frontage = 6.0m Proposed Lot 11 and the Proposed Community Lot have lot frontages less than 10%. All other LUB regulations are met.
Other Regulations	<i>Local Government Act S. 512:</i> Minimum parcel frontage on highway 512 (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of

	(a) 10% of the perimeter of the lot that fronts on the highway, and (b) the minimum frontage that the local government may, by bylaw, provide. (2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).
Covenants	<u>DL 477:</u> • BB672563 and BB0672564 – Statutory Right of Way (SROW) Telus Communications and BC Hydro easement • BB1964539, BB1964540, BB1964541, BB1964542, BB1964543, BB1964545 – Access and utilities easements <u>Lot 1:</u> • BB0954467 – Restrictive Covenant prohibiting land clearing in creek covenant area. • BB0954468 – Restrictive covenant for siting of buildings and structures within identified geotechnical hazard areas. • BB672563 and BB0672564 – Statutory Right of Way (SROW) Telus Communications and BC Hydro easement • BB1964534, BB1964535, BB1964536, BB1964537, BB1964540, BB1964541, BB1964542, BB1964543 – Access and utilities easements
Bylaw Enforcement	None

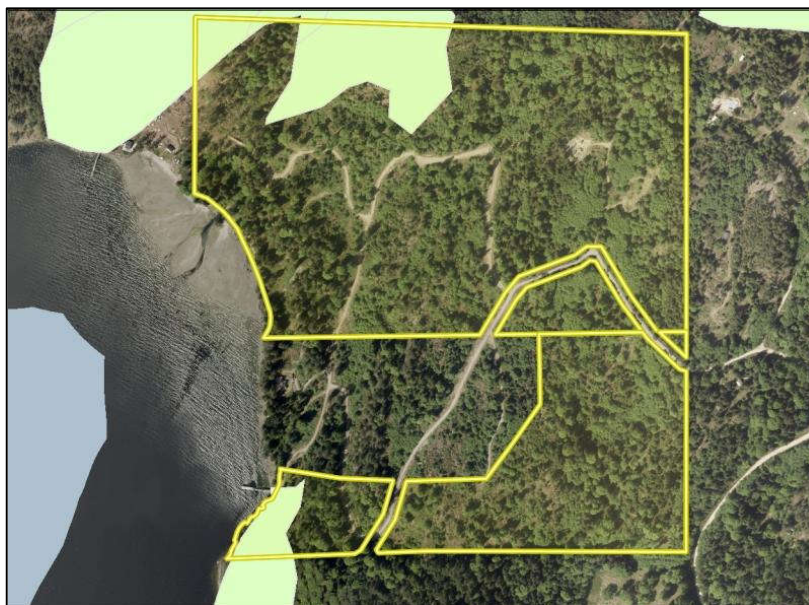
SITE INFLUENCES

Islands Trust Conservancy	N/A This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Plan	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM-HIGH. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan
Species at Risk	SAR Critical Habitat – Public: Marbled Murrelet

	 The subject properties are within an area identified as critical habitat for the Marbled Murrelet (<i>Brachyramphus marmoratus</i>). The Marbled Murrelet is listed under the Species at Risk Act (SARA) and is subject to protections under the Migratory Birds Convention Act and BC Wildlife Act. Terrestrial threats to Marbled Murrelets include fragmentation and loss of old growth nesting habitat due to human activity; predation at nest sites; and potential threats related to energy infrastructure development. The Recovery Strategy for the Marbled Murrelet in Canada provides that, “the primary threats to the species or its habitat can be avoided or mitigated through a combination of; habitat management, stewardship, communications and outreach, and additional research.”
Sensitive Ecosystems	Sensitive Ecosystem Inventory (SEI): Riparian Area located 40 metres either side of Mannion Creek, on Proposed Lots 9, 10 and 11:

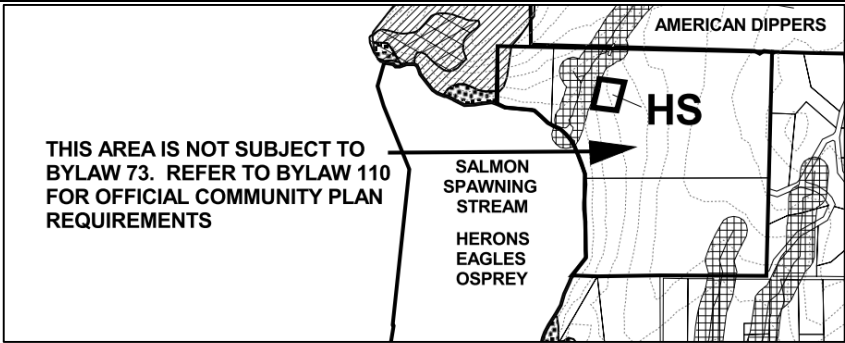
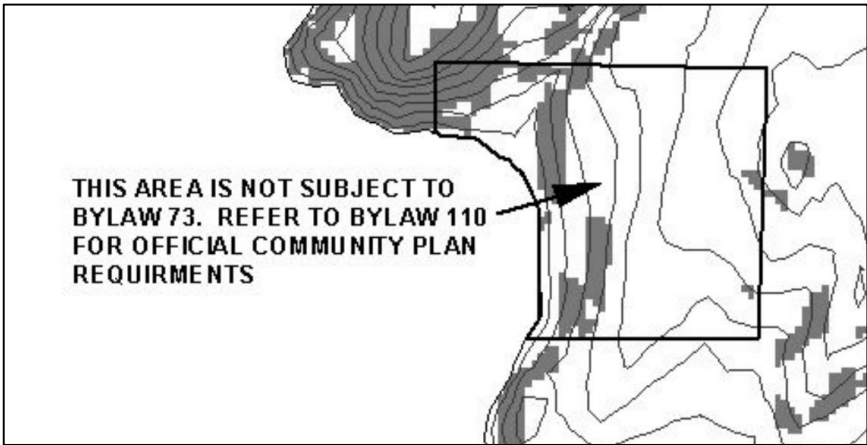


Coastal Western Hemlock – Very Dry Maritime mapped on Proposed Lots 10, 11, and 16, and within proximity of Proposed Lots 12 and 13.

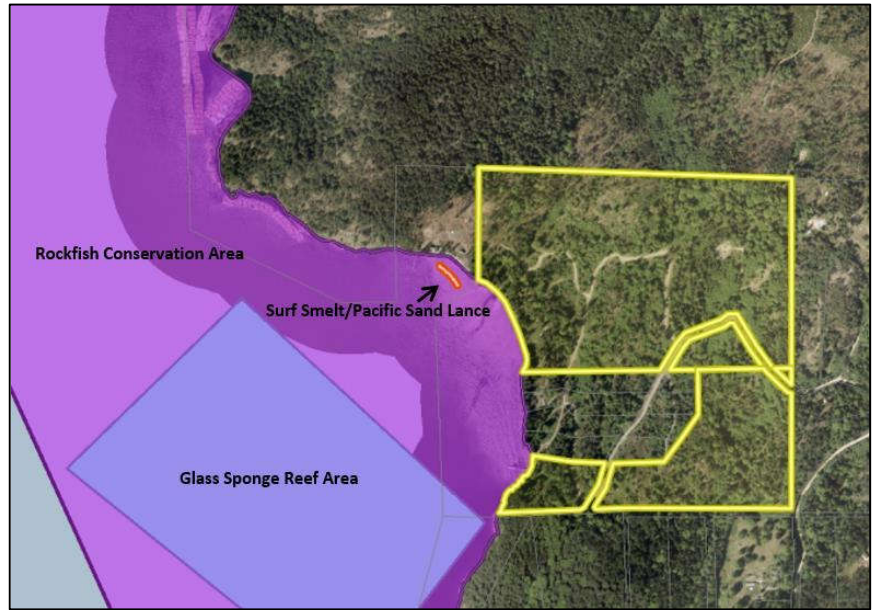


Gambier Island OCP Bylaw No. 73, **Schedule C: Environmentally Sensitive Areas**, although not applicable to the proposed lots, indicates the following sensitive ecosystem features in the area:

- Fisheries values
- Salmon spawning stream (Mannion Creek)
- Hérons, eagles, and ospreys

	
Hazard Areas	Gambier OCP Bylaw No. 73, Schedule E: Hazard Lands, although not applicable to the proposed lots, indicates areas of slope greater than 30% on Proposed Lots 6, 7, 8, 9, 10, 11 and 16.  A Geotechnical Hazard Assessment was prepared by C.N. Ryzuk and Associates in 2009. It included an assessment of Lot 1 (PID 027-998-967) to recommend geotechnical setbacks from the shoreline in terms of residential setbacks.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) indicates an archaeological site on or within 100 metres of the subject property. Archaeological material is protected under the <i>Heritage Conservation Act</i>. The Islands Trust Council and the Gambier Island Local Trust Committee has committed to reconciliation and the implementation of the <i>Declaration on the Rights of Indigenous Peoples Act</i>. As part of this commitment, Islands Trust seeks to ensure that in our interagency collaborations with MoTI that meaningful engagement with First Nations that may have interests, treaty, or territorial rights in the Gambier Island area be informed about subdivision applications. Islands Trust staff have encouraged MoTI to provide information regarding the subdivision to First Nations as part of meaningful engagement to ensure preservation and protection of cultural heritage of known and unknown sites.
Shoreline Classification	Rock Shoreline - Sea Cliff Sediment Shoreline - Pebble/Sand
Shoreline Data in TAPIS	Rockfish Conservation Area

Surf Smelt / Pacific Sand Lance
Glass Sponge Reef Area



File No.: GM-DP-2020.2
(Swain)

DATE OF MEETING: March 14, 2023
TO: Gambier Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
SUBJECT: Development Permit Application for works within DPA 3 - Brigade Bay Area
Applicant: Nicholas Swain
Location: LOT 28 DISTRICT LOT 1259 GROUP 1 NEW WESTMINSTER DISTRICT PLAN
BCP15304 (SEE PLAN AS TO LIMITED ACCESS)
PID: 026-162-903

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of Development Permit GM-DP-2020.2.

REPORT SUMMARY

The Gambier Island Local Trust Committee (LTC) is asked to consider a Development Permit application for infilling a trench, constructing three decks and the removal of trees located within Development Permit Area (DPA) 2 – Brigade Bay Area and DPA3 – Riparian Areas. This application is initiated retroactively to bring the property into DP compliance through a bylaw enforcement file, and the works are already completed.

The applicant retained Qualified Environmental Professionals (QEP) to prepare and submit a Shoreline/Waterfront Assessment Report, dated June 28, 2021, (see draft DP, Attachment 3). The report provides an assessment of the site conditions and impacts of development activities within the riparian and shoreline areas. The report addresses the objectives and intent of the information required under DPA3 guidelines and staff recommend issuance of the permit.

BACKGROUND

This application is proceeding as a result of a bylaw enforcement file for work that occurred within Development Permit Area 2 and Development Permit Area 3 without a permit. The works conducted include filling in an existing trench, constructing three decks and the removal of a number of trees with significant rot.

