



Islands Trust Council

Committee of the Whole Meeting Agenda

Date: Thursday, December 12, 2024

Time: 6:00 p.m. - 9:00 p.m.

Location: Electronic Meeting, and a physical location to view the livestream of the meeting:
Islands Trust Victoria Office
#200 - 1627 Fort Street
Victoria, BC V8R 1H8

	Pages
1. CALL TO ORDER / LAND ACKNOWLEDGEMENT	
2. APPROVAL OF AGENDA	
3. ADOPTION OF MINUTES	
3.1 <u>Draft Committee of the Whole Meeting Minutes of November 6 , 2024</u>	4 - 9
For review and adoption.	
4. FOLLOW UP ACTION LIST AND UPDATES	
4.1 <u>Committee of the Whole Follow Up Action List</u>	10 - 12
5. TRUST AREA SERVICES	
5.1 <u>Definition of "Prioritize" in the draft new Policy Statement - Briefing</u>	13 - 16

1) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.4.7 to read as follows:

Economic and Tourism Activities

Support economic and tourism activities that are compatible with preservation and protection of the Trust Area and its unique amenities, environment, and community character.

2) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.4.6 to read as follows:

Hazardous Areas

Identify areas at risk of environmental and climate change-related hazards and direct development away from them, including, but not limited to, areas subject to flooding, erosion, wildfire and slope instability.

3) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.3.3 to read as follows:

Forest Ecosystems

Identify forest ecosystems and prioritize the preservation and protection of unfragmented forests, with a particular focus on the maintenance and restoration of their ecological integrity.

4) That Committee of the Whole recommends that Trust Council add a new proposed Directive Policy 3.3.4 to read as follows and renumber accordingly:

Coastal Oak and Prairie Ecosystems

Identify and prioritize the preservation, protection of coastal oak and prairie ecosystems, with a particular focus on their restoration and management.

5) That Committee of the Whole recommends that Trust Council add a new proposed Ecosystem Integrity Advisory Policy 3.3.9 as follows:

Local Trust Committees and island municipalities should . . .

Indigenous Ecosystem Management

Through engagement with Indigenous Governing Bodies, identify and pursue opportunities for traditional forms of ecosystem management by Indigenous Peoples.

1) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.2.1 to read as follows:

Indigenous Cultural Heritage Sites

Minimize potential negative impacts to Indigenous cultural heritage sites including, but not limited to, known village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, pictographs, and known (registered), unregistered, or newly discovered archaeological sites.

2) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.2.2 to read as follows:

Indigenous Marine Harvesting Areas

Minimize potential negative impacts to known marine harvesting areas used by Indigenous Peoples including, but not limited to, fish weirs and clam gardens.

3) That Committee of the Whole recommends that Trust Council add a new proposed Directive Policy 3.2.3 to read as follows:

Indigenous Harvesting and Hunting Areas

Minimize potential negative impacts to known land-based harvesting and hunting areas used by Indigenous Peoples.

4) That Committee of the Whole recommends that Trust Council add a new proposed Advisory Policy 3.2.4 to read as follows:

Indigenous Harvesting and Hunting Areas Access

Through engagement with Indigenous Governing Bodies, identify and pursue opportunities to improve access by Indigenous people to marine and land-based harvesting and hunting areas.

5.4 Draft new Policy Statement Redline version - For Discussion

This redlined version incorporates proposed revisions from the following Committee of the Whole meetings: September 5, 2024, October 3, 2024 and November 6, 2024. Committee of Whole may wish to pick up its review of the document at policy 3.4.10.

6. CLOSED MEETING (If needed)

7. RISE AND REPORT

8. NEW BUSINESS

9. NEXT MEETING

For discussion.

10. ADJOURNMENT



Trust Council Committee of the Whole Minutes of a Regular Meeting

Date: November 6, 2024

Location: Electronic Meeting

Executive Members Present:

1. Peter Luckham, Trust Council Chair, Thetis Trustee
2. Tobi Elliott, Vice-Chair, Gabriola Trustee
3. David Maude, Vice-Chair, Mayne Trustee
4. Timothy Peterson, Vice-Chair, Lasqueti Trustee

Members Present:

5. Joe Bernardo, Acting Chair, Gambier Trustee
6. Sue Ellen Fast, Bowen Municipal Trustee
7. Judith Gedye, Bowen Municipal Trustee
8. Sam Borthwick, Denman Trustee
9. David Graham, Denman Trustee
10. Susan Yates, Gabriola Trustee
11. Ben Maberley, Galiano Trustee
12. Lisa Gauvreau, Galiano Trustee
13. Alex Allen, Hornby Trustee
14. Jeanine Dodds, Mayne Trustee
15. Jamie Harris, Salt Spring Trustee
16. Laura Patrick, Salt Spring Trustee
17. Mairead Boland, Saturna Trustee
18. Lee Middleton, Saturna Trustee
19. Ken Hunter, Thetis Trustee

Members Regrets:

20. Kate-Louise Stamford, Gambier Trustee
21. Grant Scott, Hornby Trustee
22. Mikaila Lironi, Lasqueti Trustee
23. Aaron Campbell, North Pender Trustee
24. Deb Morrison, North Pender Trustee
25. Kristina Evans, South Pender Trustee
26. Dag Falck, South Pender Trustee

Staff Present:

Julia Mobbs, Interim Chief Administrative Officer
David Marlor, Director, Legislative and Information Services
Clare Frater, Director, Trust Area Services
Stefan Cermak, Director, Planning Services
Jason Youmans, Senior Policy Advisor
Alexandra Trifonidis, Executive Coordinator
Lisa Millard, Meeting Administrator/Recorder

Members of the Public: There were no members of the public present.

