



Trust Programs Committee Electronic Meeting Agenda

Date: Friday, May 22, 2020
Time: 11:00 am - 4:00 pm
Location: Victoria Boardroom
#200 - 1627 Fort Street, Victoria BC

	Pages
1. CALL TO ORDER	11:00 AM - 11:00 AM
2. APPROVAL OF AGENDA	
2.1 Introduction of New Items	
2.2 Approval of Agenda	
3. TOWN HALL AND DELEGATIONS	
4. ADOPTION OF MINUTES/COORDINATION	
4.1 Minutes of Meeting	
4.1.1 February 10, 2020	3 - 8
4.2 Resolutions Without Meeting	9 - 9
RWM 2020-01	
That the regular business meeting of the Trust Programs Committee be rescheduled from Thursday, May 21, 2020 to Friday, May 22, 2020, from 11:00 am – 4:00 pm.	
4.3 Follow Up Action List	10 - 13
5. TRUST COUNCIL BUSINESS	
5.1 Policy Statement Amendment (Islands 2050) Project Update - Briefing	14 - 35
5.2 2019-20 Annual Report - TPC section - RFD	36 - 38
6. BUSINESS	
6.1 Presentation: Summary of 2011 Policy Statement Assessment Task Force	
6.2 Integration of UNDRIP into Policy Statement - Briefing	39 - 50
6.3 Baynes Sound Lambert Channel Forum Update - Briefing	51 - 52
6.4 Climate Change Data Sets & Performance Indicators Project – Briefing	53 - 55
6.5 Climate Change Stewardship Education Program - RFD	56 - 58
6.6 Service integration – Briefing	59 - 65
6.7 Secretariat function - Briefing	66 - 68

- 6.8 Howe Sound Biosphere Region Initiative request for funding for Howe Sound Community Forum - Late Item** 69 - 74

Total requested: \$3,793.00 – not to exceed \$3,800.00 including taxes.

- 6.9 BC Conservation Foundation request for funding for Coastal Douglas-fir Conservation Partnership (CDFCP) - Late Item** 75 - 76

Total requested: up to \$5,000

7. NEW BUSINESS

8. WORK PROGRAM

- 8.1 Trust Programs Committee Work Program** 77 - 78

9. CLOSED MEETING

10. RISE AND REPORT

11. NEXT MEETING

Tuesday, June 23, 2020 - 10:00-3:00

12. ADJOURNMENT 4:00 PM - 4:00 PM

*Approximate time is provided for the convenience of the public only and is subject to change without notice.



Trust Programs Committee Minutes of Regular Meeting

Date: February 10, 2020
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Members Present: Deb Morrison, North Pender Island Local Trustee (Chair)
Scott Colbourne, Gabriola Island Local Trustee (Vice Chair)
Dan Rogers, Gambier Island Local Trustee (EC Rep)
David Critchley, Denman Island Local Trustee
Peter Luckham, Thetis Island Local Trustee (ex-officio)
Doug Fenton, Thetis Island Local Trustee
Kees Langereis, Gabriola Island Local Trustee
Timothy Peterson, Lasqueti Island Local Trustee
Paul Brent, Saturna Island Local Trustee

Members Absent: Michael Kaile, Bowen Island Municipal Councillor Trustee
Benjamin McConchie, North Pender Island Local Trustee

Staff Present: Clare Frater, Director, Trust Area Services
Dilani Hippola, Acting Senior Policy Advisor
David Marlor, Director, Local Planning Services
Lisa Wilcox, kwakwemtenaat, Senior Intergovernmental Policy Advisor
Lori Foster, Recorder/Executive Coordinator
Gillian Nicol, Program Coordinator (morning)
Carmen Thiel, Legislative Services Manager (morning)

1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:02 AM acknowledging that the meeting was being held electronically across a variety of locations, all on Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration to add to the agenda:
6. Closed Session, and renumber the agenda accordingly
8.1 Cultural Heritage Resources

2.2 Approval of Agenda

TCP-2020-001

It was MOVED and SECONDED,

that the February 10th Trust Programs Committee meeting agenda be approved as amended.

CARRIED

3. TOWN HALL AND DELEGATIONS – None

4. ADOPTION OF MINUTES/COORDINATION

4.1 Minutes of Meeting

4.1.1 November 6, 2019

TPC-2020-002

It was MOVED and SECONDED,

that Trust Programs Committee adopt the November 6th business meeting minutes as presented.

CARRIED

4.2 Resolutions Without Meeting – None

4.3 Follow Up Action List (FUAL)

Director of Trust Area Services (DTAS) Frater introduced Dilani Hippola, Acting Senior Policy Advisor.

DTAS Frater reviewed FUAL work giving status updates noting a number of items have been completed.

Chair Morrison asked the about long-standing FUAL item regarding the impact of road standards agreements on village roadscapes, and asked that it be addressed and reported back on.

5. TRUST COUNCIL BUSINESS

At this time there were no items going forward to Trust Council from Trust Programs Committee.

6. CLOSED MEETING

TPC-2020-003

It was MOVED and SECONDED,

that the Trust Programs Committee close this meeting to the public subject to Sections 90(1)(j) and (m) of the Community Charter in order to consider matters related to information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act and that a matter that, under another enactment, is such that the public may be excluded from the meeting and that staff be invited to remain in the meeting.

CARRIED

At 10:13 AM, the meeting was closed to the public. At 11:28 AM, the meeting was re-opened to the public.

6.1 Rise and Report

TPC-2020-004

It was MOVED and SECONDED,

that Trust Programs Committee request staff to review the provisions for closing a meeting to the public where negotiations with First Nations are concerned, and including review of the appropriate wording for closing a public meeting in such circumstances.

CARRIED

7. BUSINESS

7.1 Policy Statement Engagement Update – Briefing

Director of Trust Area Services (DTAS) Frater spoke to the briefing.

Discussion on funds set aside for First Nations engagement ensued.

7.2 Policy Statement Amendment Project Charter V2 – RFD

DTAS Frater spoke to the project charter in the request for decision.

Discussion on the project charter budget ensued.

TPC-2020-005

It was MOVED and SECONDED,

that Trust Programs Committee recommend that the Executive Committee approve the Policy Statement Amendment Project Charter Version 2.

CARRIED

TPC-2020-006

It was MOVED and SECONDED,

that Trust Programs Committee request staff prepare a budget for a more expansive First Nations engagement for the Policy Statement review.

CARRIED

After adoption of the project charter, Trust Programs Committee continued to discuss timelines and phases within respectful guidelines on collaboration with First Nations.

7.3 Baynes Sound / Lambert Channel Ecosystem Forum (May 2020) Project Charter – RFD

It was noted that the World Wildlife Fund Canada is a co-hosting partner. Discussion about the proposed Islands Trust budget for the forum, which would greatly affect the secretariat budget, was heard.

TPC-2020-007

It was MOVED and SECONDED,

that the Trust Programs Committee approve funding the Baynes Sound / Lambert Channel Ecosystem Forum to a maximum of \$5,000 subject to Trust Council approval of funding for the secretariat project.

7.4 Climate Change Data & Performance Indicators Project Charter – RFD

DTAS Frater spoke to the project charter and request for decision document. It was noted that a contract for this work can be directly awarded and does not have to go through the request for proposal process.

TPC-2020-008

It was MOVED and SECONDED,

that the Trust Programs Committee approve the Climate Change Data and Performance Indicators Project Charter, subject to Trust Council approval of funding.

CARRIED

Trustee Brent left the meeting at 12:08 PM. The meeting recessed at 12:08 PM and reconvened at 12:40 PM.

7.5 Climate Change Speaking Notes and Backgrounder

Discussion was heard on the final changes to the climate change speaking notes with the recommendation from the Executive Committee that they be given immediate release.

By general consent Trust Programs Committee requests the climate change speaking notes be distributed to trustees and posted to the website.

7.6 State of the Islands Report – Briefing

It was noted that the housing affordability indicator table was added to the report as was requested at the last Trust Council meeting.

By general consent Trust Programs Committee requests the State of the Islands Report be posted to the website as presented.

8. NEW BUSINESS

8.1 Cultural Heritage Resources

Chair Morrison spoke to the Policy Statement Review timelines and the need to ensure cultural resources are protected through the islands. It was discussed that cultural heritage sites are not just archeological sites but encompass the interconnectedness of all the land such as the foreshore.

TPC-2020-009

It was MOVED and SECONDED,

that Trust Programs Committee request that Local Planning Committee consider options for protecting cultural heritage resources, in the short term, due to the extended timeline of the Policy Statement Amendment Project.

CARRIED

9. WORK PROGRAM

9.1 Trust Programs Committee Work Program

DTAS Frater spoke to the work program noting adopted Strategic Plan items for Trust Area Services (TAS) include climate change indicator data, stewardship education, and the secretariat role.

By general consent staff are asked to bring back a report in May on service integration and detail the secretariat function in the work program as contemplated in the Strategic Plan.

Discussion was heard on updating the TAS work program.

TPC-2020-010

It was MOVED and SECONDED,

that Trust Programs Committee amend their Projects Report list by removing #1 “Improve cooperation and integration with other levels of government” and #2 “Enhance (protect/restore) community character, socio-economic diversity and economic.

CARRIED

TPC-2020-011

It was MOVED and SECONDED,

that Trust Programs Committee amend their Projects Report list by adding the “Stewardship Education Program”.

CARRIED

TPC-2020-012

It was MOVED and SECONDED,

that Trust Programs Committee amend their work program by moving #3 “Amend Crown Land Cooperation Agreements” from the Top Priorities Report to the Projects Report list.

CARRIED

TPC-2020-013

It was MOVED and SECONDED,

that Trust Programs Committee amend their Top Priorities list by adding “Climate Change Data and Performance Indicators” as item #3.

CARRIED

Trustee Colbourne left the meeting at 1:40 PM.

10. CORRESPONDENCE

10.1 Trustee Langereis re Islands Trust Policy Statement and Object

Trustee Langereis spoke to his correspondence about the local trust committee role and the Object of the Islands Trust. Received for information.

10.2 Trustee Scott re Islands Trust Council Guiding Principles and Reconciliation

Senior Intergovernmental Policy Advisor Wilcox spoke to work that is being drafted but has not been distributed at this time. Received for information.

11. NEXT MEETING

The next meeting of the Trust Programs Committee is May 21, 2020.

12. ADJOURNMENT

By general consent the meeting was adjourned at 2:37 PM.

Deb Morrison, Chair

Certified Correct

Lori Foster, Recorder/Executive Coordinator

**TRUST PROGRAMS COMMITTEE
RESOLUTION WITHOUT MEETING**

RESOLUTION WITHOUT MEETING NO. RWM-2020-01

The following matter is considered urgent and necessary in order to re-schedule the May 21, 2020, to Friday, May 22, 2020, to avoid a conflict for the Chair.

It was Moved by Trustee Brent and Seconded by Trustee McConchie:

That the regular business meeting of the Trust Programs Committee be rescheduled from Thursday, May 21, 2020 to Friday, May 22, 2020, from 11:00 am – 4:00 pm.

<u>TRUSTEES CONTACTED</u>	<u>DATE VOTE RECEIVED</u>	<u>VOTE</u>
Deb Morrison	May 20, 2020	In Favour
Scott Colbourne	May 19, 2020	In Favour
Paul Brent	May 19, 2020	In Favour
David Critchley	May 19, 2020	In Favour
Doug Fenton	May 19, 2020	In Favour
Michael Kaile	May 19, 2020	In Favour
Kees Langereis	May 19, 2020	In Favour
Ben McConchie	May 19, 2020	In Favour
Timothy Peterson	May 20, 2020	In Favour
Dan Rogers	May 19, 2020	In Favour

FINAL VOTE COUNT

10 IN FAVOUR
0 OPPOSED

THE CHAIR DECLARED THE ABOVE RESOLUTION CARRIED PURSUANT TO SECTION 13 OF THE *ISLANDS TRUST ACT* ON MAY 20, 2020.

CHAIR'S SIGNATURE

RECORDER'S SIGNATURE

Follow Up Action Report

Trust Programs Committee

29-Feb-2016

Activity	Responsibility	Dates	Status
1 Implement Crown Land Protocol project charter V2, circulate past RFD to TPC members, keep charter on future agendas until project is complete and consider inventory of current referrals, if it helps demonstrate the need for updating the letter of understanding.	Clare Frater	Target: 14-Nov-2016	In Progress

20-Aug-2018

Activity	Responsibility	Dates	Status
1 that the impact of the Ministry of Transportation and Infrastructure road standards agreement on village roadscapes be examined as a potential pilot project or case study.	David Marlor	Target: 12-Dec-2018	In Progress

06-Nov-2019

Activity	Responsibility	Dates	Status
1 that staff provide a report on the integration of the United Nations Declaration on the Rights of Indigenous Peoples principles with the Islands Trust Policy Statement review for the next Trust Programs Committee meeting.	Clare Frater Lisa Wilcox	Target: 10-Feb-2019	Completed



Follow Up Action Report

Trust Programs Committee

06-Nov-2019

Activity	Responsibility	Dates	Status
2 that Trust Programs Committee request that staff work with the Fraser Basin Council to identify opportunities for coordination in the delivery of secretariat services in the Islands Trust Area.	Clare Frater	Target: 15-Jan-2020	In Progress

10-Feb-2020

Activity	Responsibility	Dates	Status
1 Staff to review the provisions for closing a meeting to the public where negotiations with First Nations are concerned, and including review of the appropriate wording for closing a public meeting in such circumstances.	Clare Frater	Target: 21-May-2020	In Progress
2 That Trust Programs Committee recommend that Executive Committee approve the Policy Statement Amendment Project Charter Version 2.	Clare Frater	Target: 21-May-2020	Completed
3 Staff prepare a budget for a more expansive First Nations engagement for the policy statement review.	Lisa Wilcox	Target: 21-May-2020	Completed
4 That the Trust Programs Committee approve funding the Baynes Sound / Lambert Channel Ecosystem Forum to a maximum of \$5000 subject to Trust Council approval of funding for the secretariat project.	Clare Frater	Target: 21-May-2020	In Progress
5 That the Trust Programs Committee approve the Climate Change Data and Performance Indicators Project Charter, subject to Trust Council approval of funding.	Clare Frater	Target: 21-May-2020	In Progress



Follow Up Action Report

Trust Programs Committee

10-Feb-2020

Activity	Responsibility	Dates	Status
6 Trust Programs Committee request the State of the Islands Report be posted to the website as presented.	Clare Frater	Target: 21-May-2020	Completed
7 That Trust Programs Committee request that Local Planning Committee consider options for protecting cultural heritage resources, in the short term, due to the extended timeline of the Policy Statement Amendment Project.	Clare Frater David Marlor	Target: 21-May-2020	Completed
8 Amend Work Program: ·Amend the Projects Report list by removing #1 "Improve cooperation and integration with other levels of government" and #2 "Enhance (protect/restore) community character, socio-economic diversity and economic. ·Amend the Projects Report list by adding the "Stewardship Education Program". ·Amend their work program by moving #3 "Amend Crown Land Cooperation Agreements" from the Top Priorities Report to the Projects Report list. ·Amend the Top Priorities list by adding "Climate Change Data and Performance Indicators" as item #3.	Clare Frater	Target: 21-May-2020	Completed

Follow Up Action Report

Trust Programs Committee

10-Feb-2020

Activity	Responsibility	Dates	Status
9 Staff are asked to bring back a report in May on service integration and, detail the secretariat function in the work program as contemplated in the Strategic Plan.	Clare Frater	Target: 21-May-2020	Completed
10 Trust Programs Committee requests the climate change speaking notes be distributed to trustees and posted to the website.	Clare Frater	Target: 21-Feb-2020	Completed

11-Mar-2020

Activity	Responsibility	Dates	Status
1 TC requests that TPC reconsider the Community Stewardship Award Policy section on eligibility with regards to open bylaw enforcement files and return the RFD to Trust Council.	Clare Frater	Target: 09-Sep-2020	In Progress

To:	Trust Programs Committee	For the Meeting of:	May 21, 2020
From:	Trust Area Services	Date Prepared:	May 14, 2020
SUBJECT:	Policy Statement Amendment (Islands 2050) Project Update		

PURPOSE:

To update the Trust Programs Committee on the public outreach program for Islands 2050 and provide details of next steps.