To support the application the applicant has submitted a Waterline/Shoreline Assessment Report for Lot 28 written by registered professional biologists of Diamond Head Consulting. The applicant has also submitted a legal survey as requested by the Gambier Local Trust Committee in a resolution passed on May 26, 2022:

GM-2022-021

It was **MOVED** and **SECONDED**

that the Gambier Island Local Trust Committee has determined that it is reasonably necessary that the applicant of GM-DP-2020.2 (Swain) provide, as required by Section 2.8(1) of the Gambier Island Land

Use Bylaw No. 86, a plan signed by a B.C. Land Surveyor, showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot.



Figure 1. Subject property outlined in yellow.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement (ITPS) directive policies are relevant to this application and are addressed through DPA2 – Brigade Bay Area and DPA3 – Riparian Areas:

- 3.3.2** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands, and riparian zones to protect aquatic wildlife. .*
- 3.4.4** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.*

3.4.5 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.*

This application is not contrary to the ITPS.

Official Community Plan:

The subject property is currently designated as Rural Residential (RR) in the Gambier Island Official Community Plan (OCP) Bylaw No. 73, and located within DPA2 – Brigade Bay Area and DPA3 – Riparian Areas.

The objectives of DPA 2 are:

1. To conserve biological diversity and habitat values of marine ecosystems;
2. To ensure no net loss in fisheries values; and
3. To ensure that any development in the upland portion of the development permit area has no impacts on adjacent fisheries values.

The objectives of DPA 3 are:

1. To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
2. To protect the natural environment necessary to provide productive habitat for fish and other aquatic species, including both fish bearing and non-fish-bearing water features, and the adjacent land and vegetation; and
3. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas.

Land Use Bylaw:

The subject property is zoned Settlement Residential (SR) under the LUB. The guidelines for DPA2 and DPA3 are contained in Section 9.2 and 9.3 of the LUB respectively.

The development complies with applicable development permit guidelines (see Attachment 2) and appears to meet all other LUB requirements.

Issues and Opportunities

The application is consistent with the DPA guidelines for both DPA2 and DPA3, see Attachment 2 for an analysis of the DPA guidelines. As the work has already been completed, some restoration measures have been recommended by the QEP. This includes retaining a 2 metre riparian buffer around Constructed Channel #2, narrowing large grass pathways into trails and planting native vegetation at trail edges and in the riparian buffer. These restoration measures have been included as conditions in the Draft Development Permit (Attachment 3).

Consultation

As required by Islands Trust Conservancy Board policy 3.1. this application was sent to Islands Trust Conservancy staff for information.

A community information meeting and/or public consultation and notification, are not required for Development Permit applications.

Rationale for Recommendation

The DPA guidelines of DPA2 and DPA3 are satisfied and therefore staff recommend issuance of the Development Permit.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the specific reasons for denial and how it finds the application does not meet the DPA guidelines, since local governments must issue a development permit if the DPA guidelines are found to have been met. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee deny application GM-DP-2020.2 for the following reasons [insert reasons].

NEXT STEPS

If the LTC resolves to issue the Development Permit, the permit will be issued.

Submitted By:	Stephen Baugh, Planner 2	February 22, 2023
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	February 23, 2023

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Draft Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 28 DISTRICT LOT 1259 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP15304 (SEE PLAN AS TO LIMITED ACCESS)
PID	026-162-903
Civic Address	Lot 28 Brigade Bay, Gambier Island
Lot Size	2.14 ha (21,398 m ²)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential



Figure 1. Orthophoto of subject property (yellow outline)

HISTORICAL ACTIVITY

File No.	Purpose
GM-ALR-2002.1	- Exclusion from ALR
GM-ALR-2002.2	- ALR inclusion
GM-CL-2001.1	- Provincial authorization for private dock and breakwater (withdrawn)
GM-DP-2004.1	- Community dock facility
GM-DP-2005.2	- Seasonal float (withdrawn)
GM-RLUB-2002.1	- Rural land use bylaw

GM-RZ-2002.1	- Bylaw amendment for community moorage and foreshore zoning to support community moorage and seasonal floats (Bylaw adopted)
GM-RZ-2003.1	- Bylaw amendment for residential use (Bylaw adopted)
GM-SUB-2001.1	- 27-lot subdivision for residential use

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: RR – Rural Residential Development Permit Area: DPA2 – Brigade Bay Area, DPA 3 - Riparian Areas
Land Use Bylaw	Zone: Rural Residential (RR) + Water Brigade Bay (WBB) Permitted Uses (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited: (a) Single family residential use; (b) Associated secondary dwelling use; (c) Domestic agriculture; (d) Agriculture; (e) Forestry; (f) Accessory uses including but not limited to home occupations.
Other Regulations	The provincial <i>Riparian Areas Protection Regulation</i> (RAPR) requires local governments to protect riparian areas during residential, commercial and industrial development by ensuring that a Qualified Environmental Professional (QEP) conducts a science-based assessment of proposed development activities. Under Section 12 of the RAPR, <i>(12) An assessment of a proposed development for the purposes of this regulation must be carried out</i> <i>(a) by one or more qualified environmental professional, and</i> <i>(b) in accordance with</i> <i>(i) section 13, and</i> <i>(ii) the technical manuals.</i> The applicant has provided a copy of an Environmental Impact Assessment (EIA) report by a QEP, rather than an assessment report regulated under the RAPR. The purpose of the EIA report is to assess the impact of the completed development on the riparian area and recommend any remediation measures.
Covenants	Covenant BX300796 (Province) Covenant BX300817 (Vancouver Coastal Health Authority) Statutory Building Scheme BX300856
Bylaw Enforcement	GM-BE-2018.3 –Land alteration within DPA without issued Development Permit.

SITE INFLUENCES

Islands Trust Conservancy	Lot to the west of subject property (across Mount Artaban Rd.) is identified as Islands Trust Conservancy (ITC)-owned Long Bay Wetland Nature Reserve.
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	Under ITC Board Policy 3.1 – Islands Trust Conservancy and Local Planning Services Coordination, applications received by the LTC shall be subject to the level of consultation identified in tables 1 or 2. For applications where LTCs have limited decision making authority or influence, including Development Permit applications, the level of consultation includes referrals to ITC staff for information only.
Regional Conservation Strategy	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is HIGH; Gambier Island as a whole has been identified as a HIGH priority and HIGH need for protection.
Species at Risk	None mapped.
Sensitive Ecosystems	Cliff (see Figure 2): Cliffs contribute to the scenic beauty of the Islands Trust Area and contain isolated habitat for birds, bats, snakes and lizards. They are also regionally rare making up less than 0.1% of the Islands Trust Area.  The image is an aerial photograph of a coastal area. A red-shaded region along the coastline indicates a cliff sensitive ecosystem. Two yellow-outlined areas are also visible on the land, likely representing other sensitive features or property boundaries. The terrain is a mix of green vegetation and brownish ground. Figure 2. Cliff sensitive ecosystem (Red) on subject property
Hazard Areas	None mapped.
Archaeological Sites	A review of Remote Access to Archaeological Data (RAAD) information indicates no documented archaeological sites within the property or within 100 metres of the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and the Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. Provincial Chance Find Procedures must be followed: http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf

Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	Low Rock/Boulder

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

DPA2 – BRIGADE BAY AREA

(1) The Local Government Act prohibits construction of buildings and structures and the alteration of land in Development Permit Area No. 2, as designated in the Official Community Plan as amended, unless the owner first obtains a development permit. For the most part, the Gambier Island Land Use Bylaw prohibits the siting of buildings and structures within 15 metres of the natural boundary of the sea, and the construction of only minor structures is permitted under the bylaw throughout most of the shoreline. The following guidelines will be applied in the consideration of development permit applications in Development Permit Area No. 2.

Guideline	Complies	Planner Comments
(a) Shoreline areas should not be filled.	yes	In section 5.2.1 of the Watercourse/Shoreline Assessment Report (WSAR) by Diamond Head Consulting notes, "Two mature trees are growing at the existing grade along [the shoreline] boundary indicating the shoreline remains in its natural state and has not been moved..."
(b) Structures should not be located over shellfish, kelp or eel grass beds.	n/a	
(c) Structures should be located and designed to avoid the need for dredging, shore defense works or breakwaters. Bulkheads for docks should not be located on the foreshore.	n/a	
(d) Structures should not restrict the movement of aquatic life requiring shallow water and should allow for thorough flushing of enclosed marine areas.	n/a	
(e) Structures should be constructed of materials that will not impair water quality and should not be treated with preservative chemicals that are toxic or harmful to aquatic life	n/a	
(f) The number of pilings used to stabilize structures should be minimized, with preference given to large spans over additional pilings.	n/a	
(g) Docks should include features to prevent floats from resting on the foreshore at low water levels and ramps should have a minimum clearance of 0.5 metres above the natural boundary of the sea.	n/a	

(h) Disturbance of areas upland of the natural boundary of the sea should be kept to a minimum and design of structures and the access to them should be of a manner that prevents any increase in erosion or instability of the shoreline or movement of silt onto the foreshore.	yes	The shoreline does not appear to have been impacted by the logging trench infilling.
(i) Structures or works should not create any impacts that contravene the Federal Fisheries Act and nothing in the issue of the development permit by the Local Trust Committee shall remove any liability on the part of the owner arising from any contravention of the Fisheries Act	yes	The shoreline does not appear to have been impacted by the logging trench infilling.

DPA3 – RIPARIAN AREAS

(4) Prior to undertaking any non-exempt development activities within Development Permit Area No. 3, an owner of property shall apply to the Local Trust Committee for a development permit.