1. CALL TO ORDER / LAND ACKNOWLEDGEMENT

Acting Chair Bernardo called the meeting to order at 6:00 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

Trust Council Chair Luckham briefly addressed the Committee of the Whole to provide an update on Executive Committee’s decision to remove the recording of the September, 2024 Trust Council meeting from the Islands Trust website.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

Trustee Gedye arrived to the meeting at 6:10 p.m.

3. ADOPTION OF MINUTES

3.1 Draft Committee of the Whole Meeting Minutes of September 25, 2024

By general consent the Trust Council Committee of the Whole meeting minutes of September 25, 2024 were adopted as presented.

3.2 Draft Committee of the Whole Meeting Minutes of October 3, 2024

By general consent the Trust Council Committee of the Whole meeting minutes of October 3, 2024 were adopted as presented.

4. FOLLOW UP ACTION LIST AND UPDATES

4.1 Committee of the Whole Follow Up Action List

Received for information.

5. TRUST AREA SERVICES

5.1 Policy Statement Amendment Project - Directive Polices - Briefing

The Senior Policy Advisor summarized the briefing and highlighted the following:

- The *Islands Trust Act* does not describe whether or not the Policy Statement should be directive or subjective;
- Legal Counsel previously indicated it is within Trust Council’s purview to make the Policy Statement directive; and
- A committee reviewed the Policy Statement in 2011 and noted that directive policies might be beneficial; however, if a directive policy is assigned an explanation should be included indicating why local trust committees have been directed to act in a prescribed manner.

Trustee Allen left the meeting at 6:46 p.m.

Discussion ensued and the following comments were noted:

- Directive policies allow Trust Council and local trust committees to determine if a new bylaw meets the policies of, or is in conflict with, the Policy Statement;
- Draft Policy Statement contains repetitive policies that are both directive and suggestive and this is causing confusion;

- Directive policies that address potential impacts are within Islands Trust purview as a land use organization while advisory policies are distinct and can address issues outside of the jurisdiction of Islands Trust;
- Difference between directive and advisory needs to be clear and understood;
- Directive policies, and reasons for them, should be specific, clear, not open to interpretation, less aspirational, and include a context statement; and
- The Committee of the Whole has discretion on the use of directive, and less directive, statements and each can be addressed as Trustees work through the document.

Trustee Allen returned to the meeting at 7:02 p.m.

Trustees Mabberley and Allen left the meeting at 7:05 p.m.

5.2 Draft Trust Policy Statement

The Committee addressed a motion that was moved and seconded, and thus, still on the floor from the last Committee of the Whole meeting.

TC-COW-2024-024

It was MOVED by Trustee Elliott, and SECONDED by Trustee Bernardo, that Committee of the Whole recommends that Executive Committee direct staff to add a new directive policy “Ensure that the negative impacts of development on Indigenous cultural heritage, harvesting and hunting areas is minimal.

DEFEATED

Discussion ensued and the following comments were noted:

- It was moved to amend the language in the motion to include the word “access” to ensure Indigenous People’s access to sites is not restricted;
- Term “ensure negative impacts of development are minimal” implies access to those spaces; and
- Term “negative impacts” is broad and the scope of language needs to be defined.

The question on the motion was called. The motion was defeated to allow opportunity for staff to provide suggestions for effective language.

TC-COW-2024-025

It was MOVED by Trustee Fast, and SECONDED by Trustee Gedye, that Committee of the Whole request staff to come back with suggestions regarding ensuring access for Indigenous Peoples.

By general consent Committee of the Whole defer the motion to the next meeting and request staff work with Trustees Fast and Gedye to review the language in motion TC-COW-2024-025.

A Trustee indicated that items 2.1.3 and 3.4.2 in the draft policy statement, regarding limitations to the rate and scale of development, should align with each other and the following discussion points were noted:

- Question if the statement “consider site capabilities and existing development patterns” upholds the mandate;
- Official Community Plans identify limits, or build outs, for each island;
- Support for defining appropriate limits rather than directing an action to limit;
- Question if Islands Trust has tools to limit unwanted growth;
- Identification of the types of growth in each local trust committee might vary; and
- If there is consensus to a specific growth management issue then it can be prescribed.

It was suggested that Committee of the Whole return to previously discussed items after such time that each item has been reviewed a first time.

Trustee Dodds left the meeting at 7:26 p.m.

The meeting was recessed for a break at 7:35 p.m. and reconvened at 7:45 p.m.

Discussion ensued on Items 3.4.3 through 3.4.7 of the draft policy statement and the following comments were noted:

3.4.3 – Impacts of Development

- Term aesthetic speaks to rural character of the islands;
- There can be positive social impacts of development;
- Policy might be useful at a site specific level; and
- Statement is non-directive and asks local trust committees to consider impacts.

3.4.4 – Community Facilities and Services

- Outdoor recreational amenities should be considered in addition to buildings and services.