BACKGROUND:

On February 26, 2019, the Executive Committee approved the Project Charter (Attachment 1) for the Islands Trust Policy Statement Review. In that Charter, Staff were tasked with undertaking public engagement between September 2019 and January 2020.

Staff undertook an extensive public consultation process during 2019. Through the early fall, Staff undertook 24 events throughout the Trust area; these included open houses, booths setup at key community events, and booths setup on select BC Ferries sailings. These events were held in all local trust areas and on the Bowen Island. In addition, an on-line tool called “Thought Exchange” was used to solicit feedback from the public on two questions: “What do you value about the Trust Area”, and in the context of climate change, “What concerns do you have for the next 30 years”.

Reporting on engagement feedback:

Attachment 2 is a draft “What we heard from you” engagement update report designed for the public. Following the guidance of the International Association for Public Participation (IAP2) the document provides an opportunity to report back the results of the public engagements without showing any decision making. This approach provides an opportunity to be transparent with the public.

Staff are seeking comments from Trust Programs Committee on the draft document prior to providing to the Executive Committee for approval.

First Nations Engagement:

Staff has been meeting with First Nations representatives and governments over the last year. Due to COVID-19 staff adjusted engagement processes to remote meetings and discussions, reaching out to First Nations that had requested copies of the Policy Statement for review. Engagement also included ensuring that concerns and discussions regarding treaty and traditional territories was documented for review by First Nations during the amendment period. Through inter-agency discussions with MIRR, and MAH, staff also reviewed capacity funding opportunities, and possible protocol agreements. Staff is working to ensure that processes are reflective of the TRC Calls to Action, UNDRIP, and DRIPA and done in good faith, cooperation, and understanding.

Intergovernmental advisory group:

The project has an intergovernmental advisory group comprised of staff from the Ministry of Environment and Climate Change, the Ministry of Municipal Affairs and Housing, the Ministry of Forests, Lands and Natural Resource Operations and Rural Development, and the Ministry of Indigenous Relations and Reconciliation. Staff has continued to keep advisory group members up to date with the

project's progress reports via emails and phone calls. Staff continues to work closely with the Ministry of Indigenous Relations and Reconciliation, and has not heard concerns from the Ministry of Environment and Climate Change Strategy, or the Ministry of Municipal Affairs and Housing. We will be sharing the What we Heard report with them.

Budget:

The project has a \$45,000 budget for fiscal 2020/21. The project has not incurred any expenses to date so far the 2020-2021 budget, aside from graphic design of the report. Over the next month, capacity funding will start to be sent to collaborating First Nations.

Next Steps:

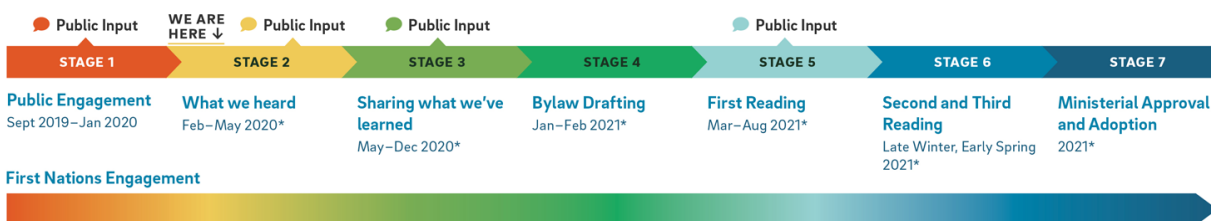
The scope of the Project Charter is to recommend amendments to the Introduction, Part I, Part II and Schedule 1 - Definitions and climate and housing policies, and to undertake meaningful engagement with First Nations in the process.

The timeline below shows that we are currently in Stage 3 of the project (sharing what we have learned). In order to complete Stage 3, Staff will undertake the following work over the next few months:

In keeping with the scope of the Project Charter, for each theme area, Staff will undertake an analysis of the Introduction, Part I, Part II and Schedule 1 – Definitions, and climate and housing policies and identify gaps in the Policy Statement in relation to those themes. Through the analysis, Staff will provide options for addressing those gaps, including developing recommendations for specific amendments. This work will be influenced by the currently on-going engagement with First Nations. In keeping with Trust Council's Reconciliation Declaration and the intent of the Project Charter to undertake meaningful engagement with First Nations, the timing of the reporting out on the analysis needs to consider whether meaningful engagement has taken place.

Subject to First Nations engagement, a report back with this analysis, options and recommendations is expected to be completed for the August or October Trust Programs Committee meeting.

An on-line public feedback of "what we have learned", which would be launched after receipt of the report by Trust Programs Committee, would complete Stage 3 of the project.



* Timeline is subject to change based on First Nations engagement

ATTACHMENT(S):

1. Islands Trust Policy Statement Project Charter, Version 2
2. Islands 2050: The Future of the Trust Area Public Engagement - What we have Heard

FOLLOW-UP:

Staff will provide the “What we heard from you” report to EC for approval (Attachment 2), post it to the Islands Trust website for public information, share with subscribers, and undertake the work outlined in “Next Steps” above.

Prepared By: Gillian Nicol, Program Coordinator
Lisa Wilcox, Senior Intergovernmental Policy Advisor, May 15, 2020

Reviewed By/Date: David Marlor, Director, Local Planning Services/May 15, 2020
Clare Frater, Director, Trust Area Services/May 15, 2020

Policy Statement Amendment Project- Project Charter V2

Purpose To support a Policy Statement Amendment process that encompasses First Nations and public engagement and that leads to a bylaw approved by Trust Council and the Minister.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, to coordinate a review of the Policy Statement, specifically the Introduction, Part I, Part II and Schedule 1 - Definitions sections, and climate and housing policies, and to undertake meaningful engagement with First Nations in the process. With the project in progress, the 2020/21 budget will be used for engagement with First Nations, public engagement, referrals to agencies/First Nations, and legal review.

Objectives

- Updated preamble and definitions
- Acknowledgement of First Nations treaty and traditional territory/TRC/ UNDRIP principles
- Addition of climate and housing policies and other topics raised by First Nations
- Engagement with First Nations on policy amendments
- Re-familiarization of all parties and public with amendment processes

In Scope

- FN/community engagement / intergovernmental advisory group
- Policy analysis
- Drafting
- Legal review
- Referral process and public input
- 1st/2nd /3rd/4th Readings by Trust Council
- Refer to Minister
- Implementation plan

Out of Scope

- Treaty or territorial negotiations
- Consequential amendments to OCPs and LUBs

Workplan Overview

Major Deliverable/Milestone	Date
Public engagement Report on public engagement; FN engagement; policy analysis; write engagement report Draft amendments to Policy Statement; get legal review	June 2019 to January 2020 January – December 2020 January 2021 – February 2021
1st Reading Refer proposed bylaws with amended Policy Statement to agencies and First Nations Engage public on proposed amendments via online survey; statutory advertising	March 2021 March – August 2021 April - May
Trust Council considers input; redraft as needed; legal review, referral to First Nations 2nd and 3rd Reading by Trust Council; refer bylaw to Minister with engagement report	September 2021 December 2021 or March 2022
4th Reading by Trust Council; post Policy Statement to website; write implementation plan	June or Sept. 2022

Project Team

TPC/EXEC	Project Champions
Clare Frater	Project Manager
Dilani Hippola	Policy Analysis
Lisa Wilcox	FN engagement
Gillian Nicol	Coordinator

Approved by:

Clare Frater, Director, TAS

Endorsement:

EC: Feb 26,2020

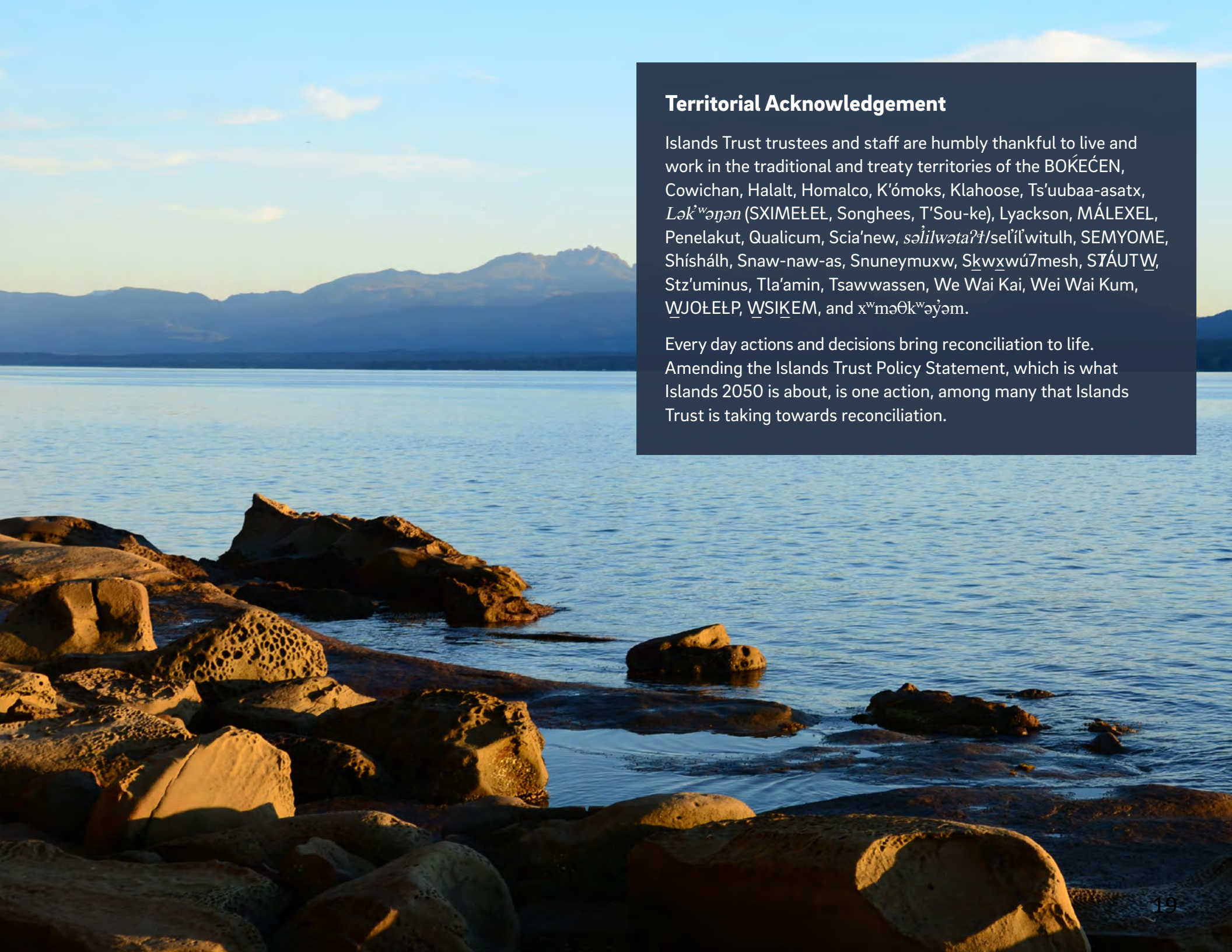
Budget 2019-2022 (19/20 est. \$45k, 20/21 \$45K)

Item	Cost
FN engagement	\$30,000
Public engagement	\$35,000
Graphic design	\$5,000
Legal review	\$10,000
Statutory advertising	\$10,000
Total activity costs:	\$90,000

What We Heard

Islands 2050: The Future of the Trust Area

Public Engagement
Fall 2019



Territorial Acknowledgement

Islands Trust trustees and staff are humbly thankful to live and work in the traditional and treaty territories of the BOKÉCEN, Cowichan, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, *Lək̓ʷəŋən* (SXIMEŁŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXEL, Penelakut, Qualicum, Scia'new, *səlilwətaʔ*/sel'il'witulh, SEMYOME, Shíshálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, STÁUTW, Stz'uminus, Tla'amin, Tsawwassen, We Wai Kai, Wei Wai Kum, WJOŁŁP, WSIKEM, and x̣wməθḳwəỵəm.

Every day actions and decisions bring reconciliation to life. Amending the Islands Trust Policy Statement, which is what Islands 2050 is about, is one action, among many that Islands Trust is taking towards reconciliation.

Islands 2050: The Future of the Trust Area

We are planning for future and initiated the Islands 2050 to get input and understand the opportunities and challenges. This multi-year project, kicked off in September 2019 with community and First Nation engagement processes.

Over four months, we hosted Island 2050 events, rode the ferries with our information booth, and invited people to visit us online as we gathered input to revise the Islands Trust Policy Statement.

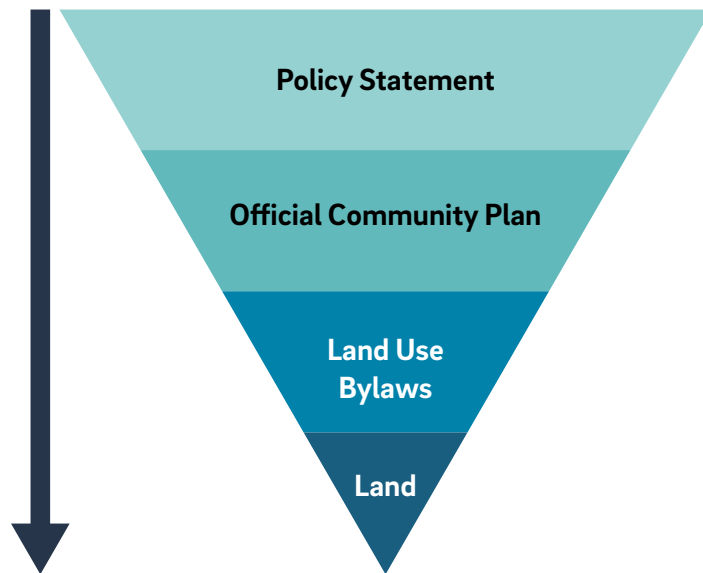


Diagram: Influence of Policy Statement on Land

What is the Policy Statement?

The Policy Statement provides direction for regulating the development and use of land and water. The document guides the preserve and protect mandate of Islands Trust, but the last version of the Policy Statement was written in 1994, and a lot has changed in the last 26 years:

- We made a commitment to reconciliation with First Nations.
- The population got older.
- We declared a climate emergency.
- Development pressures in the neighbouring cities of Vancouver, Victoria and Seattle, caused land prices to go up and reduced housing options.
- Trade increased so more cargo ships are travelling and anchoring in the Trust Area.
- Technology rapidly evolved.

We are updating the Policy Statement to be current, to be able to adapt to future challenges, and take advantage of new and evolving opportunities.

The Policy Statement Guides Everything We Do

The Policy Statement helps shape our 20 official community plans — documents providing direction for community growth and change — plus associated bylaws, policies and regulations.

It is used to guide:

- Local trust committee special projects
- Decisions on rezoning applications and associated proposed bylaw amendments
- Advocacy to other levels of government about things that matter locally

Islands 2050 Timeline

Islands 2050, which is all about updating the Islands Trust Policy Statement, involves seven stages.

