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November 14, 2025

File No.: 5690-30-10

Heritage Branch
Ministry of Tourism, Arts, Culture and Sport
Government of British Columbia

Via email: EngageHCA@gov.bc.ca

Dear Representatives of the Heritage Branch,

Re: Feedback on Heritage Conservation Act Modernization

On behalf of the Islands Trust Council, I am writing to offer comment on the proposed modernization of the *Heritage Conservation Act* (HCA). This is an important effort and we offer support of the work to ensure that the protection of cultural heritage in British Columbia is aligned with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Through our ongoing engagement with First Nations whose territories encompass the Islands Trust Area, we have consistently heard that cultural heritage protection must be grounded in Nation-led authority and knowledge systems. First Nations have emphasized the importance of:

- Strengthening their decision-making authority with respect to heritage sites, ancestral places, and cultural landscapes.
- Embedding Free, Prior and Informed Consent (FPIC) in all heritage-related processes.
- Formally recognizing Indigenous knowledge systems in site protection and management.
- Ensuring sufficient resources are provided to enable Nations to meaningfully participate in decision-making, monitoring, and protection.

In almost every meeting held with a First Nation we learn of the significance of ancestral village sites, burial grounds, and cultural landscapes, and the impacts of historic and ongoing development. We have been humbled to have had teachings shared with us about the importance of caring for ancestors, including the integrity of their burial places, and that ancestors, in turn, will look out for the health and knowledge of their people. We support these teachings being reflected in cultural heritage protection frameworks and in land use planning documents.

We have also heard reflections that extend beyond the scope of the HCA, such as desire for land back and a need for sustainable funding to enable engagement with Islands Trust/local governments in order to mutually advance the shared objective of safeguarding cultural heritage within a reconciliation framework through tools such as designation of Heritage Conservation Areas.

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Trust Council further supports the modernization of the HCA in ways that address specific operational improvements for Islands Trust and local governments. Based on Islands Trust's experience, we identify both strengths and gaps in the current process:

- **Data Sharing:**

Strength: The Province's efforts to strengthen archaeological data systems are welcome.

Gap: Islands Trust and local governments currently lack timely access to comprehensive data layers showing archaeological and cultural heritage potential. This creates delays and uncertainty in permitting. For example, local trust committees often must process applications without knowing whether unrecorded sites are present, which risks both inadvertent damage and conflict.

Recommendation: Ensure data layers are shared broadly with Islands Trust and local governments and incorporate Indigenous-informed mapping.

- **Agreements (s.4 HCA)**

Strength: Section 4 agreements provide a pathway for Islands Trust/ local governments to participate in heritage management.

Gap: The current scope is narrow and does not extend to operational matters, leaving gaps in implementation. Islands Trust has seen instances where local trust committees wish to incorporate First Nations' cultural heritage policies into land use bylaws but lack an enabling provincial framework.

Recommendation: Expand s.4 agreements to include day-to-day operational matters such as monitoring, permitting processes, and shared enforcement.

- **Permitting**

Strength: The Province has recognized the need to simplify permitting.

Gap: The current three-permit model is cumbersome and often deters compliance, while delays frustrate both First Nations and applicants. For example, Islands Trust planners often see projects stall while awaiting multiple permits, increasing costs and creating pressure to proceed without approvals.

Recommendation: Move to a single project-based permit that can integrate multiple assessment requirements (AOA, AIA, monitoring), coordinated with Nation-led processes.

- **Early Awareness**

Strength: Due diligence requirements are beginning to be discussed.

Gap: Currently, heritage reviews often happen too late in the development cycle. For example, Islands Trust routinely receives building permit referrals only after land has been purchased and predeveloped to create building sites, making it difficult to prevent impacts before investment decisions are made.

Recommendation: Require due diligence checks. (e.g., site registry searches, preliminary assessments) at the point of land purchase or permit application to prevent conflict and safeguard sites.

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- **Management Zones**

Strength: There is provincial openness to area-based approaches.

Gap: The current protections remain site-specific, leaving broader cultural landscapes unprotected. For example, shoreline archaeological sites in the Islands Trust Area are especially vulnerable to rising sea levels and incremental coastal development.

Recommendation: Enable the creation of Heritage Management Zones supported by prescriptive guidelines for low-impact development.

- **Unregistered Sites**

Strength: First Nations, Elders, Knowledge Keepers, and Indigenous Governance Bodies (IGB's) have maintained collective knowledge of cultural heritage sites, including those not yet registered in RAAD. This living knowledge base is grounded in oral histories, cultural practice, and stewardship responsibilities.