By general consent Committee of the Whole request staff attend to outdoor recreation in item 3.4.4 by adding words “and outdoor recreation” after recreational facilities and services.

3.4.5 – Climate Change Mitigation and Adaptation

- Greenhouse gas reduction targets are a legislated requirement of local government official community plans; however, the Province does not yet mandate local governments to mitigate climate change;
- Statement asks to identify strategies but is not directive by stating said strategies be implemented;
- Use of term “employ” or “encourage” instead of “consider”;
- Considerations of climate change vulnerabilities are fundamental to the Islands Trust mandate;
- This is the only policy that addresses climate change adaptation; and
- Climate change is drastically impacting communities and one of the reasons for updating the Policy Statement.

By general consent Committee of the Whole recommend staff add words “and encourage adoption of” after “Identify” in item 3.4.5.

Trustee Luckham left the meeting at 8:18 p.m.

3.4.6 – Hazardous Areas

- Intention of section is clear while grammar might need improvement.

By general consent Committee of the Whole recommend staff consider editing item 3.4.6 to maintain the original intention but improve the grammar.

3.4.7 – Economic Activities

- Additional policy on managing tourism should be considered;
- Section is about fostering sustainable communities and managing tourism is within this prevue;
- Tourism is a growing issue that has ramifications;
- Tourism should respect ecological limits; therefore, use of the term “sustainable tourism” should be considered;
- Tourism is necessary and needs to be promoted not deterred;
- Broad set of guidelines for tourism is required and the guidelines should not set a for or against tone as each island has different objectives; and
- Ensure that tourism as an economic activity is sustainable and does not negatively impact the amenities of the Trust.

By general consent Committee of the Whole request staff to develop, and return to Committee of the Whole, a policy to manage tourism in a sustainable manner.

3.4.8 – Community Heritage Sites

- No amendments were suggested.

3.4.9 – Appropriate Locations for Densification

- Support for identifying appropriate locations;
- Locations of affordable housing will vary greatly within each local trust area;
- Linking density to less dependency on private automobile use results in increased density closer to village centres;
- “Not adversely impacting the Trust Area and its unique amenities and environment” should be removed as this is already a requirement of the legislated mandate; and
- Local trust committees are best suited to determine appropriate areas for densification within their local trust area.

Trustee Middleton left the meeting at 8:48 p.m.

TC-COW-2024-026

It was MOVED by Trustee Borthwick, and SECONDED by Trustee Boland that Committee of the Whole request staff strike words after “diverse and affordable housing” in item 3.4.8.

CARRIED

6. **CLOSED MEETING** - None

7. **RISE AND REPORT** - None

8. **NEW BUSINESS** - None

9. **NEXT MEETING**

The next Committee of the Whole meeting is scheduled to be held electronically on Thursday, December 12, 2024 at 6:00 p.m.

10. **ADJOURNMENT**

By general consent the meeting was adjourned at 8:53 p.m.

Joe Bernardo, Acting Chair

Certified Correct:

Lisa Millard Meeting Administrator/Recorder

Minutes are not official until adopted at a subsequent meeting.

DRAFT

Follow Up Action Report

Committee Of The Whole

25-Sep-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Staff to forward COTW's recommendation to Trust Council that the first sentence in each objective description box be removed (for example "This objective advances principle 2.1.2") because it is not necessary to link each objective to only one "Guiding Principles and Priorities".	Clare Frater Jason Youmans	Target: 31-Jan-2025	In Progress
0%	2 Staff to forward COTW's recommendation to Trust Council that Part 3 title be changed to read Objectives, Directive and Advisory Policies.	Clare Frater Jason Youmans	Target: 31-Jan-2025	In Progress
0%	3 Staff to forward COTW's recommendation to Trust Council that staff be directed to seek a qualified biologist to review draft policy 3.3.3 to assess if the phrase "and associated ecosystems" is required.	Clare Frater Jason Youmans	Target: 15-Nov-2024	Completed
0%	4 Staff to forward COTW's recommendation to Trust Council that staff add Western redcedar after Coastal Douglas-fir in Draft Policy Statement Section 3.3.3.	Clare Frater Jason Youmans	Target: 25-Oct-2024	In Progress
0%	5 Staff to forward COTW's recommendation to Trust Council that staff replace the word "maintain" the with word "sustain" in Draft Policy Statement Section 3.3.1.	Clare Frater Jason Youmans	Target: 31-Jan-2025	In Progress

Follow Up Action Report

Committee Of The Whole

03-Oct-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Staff to forward COTW's recommendation to Executive Committee to request staff create a definition of the word "prioritize" as used in the draft Policy Statement.	Clare Frater Jason Youmans	Target: 25-Oct-2024	Completed
0%	2 Staff to forward COTW's recommendation to Executive Committee that Policy 3.4.1 be amended to read: "Consider site capabilities, environmental and protected areas, and existing development patterns when determining the land use designation and appropriate locations and intensities of various uses of the land".	Clare Frater Jason Youmans	Target: 31-Jan-2025	In Progress
0%	3 Staff to forward COTW's recommendation to Executive Committee that Policy 3.4.2 Density Limits - Establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, and is compatible with preservation and protection of the Trust Area and its unique amenities and environment be amended to read: "Manage community growth and its associated impacts by directing residential and mixed use development into appropriate locations, to prevent sprawl and relieve growth pressure in the surrounding rural areas, and to help safeguard protected area networks."	Clare Frater Jason Youmans	Target: 31-Jan-2025	In Progress