It started with stage one, public engagement. Over five months we met with the public and gathered their input face-to-face and online.

In stage two, which involved producing this report, we talked about what we heard.

In stage three, after analysing data, we share information about what we learned.

At stage four, we apply what we learned and draft a revised Policy Statement Bylaw.

In stage five, the revised bylaw goes to Trust Council and is introduced for first reading.

At stage six, second reading involves Council discussing the bylaw and possibly making amendments. Then, during the third reading, there is a final discussion about the bylaw before it is approved.

Finally, in stage seven, the bylaw is approved and adopted by the Minister of Municipal Affairs and Housing.



* Timeline is subject to change based on First Nations engagement



What We Asked You

In person and online we asked:

- What do you value about the Trust Area?
- What opportunities do you see to protect and preserve the Trust Area?
- In the context of a changing climate, what concerns do you have for the next 30 years?



Pictured: Islands 2050 booth at the Salt Spring Island Fall Fair in September 2019.

How We Engaged

In the fall 2019 we hosted 24 events across the Trust Area. We:

- Held evening open houses
- Set up booths at key community locations
- Sailed BC Ferries with information displays
- Welcomed ideas online through a commenting forum called Thought Exchange.

During that time:

557 people
attended open houses
and information booths

789 people
participated on Thought
Exchange providing
1,269 comments

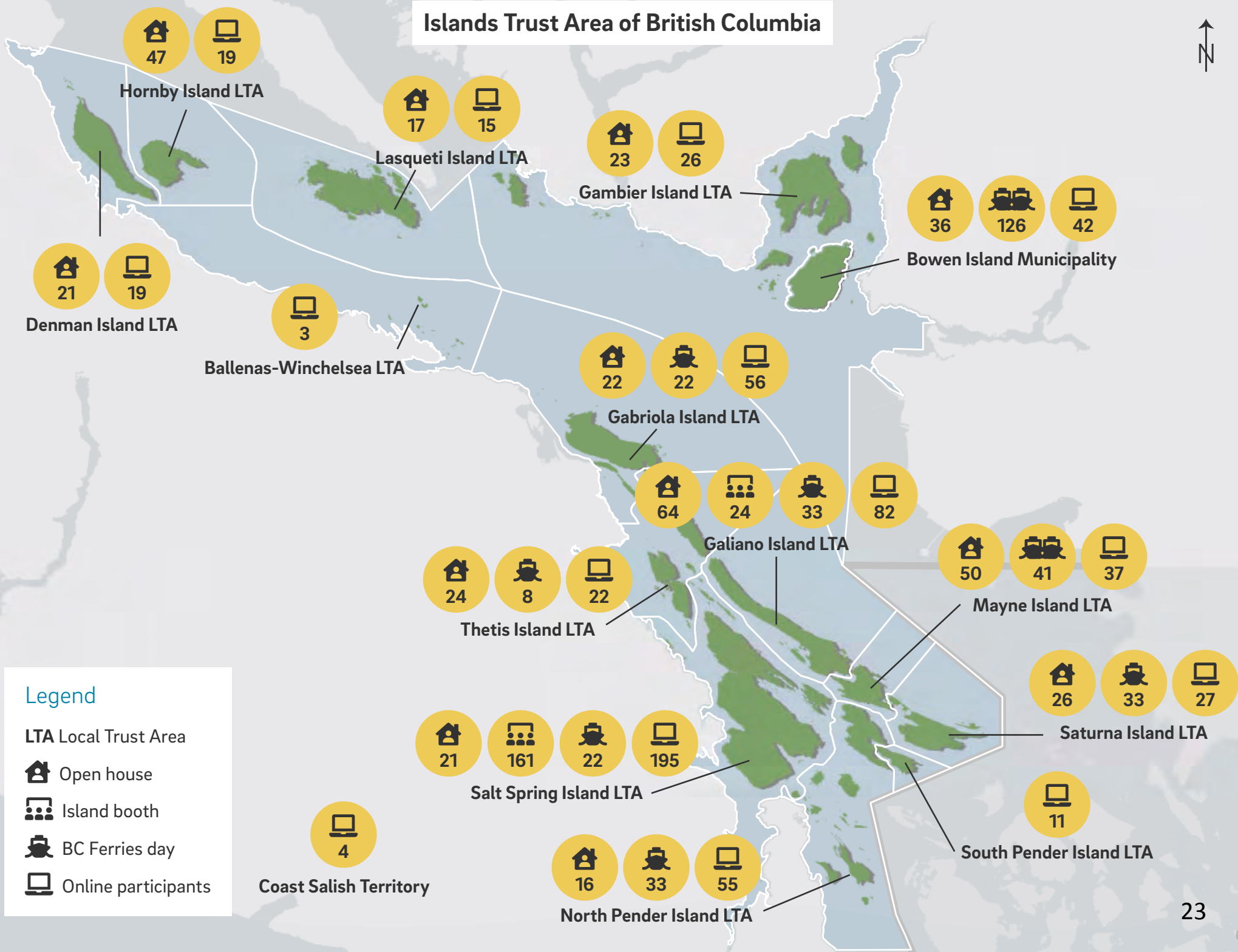
132 people
spoke with us on
the ferries

24,257 ratings
on comments in
Thought Exchange

149 people
browsed our display
and materials

The map of the Trust Area (next page) shows the 13 local trust areas and Bowen Island Municipality along with some results from the engagement process.

Islands Trust Area of British Columbia



Legend

LTA Local Trust Area

Open house

Island booth

BC Ferries day

Online participants

What we heard

When we asked “What do you value about the Trust Area?” twelve main themes emerged from the 933 comments we received.

Below there is a star representing the most common theme in each Local Trust Committee or Island Municipality, along with the Coast Salish Territory. There is also a legend showing the abbreviations of each area.



- | | | | | |
|---------------------------------|--------------------|--------------------|------------------------|------------------------|
| BI Bowen | DI Denman | GB Gambier | MA Mayne | SA Saturna |
| C Coast Salish Territory | GB Gabriola | HI Hornby | NP North Pender | SP South Pender |
| | GL Galiano | LA Lasqueti | SS Salt Spring | TH Thetis |



What do you value about the Trust Area?

* Online and in person

Key Themes	Common words used in comments to describe the theme	Total # of comments*	Example Comments
Nature Connection	Solitude, natural beauty, water, ocean, love, quiet, peaceful, community	207	"The trust area is peaceful, beautiful, and clean, and is a spirit filled place. [It was] my home as a young adult. I'm blessed to live here fulltime once again. Not everyone can earn a livelihood in such a place! Let's be generous."
Preserve & Protect Mandate	Role of Islands Trust, special, environment	139	"I value that it is a special entity with a mandate to preserve and protect the nature."
Planning, Policy and Governance	Community, democracy, development, land and water use decisions, mandate	135	"It has a special authority to manage land use only through provincial legislation because it is not pressured to balance land use with the delivery of community services, unlike a municipality."
Rural Island Culture	Landscape, unique, simpler, living, environment, community, maritime, nature	126	"Peace and serenity. There is a getaway feeling, not the maximized development that occurs elsewhere. Islands by their nature pull one away from the trappings of capitalism, commodifying, commercialization, and congestion."
Community Resilience	Connectivity, self sufficient, supportive, strong, adaptable	117	"These islands are sacred, peaceful, and perfectly preserved. We have a variety of friendly people who support each other. We know who one another are. It's important to feel connected with where one lives and who the people around them are."
Infrastructure, Transportation & Services	Low carbon, community, footprint, internet, connectedness, active transportation, proximity	56	"I want to reduce carbon intensive transportation methods. I want to invest in electric charging stations, and community bus systems, and improve hitch hiking advertisement." "Can the existing infrastructure support the islands capacity? What does these trends tell us? What is the cost of living on an island? Can we be more self-sufficient?"

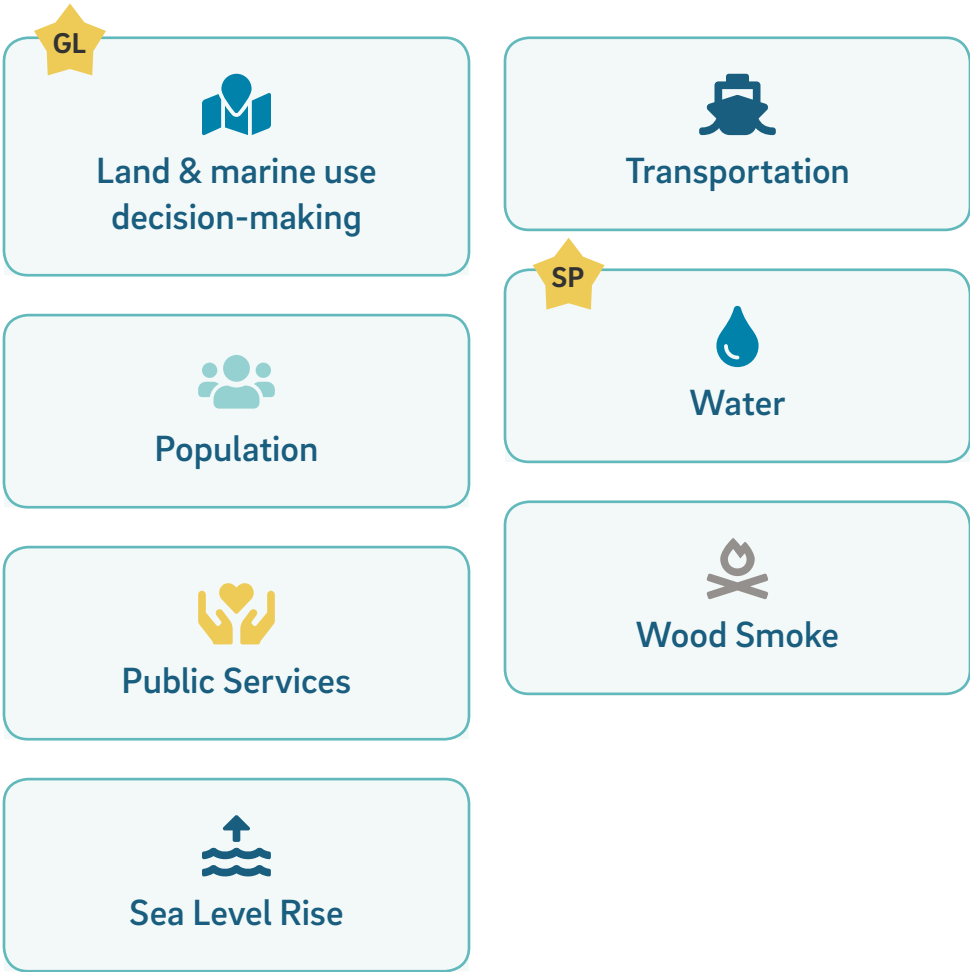
Biodiversity & Species Protection	Protect, diversification, dying, trees, marine	54	"An ecologically important area, the Georgia Basin contains unique plants and animals that need to be protected. I value the rural lifestyle with opportunities to limit unchecked development."
Food & Water Security	Production, rainwater harvesting, local, farming, access	31	"Rainwater harvesting should be allowed for potable water use as technology allows. Solar panels. There needs to be better enforcement of short term vacation rentals s to protect water."
Local Economy & Tourism	Negative, positive, real estate, businesses, thrive, hinder	17	"Tourism is negatively impacting the island as it is making housing hard to find. Tourism/AirbnbB is lowering the rental market availability."
Affordable Housing	Income housing, limited development, population pressures, low impact rural solutions	13	"Low impact rural solutions to affordable housing like land sharing, co-op housing, tiny home village, retirement communities can be accomplished Creative and ecological small foot print solutions are out there and can be obtained when there is a will."
Cultural Heritage & Reconciliation	History, justice, support, learn, protect, heritage	13	"Commitment of Islands Trust (IT) to reconciliation. Recent efforts have illustrated that the IT is "walking the talk" when it comes to reconciliation- something the provincial government has yet to do."
Safety	Children, quiet, dock, homeless, low crime	11	"I value our safe, quiet communities. However, we have a growing homeless population in downtown Salt Spring. We have witnessed aggressive behavior from some of the people. We require on island facilities, as the RCMP are chronically under staffed and 75% of the issues seem to stem from mental health."

What we heard (cont'd)

When we asked “In the context of a changing climate, what concerns do you have for the next 30 years?” sixteen main themes emerged from the 732 comments we received.



Below there is a star representing the most common theme in each Local Trust Committee or Island Municipality, along with the Coast Salish Territory. There is also a legend showing the abbreviations of each area.



- | | | | |
|---------------------------------|--------------------|------------------------|------------------------|
| BI Bowen | GB Gabriola | LA Lasqueti | SA Saturna |
| C Coast Salish Territory | GL Galiano | MA Mayne | SP South Pender |
| DI Denman | GB Gambier | NP North Pender | TH Thetis |
| | HI Hornby | SS Salt Spring | |

In the context of a changing climate, what are your concerns for the next 30 years?

* Online and in person

Key Themes	Common words used in comments to describe the theme	Total # of comments*	Example Comments
Ecosystem Change	Climate, dying, invasive, removal, extreme weather, erosion, cedars	95	"Already seeing significant tree death, fewer insects, fewer birds, etc. This is an emergency. Ecosystem health is our health."
Water	Shortage, security, ground water, portable, wells, development, desertification, biggest issue on islands, access	92	"Water Security: insufficient well monitoring data, water storage infrastructure, and policy for aquifer/freshwater ecosystems protection. There is a strain on aquifers and freshwater ecosystems due to peak freshwater demands during summertime droughts (which may be prolonged with climate change)" "Healthy forests prevents island acidification. Coastal forests provide a biotic pump bringing in flows of moisture laden air from the adjacent ocean, which means more rain. www.youtube.com/watch?v=kKL40aBg-7E"
Land and marine use decision-making	Housing, over development, private, affordable, sustainable, enforcement, monitoring, bylaws, planning, tourists	83	"It's important to always have a climate change lens on everything IT does. Policies and land use decision making should reflect these decisions." "Can Islands Trust create zoning to reduce shoreline development? We need to prevent home owners & developers building infrastructure on difficult area." "Lifestyles of personal property [owners] need to change to a cooperative model where people are willing to leave a land trust for people to live and work. Higher density with adjacent farms and nature spaces. People are willing to share land." "Trustees spend a lot of time approving new bylaws, but those bylaws are not really enforced, meaning violators [do not] experience negative consequences. It is not a good use of time to pass bylaws that are really only suggestions."

Governance	CRD, indigenous, power sharing, tree cutting, forestry, reconciliation, regenerative development	67	"I'm concerned that neither the Island's Trust nor the Capital Regional District (CRD) have the jurisdiction to really get a handle on climate change resilience planning. [That] means besides lots of words, nothing real will get done." "Lack of political will in spite of 'declarations'. Governments have declared emergencies rather frivolously. An emergency means you change how you operate top to bottom."
Ecosystems Protection	Deforestation, preserving, protecting, threatened, shoreline, loss, cedar, species, acidification, erosion, dying, flora, fauna	49	"I am very concerned about the increase of our human footprint on the landscape Habitat loss, our indigenous flora and fauna is negatively impacted by the increase in the human population and its food choices." "Summer drought, winter storms, extended power outages, dying and stressed flora and fauna. It is difficult to predict or prepare for what is ahead." "I'm already seeing die-off of cedar trees on Mayne Island. What other species are we going to lose? What will the impacts be for the delicate and beautiful ecosystems that we all love?"
Transportation	Active, bikes, non-motorized paths, public transit, pollution, BC Ferries, sustainable, parking, reduce carbon emissions	48	"How do we encourage islanders to ride their bikes? We need to make active transportation more accessible and safer. We require bike only paths for everyone to use and be safe!" "We need to reduce our carbon footprint; however, how do we do this? What is the most effective way? If we invest in electric engines, won't we be increasing the demand on our electricity grid? Will we really decrease our carbon footprint overall?" "We're too dependent on individual vehicles. We need shared transportation that syncs up with the ferry ebb and flow. To reduce emissions and impacts."