A development permit application must include an initial report prepared by a Qualified Environmental Professional that establishes, in relation to any *watercourse* or *wetland* on the parcel that is the subject of the application, whether it is a “stream” as defined in the *Riparian Areas Regulation*. Part 1 of the Guidelines apply to any application related to a “stream” that meets that definition, and **Part 2 of these Guidelines apply to all other applications.**

Guideline	Complies	Planner Comments
(k) A Qualified Environmental Professional (QEP) experienced in riparian, stream or wetland ecology must be retained to inspect the development site, identify the location of watercourses and wetlands, and prepare a report that includes recommendations on the location and width of riparian buffers that will maintain the biological integrity of the riparian area and associated watercourses and wetlands. The report may be combined with the initial report described above the Part 1 Guidelines.	yes	Watercourse/Shoreline Assessment Report (WSAR) recommends a riparian buffer of 2m for two ditches identified on the west site of Mt. Artaban Rd and one constructed channel on the subject property.
(l) The QEP’s report must clearly describe the context and inherent value of the riparian area and associated watercourse or wetland and identify mitigation measures that ensure the long- term protection of the specified buffer from any nearby development activities. Mitigation measures should include (but not be limited to): (i) erosion control during ground disturbance activities	yes	Development activities took place prior to the QEP attending the site. WSAR has recommended restoration measures to ensure the protection of the affected watercourse that are included as conditions of the draft Development Permit. Recommended restoration measures to address previous disturbance in DPAs include planting the 2 meter buffer around the constructed channel with native vegetation and narrowing grass pathways into trails with native vegetation planted at trail edges. Staff have included the recommended restoration measures as conditions of the draft Development Permit.

to minimize the potential for sediment transportation; (ii) protection of critical tree root zones; (iii) protection of riparian buffers from potential blow-down of trees associated with any increases in exposure to wind; (iv) management of deleterious substances brought onto the land for the purpose of development activities; (v) proper management of storm water from any impermeable surfaces; and (vi) prevention of encroachment into the riparian buffer (e.g. through the implementation of temporary construction-phase and/or long term fencing/signage). The mitigation measures may be included as conditions of the development permit.		
(m) A QEP should assess and report on the status of the riparian area and watercourse or wetland with regards to biological integrity and should note the occurrence of invasive species (both plant and animal) where applicable. Wetlands should be classified as either bog, fen, marsh, swamp, shallow water or wet meadow. The QEP should also assess for and report on any previous disturbance or constraints imposed on the riparian area and associated watercourse or wetland (e.g. wetland infilling, channelization, bank destabilization, vegetation removal or dam construction)	yes	The riparian area of the constructed channel has begun to naturally revegetate. Common rush was growing immediately adjacent to the watercourse edges. Invasive species were uncommon on the site and included tansy ragwort and English holly. Recommended restoration measures to address previous disturbance in DPAs include planting the 2 meter buffer around the constructed channel with native vegetation. Additionally, it is recommended that the boat rack be moved outside of the 2 metre buffer. Staff have included the recommended restoration measures as conditions of the draft Development Permit.

and recommend appropriate restoration where necessary. Where restoration is recommended, prescriptive replanting plans should be included in the QEP's report. Prescriptive invasive species removal, long-term management and disposal methods should also be included in the QEP's report where appropriate.																																																																							
(n) The QEP's assessment of the riparian area and associated watercourse or wetland should describe habitat suitability for rare elements including species at risk, provincially red or blue listed plants, animals and ecosystems. The QEP should also report on any documented occurrences of rare elements noted in relevant databases, such as the provincial Conservation Data Centre, and note any confirmed observations of rare elements encountered during the inspection of the site.	yes	The QEP states, "No known species at risk were identified during the site assessment." And that there are a number of red and blue listed animal species that could potential inhabit this area: <table><tr><th>Common Name</th><th>Scientific Name</th><th>B.C. Status</th></tr><tr><td>Keen's Long-eared Myotis</td><td><i>Myotis keenii</i></td><td>Blue</td></tr><tr><td>Killer Whale, Orca</td><td><i>Orcinus Orca</i></td><td>Red</td></tr><tr><td>Stellar Sea Lion</td><td><i>Eumetpoias jubatus</i></td><td>Blue</td></tr><tr><td>Fisher</td><td><i>Pekania pennant</i></td><td>Blue</td></tr><tr><td>Long-tailed Weasel ssp. altifrontalis</td><td><i>Mustela frenata altifrontalis</i></td><td>Red</td></tr><tr><td>Great blue heron</td><td><i>Ardea herodias</i></td><td>Blue</td></tr><tr><td>Townsend's Big-eared Bat</td><td><i>Corynorhinus townsendii</i></td><td>Blue</td></tr><tr><td>Red-legged Frog</td><td><i>Rana aurora</i></td><td>Blue</td></tr><tr><td>Olive-sided Flycatcher</td><td><i>Contopus cooperi</i></td><td>Blue</td></tr><tr><td>Barn Swallow</td><td><i>Hirundo rustica</i></td><td>Blue</td></tr><tr><td>Band-tailed Pigeon</td><td><i>Patagioenas fasciata</i></td><td>Blue</td></tr><tr><td>Marbled Murrelet</td><td><i>Brachyramphus marmoratus</i></td><td>Blue</td></tr><tr><td>Black Swift</td><td><i>Cypseloides niger</i></td><td>Blue</td></tr><tr><td>Caspian Tern</td><td><i>Hydrogrogne caspia</i></td><td>Blue</td></tr></table> The following plant communities are located on the site: <table><tr><th>Common Name</th><th>Scientific Name</th><th>BEC Unit</th><th>BC Status</th></tr><tr><td>Pseudotsuga menziesii - Tsuga heterophylla / Gaultheria shallon Dry Maritime</td><td>Douglas-fir - western hemlock / salal Dry Maritime</td><td>CWHxm1/03</td><td>Red</td></tr><tr><td>Tsuga heterophylla - Pseudotsuga menziesii / Eurhynchium oreganum</td><td>western hemlock - Douglas-fir / Oregon beaked-moss</td><td>CWHxm1/01</td><td>Red</td></tr><tr><td>Selaginella wallacei/ Cladina spp.</td><td>Wallace's Selaginella/Reindeer lichens</td><td>CWHxm1/02</td><td>Blue</td></tr><tr><td>Thuja plicata / Polystichum munitum Very Dry Maritime</td><td>western redcedar / sword fern Very Dry Maritime</td><td>CWHxm1/05</td><td>Blue</td></tr><tr><td>Thuja plicata / Tiarella trifoliata Very Dry Maritime</td><td>western redcedar / three-leaved foamflower Very Dry Maritime</td><td>CHWxm1/07</td><td>Blue</td></tr></table>	Common Name	Scientific Name	B.C. Status	Keen's Long-eared Myotis	<i>Myotis keenii</i>	Blue	Killer Whale, Orca	<i>Orcinus Orca</i>	Red	Stellar Sea Lion	<i>Eumetpoias jubatus</i>	Blue	Fisher	<i>Pekania pennant</i>	Blue	Long-tailed Weasel ssp. altifrontalis	<i>Mustela frenata altifrontalis</i>	Red	Great blue heron	<i>Ardea herodias</i>	Blue	Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	Blue	Red-legged Frog	<i>Rana aurora</i>	Blue	Olive-sided Flycatcher	<i>Contopus cooperi</i>	Blue	Barn Swallow	<i>Hirundo rustica</i>	Blue	Band-tailed Pigeon	<i>Patagioenas fasciata</i>	Blue	Marbled Murrelet	<i>Brachyramphus marmoratus</i>	Blue	Black Swift	<i>Cypseloides niger</i>	Blue	Caspian Tern	<i>Hydrogrogne caspia</i>	Blue	Common Name	Scientific Name	BEC Unit	BC Status	Pseudotsuga menziesii - Tsuga heterophylla / Gaultheria shallon Dry Maritime	Douglas-fir - western hemlock / salal Dry Maritime	CWHxm1/03	Red	Tsuga heterophylla - Pseudotsuga menziesii / Eurhynchium oreganum	western hemlock - Douglas-fir / Oregon beaked-moss	CWHxm1/01	Red	Selaginella wallacei/ Cladina spp.	Wallace's Selaginella/Reindeer lichens	CWHxm1/02	Blue	Thuja plicata / Polystichum munitum Very Dry Maritime	western redcedar / sword fern Very Dry Maritime	CWHxm1/05	Blue	Thuja plicata / Tiarella trifoliata Very Dry Maritime	western redcedar / three-leaved foamflower Very Dry Maritime	CHWxm1/07	Blue
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(o) In addition to assessing the general integrity and condition of the riparian area and associated watercourse or wetland, the QEP should assess for any specific habitat attributes such as wildlife trees, raptor nests, coarse woody debris abundance/distribution (influencing terrestrial	yes	QEP Report notes, "Critical habitat features required by most amphibians include water features and wetlands for breeding. The existing watercourse may not provide breeding habitat for most species. Species that may be present for part or all of the year include those associated with terrestrial habitats for some of their life cycle." and "There are many dry and rocky areas across the study area. It is likely garter snakes inhabit the site. There is also suitable																																																																					

foraging/security habitat values for amphibians), and amphibian breeding habitat potential, especially for rare species.		habitat for the northwestern alligator lizard (<i>Elgaria cerulea principis</i>). These species are commonly associated with rocky outcrops and colluvial deposits which are found across the study area."
(p) The QEP's report should also include appropriate measures for addressing hazard tree management in or nearby the riparian buffer, if applicable. Tree management must be undertaken in such a way that it decreases any potential impacts to the riparian area. Appropriate measures such as topping to remove dangerous tree stems and/or pruning to remove dangerous tree limbs should be considered. Any tree stems and/or large limbs should be left in the riparian area.	yes	Landowner has undertaken approximately 18 hazard tree removals under advice from a professional faller.
(q) The QEP should consider recommending the establishment of specific buffers that limit construction activities adjacent to permanent riparian buffers, where necessary to protect the integrity of riparian habitat (e.g. establishing critical root zones around trees where excavations are to be avoided).	yes	WSAR recommends a riparian buffer of 2m for two ditches identified on the west site of Mt. Artaban Rd and one constructed channel on the subject property.
(r) Any work within the watercourse or wetland (e.g. culverts or bridges) should be done in a way that avoids any negative changes to surface or subsurface hydrology and maintains pre-existing connectivity throughout the watercourse or wetland.	yes	Constructed trail and bridge installed prior to EA. The QEP notes the trail and bridge are unlikely to negatively impact the riparian function of the constructed channel #2. An existing boat rack should be relocated to outside the riparian setback.
Guidelines 9.3 (s) through (v) are for proposed subdivisions – not applicable to this application.		



Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GM-DP-2020.2**

TO: Christine Helene Swain and Nicholas Phillip Swain,

1. This Development Permit (the “Permit”) applies to the land described below:

PID: 026-162-903

LOT 28 DISTRICT LOT 1259 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP15304 (SEE PLAN AS TO LIMITED ACCESS)

2. This Permit is authorized in accordance with the following schedules attached to and forming part of this Permit as signed and dated by the Deputy Secretary of Islands Trust:

- Schedule “A”: Survey
- Schedule “B”: Site Plan – showing riparian setback of Constructed Channel #2; and
- Schedule “C”: Watercourse/Shoreline Assessment Report for Lot 28 Gambier Island, dated June 28, 2021, by Mike Coulthard and Aubrey Butcher of Diamond Head Consulting Ltd.

3. The Permit is subject to the following conditions:

- i. The boat rack must be relocated to outside the 2 metre riparian setback of Constructed Channel #2.
- ii. Large pathways of grass along excavator tracks and old access driveways must be narrowed into trails and trail edges must be replanted with ecologically suitable native species such as salal, trailing blackberry and thimbleberry.
- iii. The 2 metre riparian setback of Constructed Channel #2 must be planted to the specifications of section 6.1 of Schedule “C” using native vegetation listed in Table 3 of Schedule “C.”

5. This Permit is not a Building Permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Gambier Island Official Community Plan Bylaw No. 73, 2001* and the *Gambier Island Land Use Bylaw No. 86, 2004*, and to obtain other appropriate approvals as necessary to construct any works without other lawfully required approvals and permits.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 2023

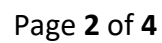
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF XX, 2025 (2 YEARS FROM DATE OF ISSUANCE)], THIS PERMIT AUTOMATICALLY LAPSES.