Follow Up Action Report

Committee Of The Whole

06-Nov-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Staff to strike words after "diverse and affordable housing" in item 3.4.8.	Clare Frater Jason Youmans	Target: 31-Jan-2025	In Progress
0%	2 Staff to develop, and return to Committee of the Whole, a policy to manage tourism in a sustainable manner.	Clare Frater Jason Youmans	Target: 06-Dec-2024	Completed
0%	3 Staff to consider editing item 3.4.6 to maintain the original intention but improve the grammar.	Clare Frater Jason Youmans	Target: 06-Dec-2024	Completed
0%	4 Staff to add words "and encourage adoption of" after "Identify" in item 3.4.5.	Clare Frater Jason Youmans	Target: 31-Jan-2025	In Progress
0%	5 Staff to attend to outdoor recreation in item 3.4.4 by adding words "and outdoor recreation" after recreational facilities and services.	Clare Frater Jason Youmans	Target: 31-Jan-2025	In Progress
0%	6 Staff to work with Trustees Fast and Gedye to review the language in deferred motion TC-COW-2024-025: TC-COW-2024-025 It was MOVED by Trustee Fast, and SECONDED by Trustee Gedye, that Committee of the Whole request staff to come back with suggestions regarding ensuring access for Indigenous Peoples.	Clare Frater Jason Youmans	Target: 06-Dec-2024	Completed

To: Committee of the Whole **For the Meeting of:** December 12, 2024
From: Trust Area Services **Date Prepared:** November 1, 2024
SUBJECT: Definition of “Prioritize” in the draft new Policy Statement

PURPOSE: The purpose of this briefing is to provide Committee of the Whole with a discussion of definitions, and some reflections on the operationalization, of the word “prioritize” as it is currently used in the draft new Policy Statement.

BACKGROUND: At its regular meeting of October 3, 2024, Committee of the Whole passed the following resolution:

TC-COW-2024-017

that Committee of the Whole request Executive Committee to request staff to create a definition of the word “prioritize” as used in the draft Policy Statement.

Staff subsequently reviewed various dictionary definitions of the word “prioritize.” Examples are as follows:

Oxford Languages

- Designate or treat (something) as more important than other things
- Determine the order for dealing with (a series of items or tasks) according to their relative importance

Cambridge Dictionary

- To decide which of a group of things are the most important so that you can deal with them first
- To arrange in order of importance so that you can deal with the most important things before the others (American Dictionary)
- To decide which of a number of different jobs or tasks are most important or urgent and deal with them first

Miriam-Webster

- To list or rate (projects, goals, etc.) in order of priority

Staff do not recommended that the Policy Statement include a definition of the word prioritize, as the meaning of the word is commonly understood. Trustees should only consider a definition for the word if they want it to have a specific meaning in the bylaw that departs from a conventional understanding.

Local government lawyer Don Lidstone Q.C. noted in his 2015 workshop “Preparation and Interpretation of Bylaws”:

“The terms in a bylaw that need to be expressly defined depend on whether the words or term have a single common sense meaning in the context in which they appear. The Court normally

first attempts to adhere to the ordinary meaning of the words used and to the grammatical construction, unless that is at variance with the intention of the legislature, to be collected from the statute itself [Beck v. Smith (1836) 2 M & W. 191, 150 E.R. 724]. When drafting, one should ask whether the term in question has in its context an ordinary meaning which could not reasonably be disputed. If so, no definition is necessary . . .

An expression should be defined only where it is not being used in its dictionary meaning or is being used in one of several dictionary meanings, where it is used as an abbreviation of a longer expression, where defining it would avoid repetition of words or where the definition is intended to limit or extend the provision of the bylaw.”

Given that the meaning of the word prioritize is commonly understood, it may be more beneficial for Committee of the Whole to consider how the word prioritize might impact the work and decisions of Islands Trust bodies.

Presently, the word prioritize is used in guiding principle 2.1.2 which states:

Prioritize Environmental and Indigenous Cultural Heritage Protection

To place priority on preserving, protecting and restoring the environment, and preserving, protecting and supporting restoration of Indigenous cultural heritage in all decision making.

The draft new Policy Statement contains a statement that: *“Guiding Principles (as listed in Part 2 of the Policy Statement) are intended to establish general commitments of Trust Council that centre the Islands Trust Object in all daily decision-making across the Islands Trust Area by Islands Trust bodies that are bound by the Policy Statement . . .”*

If Trust Council and other Islands Trust bodies were to make decisions that could be considered consistent with this guiding principle, it might take place in the following ways:

- When Trust Council identifies major strategic initiatives at the beginning of its political term, those initiatives should align with the principles that the Policy Statement says it will prioritize; or
- When local trust committees submit project budget requests, Trust Council could choose to allocate funding, in whole or in part, based on how well the project advances the principles that the Policy Statement says Trust Council will prioritize.

The word prioritize is also used in a series of directive policies about Ecosystem Integrity. These policies relate specifically to the content of local trust committee and island municipality bylaws.