Community Resilience	Adaptation, survival, responsibility, local sustainable systems, community resources and strategies, difficult times to come	47	"Deep concern that we are not collectively prepared — in terms of infrastructure, food security, community resilience, civility. A significant amount of foresight, planning and thoughtfulness is required to address this crisis." "I am afraid that the majority of people are ignoring climate change and not making lifestyle changes to alleviate the problems Ideally we act as a community supporting local farmers and businesses and [use] public transit instead of driving all over the place as well as off island." "How do we reconnect and support one another when we all have differences of opinions as a community?" "How will the stress of climate change affect the cohesive quality of communities? Will the rich/poor divide widen? Denman Island has the highest levels of household poverty in the Comox Valley, and some extremely wealthy property owners."
Food security	Local, agriculture, productivity, climate change, drought, island grown, system, regenerative agriculture, sustainability, soil quality	47	"Regenerative agriculture sequesters carbon. Current agriculture is oxidizing soil carbon producing greener house gas (GHG) emissions. See <i>The Magic of Soil</i> on YouTube and learn about regenerative agriculture" "Food insecurity is going to grow exponentially. Food will grow more costly, and moving it around the world costs carbon. Local food movements are growing, but there is a limited opportunity. "Food production is one of the largest costs to islanders How do we produce food sustainable on our islands? Should we invest in electric transportation and other forms in order to produce local food?" "The growth in animal agriculture on our gulf Islands seems ignorant of the impact of GHG omissions, excessive water use, and biodiversity loss. We must shift our agriculture to stock free, agro ecological systems for better use of arable lands currently occupied by resource intensive livestock."

Fire Risks	Forest fires, drought, risk management, climate change, wildfire, dry	42	"I'm concerned about dry forests and absent-minded people starting fires on the islands. In 2006, we had a massive fire on Galiano, and if the winds hadn't changed our island community would have predominately disappeared." "Fires are increasing everywhere with climate change, and we are extremely vulnerable on these islands. We need to protect our wetlands and lakes and be fire smart with replanting forest cover." "Flammable invasive plants like Scotch broom should be required to be removed by property owners with disposal managed by the city. The plant, due to its high flammability, poses an increased risk to [the] life and of our ecosystem."
Education	Communication tools, advocacy, Reduce, Reuse, and then Recycle, value, technical advice, lack of knowledge, lots of questions asking for help	37	"I take responsibility for protecting biodiversity on our island. I do not cut down trees. I am conscious of the ground water I use. I want support from the Islands Trust in the stewardship of the forest and wildlife. I need technical advice, especially in this changing climate." "[The is a] lack of Knowledge and commitment to IT mandate from most residents." "We need to educate! Let us implement simplistic ways to educate people on climate change. We need to help spread what to do about climate change." "[Have] Education for newcomers regarding critical island resources and ways of living responsibly on the land. Newcomers may be eager to discover ways they can live connected to the natural environment, but islanders and Islands Trust lack efficient communication tools."

Sea Level Rise	Impacts, docks, planning, shorelines, development, infrastructure, water levels, erosion, wells, sewage, waterfront properties	31	"Can we complete an asset management report prior to sea level rise? Who will pay for the property that may be lost?" "Sea level rise will affect beachfront properties. Owners of property on the sea (i.e. waterfront) are likely to build berms and channels. The trustees should enact local bylaws and clarify federal ownership of intertidal zones, to avoid disrupting breeding/spawning of marine species." "Rising sea levels will slowly reduce the usability of ferry docks. The Islands Trust should lobby BC Ferries, and the government must upgrade ferry docks to maintain existing services. In particular, Denman's cable ferry may be less adaptable to other ferries."
Wood Smoke	Fine particle pollution, cigarette smoke, cheap, air pollution, science, health, carbon footprint	21	"Scientific studies have recently linked the fine particle pollution created by burning wood to heart attack and stroke. When particulate pollution goes up, so do deaths from heart disease and stroke." "Taxing the cost of wood burning needs to be implemented so it is no longer "a cheap alternative "to other greener, cleaner solutions." "Wood smoke is worse than cigarette smoke; the toxic properties are similar, but wood smoke contains dangerous PM2.5 particulate matter."
Public Services	Community planning, services,	17	"Public services vary depending on what islands one lives on. Public Services can mean a variety of services, but what does IT provide all of us?"
Economics & Employment	Tourism, tourist, development, pressure, internet, jobs	20	"Island Tourism and Climate Change – Plans for protecting island ecology & permanent residents with increased tourism while maintaining stable economy Increased strain on water & terrestrial ecosystems, local food security with increased tourism; however we don't want to remove people's main income."
Population	Economy, overpopulation, limited resources, how many people can live on the islands?, tourists	13	"Since the elephant in the room is population, would we as a community ever consider a population cap? Any healthy ecosystem can only support a limited number of individuals (e.g. planet). Should we start limiting the # of people to match resources/eco?"

**Deforestation and
Tree Cutting**

Private, developers, tree removal,
policy

13

"Consideration of tree retention policies to protect the ecosystems of the islands may be necessary. People say they value trees, but clear. Their land Developers will log the more merchantable trees (fir & cedar) and leave the maples and alders."

Alternative Energy

Sustainable, electric, invest,
composting toilets

10

"The inflexibility shown by the IT and CRD regarding more sustainable building is unconscionable. The lack of incentives or support for alternative water, grey water reuse, composting toilets, alternative energy, etc. is sad and so backwards."

What we heard (cont'd)

When we asked "What opportunities do you see to Protect and Preserve the Trust Area?" seventeen main themes emerged from the 225 comments we received.

As not all geographical areas provided feedback on this question during in person events, rankings are not indicated.



Advocacy



Climate Change & Carrying Capacity



Education & Communication



Housing



Alternative Energy & Infrastructure



Cultural Heritage & Reconciliation



Emergency Preparedness



Preserve & Protect Mandate



Alternative Living & Community Resilience



Forestry, Deforestation & Tree Cutting



Enforcement



Partnerships & Program Initiatives



Biodiversity & Species Protection



Economics & Employment



Food Security



Planning & Policy Initiatives



Governance



Water System Infrastructure & Management

Principles

Islands 2050 principles helped guide our engagement process and will continue to influence our requests for public input. We work to:

- Ensure our processes are inclusive and support participation
- Involve and provide access to anyone who wants to participate
- Improve events based on community feedback
- Provide participants with simple yet meaningful information
- Nurture community conversations that value all voices in a safe environment
- Bring people together and work collaboratively in a solution-focused way

How to get more involved

There is still time to provide input to Islands Trust. We encourage individuals, community groups and agencies to write to us.

 islands2050@islandstrust.bc.ca

 1627 Fort St, Victoria, BC V8R 1H8



Next steps

For each key theme area, Staff will continue to undertake an analysis of the Policy Statement in relation to those themes. Staff will provide options for addressing gaps, including developing recommendations for specific amendments.

This work will be influenced by the currently on-going engagement with First Nations. With their contributions we will draft amendments to the Policy Statement and provide the draft to Trust Council.

After Trust Council has accepted a draft, we will provide more opportunities for public input.

Then the Policy Statement will go to Trust Council for adoption before getting final approval from the Minister of Municipal Affairs and Housing.

Finally, the last step will involve local trust committees and Bowen Island Municipality. They will work with their communities and First Nations to update their official community plans to reflect and respond to the new Islands Trust Policy Statement.

Stay informed

Thank you for your interest and contribution to the Islands 2050 engagement process.

Sign up for our Islands 2050 subscriber notice and we'll email updates to you.

Follow us on:

 @IslandsTrust

 @Islands_Trust

Visit our website IslandsTrust.bc.ca

Pictured: Islands 2050 open house on Thetis Island in November 2019.

REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** May 21, 2020

From: Clare Frater,
Director, Trust Area Services **Date Prepared:** May 15, 2020

SUBJECT: 2019-20 ANNUAL REPORT – APPROVAL OF TRUST PROGRAMS COMMITTEE SECTION

RECOMMENDATION:

That Trust Programs Committee approve the attached text for inclusion in the 2019-2020 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing

CHIEF ADMINISTRATIVE OFFICER COMMENTS: N/A

1 PURPOSE:

Approval of annual report sections by committees so that Trust Council is able to easily approve its annual report in June 2020, without further editing from staff or trustees at the Trust Council meeting.

2 BACKGROUND:

Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services communications staff, reporting to Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#).

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None. Timely approval of committee text will ensure smooth delivery of the Islands Trust annual report, in compliance with the *Islands Trust Act*, Section 19.

FINANCIAL: No implications.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.1. Once each committee has approved its section, staff will create a draft Annual Report for review by Executive Committee and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs and Housing and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: None.

OTHER: N/A

- 4 **RELEVANT POLICY(S):** This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's Annual Report Policy 6.10.1.
- 5 **ATTACHMENT:** Trust Programs Committee input to Annual Report (draft)
-

RESPONSE OPTIONS

Recommendation: That Trust Programs Committee approve the attached text for inclusion in the 2019-2020 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

Alternative: That Trust Programs Committee approve the attached text as amended for inclusion in the 2019-2020 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

Prepared By: Clare Frater, Director Trust Area Services

ANNUAL REPORT SUBMISSION: Trust Programs Committee (TPC)

Trust Programs Committee

Role

The Trust Programs Committee's (TPC) role is to provide policy advice to Islands Trust Council on Trust-wide issues related to the committee's areas of responsibility (e.g. water, marine, sustainable communities, public awareness and education) and to propose amendments to the Islands Trust Policy Statement.

Members

Members serving for the 2018–2022 term:

Deb Morrison, North Pender Island, Chair
Scott Colbourne, Gabriola Island, Vice-Chair
Alex Allen, Hornby Island
Paul Brent, Saturna Island (October 23, 2019 - present)
David Critchley, Denman Island
Doug Fenton, Thetis Island
Michael Kaile, Bowen Island (October 15, 2019 - present)
Kees Langereis, Gabriola Island (October 15, 2019 - present)
Peter Luckham, Thetis Island, (Ex Officio Member)
Ben McConchie, North Pender Island
Tim Peterson, Lasqueti Island (October 15, 2019 - present)
Dan Rogers, Gambier Island (Executive Committee Representative)
Grant Scott, Hornby Island (joined May 6, 2019; resigned August 13, 2019)

2019/20 Highlights

The Trust Programs Committee met six times in 2019/20. A major focus was providing advice to the Executive Committee regarding the scope and delivery of the Policy Statement Amendment Project. The Committee reviewed terms of reference for the project and provided advice to staff and the Executive Committee about a large public engagement campaign branded as "Islands 2050: The Future of the Trust Area" to seek feedback from First Nations and island communities. The TPC also continued work related to the Islands Trust Climate Change Emergency Declaration initiated in March 2019, by reviewing priorities for climate action and developing key messages and backgrounders on climate change for Trust Council. TPC also oversaw the finalization of the Islands Trust State of the Islands report.

During the course of the year, the TPC collaborated with partner organizations to support two meetings of the Baynes Sound / Lambert Channel Ecosystem Forum, and provided funding towards minute-taking at meetings of the Ocean Watch Task Force, a committee of the Howe Sound Community Forum. In addition, the TPC reviewed nominations for the Islands Trust Community Stewardship Awards and made recommendations to Islands Trust Council, who is responsible for issuing these awards every two years.

BRIEFING

To: Trust Programs Committee **For the Meeting of:** May 21, 2020

From: Lisa Wilcox, kwakwemtenaat
Senior Intergovernmental Policy
Advisor **Date Prepared:** May 7, 2020

SUBJECT: Primer – Integration of UNDRIP into Policy Statement Amendments

PURPOSE: Provide a primer on the integration of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)* into the Islands Trust Policy Statement amendments.

BACKGROUND:

The year 2019 was historic for the Province of BC and the Islands Trust in their steps toward reconciliation. In 2019 Trust Council began the implementation of the Islands Trust Reconciliation Action Plan 2019-2022, passed a Reconciliation Declaration, and passed the Standing Resolution on the implementation of UNDRIP and relationship building with First Nation governments at eleven of the thirteen Local Trust Committees. In November 2019, the Province of British Columbia passed the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)* recognizing and affirming the rights of Indigenous Peoples. This foundational work, both at the Islands Trust and the Province of BC, is in recognition of the Truth and Reconciliation Commission's (TRC) Call to Action 43: to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a "framework for reconciliation."

DRIPA will over time require the alignment of British Columbia's laws and legislation with the principles of UNDRIP. *DRIPA* will provide clear and direct objectives toward the implementation of UNDRIP through Action Plans, with a reporting framework that outlines laws and legislation to be reviewed each year. At this time, important questions are being raised as to how and what form of work will be done to meet the purpose of *DRIPA*. What will the roles and responsibilities be for various agencies, governments, and individuals to develop Action Plans, review laws, or interpret UNDRIP?

Islands Trust Council has moved forward in a unique way that is reflective of its special mandate under the *Islands Trust Act*. Realizing that a shared understanding of place, and the development of mutually respectful relationships with First Nations governments was key, in 2019 Trust Council undertook the work necessary to begin implementation of UNDRIP within the Islands Trust Area. This undertaking included fulfilment of TRC Calls to Action related to: training as per Call to Action #57; the history and legacy of residential schools; Indigenous Law; UNDRIP; development of a Reconciliation Action Plan; and a declaration to commit to, strive for, and acknowledge the importance of reconciliation. This work is reflective of the progressive, forward-thinking approach taken by the Islands Trust since its inception in 1974.

The process to align BC laws with UNDRIP will take time. There will be short-term and long-term goals associated with the mandate set out in *DRIPA*. Two key goals are to establish greater certainty around meaningful engagement and consultation and to recognize the rights of Indigenous Peoples through agreements, joint decision-making, and the development of working relationships.

The Ministry of Municipal Affairs and Housing¹ has noted that there is “no immediate affect” to the *Local Government Act* with the passing of *DRIPA* and that the *Act* “does not *explicitly* make changes to regulatory frameworks”. So how do we interpret and implement UNDRIP through decision-making, policies, and processes?

Purpose of a Declaration:

A Declaration is a statement that is not legally binding. Declarations can be endorsed and form conventions that governments agree upon. Declarations may guide law and can be statements of standards that can be used to interpret law. Where existing laws or legislation may be lacking, a Declaration can guide decision-making. States or Nations can look for guidance from Declarations where states or nations have not reformed oppressive legislation or laws to be reflective of human or equal rights, rights for those subject to oppression, or rights for peoples who experienced colonization, genocide, or cultural genocide. For a Declaration to become binding, and “have full force and effect,” that government must expressly say so through legislation.