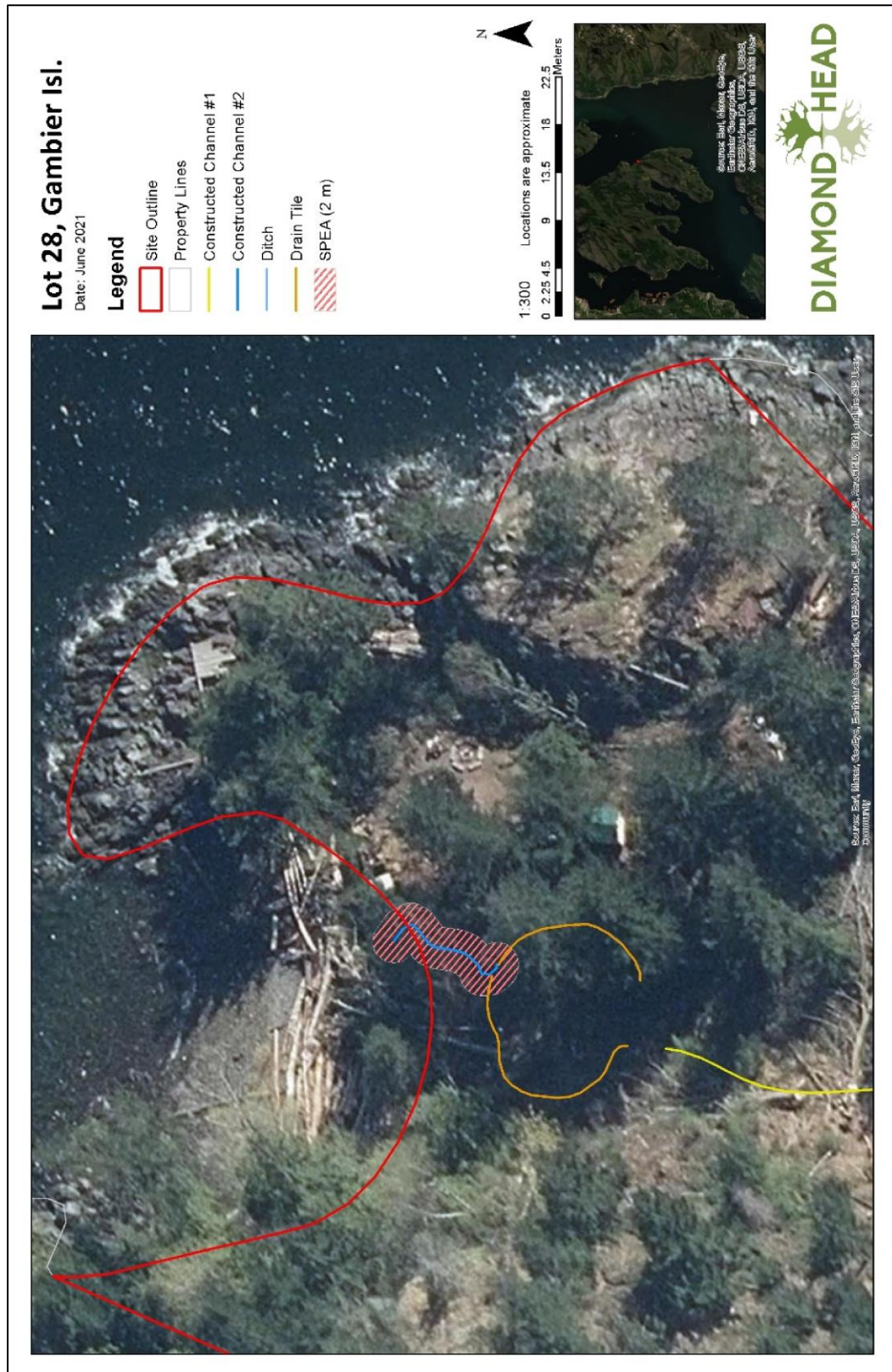
Schedule "A"

Site Plan – Survey



GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GM-DP-2020.2

Schedule "B"
Site Plan – showing riparian setback of Constructed Channel #2



GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GM-DP-2020.2

Schedule "C"

**Watercourse/Shoreline Assessment Report for Lot 28 Gambier Island, dated June 28, 2021,
by Mike Coulthard and Aubrey Butcher of Diamond Head Consulting Ltd.**

[report attached beginning on next page]

Watercourse/Shoreline Assessment Report for Lot 28 Gambier Island

June 28, 2021



Submitted to:

Nicholas Swain

nicholaspswain@gmail.com

778-321-9195



DIAMOND HEAD

3559 Commercial Street
Vancouver, BC 604.733.4886



The following Diamond Head Consulting staff performed the site visit and prepared the report. All general and professional liability insurance and individual accreditations have been provided below for reference.



Mike Coulthard, R.P.Bio., R.P.F.
Senior Forester, Biologist
Certified Tree Risk Assessor (46)



Aubrey Butcher, R.P.Bio
Restoration Biologist
MSc. Ecological Restoration

Contact Information

Phone: 604-733-4886
Email: aubrey@diamondheadconsulting.com, mike@diamondheadconsulting.com
Website: www.diamondheadconsulting.com

Insurance Information

WCB: # 657906 AQ (003)
General Liability: Northbridge General Insurance Corporation - Policy #CBC1935506, \$10,000,000
Errors and Omissions: Lloyds Underwriters – Policy #1010615D, \$1,000,000

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1.0 Introduction

This lot (PID 026-162-903) historically contained a deep trench that was created and used by loggers to transport logs into Brigade Bay between 1937 and 1943. Following the completion of logging on the island, the land was not restored to its original condition, and remained as a clay lined channel. Several years ago, the trench was filled in by the current landowners with the intention of restoring the area to its natural condition. This work, alongside some tree removals, were completed without a development permit. The Islands Trust is now requiring the owner to retroactively apply for this permit. An assessment is required to review and identify existing/historic watercourses, and determine the minimum riparian setbacks required to comply with municipal and provincial regulations. Diamond Head Consulting Ltd. (Diamond Head) was retained complete this assessment.

Civic address:	Lot 28, Brigade Bay, Gambier Island
Legal description:	Lot 28, Plan BCP15304, District Lot 1259, Group 1, New Westminster Land District
Client name:	Nicholas Swain
Date of site visit:	June 9, 2021



Figure 1. Assessment site and existing watercourses.

2.0 Legal Requirements

Regulations exist for works in and about streams and the ocean. These regulations are contained within municipal bylaws and the Development Permit Area (DPA) process, the provincial *Riparian Areas Protection Regulation* (2019), the *Water Sustainability Act* (2016), and the federal *Fisheries Act* (1985, updated 2019).

2.1 Islands Trust/Gambier Island

Protections for riparian areas are outlined within the Gambier Island Official Community Plan (OCP, Bylaw No. 73, 2019). This OCP includes two development permit areas which apply to this property including DPA 2: Shoreline Protection Area (Brigade Bay Area), and DPA 3: Riparian Areas. DPA 2 includes all areas 15 meters upland of the natural boundary of the sea and 30 m seaward. DPA 3 encompasses any stream, wetlands, lakes, and their associated riparian areas on the island, mapped or otherwise. Both DPAs require a Qualified Environmental Professional (QEP) conduct an assessment and ensure development does not result in degradation of these areas.

2.2 Provincial (FLNRORD)

The primary provincial statute regulating water resources is the *Water Sustainability Act* (WSA) and associated *Riparian Areas Protection Regulation* (RAPR). Any work proposed that may affect the integrity of a watercourse channel requires a notification or approval application be submitted under Section 11 of the WSA. The RAPR identifies minimum streamside protection and enhancement areas (SPEAs) that must be protected. Additional measures may be required to protect these SPEAs, including but not limited to identifying a windfirm forest edge. The RAPR identifies minimum riparian setback distances that must be met by municipal policy.

2.3 Fisheries and Oceans Canada (DFO)

The *Fisheries Act* (1985, updated 2019) protects all fish and fish habitat in Canadian waters. Section 35 of the federal *Fisheries Act* prohibits serious harm to fish. This harm includes the death of fish or any permanent alternation to, or destruction of, fish habitat. Fisheries and Oceans Canada (DFO) is responsible for regulatory enforcement of works in and around streams and the ocean. Subsection 35(2) of the *Fisheries Act* contains provisions for the DFO to authorize works where the harmful alteration, disruption, or destruction (HADD) of fish habitat is expected.

3.0 Project Description

3.1 Project Location

The site is located on the eastern shore of Gambier Island in Brigade Bay. The lot is currently zoned as Rural Residential (RR) and is undeveloped with the exception of several decks, storage sheds and gardens. The surrounding properties include a mix of undeveloped lots and single homes. Several watercourses and drainage features exist in the area, though only a roadside ditch and a small, constructed channel exist on the property.

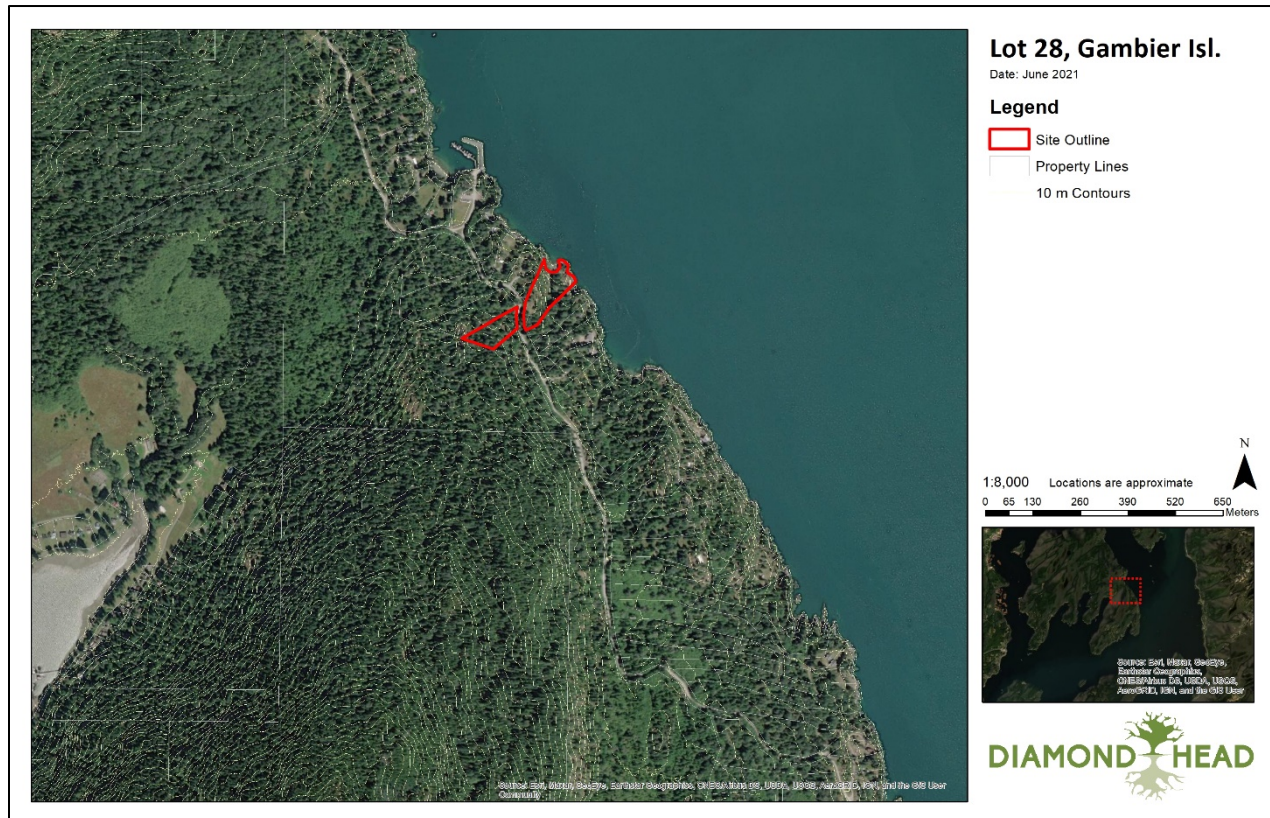


Figure 2. Project location – Lot 28, Gambier Island, BC.