Directive Policies - Ecosystem Integrity	
Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and	
Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .	
3.3.2	Sensitive Ecosystems Identify and prioritize the preservation, protection, and restoration of sensitive ecosystems in the Islands Trust Area, classified as the following ecosystem types: cliff; freshwater; herbaceous; old and mature forest; riparian; wetland; and woodland.
3.3.3	Forest Ecosystems Identify forest ecosystems and prioritize the preservation, protection, and restoration of unfragmented forest ecosystems, with particular focus on remaining stands of relatively undisturbed Coastal Douglas-fir, Western redcedar, Arbutus, Garry oak, and Coastal Western Hemlock and their associated ecosystems.

3.3.4	Watershed Ecosystems Identify and prioritize the preservation, protection, and restoration of watershed ecosystems, freshwater sources, and groundwater recharge areas.
3.3.5	Marine Shorelines and Nearshore Areas Identify and prioritize the preservation, protection, and restoration of eelgrass meadows, kelp forests, forage fish spawning areas, clam beds, estuaries, tidal salt marshes, mud flats, and coastal wetlands.
3.3.6	Critical Habitat for Species at Risk Identify and prioritize the preservation, protection, and restoration of critical habitat for species at risk.
3.3.7	Islets and Small Islands Identify and prioritize the preservation, protection, and restoration of relatively undisturbed islets and small islands.

There is no currently no standard as to what it would mean to “prioritize the preservation, protection and restoration” of these ecosystems. This is a political interpretation on the part of LTCs/IMs, Executive Committee and, ultimately, Trust Council. However, one can conceptualize the application of these directive policies in two types of scenarios:

1) Application-driven bylaw amendments

In this scenario:

- a land owner applies to amend an official community plan or land use bylaw; and
- the subject property contains, for example, critical habitat for a species at risk.

In such a situation, one might expect that the application process, through a development approvals information bylaw or appropriate OCP policies, would require the applicant to:

1. survey that habitat; and
2. have an expert in the subject area provide an impact assessment of the proposal and mitigating measures to reduce detrimental impacts.

If there are no satisfactory mitigating measures, then it would be reasonable that the bylaw(s) is not approved by either the local trust committee/island municipality, or Executive Committee/Trust Council, as the protection of critical habitat is not being prioritized.

2) LTC/IM driven policy/regulatory change

When an LTC/IM is undertaking major policy/regulatory change as part of a major rewrite of an OCP or LUB, or a targeted update, changes should not occur without ensuring that the topics Trust Council has said must be prioritized are indeed prioritized in the amendment process.

In this scenario:

If an LTC/IM is considering a bylaw change that would allow for significantly more residential density in some part of the island, then that change should not occur without:

1. Some assessment of the impact of the proposed change on the ecosystem areas identified in policies 3.3.2 to 3.3.7: and
2. The LTC/IM taking appropriate steps to ensure protection of those ecosystem areas is addressed¹ before the bylaw is approved.

The foregoing scenarios are staff’s initial thoughts about how the word “prioritize” in the Policy Statement might be operationalized. It may be possible to explore these concepts further in implementation documents that accompany the adopted new Policy Statement. However, staff suggest

¹ Or determine that they already are through existing policy/regulation

that if additional documents are required that describe how policies should be applied, then the policies themselves may not be well written and should be redrafted.

More importantly, consideration of whether one or more policies is satisfied – in this case whether protection of the identified ecosystem areas have been sufficiently prioritized – is a political decision on the part of LTCs/IMs, Executive Committee and, ultimately, Trust Council. If trustees are concerned that there is a legal risk to their decisions if some party feels that protection of the listed ecosystem areas has been insufficiently prioritized, and that the bylaw(s) is therefore inconsistent with the Policy Statement, they might find comfort in Bill Buholzer’s words in *British Columbia Planning Law and Practice* regarding the deference the province’s courts typically show to local decision makers on consistency with OCPs:

“Entwined with the question of whether a bylaw is inconsistent with an OCP such that a reviewing court ought to set it aside for illegality, is the question of whether the court ought to review the local government’s decision to adopt the bylaw on a standard of correctness, or a standard of reasonableness – does the local government’s interpretation of its plan have to be “correct,” or is it sufficient that it not be an unreasonable interpretation of the plan?

“Regarding the standard of review, the Court noted that the “correctness” standard of review applied only in relation to the question of whether the Council of the District had jurisdiction to adopt the zoning amendment bylaw, a question that was not in dispute. Thus, the “reasonableness” standard applied: the bylaw was valid unless the Council’s determination that it was consistent with the OCP fell outside a range of possible, acceptable outcomes of a consistency analysis that were defensible in respect of the applicable facts and the law.”

“The Court of Appeal’s application of the “reasonableness” standard to questions of consistency with the OCP indicates its preference that courts defer to the judgement of local authorities where policy-laden decisions are involved” (6.53)

ATTACHMENT(S): None

FOLLOW-UP: Staff will take direction from Committee of the Whole via Executive Committee

Prepared By: Senior Policy Advisor

Reviewed By/Date: Director, Trust Area Services, November 29, 2024
Director, Legislative Services, November 29, 2024



REQUEST FOR DECISION

To: Committee of the Whole **For the Meeting of:** December 12, 2024
From: Trust Area Services **Date Prepared:** November 28, 2024
SUBJECT: **Policy Statement Amendment Project – Tourism, Hazard and Forest Ecosystem Policies**

RECOMMENDATIONS:

- 1) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.4.7 to read as follows:

Economic and Tourism Activities

Support economic and tourism activities that are compatible with preservation and protection of the Trust Area and its unique amenities, environment, and community character.