At this time, *DRIPA* does not express this clear intent (as per SCR: *Pan-Canadian Securities Regulation*, 2018). However, this does not mean that it is not “relevant and persuasive” according to the Supreme Court of Canada. Declarations form, according to the Supreme Court, a way of interpreting domestic human rights in decisions that impact human rights or cultural practices. For example, Justice Thompson stated, in the first written court decision post-*DRIPA*, that the interpretive framework set out by the Supreme Court of Canada for rights under s. 35(1) of the *Constitution Act, 1982* directs:

that it is imperative for the Court to consider the Indigenous perspective on the definitions of any rights which are tied to Indigenous cultural practices. The right of Indigenous Peoples to self-define their cultural and religious practices is also embodied in an international human rights framework, endorsed by Canada, within the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”). (January 8, 2020 in *Servatius*)

Indigenous Perspectives and Rights:

Even before *DRIPA*, the Court stated, in decisions spanning 24 years, that the rights and perspectives of Indigenous Peoples must be considered. In *Delgamuukw v British Columbia*, the Supreme Court was clear that laws must be adapted in light of the Indigenous perspective:

This appeal requires us to...adapt the laws of evidence so that the aboriginal² perspective on their practices, customs and traditions and on their relationship with the land, are given due weight by the courts. ([1997] 3 SCR 1010 (“*Delgamuukw*”), at p 84)

In *Mitchell v M.N.R.* the Court stated that oral history was evidence:

[O]ral histories may provide the aboriginal perspective on the right claimed. Without such evidence, it might be impossible to gain a true picture of the aboriginal practice relied on or its significance to the society in question. ([2001] 1 SCR 911, at p 32)

In *R v Van der Peet* the Court stated that during an assessment the rights of Indigenous Peoples must be taken into account:

In assessing a claim for the existence of an aboriginal right, a court must take into account the perspective of the aboriginal people claiming the right. ([1996] 2 SCR 507 (“*Van der Peet*”), at p 49)

¹ https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/bc_declaration_act-factsheet-local_government.pdf

² The term “aboriginal” is used in its legal sense in this document as written in the decisions

In *R v Marshall* and *R v Bernard* the Court went a step further stating that evidence must be considered from “their world and value system”:

“The evidence, oral and documentary, must be evaluated from the aboriginal perspective. What would a certain practice or event have signified in their world and value system?”
[2005] 2 SCR 220, at p 69

In *Mitchell v Peguis Indian Band* the Court notes in regard to rights:

“In my opinion, reference to the notion of “aboriginal understanding”, which respects the unique culture and history of Canada’s aboriginal peoples, is an appropriate part of that approach.” [1990] 2 SCR 85

In *R v Sparrow*:

“[I]t is crucial to be sensitive to the aboriginal perspective itself on the meaning of the rights at stake.” [1990] 1 SCR 1075 (“Sparrow”), at p 1112

In *Tsilhqot’in Nation v British Columbia* Chief Justice McLachlin notes:

“...the court must be careful not to lose or distort the Aboriginal perspective by forcing ancestral practices into the square boxes of common law concepts, thus frustrating the goal of faithfully translating pre-sovereignty Aboriginal interests into equivalent modern legal rights.” [2014] 2 SCR 257 (“Tsilhqot’in”), at p 32

The Truth and Reconciliation Commission called all Canadians to learn about the history and legacy of residential schools. Justice Lance Finch writes about the duty to learn, and to “take Indigenous perspectives into account as an obligation which”:

“engages the principle of the rule of law. If the rights of all Canadians, including Aboriginal Canadians³, are to be articulated and guarded by the courts, the courts must necessarily be capable of understanding the nature of those interests.” Finch, Chief Justice Lance. “The Duty to Learn: Taking Account of Indigenous Legal Orders in Practice” Indigenous Legal Orders and the Common Law. (November 2012) CLE BC (“Duty to Learn”), p 15

We must realize, as Dr. Judith Sayers states, that “culture is a way of life” and is not separate from the land, waters, or well-being of Indigenous Peoples. Cultural and spiritual traditions are encompassed in the land and waters and expressed through the language, in oral history, and in the ability to exercise and practice rights and traditions on those lands and waters.

When we seek understanding and acknowledge the harm done through laws, policies, and social beliefs we can look to the words of the TRC:

“For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as “cultural genocide” Honours the Truth, Reconciling for the Future, Summary of the Final Report of the Truth and Reconciliation Commission of Canada, (Winnipeg, MB: Truth and Reconciliation Commission of Canada, 2015), (“TRC Summary”), p 1

The purpose of Reconciliation is to realize the past, and how this past has harmed

³ This term is used in this document as it is written in the quote and not to be interpreted as terminology to be used in everyday discourse

Indigenous Peoples, and to take action “to change behaviour”:

“Reconciliation must inspire Aboriginal and non-Aboriginal peoples to transform Canadian society so that our children and grandchildren can live together in dignity, peace, and prosperity on these lands we now share.” TRC Summary, p 8

Constitutional Rights and Values:

For Indigenous Peoples, rights have been affirmed through the passing of *DRIPA* and the adoption of UNDRIP, but they are also affirmed, recognized, and protected in the *Constitution Act 1982 Section 35*:

“...the doctrine of aboriginal rights exists, and is recognized and affirmed by s. 35(1), because of one simple fact: when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries. It is this fact, and this fact above all others, which separates aboriginal peoples from all other minority groups in Canadian society and which mandates their special legal, and now constitutional, status.” (*Van der Peet*, at 30)

The Supreme Court of Canada also looked at how reconciliation supports and upholds constitutional values and rights for Indigenous Peoples in *Haida Nation v British Columbia (Minister of Forests)*:

“Reconciliation is not a final legal remedy in the usual sense. Rather, it is a process flowing from rights guaranteed by s. 35(1) of the Constitution Act, 1982. This process of reconciliation flows from the Crown’s duty of honourable dealing toward Aboriginal peoples, which arises in turn from the Crown’s assertion of sovereignty over an Aboriginal people and de facto control of land and resources that were formerly in the control of that people. As stated in *Mitchell v. M.N.R.*, ... at para. 9, “[w]ith this assertion [sovereignty] arose an obligation to treat aboriginal peoples fairly and honourably, and to protect them from exploitation.” [2004] 3 SCR 511, at 32

In the matter of *Loyola*, Justice Abella notes that a democracy through civic and state expressions must protect the shared values of a society:

“These shared values — equality, human rights and democracy — are values the state always has a legitimate interest in promoting and protecting. They enhance the conditions for integration and points of civic solidarity by helping connect us despite our differences: ... freedom must therefore be understood in the context of a secular, multicultural and democratic society with a strong interest in protecting dignity and diversity, promoting equality, and ensuring the vitality of a common belief in human rights.” (*Loyola*, at p 47)

Justice Thompson states, “values of reconciliation and preservation of the collective rights of Indigenous Peoples form a crucial part of the constitutional fabric” (*Servatius*, at p 44).

Application of UNDRIP:

Justice Thompson clearly states in the written arguments in *Servatius* how UNDRIP is to be applied to existing law:

“Where an interpretation of domestic law that conforms with UNDRIP is possible, that interpretation will be preferred over one that does not.” (January 8, 2020 in *Servatius* at p 42)

Justice Thompson cites specific articles of UNDRIP to demonstrate this point:

“Article 34 mandates protection of Indigenous Peoples’ ‘distinctive customs, spirituality, traditions, procedures, practices.’ Article 8(1) speaks about freedom from assimilation and

destruction of Indigenous Peoples' culture and articulates that 'Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.' Collectively, these provisions of UNDRIP point to a right of self-determination of Indigenous Peoples to choose their own spiritual and cultural paths. A right to manifest, practice and develop spiritual and religious practices must include the right to define what those are, but also what they are not." (January 8, 2020 in *Servatius* at p 42)

Justice Thompson states that when the Court is urged to make an interpretation, that interpretation should not be contrary "to the interpretation framework set out in UNDRIP, and of the reconciliation principles required by the Supreme Court of Canada jurisprudence echoed by the direction of the TRC" (*Servatius*, at p 43).

At the Federal government level, Private Members *Bill C-262* affirms that UNDRIP is "an international human rights instrument with application in Canadian law" and that UNDRIP can be used to "interpret Canadian laws."⁴ The *Bill* did not pass the Senate floor.

Why is UNDRIP necessary and how does DRIPA reinforce its necessity?:

As we can see in the many decisions and interpretations provided by the Court, we have many tools in the toolkit. There is the *Constitution Act s. 35*, reconciliation and the Calls to Action set out by the Truth and Reconciliation Commission, legal decisions from the *Charter of Rights and Freedoms*, decisions by the Supreme Court of Canada, and decisions here in British Columbia. There are also treaties, land management agreements, letters of understanding, memorandums of understanding, and many other cooperation and protocol agreements. And finally, there are policies within various levels of government that guide the responsibilities and roles of both elected and public servants.

However, what may be missing from this toolkit is a way of addressing the legacy of colonialism. As clearly stated in the decisions noted above, the Courts have repeatedly guided us to interpretations that broaden the perspective, outline the duty to learn, and state the rights that exist and have always existed pre-Confederation for Indigenous Peoples. Yet the decisions, rulings, and Acts that are supposed to provide decision makers with interpretative frameworks and guiding principles continue to be interpreted and guided within the lens of colonialism. Therefore, it is necessary to provide, through the framework of UNDRIP, fundamental rights that form the "minimum standard" (Article 43). *DRIPA* ensures that laws and legislation will, over time, harmonize with the minimum standard of rights, shifting the historic pattern of denial and oppression to one of recognizing the rights of Indigenous Peoples.

Acknowledgement of Place - Islands Trust Area:

The Islands Trust area is located within the treaty and traditional territories of the BOKEĆEN, Cowichan, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lák'wəŋən (SXIMEŁŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXEL, Penelakut, Qualicum, Scia'new, səilwətaʔt/səilwitulh, SEMYOME, Shíshálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SĀÁUTW, Stz'uminus, Tla'amin, Tsawwassen, We Wai Kai, Wei Wai Kum, WJOŁŁP, WSIKEM, and xʷməθkʷəy̓əm Peoples, who have lived here since time immemorial.

Indigenous Peoples lived in this area before Confederation, before colonial settlement, and before the *Islands Trust Act 1974*. At no time did they relinquish, cede, or abandon the area, but sought through time to the present to occupy, utilize, gather, harvest, and practice cultural ways and life within the area. Indigenous Peoples have continuous use of the area from 1845 onward despite policies, laws, and legislation that sought to restrict, prevent, or impede their rights and practices. Indigenous Peoples had villages, cultural areas, burial grounds and areas, longhouses, and harvest areas. Harvest areas were cultivated within the Islands Trust area lands and waters, and were named in the languages of the Indigenous Peoples and evidenced in their oral histories and knowledge.

⁴ <https://cpjj-pcjj.ca/open-letter-signed-by-101-experts-supporting-bill-c-262/>

Indigenous Peoples of this area were subject to forced removal; discriminatory and oppressive policy and legislation; and the burning of their cultural places, longhouses, and villages. They were subject to forced removal of their children, mandatory attendance at residential school, and destruction of their cultural heritage and governance systems.

Indigenous Peoples in the Islands Trust area have faced decades of state denial and oppression. They have witnessed the destruction of their cultural heritage, removal of ancestral loved ones from their resting places, and restriction of their access to cultural locations, harvesting areas, and villages. The policies and legislation in place today continue to deny the “minimum standard” of human rights to Indigenous Peoples.

How do we progress to a relationship that is based on recognition and acknowledgement of this past and our current situation? We begin by understanding how UNDRIP and *DRIPA* can inform future decision-making and policies.

Shared Understanding and Insights:

Meaningful engagement with First Nations representatives and governments creates a shared understanding of the perspectives and interpretations of each government body. Government to government dialogue and discussions provide insight into the policies and procedures currently in place at the local and provincial government agencies; and provide insight into the governance structure, laws, and practices of Indigenous governments. This shared understanding allows for a worldview that is expansive and informed by oral history and knowledge.

Both the provincial and federal governments have stated that relationships with Indigenous Peoples cannot continue to be adversarial⁵ and that decisions that rely on Indigenous Peoples having to prove their existence, their rights, and their presence on the land are based on principles that are flawed. The rights of Indigenous Peoples are inherent rights protected by section 35 of the *Constitution Act*. We revisit this point here because the purpose of meaningful engagement is to enter into dialogue to create shared understanding and insight. That shared understanding and insight allows for dialogue about how to work together to make better decisions, how to interpret current legislation and policy, and to decolonize that legislation and policy using the toolkit of UNDRIP and reconciliation.

As noted in the decisions cited above, to do otherwise is to fail in the civic and collective duty of a democratic society. It is the role of society to build greater equality and justice. If we deny the human rights of Indigenous Peoples in our laws, policies, and understanding, we continue to perpetuate the oppressive legislation and policies of the past.

UNDRIP in the Context of Climate Change:

On June 27, 2019, Trust Council received a letter from the First Nations Leadership Council in response to correspondence from Trust Council dated May 27, 2019. Trust Council correspondence sought direction on how to work together on climate change initiatives. In addressing how to work together the First Nation Leadership Council specifically referred to the need to create consistency on climate action through the implementation of UNDRIP Articles 18, 25, 29.1, and 32.1 (Appendix A).

⁵ <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>;
https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/diversity-inclusion-respect/draft_principles.pdf

Free, Prior, and Informed Consent (FPIC)⁶:

UNDRIP Article 18 states that governments “shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them”. Free, prior, and informed consent (FPIC) applies when legislation or “administrative measures” will impact the treaty or traditional territories of Indigenous Peoples. Treaty and traditional territories includes the waters and lands of those Indigenous Peoples as represented by First Nations representatives or governments chosen by them. Impacts include and are not limited to: changes to lands and waters from development, recreation, zoning, density, commercial operations, marine shipping and harvesting, and infrastructure.

Impacts to the lands and waters affect cultural heritage, cultural sites, villages, ancestral burial areas, harvesting and gathering areas, traditional ecological plants, sacred and spiritual locations, creation story locations, and areas that sustain the well-being, language, and cultural understanding of Indigenous Peoples.

Aspects of FPIC mean that Indigenous Peoples are free to engage with government agencies regarding impacts to their lands and waters with representatives of their choosing; using First Nation government structures based on Indigenous protocol, law, or knowledge. FPIC means that prior to impacts occurring government agencies will engage using processes and methods that meet the requirements chosen by First Nation representatives or governments.

Informed consent has been part of policy and dialogue interpretations at many levels. What is clear about informed consent is that dialogue regarding impacts must be meaningful, must occur in “good faith”, and must occur in cooperation. Decision makers enacting legislation or administrative measures must become familiar with UNDRIP and realize that transformation of current policies and processes must begin and become an evolving process developed over time by First Nations and government agencies.

Summary:

A legal opinion is that UNDRIP is a set of standards that the Canadian government should adopt into domestic law. The Government of BC has now adopted this through the passing of DRIPA. DRIPA forms the process in which to establish those standards. At this time, how this will manifest and how laws will conform is uncertain. However, because this uncertainty exists First Nation governments have taken the position that government agencies must meet the UNDRIP standards in their dealing with Nations. This is where we are at this time as we develop and look to amend policies, processes, and engagement. The more the Islands Trust takes into consideration UNDRIP and DRIPA the more certainty will be established in government-to-government engagement.

As stated by the Attorney-General of Canada’s Directive on Civil Litigation Involving Indigenous Peoples:

Adversarial litigation cannot and should not be a central forum for achieving reconciliation. This is a message the Supreme Court of Canada has sent time and time again, strongly encouraging that the work of reconciliation take place through political, economic, and social processes that involve negotiating, building understanding, and finding new ways of working together.

⁶ https://d3n8a8pro7vhmx.cloudfront.net/ubcic/pages/4091/attachments/original/1571858202/consent_paper_-_final.pdf?1571858202

The work that the Islands Trust has undertaken over the past years is central to “building understanding, and finding new ways of working together”. How the implementation of UNDRIP evolves may take time, but it is work that will be meaningful and co-operative in its implementation. As stated in the UNDRIP preamble:

recognition of the rights of Indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith.

ATTACHMENT(S)/LINKS:

Appendix A: Applicable UNDRIP Articles

Prepared By: Lisa Wilcox, Senior Intergovernmental Policy Advisor, Trust Area Services

Reviewed By/Date: Clare Frater, Director Trust Area Services/May 15,2020

Appendix A

Applicable UNDRIP Articles:

UNDRIP Articles that would influence decision making and policies within the Islands Trust area include:

Right to be free from discrimination and exercise rights:

Article 2 Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

- In the interpretation of policies and procedures they should be free from discrimination related to the exercise of individual and collective rights, origin and identity of Indigenous Peoples.