3.2 Construction Works

Work on the property has been completed and therefore the site assessment could not accurately assess the original conditions of the site. Instead, historical conditions (post logging) described are based on observations during the site visit and description/documentation of what works were completed according to the property owner.

The works completed on the property were focused on the northern end of the lot, closest to the shoreline. As part of the historical logging operations on the island from 1937 to 1941, a trench was constructed at the terminus of an old logging road. The trench extended to a clay base layer, and a small

staging area for logs was built along the shoreline. When logging finished, the trench was not rehabilitated and became a natural drainage point for groundwater and the surrounding areas upland.

The landowner infilled the trench using logs and brush from approximately 18 hazard tree removals on the property. The rest of the trench was filled in using soil and rocks from elsewhere on the property. Some fill material was also sourced from slightly upslope of the trench at the base of a rocky outcropping. A small channel was constructed at the base of this infilled trench to direct drainage into Howe Sound.



View of the trench prior to infilling (provided by owner).



View of the trench filled with logs and debris (provided by owner).



View of the trench during infilling (provided by owner).



View of the trench post construction (provided by owner).

During this construction two small benches were redefined west of the filled trench. An old staging area along the shoreline was partially infilled and graded to form a flat bench for a boathouse and additional racks for boat storage. An upper bench was regraded upslope of this staging area for tenting. PVC drain tiles have been installed around the upper bench and direct water into the constructed channel.

Additional works on site included clearing and grading an area southwest of the road. Fill and debris from these works were transported across the road and deposited along the top of bank to regrade this

area. Large boulders and root wads were also placed in this area along the bank. A shallow ditch was constructed along the base of the cliff face, to direct water towards the upper bench. Small swales were installed along this channel to redirect some water towards nearby trees.



View of the lower bench after infilling (provided by owner).



View of the constructed channel outlet onto the beach (provided by owner).



View of the upper bench during the site visit.



View of the upper and lower benches during the site visit.

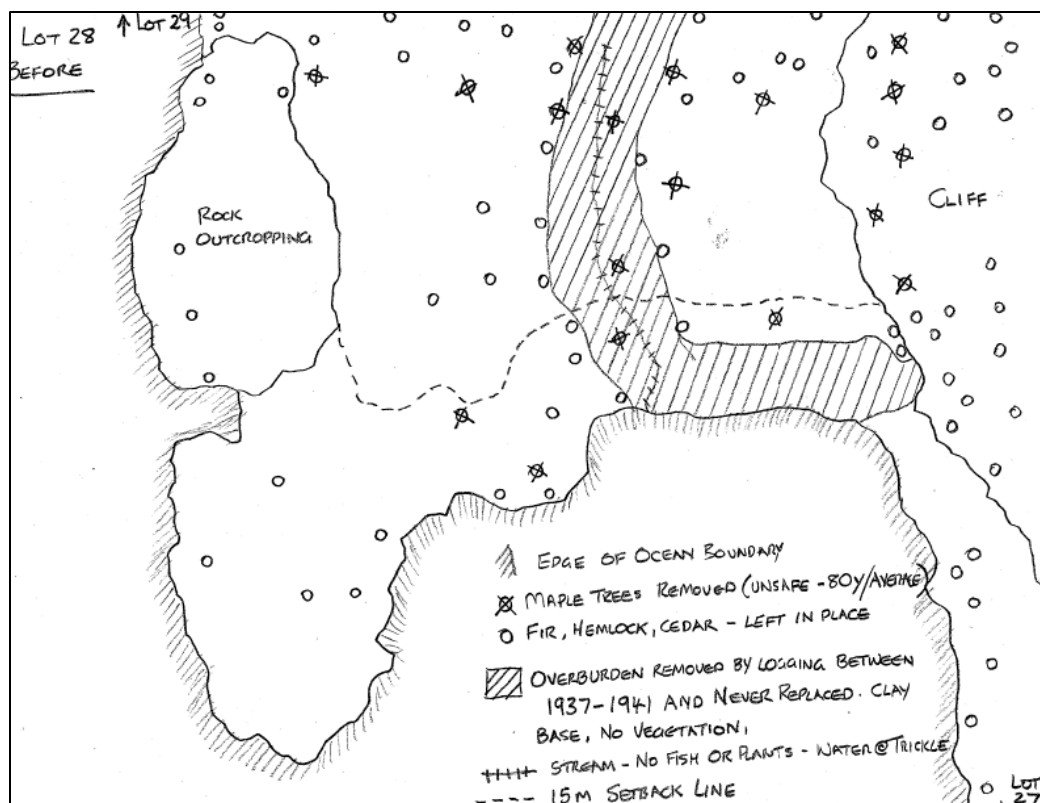


Figure 3 Site Plan prior to works, as drawn by landowner.

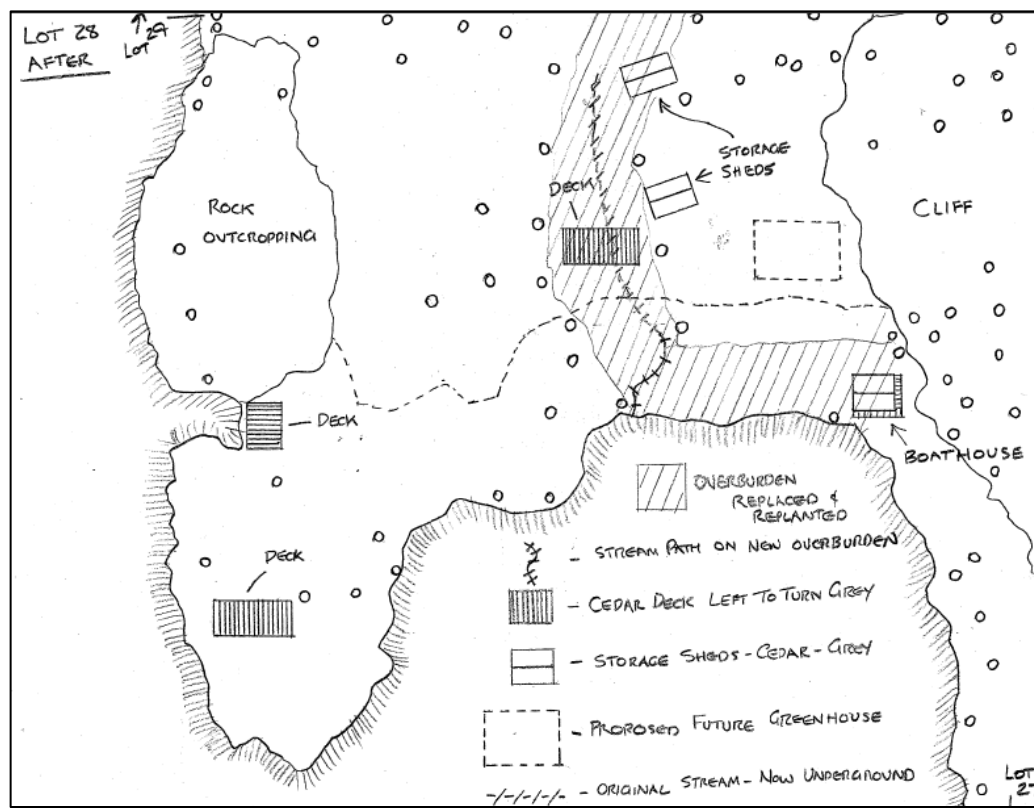


Figure 4 Site Plan after works (current conditions), as drawn by landowner.

4.0 Current Conditions

A field assessment was completed by professional biologist Aubrey Butcher on June 10th, 2021, to document the current site conditions and any significant environmental features on or adjacent to the property. Watercourses were identified along with the minimum required provincial and federal riparian setbacks, and corresponding measures to protect these setbacks.

4.1 Topography

The site features a broken topography, with a cliff face transecting the lot with an approximate 85° aspect. The property ranges from sea level to approximately 100 m above sea level (ASL). A road was built when the lots were originally subdivided, which crosses the property approximately 145 m from the shoreline. The area southwest of this road is a steeply sloped area, which has been cleared and graded for an orchard. The area immediately northeast of the road is also flat and graded, before dropping off steeply towards the ocean. This area features several rocky outcroppings with limited vegetation.

There is a steep cliff face that exists to the northeast of the road. Below this cliff is a flat terrace near the shoreline. A narrow old logging road crosses neighbouring properties ending at the shoreline of this lot. The shoreline is dominated by rocky outcroppings and a small intertidal bay on the northernmost tip of the property.



Figure 5. Site location, 10 m topographic lines and watercourses within the project area.

4.2 Biogeoclimatic Classification

The project site is situated in the Coastal Western Hemlock Very Dry Maritime (CWHxm1) Subzone, as defined by the Biogeoclimatic Ecosystem Classification (BEC) System of BC. This zone experiences warm, dry summers and moist, mild winters with relatively little snowfall. Growing seasons are long, and feature water deficits on zonal sites.

Site level classification (Site Series) is defined by soil moisture and nutrient availability and describes the late seral or climax plant community that will develop through natural succession. The focus of the site assessment was on the lower terrace of the lot. This area is classified as mostly site series 01 and 05 across the slope, transitioning to the wetter site series 07 at the base of the slope. Rocky outcroppings and moisture shedding areas such as the cliff face and exposed shoreline were classified as site series 03 and 02. Some areas cannot be classified including the low-lying terrace/backshore were disturbed by the construction works or have been cleared and replanted with grass.