Gap: Many archaeological and cultural heritage sites are known to Nations but remain unregistered in the provincial database. Islands Trust staff are aware of developments that have proceeded in such areas without adequate protection, causing irreparable harm.

Recommendation: Strengthen processes to recognize and protect unregistered sites, based on Indigenous knowledge.

- **Resourcing**

The Province does not currently have sufficient staff to implement and enforce the HCA effectively. Islands Trust frequently experiences delays in referrals and permit processes due to staffing limitations.

Recommendation: Increase the provincial staff resources dedicated to HCA implementation and oversight.

- **RAAD and Boundaries**

The RAAD system often contains outdated or narrowly defined site boundaries. For example, Trust planners may receive RAAD data showing a small polygon, while Nations identify a much broader cultural landscape.

Recommendation: Update RAAD and extend boundaries to reflect cultural landscapes, not only discrete points.

- **Permitting Timelines**

Lengthy provincial permitting timelines create uncertainty for all parties. Islands Trust applicants often report frustration that permits take so long that projects stall, creating pressure to proceed informally.

Recommendation: Streamline permitting timelines while maintaining rigor, so that heritage protection and development certainty are not in conflict.

- **Local Government Tools**

Islands Trust and local governments can recommend but not require compliance with Nation-led heritage processes. For example, while some First Nation have a Cultural Heritage Investigation Policy and Permit system, Islands Trust currently has no authority to require applicants to comply.

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Recommendation: Enable provisions so local governments can require compliance with First Nations' heritage protection requirements. This will create consistency and accountability.

- **Resourcing and Capacity**

Trust Council emphasizes that the modernization of the *Heritage Conservation Act* must be supported with sustained resources. Enhanced requirements and expanded protections will inevitably increase the responsibilities of First Nations, Islands Trust and local government partners.

To be effective, the Province needs to consider:

- Providing direct funding to First Nations to build and sustain capacity for cultural heritage management, including staff, technical expertise, and administrative systems. Without such support, the legislative changes risk placing undue burden on Nations who are already under-resourced.
- Supporting Islands Trust and local governments with funding to improve operational capacity, including staff training, data integration, and coordination with Nations, to ensure consistent implementation of the Act across jurisdictions.
- Creating shared resourcing mechanisms to enable collaborative initiatives between Nations and Islands Trust/local governments (e.g., co-development of Heritage Management Zones, joint monitoring programs, or data-sharing platforms).

This resourcing framework is essential to translate legislative reform into meaningful, on-the-ground protection of cultural heritage.

In summary, the Islands Trust Council strongly supports a modernized *Heritage Conservation Act* that reflects these priorities. It is imperative to ground cultural heritage protection in First Nation authority and teachings, ensuring effective operational tools, and affirming the role of Islands Trust and local governments in working collaboratively with Nations and the Province to advance reconciliation through land use planning and heritage management.

The modernization of the HCA represents a critical step in advancing reconciliation and correcting the long-standing gaps in the protection of Indigenous cultural heritage. Islands Trust Council encourages the Province to co-develop these reforms with Indigenous Governing Bodies, while ensuring that all parties are resourced to play a part in implementing a rights-based framework.

We hear the calls from the Union of British Columbia Municipalities for the Province to pilot new mechanisms before they are rolled out more widely. The Islands Trust Area is a great candidate for any pilots.

Thank you for inviting us to comment and for considering this input.

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Yours Sincerely,



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cc: Islands Trust Area MLAs
Cowichan Tribes
Da'naxda'xw First Nation
SXIMEŁEŁ (Esquimalt) Nation
Halalt First Nation
Homalco First Nation
K'ómoks First Nation
Lummi Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Mamalilikulla First Nation
x^wməθk^wəyəm (Musqueam Indian Band)
BOKÉCEN (Pauquachin) First Nation
Penelakut Tribe
Qualicum First Nation
Semiahmoo First Nation
Snaw-naw-as (Nanoose) First Nation
Snuneymuxw (Nanaimo) First Nation
Lekwungen (Songhees) Nation
shíshálh Nation
Skwxwú7mesh (Squamish) Nation
Stz'uminus First Nation
Tla'amin Nation
Tlowitsis Nation
Ts'uubaa-asatx First Nation
W_JOŁEŁP (Tsartlip) First Nation
STÁUTW_(Tsawout) First Nation
Tsawwassen First Nation
Tseil-Waututh First Nation
W_SIKEM (Tseycum) First Nation
We Wai Kai (Cape Mudge) First Nation
Wei Wai Kum (Campbell River) First Nation
WSÁNEĆ Leadership Council
Bowen Island Municipality
Islands Trust Council
Islands Trust Website