Right to self-determination:

Article 3 Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

- States shall engage with Indigenous governments that are self-determined by those Indigenous governments.

Right to maintain and strengthen and participate in the state:

Article 5 Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State

- Indigenous Peoples within their defined systems can retain the right to participate fully in the structure of the state.

Right to be free from assimilation, propaganda, discrimination:

Article 8 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. 2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

- Policies and processes will not continue forced assimilation or destruction of culture, and the state will provide ways to prevent and redress forced assimilation and destruction of culture, and policies and processes will not deprive the integrity of Indigenous Peoples

Right to practice and revitalize traditions and customs:

Article 11 1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Right protection of cultural sites:

Article 12 1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Right to languages, oral traditions, places and persons:

Article 13 1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. 2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Right to dignity and diversity:

Article 15 1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. 2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

States shall cooperate in good faith:

Article 18 States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Right to participate in decision-making:

Article 19 Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Right to own systems:

Article 20 1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. 2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Right to access and practices:

Article 21 1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services. 2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Right to spiritual expression:

Article 24 Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Right to relationship with lands and waters:

Article 25 Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Right to lands and territories:

Article 26 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Right to open and transparent processes related to lands and waters:

Article 27 States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Right to redress and restitution:

Article 28 1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. 2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Rights to conservation and protection of lands and resources:

Article 29 1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination. 2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent. 3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Right to protection and control of cultural heritage, knowledge, and expression:

Article 31 1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Right to determine and develop priorities on use of lands and waters:

Article 32 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Right to treaties, and agreements honoured:

Article 37 1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements. 2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Rights constitute minimum standards:

Article 43 The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

BRIEFING

To: Trust Programs Committee **For the Meeting of:** May 21, 2020

From: Gillian Nicol,
Program Coordinator **Date Prepared:** May 15, 2020

SUBJECT: Baynes Sound / Lambert Channel Learning Forum (May 2020) Update

Purpose:

To update Trust Programs Committee on the Baynes Sound / Lambert Channel Forum.

Background:

At the February 10, 2020 meeting, Trust Programs Committee endorsed the Baynes Sound / Lambert Channel Forum Project Charter, which provides resources and funding to organize a one-day forum in May, 2020 at the Deep Bay Field Station. Since then, COVID-19 restrictions have not allowed the gathering to meet in person, instead we will meet electronically using Zoom.

At the end of April, Islands Trust staff, along with World Wildlife Fund (WWF), sent out a survey to past participants to enquire if they were interested in meeting in a different format. The results showed a positive response to attending a Zoom meeting on Friday, May 29th, 2020. The format will be quite different than initially planned, as it will only be two and a half hours long. However, WWF and Islands Trust staff are quite optimistic and confident of the level of participation and productive dialogue that will occur.

This is the fourth forum, co-hosted by Islands Trust and WWF, over the past three years. This will also be the last forum where WWF will have the capacity to co-host the meeting. WWF only agreed to provide support to the forums for three years.

Budget: At the last TPC meeting, the committee confirmed \$5,000 to financially support the Forum. By hosting the forum via Zoom, the only significant financial cost is the facilitator and perhaps honoraria so the final costs are expected to be \$1,500 or less.

Staff Resources: World Wildlife Fund Canada will lead this forum, with some administrative and financial support from Islands Trust.

Next Steps: Some of the attendees, with WWF and Islands Trust staff, are working on a grant proposal, which could allow the group to become more financially stable. The grant deadline is delayed until July due to COVID-19 circumstances. Islands Trust may need to sponsor the grant application.

Attachments: Invitation to Baynes Sound / Lambert Channel Ecosystem Forum

Prepared By: Gillian Nicol, Program Coordinator

Reviewed By/Date: Clare Frater, Director, Trust Area Services/May 13, 2020



Baynes Sound/Lambert Channel Ecosystem Forum
Friday, May 29, 2020
Virtual Gathering via Zoom

Islands Trust and World Wildlife Fund Canada are pleased to invite you to a meeting of the Baynes Sound/Lambert Channel Ecosystem Forum, taking place May 29, 2020. Due to the COVID19 pandemic, this spring's meeting will be held online and will be shorter in duration than past meetings.

Building from the 2018 and 2019 Baynes Sound/Lambert Channel Ecosystem Forum meetings, this gathering will bring together local, regional, provincial, federal and First Nations governments, as well as private sector and conservation group representatives to participate in focused solutions-oriented discussion regarding the challenges facing Baynes Sound/Lambert Channel. The Ecosystem Forum meeting will be professionally facilitated, and a final report will be produced and provided to each participant.

This meeting of the Baynes Sound/Lambert Channel Ecosystem Forum has the following aims:

- Create an opportunity for collaborative dialogue amongst the diverse interests in the Baynes Sound/Lambert Channel ecosystem
- Share knowledge and experience that can inform solutions
- Identify next steps for ongoing collaborative actions and processes to support the health of the Baynes Sound/Lambert Channel ecosystem

Friday, May 29, 2020

9:45 am – 10:00 am Zoom online space open (time to log in and get settled)
10:00 am - 12:30 pm Ecosystem Forum meeting

Participate Online Via Zoom

Zoom details to be provided with detailed agenda.

RSVP online [via this link](#), no later than Tuesday, May 19, 2020.

Contact Kim Dunn (kdunn@wwfcanada.org or 250.889.4213) if you have any questions or concerns.

To: Trust Programs Committee **For the Meeting of:** May 21, 2020
From: Clare Frater, Trust Area Services **Date Prepared:** May 15, 2020
SUBJECT: Update: Climate Change Indicators Project – Phase I

PURPOSE: To update Trust Programs Committee on Phase I of the Climate Change Indicators Project.

BACKGROUND: In its 2018-2022 Strategic Plan, Trust Council identified a project to: “Develop i) a set of climate change, demographic and environmental data and ii) performance criteria in order to identify the effects of climate change in the Trust Area and to measure mitigation and adaptation efforts.” In March 2020, Trust Council approved a budget of \$5,000 for Phase I of this project which will involve scoping out a list of appropriate indicators, the feasibility of data collection and a budget for Phase II.

Phase I - Contract Deliverables:

Staff are now in the process of hiring the third-party contractor for Phase I, based on the contract deliverables listed below. As per Islands Trust’s [Procurement Policy 6.5.3](#), staff are able to direct award the contract after getting one or more quotes from known vendors who are qualified to do this work. Staff must advise vendors of the two phases to the project and that they would not be qualified to bid on Phase II of this work should they undertake the work of Phase I.

The Third-Party Contractor will conduct research, including:

- review of existing Community Energy & Emissions Inventory (CEEI) reports and other climate change data sets for the Islands Trust Area; and,
- consultations with Islands Trust Staff/Trustees and relevant First Nations organizations (list to be provided by staff) .

The Third-Party Contractor will also provide a final report outlining the following:

- identification of a set of appropriate indicators to measure the impacts of climate change in the Islands Trust Area;
- identification of appropriate performance indicators to measure the effectiveness of climate change mitigation and adaptation efforts in the Islands Trust Area;
- assessment of feasibility of data collection;
- shortlist of possible third-party contractors for Phase II of the project (data collection and analytical reporting);
- estimated budget & scope for Phase II to be completed in FY 2021/22; and,
- estimated budget for ongoing monitoring of performance indicators on a yearly basis.

The Final Report is due August 3, 2020 and the end of contract is August 30, 2020.

Upon receipt of these contract deliverables, Staff will prepare a draft business case for Phase II of the Project in FY 2021/22 for TPC review at the August 13, 2020 meeting.

ITC Report: “Climate Projections for the Islands Trust Area” (March 2020)

The Islands Trust Conservancy (ITC) recently hired a well reputed sustainability consultant to undertake a study on “Climate Projections for the Islands Trust Area” in order to help with ITC’s conservation planning and property management.

The cost of the contract was approximately \$10,000 and a final report was drafted in March 2020. The ITC Board will receive and consider the final report at its May 26, 2020 meeting. Once the ITC Board has received the report, Staff will provide the report to TPC members in advance of the June 23, 2020 TPC meeting. In the meantime, the report’s Table of Contents is copied below for information.

The report provides past and future values for climate indicators based on an ensemble of 12 global climate models developed by the Pacific Climate Impacts Consortium (PCIC) that describe climate projections. The projection data for 2050 and 2080 was accessed from two different sources: regional data from PCICs database (not publicly available) and site-specific data accessed through the web portal climatedata.ca. The analysis of regional impacts is focused on the impacts of climate change on biodiversity, as well as terrestrial, aquatic and oceanic ecosystems. **Trust Area Services has invited this same sustainability consultant to bid on Phase I of the Climate Change Indicators Project and is currently awaiting a response/quote for the requested deliverables.**

Climate Projections for Islands Trust Area

March 2020

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FOLLOW-UP: Trust Area Services will provide TPC with a copy of the ITC Report, as well as a further update on the Climate Change Indicators Project, at the June 23, 2020 TPC Meeting.

Prepared By: Dilani Hippola, A/Senior Policy Advisor

Reviewed By/Date: Clare Frater, Director, Trust Area Services / May 9, 2020

REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** May 21, 2020
From: Trust Area Services **Date Prepared:** May 13, 2020
SUBJECT **Climate Change Stewardship Education Program**

RECOMMENDATION: That TPC direct staff to develop project charters for up to three webinars on the following topics: XX, XX and XX to be delivered July to October 2020.

That TPC direct staff to provide a briefing to TPC in October 2020 with options for the Stewardship Education Program to be implemented November 2020 to March 31, 2021.

TRUST AREA SERVICES DIRECTOR COMMENTS: The recommendations provided enable Trust Programs Committee to provide some online learning opportunities during a time of COVID-19 pandemic uncertainty while reserving funds for possible in-person programming later in the year when more is known about the safety appetite for in-person gatherings.

PURPOSE: To seek Trust Programs Committee's (TPC) direction regarding the Stewardship Education Program (SEP) in 2020/21.

BACKGROUND: The 2018-2022 Strategic Plan set out a plan to develop and implement a stewardship education program directed towards the public, industry and/or stakeholders in the Trust Area. In September 2019, TPC decided that this program should be focussed on climate change. The program was intended to educate community members on ways they can contribute to mitigating and adapting to climate change in the Trust Area.

Due to current measures of physical distancing due to the COVID-19 pandemic, after consultation with the Chair, staff recommend the program be implemented in two phases:

- Phase 1: July–October 2020: Program to be implemented through webinars.
- Phase 2: November 2020 – March 2021: Depending on the state of physical distancing in this phase, in-person workshops, speaker series and/or mail outs could be explored.

A climate policy working group comprised of staff from Trust Area Services, Local Planning Services and Islands Trust Conservancy identified the following five priorities for climate change related education. TPC could choose priority topics from this list or suggest other topics:

1) Water Conservation, with a focus on Rainwater Harvesting

Description: During the Islands 2050 engagement process, we received a variety of feedback on concerns regarding climate change. Water conservation was one of the top concerns. People are deeply concerned about growing water supply/demand issues, and many have an interest in rainwater harvesting. Islands in the Trust Area have a limited ability to store surface and groundwater. Rainwater

harvesting offers islanders the opportunity to supplement their current source of ground or surface water.

Potential Presenter: William Shulba, rainwater harvesting expert installer, rainwater harvesting system owner

2) Fire Prevention

Description: During summer months, wildfire is an increasing concern on islands in the Islands Trust Area. There are actions homeowners and businesses can take to prevent fires, and to prevent the spread of fires. There are best practices to share from a variety of perspectives, and information to share about how fires are monitored and reported and resources available.

Potential Presenters: Local fire experts, Fire Smart BC, BC Fire Service, Native Plant Specialist, Local Group (e.g. Gambier Fire Equipment Group), Traditional Ecological Knowledge holder

3) Eelgrass: the Trust Area's Blue Carbon Storage

Description: Blue carbon is the term for carbon captured by the world's ocean and coastal ecosystems, such as sea grasses, mangroves and salt marshes along the coast. Within the Trust Area, it is not well understood that eelgrass holds great potential to sequester carbon at an even faster rate than forests. Protection and restoration of these coastal habitats therefore holds strong potential for mitigation of climate change in the Trust Area. We could build on the work of the eelgrass mapping project and raise awareness around the need to protect eelgrass meadows as a key component of our climate change mitigation efforts.

Potential Presenters: Sea Change Marine Conservation Society, Tla'amin First Nation

4) Adapting to Sea Level Rise, with a focus on Soft Shore Protection

Description: Shoreline protection in the face of anticipated sea level rise and coastal flooding is of critical interest to First Nations and coastal communities. Green Shores strive to work with the natural physical and biological processes of shorelines to adapt to sea level rise. They often include a raised beach with gentle slopes of sand and gravel, and protect or re-introduce shoreline native vegetation to provide habitat and filter pollutants. Green Shores are thought to better preserve shoreline habitats and biodiversity and be climate resilient than conventional hard armouring techniques such as sea walls. In the promotion or implementation of Green Shores measures, it would be important to ensure that changes to the shoreline conform with concerns expressed by First Nations regarding preservation and protection of cultural heritage, ancestral sites, and areas of registered and potential archaeology.

Potential Presenters: Greening Shores – Stewardship Centre of BC, First Nation

5) Topic: Ecosystem-based Adaptation in the Trust Area

Description: It is now widely recognized that climate change and biodiversity are intimately interconnected. Biodiversity is threatened by changing climates resulting in negative consequences for human well-being. At the same time, biodiversity (through the ecosystem services it supports) makes an important contribution to both climate change mitigation and adaptation efforts. In light of this connection, there is growing recognition that ecosystem-based approaches to climate adaptation can constitute an important element of strategies for adapting to climate change.

Potential Presenters: Expert (e.g. In March 2020, Trust Council received a presentation from Tine Rossing)

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: A webinar is expected to take up to a week of the Program Coordinator's time and four-ten hours of the Communications Specialist's time depending on the topic chosen and the extent of promotion required. Despite the recommendation to offer webinars July – October, staff must note that even with significant promotion, it may be challenging to get audiences in summer months.

FINANCIAL: In March 2020, Trust Council approved a budget of \$15,000 for this program. The webinar cost would be free. There may be a cost for the webinar speaker. Publicity costs range from \$300 - 1500 for social media boosts to \$300 - 1500 for Trust-wide newspaper advertising.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS: A Communications Plan will be created to support the program. Some components of the program will be delivered in collaboration with local agencies and/or First Nations. The program dates will be determined based on speaker availability as well as staff availability (e.g. website project milestones)

FIRST NATIONS: Depending on the topics chosen, some Nations might either be interested in collaborating on programming, and/or inviting their community members to participate.

OTHER: None.

RELEVANT POLICY(S): Communications Policy 6.10

ATTACHMENT(S): N/A

RESPONSE OPTIONS

Recommendation: That TPC direct staff to develop project charters for up to three webinars on the following topics: XX, XX and XX to be delivered July to October 2020.

That TPC direct staff to provide a briefing to TPC in October 2020 with options for the Stewardship Education Program to be implemented between November 2020 and March 31, 2021.

Alternatives:

1. That TPC direct staff to proceed with organizing three webinars on the following topics: XX, XX and XX to be delivered between September and November 2020.
2. Request that staff provide other program ideas for the June 2020 TPC meetings (e.g. mailing to newcomers in the Trust Area, waterfront owners).