4.3 Plant Communities

The forest stand in the low-lying terrace is a moderately dense second growth stand, which has regenerated following logging approximately 80 years ago. The dominant species included Douglas-fir (*Pseudotsuga menziesii*), western hemlock (*Tsuga heterophylla*) with lower densities of western redcedar (*Thuja plicata*), big leaf maple (*Acer macrophyllum*) grand fir (*Abies grandis*) occurring throughout. Scattered birch (*Betula papyrifera*) trees were growing in pockets on the steep slope.



View of the understory vegetation along the base of the slope.



View of dense salal growth along the shoreline.

Understory vegetation was moderately diverse with high coverage in undisturbed areas. Understory vegetation in forested areas were dominated by sword fern and bracken fern. Trailing blackberry, thimbleberry, and foxglove were prevalent on exposed slopes. Rocky shorelines were dominated by salal, with oceanspray and trailing blackberry occurring throughout. A mixture of native and non-native grasses was also present in these areas. The wet banks of the constructed watercourse and other moist



View of tansy ragwort and fox glove on site.

areas were dominated by common rush and horsetail.

Invasive plant species were uncommon on the site and included tansy ragwort and English holly. Tansy ragwort was limited to areas of disturbed soils, while English holly occurred in the undisturbed natural area. Fox glove, a naturalized European exotic was common throughout the site. While this species is non-native and listed as a noxious weed by the USDA, it is not actively managed as an invasive species in the south coast of BC.

4.4 Watercourses

There are four watercourses identified on the site. Two of which are roadside ditches along the western side of Mt. Artaban Road. A high point in the road occurs on the subject property. From this site there is a ditch which drains north and a second ditch which drains south. Both ditches are rock and sediment lined and were dry at the time of assessment.

A small drainage channel was constructed at the base of the infilled trench (constructed channel #1). This feature is fed by groundwater and a series of perforated PVC drain tiles. The drain tiles have been installed at the base of a steep slope and wrap around the edges of the upper bench. When the logging trench was infilled, logs and slash from the tree removals were placed into it. The porosity of the buried logs likely contributes to the groundwater movement to this constructed channel. The channel is an average of 40 cm in width, and 10 cm in depth. The channel substrate is entirely fine sediments. Both right and left bank slopes were 100%. Bank heights were 35 cm and 25 cm for the right and left banks, respectively.

A shallow drainage channel has also been constructed along the base of the cliff face (constructed channel #1). Several small diversions have been constructed along this ditch to redirect flow across the slope and towards some mature trees. This ditch terminates at the base of the upper bench where a small berm has been constructed to divert the flow around the edges of the bench. Any flow at the berm transitions to subsurface flow, before being collected by the buried drain tiles. This channel was approximately 50 cm in width and 10 cm in depth. No evidence of surface flow was observed.



Figure 6 Locations of watercourses on and around the project site.



View of constructed channel shortly after construction (provided by the owner).



View of the constructed channel during the site visit.



View of the shallow constructed channel #2 along the slope base



View of the buried drain tile around the upper bench.

4.5 Wildlife

A detailed inventory of wildlife (requiring trapping and extended observation) was not completed as part of this assessment. The following is a discussion of wildlife that likely inhabit the project area based on observations of habitat features and professional knowledge of these types of ecosystems.

Gambier Island is largely undeveloped, with most of the island remaining in a forested condition. The limited development in the area allows largely unrestricted movement for wildlife throughout the site. These areas provide a variety of high value habitat features and likely supports a diversity of wildlife.

4.5.1 Bird Species

Bird surveys were not completed during this study. The site provides a combination of forest, shrub and shoreline communities that can provide valuable habitat for a wide variety of resident and migratory birds. A diversity of habitat features is present to support nesting, foraging, and roosting. Bird species groups likely present include swallows, hummingbirds, warblers, woodpeckers, flycatchers, jays, crows, chickadees, nuthatches, thrushes, sparrows, wrens, kinglets, and finches.

4.5.2 Mammal Species

Mammal surveys were not completed during this study. The forest and shrub communities provide habitat to support a diversity of small mammals including squirrels, voles, shrews, and mice. Medium and large sized mammals likely to inhabit this area (as part of a larger range) include raccoons (*Procyon lotor*), skunks (*Mephitis mephitis*), coyotes (*Canis latrans*), black-tailed deer (*Odocoileus hemionus*). Black bears (*Ursus americanus*) and cougars (*Puma concolor*) may occasionally make it the island as well.

4.5.3 Amphibian and Reptile Species

A formal survey for amphibians and reptiles was not conducted. Amphibians that may inhabit the study area may include a several species of salamanders and frogs. Critical habitat features required by most amphibians include water features and wetlands for breeding. The existing watercourse may not provide breeding habitat for most species. Species that may be present for part or all of the year include those associated with terrestrial habitats for some of their life cycle. These include the red-legged frog (*Rana aurora*), Pacific treefrog (*Pseudacris regilla*), Northwestern salamander (*Ambystoma gracile*), long-toed salamander (*Ambystoma macrodactylum*), Ensanita salamander (*Ensanita eschscholtzii*). The landowner regularly sees common garter snake (*Thamnophis sirtalis*) basking on the rocks.

There are many dry and rocky areas across the study area. It is likely garter snakes inhabit the site. There is also suitable habitat for the northwestern alligator lizard (*Elgaria coerulea principis*). These species are commonly associated with rocky outcrops and colluvial deposits which are found across the study area.



Rocks suitable for reptile basking are abundant along the shoreline

4.6 Fish Species Presence

The constructed watercourse drains directly onto a rocky beach and into the Howe Sound. This channel itself is not expected to be fish bearing due to insufficient flows and fish barriers.

4.7 Species at Risk

The BC Conservation Data Centre (CDC) records BC's most vulnerable vertebrate animals and vascular plants, each of which is assigned to a provincial Red or Blue list according to their provincial conservation status rank. Species or populations at high risk of extinction or extirpation are placed on the Red list and are candidates for formal endangered species status. Blue-listed species are considered vulnerable to human activity and natural events. No known species at risk were identified during the site assessment. Critical habitat for the blue listed double crested cormorant (*Phalacrocorax auritus*) occurs east of Gambier Island on Christie Islet and Pam Rock. One recording of the red listed Northern red legged frog (*Rana aurora*) occurs on the southern tip of Gambier Island, near Gambier Island Park.

There is also suitable habitat for several species at risk. A preliminary list of red and blue listed animal (excluding insects) species that could potentially inhabit this area is provided in Table 4. In addition to this list there is a range of insect and plant species that could inhabit this area.

Table 1. Species at Risk that could potentially inhabit the areas in and adjacent to the study area.

Common Name	Scientific Name	B.C. Status
Keen's Long-eared Myotis	<i>Myotis keenii</i>	Blue
Killer Whale, Orca	<i>Orcinus Orca</i>	Red
Stellar Sea Lion	<i>Eumetpoias jubatus</i>	Blue
Fisher	<i>Pekania pennant</i>	BLue
Long-tailed Weasel ssp. altifrontalis	<i>Mustela frenata altifrontalis</i>	Red
Great blue heron	<i>Ardea herodias</i>	Blue
Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	Blue
Red-legged Frog	<i>Rana aurora</i>	Blue
Olive-sided Flycatcher	<i>Contopus cooperi</i>	Blue
Barn Swallow	<i>Hirundo rustica</i>	Blue
Band-tailed Pigeon	<i>Patagioenas fasciata</i>	Blue
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	Blue
Black Swift	<i>Cypseloides niger</i>	Blue
Caspian Tern	<i>Hydrogrogne caspia</i>	Blue

4.7.1 Plant Communities at Risk

Rare and endangered plant communities are also mapped by the BCCDC. Due to the varied topography of the property a diversity of plant communities exists, including those classified as site series 05, 01, 03, 02 and 07. Detailed ecosystem mapping was beyond the scope of this assessment; however, all the above site series are listed as Red or Blue by the BCCDC. This is in large part due to the limited extent of the CWHxm1 BEC unit, and the extensive timber harvesting and development along the south coast of BC. Table 2 outlines plant communities identified on site and their BC status.

Table 2 CDC ranked plant communities located within the study area.

Common Name	Scientific Name	BEC Unit	BC Status
Pseudotsuga menziesii - Tsuga heterophylla / Gaultheria shallon Dry Maritime	Douglas-fir - western hemlock / salal Dry Maritime	CWHxm1/03	Red
Tsuga heterophylla - Pseudotsuga menziesii / Eurhynchium oregonum	western hemlock - Douglas-fir / Oregon beaked-moss	CWHxm1/01	Red
Selaginella wallacei/ Cladina spp.	Wallace's Selaginella/Reindeer lichens	CWHxm1/02	Blue
Thuja plicata / Polystichum munitum Very Dry Maritime	western redcedar / sword fern Very Dry Maritime	CWHxm1/05	Blue
Thuja plicata / Tiarella trifoliata Very Dry Maritime	western redcedar / three-leaved foamflower Very Dry Maritime	CHWxm1/07	Blue

5.0 Riparian/Shoreline Protection

5.1 Provincial Riparian Areas Protection Regulation

This assessment was completed following the changes made to the site. Therefore, it is impossible to know if the trench left by logging would be classified as a ditch under RAPR. The trench likely intercepted groundwater flowing along the clay layer and channelized it into the ocean, however it is impossible to determine what the dimensions of the channel were.

The requirements of RAPR apply to any freshwater streams which connect via surface flow to freshwater fish habitat. This constructed channel does not support fish habitat and does not flow into freshwater fish habitat. It is therefore not protected under RAPR. If RAPR did apply to this channel, it would be considered a constructed ditch which would require a minimum Streamside Protection and Enhancement Area (SPEA) setback of 2 meters. The roadside ditches along Mt. Artaban Rd were not fully surveyed during the assessment and therefore it is unknown if they connect to fish bearing streams. If it is assumed that they do, the same 2 m setback applies. The disconnected channel along the slope base does not meet the definition of a watercourse under RAPR and does not require a setback.



Figure 7 Approximate locations of RAPR setbacks along Mt. Ataban Rd. Note: Ditches continue along road beyond what is mapped.

5.2 Gambier Island/Islands Trust

The Gambier Island OCP includes two development permit areas applicable to the subject property including DPA 2: Shoreline Protection Area (Brigade Bay Area), and DPA 3: Riparian Areas. Specific guidelines are outlined in the Gambier Island Land Use Bylaw (No. 86, 2004). Both DPAs require a Qualified Environmental Professional (QEP) conduct an assessment and ensure development does not result in degradation of these areas.

5.2.1 DPA 2: Shoreline Protection Area (Brigade Bay Area)

This DPA includes an area 15 m upland of the natural boundary of the sea and an area 30 meters seaward of the natural boundary. The Land Use Bylaw defines the natural boundary as: *"The visible high water mark of any lake, river, stream or other body of water where the presence and action of the water*

are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself'. The DPA guidelines are focused on seaward development, rather than the upland area, however subsection (a) of the guideline: 'Shoreline areas should not be filled' and (h) 'disturbance of areas upland...' and (i) pertaining to the Federal Fisheries Act were examined as part of this assessment.