- 2) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.4.6 to read as follows:

Hazardous Areas

Identify areas at risk of environmental and climate change-related hazards and direct development away from them, including, but not limited to, areas subject to flooding, erosion, wildfire and slope instability.

- 3) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.3.3 to read as follows:

Forest Ecosystems

Identify forest ecosystems and prioritize the preservation and protection of unfragmented forests, with a particular focus on the maintenance and restoration of their ecological integrity.

- 4) That Committee of the Whole recommends that Trust Council add a new proposed Directive Policy 3.3.4 to read as follows and renumber accordingly:

Coastal Oak and Prairie Ecosystems

Identify and prioritize the preservation, protection of coastal oak and prairie ecosystems, with a particular focus on their restoration and management.

- 5) That Committee of the Whole recommends that Trust Council add a new proposed Ecosystem Integrity Advisory Policy 3.3.9 as follows:

Local Trust Committees and island municipalities should . . .

Indigenous Ecosystem Management

Through engagement with Indigenous Governing Bodies, identify and pursue opportunities for traditional forms of ecosystem management by Indigenous Peoples.

DIRECTOR COMMENTS: The recommendations respond to previous requests/recommendations of Committee of the Whole. When developing advice on policy 3.3.3 staff, as requested, sought advice from a qualified biologist, who is a senior biologist at the Ministry of Water, Land and Resource Stewardship. The senior biologist offered edits on 3.3.3 and suggested that staff recommend additional policies to Trust Council concerning coastal oak and prairie ecosystems and Indigenous ecosystem management (see recommendations 4 and 5 above).

- 1 PURPOSE:** To provide Committee of the Whole (COtW) with responses to its requests for additional information and potential policy revisions to the draft Policy Statement.
- 2 BACKGROUND:** The recommendations above, for which analysis and discussion are available in Appendix 1, address several resolutions made by Trust Council over its last three meetings, including:

At its November 6, 2024 meeting, Committee of the Whole made the following decision:

By general consent Committee of the Whole request staff to develop, and return to Committee of the Whole, a policy to manage tourism in a sustainable manner.

At its November 6, 2024 meeting, Committee of the Whole made the following decision:

By general consent Committee of the Whole recommend staff consider editing item 3.4.6 to maintain the original intention but improve the grammar.

At its meeting of September 25, COtW passed the following resolution:

TC-COW-2024-014

That the Committee of the Whole recommend that staff be directed to seek a qualified biologist to review draft policy 3.3.3 to assess if the phrase “and associated ecosystems” is required.

Appendix 2 contains an excerpt from a 2006 tourism planning exercise commissioned by Islands Trust.

A redline version of the draft Policy Statement that shows all the revisions recommended by COtW since the September Trust Council meeting is available in this agenda package as item 5.4.

The current draft new Policy Statement (September 2024 version) is on the [Islands Trust 2050 webpage](#) for cross-reference.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: N/A

FINANCIAL: N/A

POLICY: Would result in changes to the draft new Policy Statement.

IMPLEMENTATION/COMMUNICATIONS: Revisions recommended by Committee of the Whole will be presented to Trust Council for consideration.

FIRST NATIONS RELATIONS: As the recommendations are generally aligned with the values expressed by First Nations in previous engagements, there are no anticipated impacts to First Nation relations.

OTHER: N/A

3 RELEVANT POLICY(S):

[Policy 1.2.1 – Policy Statement Amendment Policy](#)

[Policy 1.2.2 – Policy Statement Implementation Policy](#)

4 ATTACHMENT(S):

1) Committee of the Whole Requests for Information and Policy Revisions

2) *An Initial Tourism Planning Strategy for the Islands Trust Area, 2006* (Excerpt)

RESPONSE OPTIONS

Recommendations:

- 1) **That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.4.7 to read as follows:**

Economic and Tourism Activities

Support economic and tourism activities that are compatible with preservation and protection of the Trust Area and its unique amenities, environment, and community character.

- 2) **That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.4.6 to read as follows:**

Hazardous Areas

Identify areas at risk of environmental and climate change-related hazards and direct development away from them, including, but not limited to, areas subject to flooding, erosion, wildfire and slope instability.

- 3) **That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.3.3 to read as follows:**

Forest Ecosystems

Identify forest ecosystems and prioritize the preservation and protection of unfragmented forests, with a particular focus on the maintenance and restoration of their ecological integrity.

- 4) **That Committee of the Whole recommends that Trust Council add a new proposed Directive Policy 3.3.4 to read as follows and renumber accordingly:**

Coastal Oak and Prairie Ecosystems

Identify and prioritize the preservation, protection of coastal oak and prairie ecosystems, with a particular focus on their restoration and management.

- 5) **That Committee of the Whole recommends that Trust Council add a new proposed Ecosystem Integrity Advisory Policy 3.3.9 as follows:**

Local Trust Committees and island municipalities should . . .

Indigenous Ecosystem Management

Through engagement with Indigenous Governing Bodies, identify and pursue opportunities for traditional forms of ecosystem management by Indigenous Peoples.

Alternative: Committee of the Whole may recommend further changes to the proposed recommendations or propose alternate revisions.