Prepared By: Gillian Nicol, Program Coordinator
Dilani Hippola, A/Senior Policy Advisor

Reviewed By/Date: Clare Frater, Director, Trust Area Services/ May 15, 2020

BRIEFING

To:	Trust Programs Committee	For the Meeting of:	May 21, 2020
From:	Clare Frater	Date Prepared:	May 15, 2020
SUBJECT:	Service Integration		

PURPOSE:

To support discussion by Trust Programs Committee about service integration and the secretariat service.

BACKGROUND:

On February 10, 2020, during discussion of its work program, the Trust Programs Committee, by general consent, asked staff to bring back a report in May 2020, on service integration and detail the secretariat function in the work program as contemplated in the Strategic Plan.

The background on the secretariat funding will be provided in a separate briefing.

Service Integration

Trust Programs Committee's work to investigate service integration in the previous term came about in response to the following:

- On March 7, 2017, the Minister of Community, Sport and Cultural Development ordered a municipal incorporation vote for Salt Spring Island electors on September 9, 2017. On September 9, 2017, the Incorporation vote failed (opposed by 62% of voters).
- In September 2017, Trust Council confirmed ***support for innovations that would address issues raised during the recent Salt Spring Incorporation vote and that Trust Council direct the Executive Committee to discuss with the Province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.***
- In September 2017, Trust Council asked Trust Programs Committee to: ***Identify potential governance or operational changes that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. (2017-09-12, TC resolution).***

In January 2019, Trust Programs Committee received a briefing summarizing the Committee's service integration research in 2017 and 2018. This January 2019 briefing is attached to this briefing to inform discussions.

ATTACHMENT(S):

1. January 23, 2019 briefing to Trust Programs Committee re service integration

FOLLOW-UP: Staff will proceed as directed.

Prepared By: Clare Frater, Director, Trust Area Services, May 9, 2019

BRIEFING

To: Trust Programs Committee **For the Meeting of:** January 23, 2019
From: Clare Frater **Date Prepared:** January 18, 2019
SUBJECT: Trust Programs Committee's Service Integration research in 2017-2018

PURPOSE: To provide background on the service integration research done by the Trust Programs Committee in 2017 and 2018 and associated resolutions.

BACKGROUND:

On March 7, 2017, the Minister of Community, Sport and Cultural Development ordered a municipal incorporation vote for Salt Spring Island electors on September 9, 2017. On September 9, 2017, the Incorporation vote failed (opposed by 62% of voters).

In September 2017, Trust Council confirmed ***support for innovations that would address issues raised during the recent Salt Spring Incorporation vote and that Trust Council direct the Executive Committee to discuss with the Province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.***

In September 2017, Trust Council also asked the Trust Programs Committee to: ***Identify potential governance or operational changes that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. (2017-09-12, TC resolution).***

The working group focused on listening to communities and defining the problem(s). The working group also gathered anecdotal information from trustees about the experiences and challenges of service integration on their islands, and also input from local trust committee and Bowen Island Municipality. The committee held a Town Hall in Ganges and another in Nanaimo where Salt Springers and Gabriolans voiced their concerns.

Former committee members Heather O'Sullivan, Brian Crumblehulme, Dan Rogers, Peter Luckham, Paul Brent, and Sue Ellen Fast attended the Capital Regional District's Forum on Service Delivery on August 13, 2018 in Sidney, BC with the CAO and Director of Trust Area Services. TPC Vice-Chair O'Sullivan spoke to the forum.

In September 2018, Trust Programs Committee provided a briefing on its work and findings related to work on service integration. The briefing described that the committee has discussed the following themes:

- In support of the mandate to preserve and protect the trust area, the Islands Trust's primary authority under the *Islands Trust Act* is to regulate land use development.
- The Islands Trust is uniquely positioned to work with other agencies; unlike other forms of local government, it has the mandate. The object of the Trust includes working "in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the

Government of British Columbia". Section 9 of the *Islands Trust Act* provides the legislated ability to enter into agreements with other agencies to coordinate activities.

- The committee received a complete inventory of current and past agreements that relate to service integration or cooperation including: Protocol Agreements, Letters of Understanding, Memorandum of Understanding and Administrative Agreements. (On October 15, 2018 the Committee requested that the inventory report be provided to the first Trust Programs Committee meeting of the new term.)
- The Islands Trust is based on separation of services - specifically the separation of land use planning from the suite of services that are generally delivered by regional districts or municipalities. The rationale for the separation is to allow land use planning decisions to be free of any financial incentive to rezone, develop, or approve applications, so that in practice the Preserve and Protect mandate and trustees' interpretation of it is what steers decision-making.
- While people may find the overlapping jurisdictions confusing and frustrating, they've stated time and time again that they appreciate the Trust and they value the Trust. People feel that their governance model is not perfect, not by a long stretch, but there is a real concern about throwing the baby out with the bathwater.
- Any models or solutions which are developed for one island will either translate directly or provide inspiration for other islands.

Examples of suggestions about how island communities may benefit from increased cooperation or coordination between agencies include:

- Increased information and coordination of information to communities on services such as waste services, wharves, planning and building inspection;
- The potential for greater coordination of budgeting and annual priority setting between local service providers;
- Cooperation between the Islands Trust land use planning function and respective building inspection and planning services of regional districts;
- Water resource management and water servicing;
- Working together on bylaw enforcement, nuisances and unsightly premises; and
- Developing a coordinated approach to addressing the condition and function of rural roads.

The committee also discussed that island communities would also benefit from:

- Authentic and coordinated public engagement where appropriate; and
- Coordination and information exchange with First Nations communities.

The committee consistently mentioned two themes for future consideration:

- as appropriate, for topics of concern, identifying and refreshing protocol agreements and letters of understanding and the relationships that support them; and,
- focusing efforts on a topical issue where real progress can be made such as affordable housing or water resources, in cooperation with others on a project basis.

In August, TPC considered the road standards agreement and passed a resolution stating that if examination of service integration issue proceeds as priority of Trust Programs Committee for next term. Then the Committee recommends that the impact of the Ministry of Transportation and Infrastructure road standards agreement on village roadscapes be examined as a potential pilot project or case study.

At the August meeting, TPC also passed a resolution to recommend to the next Trust Council that the service integration work continue under Trust Programs Committee and that it be given priority next term.

In October 2018, the TPC received responses to its request that local trust committees and Bowen Island Municipality create inventories of barriers experienced in engaging service providers and other agencies. The lists below are not in any order of priority.:

1) Bowen Island Municipality:

- i. "The request for input on Islands Trust service integration concerns was referred to the Islands Trust Municipal Trustees Morse and Fast for comment directly back to Islands Trust."
 - i. Trustee Morse: "We do not have service integration issues with our Regional District or the Ministry of Transportation as we provide the services that they provide in the local trust areas, such as, subdivision, building inspection, parks and recreation, noise bylaw enforcement, road standards and road building and maintenance, so we decide what level of service and how much we will pay to provide it and deliver the service so one stop shopping. The fire department is also a department of the municipality and our library is a municipal library as well as the 7 water systems and a sewer system which BIM owns and operates so not dealing with improvement districts or regional district. We also own the public docks and operate them rather than a regional district as with some of the islands."
 - ii. Trustee Fast: "BIM has experienced barriers to engaging service providers, specifically the province, when addressing the following topics:
 1. Logging on crown lands
 2. Inaccessibility of rural grant funding"

2) Denman Island LTC:

- i. Affordable Housing
- ii. Roads
- iii. Aquaculture Practices

3) Gabriola Island LTC:

- i. Working with other agencies such as Ministry of Transportation and Infrastructure and the Regional District of Nanaimo with respect to Village Core planning;
- ii. Working with the Regional District of Nanaimo with respect to park planning;
- iii. Affordable housing specifically in relationship to the Regional District of Nanaimo, which has the power to hold land;
- iv. The question of responsibility shared by BC Ferries and the Ministry of Transportation and Infrastructure in regards to Gabriola's ferry line issues;
- v. Enforcement of Regional District of Nanaimo bylaws, which impact on or are impacted by land use planning (i.e. noise);
- vi. Scheduling of meetings as per protocol agreements with other agencies; and
- vii. Receiving written referral responses from other agencies (i.e. Agriculture Land Commission).

4) Gambier Island LTC:

- Gambier trustees had previously provided input on Regional District concerns as follows:
- i. Dock maintenance/long term ownership and funding *****
 - ii. Communication to and from islanders
 - iii. Taxation inequity and un-relatable tax function percentages
 - iv. Parks and trails planning, funding and engagement process
 - v. Enforcement on regional district issues such as parking on docks

5) Hornby Island LTC:

Determined that there are no concerns at this time.

6) Lasqueti Island LTC:

- i. Road safety
- ii. Nuisance and noise
- iii. Derelict vehicles on island roads

7) Mayne Island LTC:

- i. IT vs. CRD Bylaws: need clearer delineation, clarification; Bylaw officers should work together.
- ii. BC Ferries consultation with IT regarding future plans, population forecasts, services needed.
- iii. Water management, licensing authorities, CRD, Improvement Districts, sustainability, consumption patterns.
- iv. Solid Waste Disposal – intergovernmental gaps.

8) North Pender Island LTC:

- i. First Nations Engagement, collaboration with other agencies to reduce the strain on their capacity
- ii. Road Right of Ways (Ministry of Transportation and Infrastructure)
- iii. Public Transportation (Transportation Services)
- iv. Access to alternative transportation corridors (Parks Canada)
- v. Solid waste and sewage (Waste Services)
- vi. Access routes to Magic Lake Subdivision (Fire and Safety)
- vii. Housing affordability and increased stock
- viii. Building inspections (CRD)

9) Salt Spring Island LTC: (not in priority)

- i. Affordable Housing
- ii. Water Provision
- iii. Sewage provision
- iv. Roads
- v. Marine Issues and Building Inspection

12) Thetis Island LTC:

- i. Foreshore leases
- ii. Nuisance issues

The Galiano, Saturna Island and South Pender LTCs considered the briefing and had no resolutions.

In October 2018, the Trust Programs Committee agenda included the Salt Spring Island Positively Forward Report on Service Delivery and the Salt Spring Alliance Governance Working Group Report. The Committee had committed to the groups not to make any recommendations before receiving the reports. The Committee received the reports for information. The Trust Programs Committee decided to move the service integration project from its top priorities into its projects list.

ATTACHMENT(S):

- 1. None. Additional background documents are available upon request from the Director of Trust Area Services.

FOLLOW-UP: Staff will proceed as directed.

Prepared By: Clare Frater, Director, Trust Area Services, January 16, 2019

Reviewed By/Date:

To:	Trust Programs Committee	For the Meeting of:	May 21, 2020
From:	Clare Frater, Director, Trust Area Services	Date Prepared:	May 15, 2020
SUBJECT:	Secretariat services to regional forums - background		

PURPOSE: To provide Trust Programs Committee with background information regarding existing and potential requests for secretariat support for regional forums in the Island Trust Area.

BACKGROUND:

There are a number of coordinating bodies operating in the Trust Area, largely supported by volunteer or in-kind staff effort. These bodies bring together different level of government, First Nations and community members on a regular basis to discuss matters of mutual interest/concern. Over the years, coordinating bodies and trustees raised concern regarding the lack of funding for the administrative needs (e.g. meeting logistics, agenda preparation, minutes, facilitation, website hosting/posting, shared document drive) for some of the coordinating bodies and/or concern about the sustainability of relying on volunteer/side of the desk coordinators

On April 20, 2020, Trust Council adopted a budget with \$12,000 for 2020/21 for secretariat services as proposed in a business case from Trust Programs Committee.

In November 2019, the Trust Programs Committee requested that staff work with the Fraser Basin Council to identify opportunities for coordination in the delivery of secretariat services in the Islands Trust Area. This work has not advanced in a meaningful way but staff will continue to reach out.

In December 2019, Trust Council adopted the 2018-2022 Strategic Plan with Strategy #21: Provide a secretariat role to forums within the Trust Area.

In June 2018, Trustee Stamford brought a request for decision to the Islands Trust Council and, in response, Trust Council passed the following resolution:

That Trust Council request staff to provide a report to Trust Council with information about the implications of the Islands Trust taking on a secretariat role for the Howe Sound Community Forum that considers the needs of existing and potential regional coordination processes in the Baynes Sound/Lambert Channel and Saanich Inlet regions.

Trust Programs Committee support to forums can be via staff support through contribution of staff time or via financial support or a combination.

To date, Islands Trust has offered the following levels of secretariat support via Trust Programs Committee:

Howe Sound Community Forum/Ocean Watch Task Force

In 2018/19 and 2019/20, Trust Programs Committee allocated \$3,000 to the Howe Sound Community Forum and related task forces. The funding was used to support contract minute taking. For both these years the actual funds spent are estimated to be less than \$1,500. No financial request has been received in 2020/21 but one is anticipated.

Baynes Sound Lambert Channel Forum

Since 2018, in partnership with WWF-Canada, Islands Trust has co-hosted four events (approximate cost to Islands Trust of \$4-5,000 per forum) for the emerging two-day Baynes Sound/Lambert Channel Ecosystem Forum that brings together people from local, regional, provincial, federal and First Nations governments, as well as representatives from shellfish aquaculture, herring fishery, ecotourism and conservation groups for collaborative dialogue on the challenges facing Baynes Sound and Lambert Channel region. World Wildlife Canada has been providing the secretariat services with limited staff support by Islands Trust staff.

Support has been in the range of \$8,000 annually. TPC voted on February 10, 2020, to provide \$5,000 to a forum event in May 2020. The forum is now planned to be delivered via webinar with Islands Trust costs less than \$1,500.

Southern Gulf Islands Secretariat - emerging

Please see attached request for \$5,000.

Another coordinating body in the Trust Area of note:

Coastal Douglas-fir Conservation Partnership

The Coastal Douglas-fir Conservation Partnership is a collaboration of agencies, organizations and land managers who are interested in promoting and protecting healthy Coastal Douglas-fir and associated ecosystems. Their mission is to promote the conservation and stewardship of the Coastal Douglas-fir and associated ecosystems in south-western BC through sound science, shared information, supportive policies, and community education. The Islands Trust Council and several Local Trust Committees have signed CDFCP's Statement of Cooperation in support of their work. Islands Trust Conservancy's Ecosystem Protection Specialist currently contributes as a member of the Steering Committee and the Islands Trust Conservancy manager is a member of the Securement Committee. The CDFCP is currently seeking grant funding for a coordinator with the Executive Committee voting on May 13, 2020, for the Chair to write a letter of support to the Real Estate Foundation of BC. There has never been a funding request directed to Trust Programs Committee. However, in 2015, the Islands Trust brought a resolution to the Union of British Columbia Municipalities, which was endorsed, petitioning the provincial government to provide core, multi-year funding to the Coastal Douglas-fir Conservation Partnership.

ATTACHMENT(S):

1. May 15, 2020 correspondence from Deb Morrison re Southern Gulf Islands Secretariat – request for participation and funding

FOLLOW-UP: Staff will follow-up as directed.

Prepared By: Clare Frater, Director, Trust Area Services

Trust Programs Committee
Islands Trust

May 15, 2020

Dear Trust Programs Committee,

RE: Southern Gulf Islands Secretariat - Request for Participation and Funding

Across the Southern Gulf Islands we are trying to improve regional cooperation among the multiple levels of governments. This letter is attempting to represent our needs as defined in conversations with regional Trustees, CRD representatives, MLA Adam Olsen, and MP Elizabeth May. We are hoping to develop a Southern Gulf Islands Secretariat that will draw together elected officials from Tribal, Federal, Provincial, and Regional governments as well as Local Trustees at least 3-4 times a year. The goals of this Secretariat will be:

- To foster collaborative conversations around topical issues that require the participation of all levels of government.
- To highlight potential areas of cooperation among regional LTCs within the Trust so as to improve efficiency and cost effectiveness of efforts.
- To network across the region at the elected levels of government to foster ecosystem based management that best protects and preserves the Trust Area.