It does not appear that the shoreline areas (below the natural boundary) were infilled during the works. The area immediately landward of the shoreline has been built up (along the historic lower bench) and stabilized with logs salvaged from the beach. Two mature trees are growing at the existing grade along this boundary indicating the shoreline remains in its natural state and has not been moved (landward or seaward). Some minor undercutting was noted along the base of these trees.

Structures built within 15 meters of the natural boundary of the sea include a boat shed, a boat rack and two decks. The shed and boat rack are built on the lower bench, immediately adjacent to the shoreline. The two decks are built on concrete deck blocks on exposed rock outcroppings.

5.2.2 DPA 3: Riparian Area

The Riparian Areas DPA applies to all streams, lakes and wetlands, and their associated riparian areas on Gambier Island. Fish bearing and non-fish bearing watercourses are included in this designation, as on-fish bearing streams still have significant ecological value. Works completed on site included the removal, alteration and destruction of vegetation and disturbance of soils, which require a development permit. This DPA does not provide minimum buffers for watercourses and instead relies on a QEP report for site specific guidance on ensuring the development meets the provincial standards and will not negatively impact the riparian areas of watercourses.

This assessment focused on the current condition of the site and the watercourses that exist. Based on the size, flow and fish bearing status of the channel, the 2-meter minimum setback typically required under RAPR is recommended for this channel.



Figure 8 Detail of the suggested 2 m setback around the constructed channel.

The historic logging trench was infilled using vegetation and soil from the site. It is not expected that any deleterious substances were included in this material. The site inspection did not reveal any risks of sedimentation or erosion into the constructed channel #2. Grass seed has been spread throughout the disturbed area to stabilize the soils. Native plants are also beginning to recolonize the disturbed areas. It is difficult to determine root impacts of this work to the existing trees. Crown dieback was observed in one western hemlock near the impacted area. This species is sensitive to changes to its growing conditions; however, it is difficult to determine if the dieback is related to the trench infilling.

Impacts to the riparian area include a boat shed that constructed along the lower bench of the property, with another rack for boats built next to the constructed channel #2. A small trail and bridge have also been installed crossing the channel to provide access to the beach.

5.2.3 Recommendations to comply with DPA 2 and 3

The constructed trail and bridge are unlikely to negatively impact the riparian function of the constructed channel #2. It is recommended that that boat rack be relocated to outside of the recommended 2-meter riparian setback. The boat shed is already outside of this setback.

The shoreline does not appear to have been impacted by the logging trench infilling. DPA 3 states that disturbance of upland areas should be kept to a minimum, and that only minor structures are permitted

within this area. All structures and decks appear to be non-permanent. Continued disturbance in this area is primarily associated with mowing of the grass which was spread to prevent erosion.

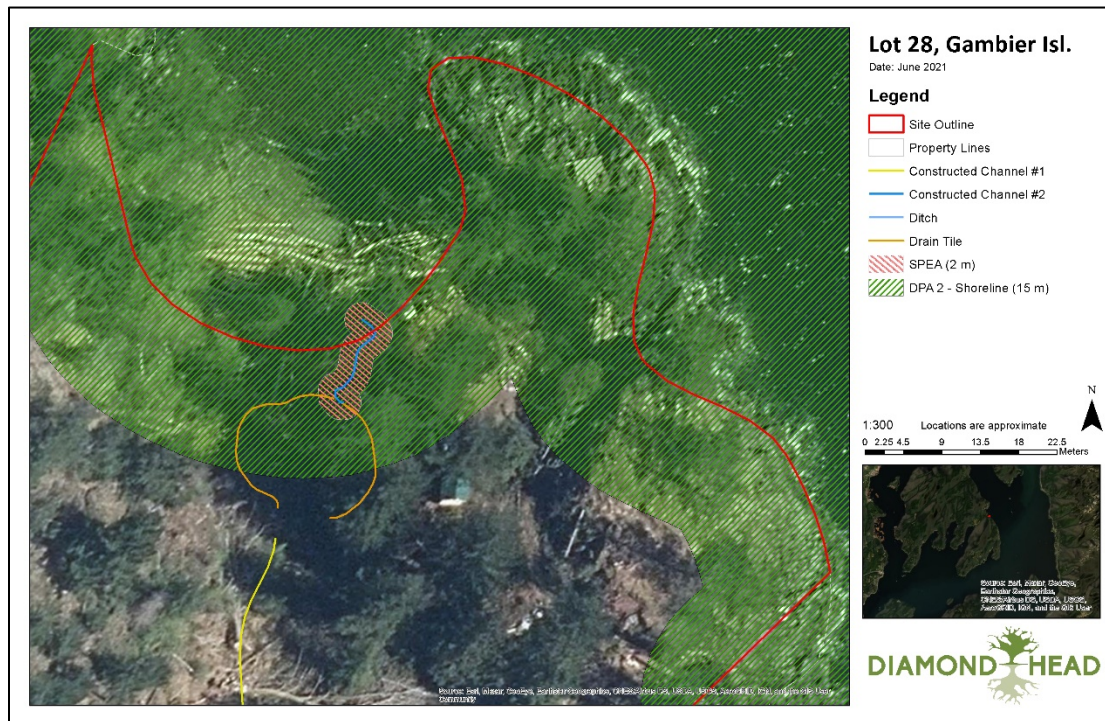


Figure 9. Detail of the property shoreline with fill extent of the DPA 2 and recommended 2 m riparian buffers for the constructed channel.

5.3 Water Sustainability Act

All work in and around a watercourse must comply with the *Water Sustainability Act* (WSA). This requirement includes the culverting of a ditch, or the maintenance of an existing one. The province must be notified of any future planned construction activities at least 45 days prior to construction starts by a QEP under Section 11 of the WSA and meet minimum standards. This process is to ensure the integrity of the ditch is not compromised during installation, and the province has a record of all instream work.

6.0 Restoration & Recommendations

As part of the development permit application, DHC has been asked to provide recommendations and mitigations options to preserve the integrity of the riparian and shoreline areas. Continued use in these areas should limit impacts to the shoreline area. Several larger pathways of grass remain along excavator tracks and old access driveways within the DPA 2 and DPA 3 areas. It is recommended that these pathways be narrowed into trails as much as is feasible. Trail edges should be replanted with ecologically suitable native species to reclaim these areas. Some salal, trailing blackberry and thimbleberry were observed spreading into these areas. This spread of these native species should be encouraged.

The riparian area of the constructed channel has begun to naturally revegetate. Common rush was growing immediately adjacent to the watercourse edges. The 2 m setback should be planted with native vegetation. It is also recommended that that boat rack be relocated to outside of the 2 m SPEA.

Ecologically suitable plant species were selected to restore the riparian area on site (Table 3). Species selection is based on the ecology of this area. Trees which should be planted along the riparian area include paper birch, western redcedar, sitka spruce and bigleaf maple. Trees suitable for planting along the drier shoreline include arbutus and Douglas-fir. Understory shrubs selected for along the riparian area and moister sites include sword fern, red flowering currant, thimbleberry and red elderberry. Shrubs suitable for drier sites include salal, oceanspray, nootka rose and tall Oregon grape. These should be planted in groups of 5-10.

Table 3. List of ecologically suitable species to be planted in the riparian setback on site.

Scientific Name	Common Name	Moist Riparian Sites	Drier shoreline sites	Shade tolerance	Comments
Trees					
<i>Betula papyrifera</i>	Paper birch	X	X		
<i>Abies grandis</i>	Grand fir	X			Climate adaptation species
<i>Acer macrophyllum</i>	Bigleaf maple	X			
<i>Picea stichensis</i>	Sitka spruce	X			
<i>Arbutus menziesii</i>	Arbutus		X	Intolerant	Climate adaptation species. Plant on open rocky sites
<i>Pseudotsuga menziesii</i>	Douglas-fir		X	Intolerant	
Shrubs					
<i>Polystichum munitum</i>	Sword fern	X	X		Common on site
<i>Ribes sanguineum</i>	Red-flowering currant	X	X	Intolerant	Climate adaptation species
<i>Rubus parviflorus</i>	Thimbleberry	X		Semi-intolerant	
<i>Sambucus racemosa</i>	Red elderberry	X			
<i>Gaultheria shallon</i>	Salal		X		Plant in clusters
<i>Holodiscus discolor</i>	Oceanspray		X	Semi-intolerant	Climate adaptation species
<i>Mahonia aquifolium</i>	Tall Oregon grape		X	Semi-intolerant	Climate adaptation species
<i>Rosa nutkana</i>	Nootka rose		X	Semi-intolerant	Climate adaptation species

6.1 Planting specifications

The success of planting is dependent on ecological suitability of the plants and the quality of plants that are installed. All planted species should meet the standards of the BC Landscape Association. Plants should be well rooted in the container but not root bound. Plants should be healthy and free of disease

or insect damage. All plants should be checked when delivered and those not meeting the most recent Landscape Standards should be sent back to the delivering nursery.

Shrubs should be well established in #1 pots for the restoration prescriptions provided. Trees should be well established in the pot and >1.2 m tall. Fall planting is recommended for all planting stock. Planting should take place following the end of the last drought period (September to October). This method allows for two periods of root growth (fall and early spring) before the flush of foliage.

As the areas are already grassed, the future risk of erosion is low. Plants should be installed with a triangular spacing of 1 m in grassed areas.

Appendix A: Statement of Limitations

This document was prepared by Diamond Head Consulting Ltd. Should this report contain an error or omission then the liability, if any, of Diamond Head Consulting Ltd. should be limited to the fee received by Diamond Head Consulting Ltd. for the preparation of this document. Recommendations contained in this report reflect Diamond Head Consulting Ltd.'s judgment in light of information available at the time of study. The accuracy of information provided by Diamond Head Consulting Ltd. is not guaranteed. This report is valid for 6 months from the date of submission. Additional site visits and report revisions are required after this point to ensure accuracy of the report.

Neither all nor part of the contents of this report should be used by any party, other than the client, without the express written consent of Diamond Head Consulting Ltd. This report was prepared for the client for the client's own information and for presentation to the approving government agencies. The report may not be used or relied upon by any other person unless that person is specifically named by Diamond Head Consulting Ltd as a beneficiary of the report, in which case the report may be used by the additional beneficiary Diamond Head Consulting Ltd has named. If such consent is granted, a surcharge may be rendered. The client agrees to maintain the confidentiality of the report and reasonably protect the report from distribution to any other person. If the client directly or indirectly causes the report to be distributed to any other person, the client shall indemnify, defend and hold Diamond Head Consulting Ltd harmless if any third party brings a claim against Diamond Head Consulting Ltd relating to the report.



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY January 24, 2023 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

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

2. STRATEGIC PLANNING/ADMINISTRATION

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

3. COVENANT AND PROPERTY ACQUISITIONS

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

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY

ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

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

5. COMMUNICATIONS AND OUTREACH

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

6. FUNDRAISING AND CONSERVANCY SUPPORT

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

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

Shortcuts of interest:

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



Development Permit

File Number	Applicant Name	Date Received	Purpose
GM-DP-2020.2	Swain, Nicholas & Christine	06-Nov-2020	PID: 026-162-903 Returning land to nature. Civic address: Lot 28, Brigade Bay, Gambier Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 11-Jan-2023

Survey received, planner reviewing.