Prepared By: Senior Policy Advisor

Reviewed By/Date: Director, Trust Area Services/November 28, 2024
Director, Legislative Services/November 29, 2024
Director, Planning Services/November 29, 2024

Committee of the Whole Requests for Information and Policy Revisions Analysis and Discussion

TOURISM POLICY

At its November 6, 2024 meeting, Committee of the Whole made the following decision:

By general consent Committee of the Whole request staff to develop, and return to Committee of the Whole, a policy to manage tourism in a sustainable manner.

The last time Islands Trust engaged in a comprehensive tourism planning exercise was 2006. In the final report from that process, the consultant provided some recommendations regarding the Islands Trust Policy Statement. The relevant excerpt from the report is attached to this RFD as Appendix 3.

Based on the feedback received through industry and community engagement at that time, the consultant recommended the following directive policy, revising one that was in the Policy Statement then:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic and tourism opportunities that are compatible with conservation of resources and protection of community character.

The report author also floated alternative wording reflecting an interest in proactive visioning identified by those who participated in the 2006 tourism planning process:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies that manage tourist uses of land and critical natural resources consistent with community needs and vision.

Recent island engagement on the Policy Statement Amendment Project did not highlight any specific issues or clear direction regarding tourism.

Some of the more problematic aspects of island tourism for local residents are outside of direct local trust committee (LTC), island municipality (IM) or Trust Council control, such as how many people choose to visit and their impact on ferry traffic. LTC and IM [Part 14](#) land use planning powers under the Local Government Act can, however, influence how tourism is welcomed or discouraged. Zoning for guest accommodation, whether in a hotel setting, campgrounds or private residences, influences the number of overnight visitors. Local zoning can enable, or discourage, the creative art, craft, food and beverage businesses the islands are known for. Zoning can also be used to restrict other potentially lucrative tourism-generating businesses if the community determines those types of businesses to be undesirable.

Given the absence of a specific issue associated with tourism highlighted by communities through a recent engagement process or by trustees, staff suggest keeping tourism policy in the Policy Statement at a high level as follows:

- 1) A variation on the recommendation of the 2006 report would see proposed directive policy 3.4.7 revised from:

Economic Activities

Support economic activities that are compatible with preservation and protection of the Trust Area and its unique amenities, environment, and community character.

To:

Economic and Tourism Activities

Support economic and tourism activities that are compatible with preservation and protection of the Trust Area and its unique amenities, environment, and community character.

The effect of this policy is that it does not describe what specific tourism activities Trust Council would consider to be “compatible.” It signals that Trust Council expects LTCs to be supportive of tourism, provided such is able to exist or occur together without conflict with the Trust object and community character. When LTC or IM bylaws, whether as part of a development application or larger OCP or LUB update, are submitted to Executive Committee (EC) for approval, it will be at EC’s discretion whether a given bylaw meets the policy.

If there are specific tourism activities that COTW currently considers to be incompatible with “preservation and protection,” it can identify those in a directive policy, similar to proposed policy 3.4.26 which prohibits casinos and commercial bingo halls. Conversely, if COTW identifies specific types of tourism activities that it thinks LTCs *must* support, it can identify those in a directive policy.

HAZARD AREAS POLICY

At its November 6, 2024 meeting, Committee of the Whole made the following decision:

***By general consent** Committee of the Whole recommend staff consider editing item 3.4.6 to maintain the original intention but improve the grammar.*

Currently, Policy 3.4.6 reads:

Hazardous Areas

Identify, with consideration of climate change, areas hazardous to development activities, including, but not limited to, areas subject to flooding, erosion, wildfire, or slope instability, and direct development away from such hazards.

Based on the concerns identified by COTW, staff recommend the following alternative wording:

Hazardous Areas

Identify areas at risk of environmental and climate change-related hazards and direct development away from them, including, but not limited to, areas subject to flooding, erosion, wildfire and slope instability.

The effect of this policy is that when an LTC or IM bylaw is submitted to EC for approval:

- At the site scale, as part of a development application, the LTC or IM should be able to demonstrate that the subject or area is not in a hazard area. If it is in a hazard area, it should be able to demonstrate what mitigating measures are being employed.
 - At the island scale, as part of an OCP or LUB update, the LTC or IM should be able to demonstrate that it has mapped its environmental and climate hazard areas and that development opportunities in these hazard areas are being limited.
-

FORESTS AND ASSOCIATED ECOSYSTEMS POLICY

At its meeting of September 25, 2024 COtW passed the following resolution:

TC-COW-2024-014

That the Committee of the Whole recommend that staff be directed to seek a qualified biologist to review draft policy 3.3.3 to assess if the phrase “and associated ecosystems” is required.

Draft policy 3.3.3 currently reads:

Forest Ecosystems

Identify forest ecosystems and prioritize the preservation, protection, and restoration of unfragmented forest ecosystems, with particular focus on remaining stands of relatively undisturbed Coastal Douglas-fir, Arbutus, Garry oak, and Coastal Western Hemlock and their associated ecosystems.

Staff have subsequently sought advice from a senior ecosystem biologist from the Province’s Ministry of Water, Land and Resource Stewardship on this matter.

Based on his advice, staff recommend that draft policy 3.3.3 be amended to read:

Forest Ecosystems

Identify forest ecosystems and prioritize the preservation and protection of unfragmented forests, with a particular focus on the maintenance and restoration of their ecological integrity.