While this Secretariat is centered on the participation of regionally elected officials, other participants will be invited to attend and participate in a variety of ways.

At this time we are:

1. Inviting all Southern Gulf Island Trustees to participate in the formation of this Secretariat. This includes Trustees from Galiano Island, Mayne Island, North Pender Island, Salt Spring Island, Saturna Island, South Pender Island.
2. Requesting the Trust Council to contribute \$5000 to support emerging costs such as secretarial support, meeting venues (when meeting in person), and stipends for First Nations participants when needed.

Costs of this Secretariat will be shared among different government agencies. At this time, MLA Adam Olsen has agreed to contribute staff time to coordinate the initial phases of this effort.

Thank you for considering this request. We look forward to furthering the Trust objective through more coherent governance in this region of the Trust Area.

Sincerely,

Deb Morrison
North Pender Trustee



Program proposal for Islands Trust

May 24, 2020

Ruth Simons

Executive Director,

Howe Sound Biosphere Region Initiative Society (HSBRIS)

Box 465, Lions Bay, B.C. V0N 2E0

howesoundbri@gmail.com

Program:

Howe Sound Community Forum (the Forum) and related committee work

Background:

The Howe Sound Community Forum Purpose:

To provide a forum for local governments, Regional Districts and First Nations discussion to maintain and enhance the economic, environmental, cultural and social well being of the Howe Sound for the benefit of present and future generations

Members of the Forum represent the local governments and regional districts in the Howe Sound watershed. The Forum first convened in 2000, 20 years ago in June. In 2002 the members, including Squamish Nation signed onto the Principles for Cooperation (attached). For the past six years the Forums have been coordinated by Ruth Simons, Executive Director of the Future of Howe Sound Society and for the past two years as Executive Director and Howe Sound Biosphere Region Initiative Society. Day long meetings take place in the spring and fall each year with up to 70 people that including NGOs, citizens and government staff attending as observers.

Over the years various task forces or committees have been struck to focus on areas of mutual interest for local governments such as the Clean Air Committee and the Ocean Watch Task Force.

Current funding/management arrangements:

The Principles for Cooperation state the following:

6. Structure (The Members)

A hosting community from the membership will act as the focal point and be responsible to coordinate meetings and agenda material.

The hosting community will rotate among the Howe Sound Community Forum members and meetings will be held annually, or more frequently, as requested by any member or as predicated by local issues.

Task forces or sub forums may be established to focus on specific projects.

For the past six years, Ruth Simons has prompted and confirmed a hosting community for the Spring and Fall Forums. The Host community budgets up to \$3,000 to cover the costs/liability of venue, A/V rentals

and small fee for administration. The Resort Municipality of Whistler is host for the October 2020 Forum, Bowen Island Municipality has committed to hosting the Spring 2021 Forum.

The Gambier Island Local Trust Committee has hosted two Howe Sound Community Forums in the past and the Local Gambier Island Trust Committee has provided some administration support in the form of minute taking for the Ocean Watch Task Force.

Program Funding request:

This financial request is to cover costs for additional administrative services and equipment that are provided in-kind by the Howe Sound Biosphere Region Initiative Society, Ruth Simons and volunteers.

1. Under the supervision of Ruth Simons, archiving and storing past forum information held by Future of Howe Sound Society that include summary of each forum, copies of presentations and participant names. This would also include archiving of minutes from previous HSCF task forces and committees. The task is to organize and input this information into the HSCF section of the HSBRS website where it is accessible to the participants and the public. In the process, procedures would be documented for future reference. This task requires working knowledge and experience with Wordpress and Squarespace website. Estimate 25 hours - \$1,000

2. Additional support to assist Ruth Simons with planning, Web conferencing set up and management, post forum report, logistics and event management for October 23, 2020. Requires technical skills and experience with event management- Estimate 36 hours - \$828.

3. Administrative services to support HSCF committees – Airshed Roundtable and Ocean Watch Leadership team and Steering Committee. Estimate - \$1,565

- Upgrade to Zoom conferencing or use of Islands Trust web conference technology - \$65.00 for month of October.
- Partial webhosting costs for Forum information- \$200.
- Venue rental for committee meetings – 3 X \$200 = \$600
- Misc. expense - \$100.
- Admin support for committee meetings - \$600.

4. A/V equipment rental, insurance and travel expense for committees - \$400.

Total requested: \$3,793.00 – not to exceed \$3,800.00 including taxes.

This funding request is based on the following recommendations:

- No conditions related to confidentiality
- Funds would be payable 50% in advance and balance upon presentation of final report with copies of invoices paid.
- Howe Sound Biosphere Region Initiative Society (HSBRIS) continues as the sole coordinator of the Howe Sound Community Forums in support of the hosting community.
- HSBRIS is subcontracting for the administrative support.
- Islands Trust would be credited as a sponsor of the Whistler Howe Sound Community Forum.

Principles For Cooperation

Howe Sound Community Forum

To provide an overview of the need, purpose and structure for cooperative efforts by interested local governments and First Nations in the Howe Sound area.

1. Statement of Purpose

To provide a forum for local governments, Regional Districts and First Nations discussion to maintain and enhance the economic, environmental, cultural and social well being of the Howe Sound for the benefit of present and future generations.

2. Rationale (The Need)

The Howe Sound Community Forum will enhance collective action among local governments, regional districts and First Nations by:

- Providing a common forum for dialogue
- Sharing knowledge and information to avoid duplication of effort and to enhance any single organization's capacity for action
- Promoting the use of transparent processes that encourage awareness and involvement.

3. Scope (The area)

The Howe Sound area includes the marine waters and all the municipal, regional district, local trust committee and First Nation lands that drain into these waters, the surrounding airshed on the east side of the Strait of Georgia between Point Atkinson and Gower Point, and interested adjacent communities.

4. Common Vision

The Howe Sound Community Forum envisions that communities within the Howe Sound area can be healthy, productive and sustainable by:

- promoting compact and complete communities;
- encouraging safe and livable communities;
- encouraging an integrated transportation system;
- preserving a healthy and natural environment;
- nurturing cultural heritage
- supporting sustainable use of resources;
- fostering a vibrant and dynamic economy;
- raising awareness about land use; and
- ensuring the public is informed and encouraged to be active.

5. Shared Values

The Howe Sound Community Forum will involve the collective efforts of a wide variety of governments, First Nations, non-government organizations, the private sector, educational institutions and individuals to pursue the following values and objectives. The Forum shares the following values and objectives.

Value...Spirit of Sharing

Objective – The many interests and organizations in the Howe Sound can strengthen the effectiveness of programs by openly sharing information and knowledge.

Value... Action Orientation

Objective – The Howe Sound Community Forum will encourage groups to take actions that produce positive observable results and public benefit to communities.

Value...Efforts towards Sustainability

Objective - The Howe Sound Community Forum members recognize the need to effectively manage and maintain a balanced relationship between community development and the protection of unique biophysical and cultural qualities of the region.

Value.. The need for Cooperation

Objective –Governments, First Nations and organizations will be encouraged to work together.

Value...Stewardship

Objective – Voluntary action of individuals and organizations as a powerful and effective tool for achieving positive results is an objective of the Forum.

Value... Transcending Jurisdictions

Objective – The Forum will encourage communities to work together for the greater good because territorial lines on a map mean nothing in terms of sustainability.

Value...Focus and Transparency

Objective – Forum member programs will encourage clear objectives and use accountable processes that are available to Howe Sound Community Forum members and the public.

Value... Respect for Diversity

Objective – It is recognized that while every member of the Howe Sound Community Forum may have a different focus or interest, they are encouraged to acknowledge a shared interest in the sustainability of Howe Sound.

6. Structure (The Members)

A hosting community from the membership will act as the focal point and be responsible to coordinate meetings and agenda material.

The hosting community will rotate among the Howe Sound Community Forum members and meetings will be held annually, or more frequently, as requested by any member or as predicated by local issues.

Task forces or sub forums may be established to focus on specific projects.

Charter members of the Howe Sound Community Forum include elected representatives of:

District of Squamish	Greater Vancouver Regional District
Resort Municipality of Whistler	Squamish-Lillooet Regional District
Squamish Nation	Village of Lions Bay
District of West Vancouver	Sunshine Coast Regional District
Gambier Island Local Trust Committee	Bowen Island Municipality
Village of Pemberton	Town of Gibsons

7. Activities (Action and Results)

The Howe Sound Community Forum members are not expected to make decisions as a body and will achieve its objectives through activities that build on the talents, knowledge and actions of its individual members by:

- Facilitating information exchange about local or regional projects
- Supporting members by sharing information, research and best practices
- Apprise the public of topical and important matters that affect us all
- Identifying areas of public policy that require attention and projects that deserve the support of the Forum members
- Assessing progress through benchmark, monitoring, and program assessments; and
- Promoting transparency and accessibility by the Forum members.

Therefore, all the parties of the Howe Sound Community Forum commit to respect the Principles for Cooperation

Approved by the District of Squamish this 2 day of May, 2014 by [Signature]
Rob Kirkham, Mayor

Approved by the Bowen Island Municipality this 2 day of May, 2014 by [Signature]
Jack Adelaar, Mayor

Approved by the Squamish Nation this _____ day of _____, _____ by _____
Ian Campbell, Chief

Approved by the Gambier Island Local Trust Committee this 2 day of May, 2014 by [Signature]
David Graham, Chair

Approved by Metro Vancouver this 25 day of JULY 2014 by [Signature]
Greg Moore, Chair

Approved by the Town of Gibsons this 24th day of JUN, 2014 by [Signature]
Wayne Rowe, Mayor

Approved by the Village of Lions Bay this 2nd day of May, 2014 by [Signature]
Brenda Broughton, Mayor

Approved by Squamish Lillooet Regional District this 21 day of Aug, 2014 by [Signature]
Patricia Heintzman, Chair

Approved by the Sunshine Coast Regional District this 2 day of MAY, 2014 by [Signature]
Garry Nohr, Chair

Approved by the Resort Municipality of Whistler this 21st day of Aug, 2014 by [Signature]
Nancy Wilhelm-Morden, Mayor

Approved by the Village of Pemberton this 2 day of May, 2014 by [Signature]
Jordan Sturdy, Mayor

Approved by the District of West Vancouver this 2 day of MAY, 2014 by [Signature]
Michael Smith, Mayor

Robert Barlow

Subject: FW: Request for secretarial services for the CDFCP
Attachments: DraftIslandsTrustBudget.pdf

From: McConkey, Darryn J FLNR:EX <Darryn.McConkey@gov.bc.ca>
Sent: Wednesday, May 20, 2020 3:23 PM
To: Clare Frater <cfrater@islandstrust.bc.ca>
Cc: Kathryn Martell <kmartell@islandstrust.bc.ca>
Subject: RE: Request for secretarial services for the CDFCP

Hi Clare,

Please accept this email as a financial request to the Islands Trust of up to \$5,000 for secretarial services to support coordination of the Coastal Douglas-fir Conservation Partnership (CDFCP). The funding would be used to supplement additional funds the partnership has applied for from the federal Priority Places initiative and the Real Estate Foundation of BC. Funds would be used to hire a Partnership Coordinator and be administered by the BC Conservation Foundation, our banker, and would provide an important contribution to meeting mandatory matching requirements for these funding sources.

Overall, the Coordinator's duties include:

- Coordinating meetings and supporting the CDFCP Steering Committee and Securement Working Group;
- Engaging Local Governments to raise awareness and promote implementation of the CDFCP Conservation Planning Guide;
- Assisting Local Governments to implement the CDFCP Conservation Planning Guide (OCP review, conservation fund establishment, etc...);
- CDFCP member communication (e-news) and website updates;
- Supporting priority projects including a review and update to the 2015 CDFCP Conservation Strategy and other member-specific projects.

\$5,000 would support 100 hours at \$40/hour plus minor expenses and administrative fees. See attached draft budget for details. The partnership would be appreciative of a smaller contribution as we are actively pursuing additional financial support to meet our grant application \$ matching requirements.

Looking forward to hearing from you and thank you for the opportunity for this request.

Let me know if you have any questions or would like additional information.

Darryn McConkey
CDFCP Chair

TO: Kathryn Martell

DATE: 20-May-20

FAX:

BC Conservation Foundation

FROM: Katie Calon
#206 17564 56A AVE
SURREY, BC V3S 1G3
TEL: 604- 576-1433
FAX: 604-576-1482

PROPOSED PROJECT COSTS

PROJECT NAME:	CDFCP Coordinator	PROJECT NO.:	TBA
PERSONNEL:	TBA	Days per week:	TBA
START DATE:	TBA	Hours per day:	TBA
DURATION	100.0 hours	END DATE:	TBA
		RATE OF PAY	
	@	\$40.00 per hour	=
			\$4,000.00
		WAGES:	\$4,000.00
		TOTAL WAGES	\$4,000.00

EXPENSES	BUDGETS	COMMENTS
Housing	\$ -	
Equipment	\$ -	
Equipment Rental/Repairs	\$ -	
Allowances	\$ -	
Communications	\$ 120.00	
Materials and supplies	\$ 285.00	
Project publications	\$ -	
Transportation	\$ -	
Vehicle operating costs	\$ -	
Fuel	\$ -	
Mileage	\$ -	
Accommodation/Food	\$ -	
Per diem	\$ -	
Training/safety	\$ -	
Miscellaneous	\$ -	
Non-refundable tax	\$ -	
Contract Labour	\$ -	
		TOTAL EXPENSES
		\$ 405.00
		TOTAL WAGES AND EXPENSES
		\$ 4,405.00
		BCCF ADMINISTRATION FEE
		13.50% 595.00
		TOTAL CONTRACT BUDGET
		\$ 5,000.00

PLEASE CONFIRM BUDGET IF ACCEPTED.



Top Priorities Report

Trust Programs Committee

1. Policy Statement Amendment

Implement Policy Statement engagement plan and project charter (in support of Strategic Plan strategies #10,16,22,23)

Responsible

Clare Frater
Dilani Hippola

Dates

Rec'd: 21-Jun-2017
Target: 14-Sep-2022

2. Secretariat Function

Provide a report to Trust Council with information about the implications of the Islands Trust taking on a secretariat role for the Howe Sound Community Forum that considers the needs of existing and potential regional coordination processes in the Baynes Sound/Lambert Channel and Saanich Inlet regions.

·Report to Trust Programs Committee on prior work to examine how to improve the delivery and integration of services

Responsible

Clare Frater
Dilani Hippola

Dates

Rec'd: 20-Jun-2018
Target: 21-May-2020

3. Climate Change Data and Performance Indicators

Let a contract to scope out future project: Develop i) a set of climate change, demographic and environmental data and ii) performance criteria in order to identify the effects of climate change in the Trust Area and to measure mitigation and adaption efforts. (Strategic Plan strategy #12)

Responsible

Clare Frater
Dilani Hippola

Dates

Rec'd: 10-Feb-2020
Target: 13-Aug-2020



Projects Report

Trust Programs Committee

1. *Secretariat Function*

Responsible

Date Received

Provide funding to Baynes Sound Lambert Channel May 2020 forum (subject to budget approval) (to be delivered by WWF Canada) (in support of Strategic Plan strategy #21)

10-Feb-2020

2. *Stewardship Education Program*

Responsible

Date Received

Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area. (Strategic Plan strategy #15) (subject to budget approval).

04-Dec-2019

3. *Update Crown Land Agreements*

Responsible

Date Received

Engage Bowen Island Municipality and the Province of B.C. in updating and consolidating existing agreements into one.

19-Jun-2014