Status Date: 13-Sep-2022

Applicant to hire surveyor by October 13.

Status Date: 26-May-2022

LTC resolution to require Survey, file in abeyance until receipt of survey

File Number	Applicant Name	Date Received	Purpose
GM-DP-2022.1	Philip, Carolyn & David	14-Feb-2022	PID: 026-162-890 To bring structures into compliance with setbacks. Civic address: Lot 27 Mount Artaban Road, Gambier Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 14-Jun-2022

Notified applicant of DFO/ MoTI restrictive covenant. LTC cannot consider application without written confirmation that DFO is agreeable to waive or amend the covenant restrictions.

Status Date: 02-May-2022

File reassigned

Status Date: 23-Feb-2022

File opened, assigned and waiting for etransfer.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GM-DP-2022.4	Ashcroft, Peter	21-Jul-2022	PID: 010-494-952 Development Permit for future house. Civic address: 2352 Sabina Road, New Brighton, Gambier Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 30-Jan-2023

DP application not required for proposed work. File to PTA to close.

Status Date: 24-Jan-2023

Application re-assigned

Status Date: 21-Jul-2022

File opened & assigned. Waiting for balance of fee by etransfer.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2002.1	Land Plan Group Inc.	24-Jan-2002	PID: 014-385-694\nKeats Island - Keats Camp cottage lots - siting variances\nDL 696

Planner: Sonja Zupanec

Planning Status

Status Date: 10-Apr-2008

still on hold pending rezoning

Status Date: 13-Aug-2007

on hold pending rezoning application

Status Date: 16-May-2006

Met with applicant. Outstanding items forwarded for attention. May be add'l fees.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2022.1	Philip, Carolyn & David	14-Feb-2022	PID: 026-162-890 To bring structures within compliance with setbacks. Civic address: Lot 27 Mount Artaban Road, Gambier Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 16-Jun-2022

Applicant contacting DFO. Staff provided contact information for Vancouver Regional Headquarters and Steveston regional office (Fishing areas 28, 29).

Status Date: 14-Jun-2022

Notified applicant of DFO/ MoTI restrictive covenant. LTC cannot consider application without written confirmation that DFO is agreeable to waive or amend the covenant restrictions.

Status Date: 14-Jun-2022

Applicant advised to contact DFO office.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2022.3	Pedersen, Kenneth & Joan	14-Jun-2022	PID: 010-892-567 To permit existing seawall within 25 foot setback. Civic address: 123 Esplanade Road, Eastbourne, Keats Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 16-Sep-2022

Requested and awaiting additional information from applicants.

Status Date: 14-Jul-2022

Planner reviewing file.

Status Date: 17-Jun-2022

File opened & assigned. Waiting for etransfer.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2022.4	Convention of Baptist Churches of BC (Seneca) Planner: Stephen Baugh	30-Aug-2022	PID: 014-385-694 Construct a rock wall within setback to boundary of the sea. Civic address: 900 Keats Road, Gambier Island, BC.
Planning Status			
Status Date: 09-Feb-2023 On ITCB agenda for March 14.			
Status Date: 18-Jan-2023 Sent to ITCB for comment per ITCB policy 3.1.			
Status Date: 12-Dec-2022 File reassigned			

Subdivision

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2022.2	Picante Community Holdings Corp. Planner: Margot Thomaidis	31-Aug-2022	PIDs: 015-980-324 and 027-998-967 10 lot subdivision. Civic address: Andy's Bay Road, New Brighton, Gambier Island, BC.
Planning Status			
Status Date: 24-Feb-2023 10% Lot Frontage Waiver request prepared for GM-LTC meeting of March 14, 2023.			
Status Date: 17-Feb-2023 Referral response sent. Awaiting PLR conditions.			
Status Date: 10-Jan-2023 Applicant resubmitted updated plans to MoTI - planner reviewing resubmission and writing referral response.			

Islands Trust

LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending January 2023

630 Gambier	Invoices posted to Month ending January 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	276.00	339.99	-63.99
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	3,708.00	1,211.46	2,496.54
65210-630	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-630	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-630	LTC - Local Exp - Special Projects	277.00	0.00	277.00
TOTAL LTC Local Expense		<u>4,568.00</u>	<u>1,211.46</u>	<u>3,356.54</u>
Projects				
73001-630-2016	Gambier OCP/LUB	17,000.00	19,919.54	-2,919.54
73001-630-4094	Gambier Keats Island Shoreline Protection Review	3,500.00	264.45	3,235.55
TOTAL Project Expenses		<u>20,500.00</u>	<u>20,183.99</u>	<u>316.01</u>

Gambier Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	October 6, 2010	GM-082-2010	Guidelines for the appointment of members to the advisory planning commission	It was MOVED and SECONDED that the Gambier Island Local Trust Committee endorses the following guidelines for the appointment of members to the advisory planning commission and requests that such guidelines be posted on the Islands Trust website and are used in any posting to solicit expressions of interest from candidates for advisory planning commission membership: “The Gambier Island Local Trust Committee shall make all reasonable efforts, in the consideration of appointments to the advisory planning commission that members are: - Representative of a broad cross section of the geographical areas of the Gambier Island Local Trust Committee area; - Representative of a range of backgrounds and expertise that is supportive to each other in the consideration of matters referred to the advisory planning commission; - Where feasible and practical of a balanced representation of gender and age groups. Consideration shall be given to the following criteria in any appointment: • Previous experience as a member of a Board of Variance; • Experience on a local government council, board, local trust committee, commission or other body; • Experience with other volunteer boards, commissions or committees; • Experience and credential in a planning, design or related profession; • Experience and credentials in a building or design trade; • Educational background; • Length of residency in the local trust area; • Availability, and willingness to travel between local trust areas.
2.	March 26, 2015	GM-2015-018	Amend APC appointment guidelines	It was MOVED and SECONDED, that the Gambier Island Local Trust Committee amend the APC appointment guidelines to allow for representation of members to be weighted to a geographic area subject to a current top priority project.

No	Meeting Date	Resolution No.	Issue	Policy
3.	October 26, 2017	GM-2017-065	Development Permit Area (DPA) No. 3: Riparian Areas administration	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt a Standing Resolution which directs staff to administer Development Permit Area (DPA) No. 3: Riparian Areas in the interim before formal amendments are made to the DPA, as follows: a. The “Designated Area” provisions of Section 12.3.1 of Gambier Island Official Community Plan No. 73 should be used to determine whether or not a proposed development is subject to DPA No. 3: Riparian Areas; b. When development is proposed within the “Designated Area”, applicants shall be required to have a Qualified Environmental Professional assess the water feature to determine whether or not it is subject to the Riparian Areas Regulation; c. When development is proposed within the “Designated Area” of a water feature which is determined to be subject to the Riparian Areas Regulation, a DPA No. 3: Riparian Areas Development Permit shall be required; d. When development is proposed within the “Designated Area” of a water feature which is determined not to be subject to the Riparian Areas Regulation, a DPA No. 3: Riparian Areas Development Permit shall not be required.
4.	December 11, 2017	GM-2017-078	Adding item to agenda	It was MOVED and SECONDED that the Gambier Island Local Trust Committee request staff to add to each agenda “First Nations Activities” under the Reports section.
5.	January 25, 2018	GM-2018-009	First Nations Words, Phrases and Place Names	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution: a) That staff incorporate First Nations’ words, phrases, and place names in Local Trust Committee communications, as appropriate.
6.	July 25, 2019	GM-2019-031	Model Cell Tower Consultation Process	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the model strategy for antenna systems.

No	Meeting Date	Resolution No.	Issue	Policy
7.	November 21, 2019	GM-2019-061	First Nations Reconciliation engagement	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavors to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
8.	July 23, 2020	GM-IC-2020-001	Bylaw Enforcement investigation	It was MOVED and SECONDED that the Gambier Island Local Trust Committee request Bylaw Enforcement staff to cease investigation and enforcement of complaints on Keats Island regarding otherwise lawful accessory uses, buildings and structures on a parcel where no principal use exists if the adjacent parcel has a principal use and both parcels are held under common ownership.

No	Meeting Date	Resolution No.	Issue	Policy
9.	February 10, 2023	GM-RWM-2023-001	Bylaw Enforcement deferral	Defer enforcement on existing seawalls on North Thormanby Island. The deferment of enforcement should not be interpreted as permitting any new additions or structures from requiring a permit or otherwise requiring compliance with the Gambier Associated Islands Land Use Bylaw No. 120.'

Active Projects Report

Gambier Island

1. <i>Gambier OCP & LUB Targeted Review</i>	Responsible	Dates
Conduct a review of the Gambier Island Official Community Plan policies and Land Use regulations pertaining to forest protection, protection of archaeological and cultural sites, shoreline protection and marine designations across the Plan area. Including: - Reconsider the zoning designation title "Wilderness Conservation;" - Add a definition for "breakwater;" - Consider policies and regulations regarding trams (funicular tracks, etc.); - Review site specific water zones on Gambier; - Define water tanks as structures within the Land Use Bylaw	Marlis McCargar	Rec'd: 12-Feb-2015
2. <i>Keats Island Shoreline Protection Project - Phase 3</i>	Responsible	Dates
Review of OCP and LUB to implement shoreline protection measures. Establish Shoreline DPA and updates marine structure regulations.	Jaime Dubyna	Rec'd: 31-Jan-2019

Future Projects Report

Gambier Island

1. *Administrative*

Responsible

Date Received

- Development Approval Information Bylaw: Develop and adopt a D.A.I bylaw for the Gambier Trust Area.
- Identification of all Crown reserves (strips) and similar Crown properties (i.e. islets) in the Gambier Island Local Trust Area.

01-Sep-2022

2. *OCP & LUB*

Responsible

Date Received

- Pump out stations: develop advocacy policies
- Thormanby Island Foreshore Protection: Review of setback regulations and designation of a development permit area for the purposes of protecting the natural environment, its ecosystems and biological diversity and protection of development from hazardous conditions.
- Consider adoption of a Heritage Conservation Area

01-Sep-2022

3. *LUB*

Responsible

Date Received

Gambier LUB:

- Recreational Camp and Private Institutional Regulation Review:

Keats LUB:

- Update definition of 'dwelling' in the Keats Island Land Use Bylaw No. 78.

May 2020: clarification around water storage tanks as structures, requirements for screening, and the need for setback placement as part of their use as community amenities in fire protection.

01-Sep-2022

Future Projects Report

Gambier Island

4. <i>OCP</i>	Responsible	Date Received
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N/A		01-Sep-2022
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5. <i>Advocacy and Communications</i>	Responsible	Date Received
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N/A		01-Sep-2022
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6. <i>Bylaw Enforcement</i>	Responsible	Date Received
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N/A		01-Sep-2022
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