The senior ecosystem biologist advised that:

- Sensitive ecosystems are already addressed in proposed Policy 3.3.2 and most “associated ecosystems” to the islands’ forests would be captured in that or in the general forest protection policy of 3.3.3;
- Protecting the islands’ unfragmented forests will result in protection of the tree species identified, therefore it is unnecessary to identify those species by name;
- Because of the logging history on east Vancouver Island and the Gulf Islands, the concept of “undisturbed” forest is open to interpretation and therefore not recommended; and
- There is a recognized methodology for assessing ecological integrity, so its inclusion has a specific meaning that can be understood by biologists who may advise on policy/regulatory approaches to maintaining and restoring ecological integrity.

The effect of this policy is that:

- Where an LTC or island municipality bylaw amendment would authorize new/additional development within an unfragmented forest area, the LTC or island municipality would be expected to demonstrate to EC the impact of the proposed development on that forest ecosystem and how that forest ecosystem will be preserved and protected, and ideally maintained and restored;
- Where an LTC or island municipality is undertaking a comprehensive OCP update, the LTC or island municipality would be expected to demonstrate that it has mapped its forest ecosystems and unfragmented forests, and demonstrate the policy/regulatory approaches it is taking to preserve, protect, maintain and restore those forests.

The senior ecosystem biologist also suggested that Trust Council may wish to consider a specific policy to protect what have, until recently, been referred to as Garry oak and associated ecosystems, but which the Province now refers to as coastal oak and prairie ecosystems. The biologist notes that these ecosystems currently occupy less than five percent of their historic range, while simultaneously hosting the region's greatest terrestrial biodiversity, and are thus deserving of specific mention. A potential policy in this regard is as follows:

Coastal Oak and Prairie Ecosystems

Identify and prioritize the preservation, protection, restoration and management of coastal oak and prairie ecosystems.

The effect of this policy is that:

- Where an LTC or island municipality bylaw would authorize new/additional development within a coastal oak and prairie ecosystem, the LTC or island municipality would be expected to demonstrate to EC the impact of the proposed development and how that ecosystem will be preserved and protected;
- Where an LTC or island municipality is undertaking a comprehensive OCP update, the LTC or island municipality would be expected to demonstrate that it has mapped the coastal oak and prairie ecosystems on the island, and demonstrate the policy/regulatory approaches it is taking to preserve and protect that ecosystem.

Because of the long history of Indigenous stewardship of the coastal oak and prairie ecosystem, the senior ecosystem biologist suggested that the policy include “support for Indigenous-led management.” Staff do not recommend this as a directive policy at the present time as most of the land in the Islands Trust Area is in private ownership and it would be problematic for Islands Trust to impose access to private property by a specific group. However, it would be appropriate as an advisory policy that demonstrates support for the concept and enable LTCs and IMs to pursue such initiatives if and when opportunities arise.

The recommended advisory policy is as follows:

Local Trust Committees and Island Municipalities should . . .

Indigenous Ecosystem Management

Through engagement with Indigenous Governing Bodies, identify and pursue opportunities for traditional forms of ecosystem management by Indigenous Peoples.

OTHER POLICY REVISIONS

See redline version of the Policy Statement attached as item 5.4 in the December 12, COtW agenda package for the following text changes previously requested by COtW and incorporated into the document:

September 25, 2024 Committee of the Whole

TC-COW-2024-011

that the Committee of the Whole recommend that the first sentence in each objective description box be removed (for example “This objective advances principle 2.1.2”) because it is not necessary to link each objective to only one “Guiding Principles and Priorities”

TC-COW-2024-012

that the Committee of the Whole recommend that Part 3 title be changed to read Objectives, Directive and Advisory Policies.

TC-COW-2014-015

that the Committee of the Whole recommend that staff add Western redcedar after Coastal Douglas-fir in Draft Policy Statement Section 3.3.3.

TC-COW-2014-016

that the Committee of the Whole recommend that staff replace the word “maintain” the with word “sustain” in Draft Policy Statement Section 3.3.1.

October 3, 2024 Committee of the Whole

TC-COW-2024-018

that Committee of the Whole recommend to Trust Council that the first sentence in directive policy 3.4.1 of the draft Policy Statement replace the word “compact” with the word “clustered” and that the second bullet be struck out and third bullet be moved to 3.4.3.

DEFEATED

TC-COW-2024-019

to divide the above motion at “and third bullet be moved to 3.4.3.”

CARRIED

TC-COW-2024-020

that Committee of the Whole recommend to Executive Committee Policy 3.4.1 be amended to read: “Consider site capabilities, environmental and protected areas, and existing development patterns when

determining the land use designation and appropriate locations and intensities of various uses of the land”.

TC-COW-2024-021

that Committee of the Whole recommend to Executive Committee that Policy 3.4.2 Density Limits - Establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, and is compatible with preservation and protection of the Trust Area and its unique amenities and environment be amended to read: “Manage community growth and its associated impacts by directing high density residential and mixed use development into appropriate locations, to prevent sprawl and relieve growth pressure in the surrounding rural areas, and to help safeguard protected area networks.”

TC-COW-2024-022

to amend the motion by adding the word “sustainable” after the word “manage”, and changing the words “high density” to “appropriate density limits for”.

DEFEATED

TC-COW-2024-023

It was MOVED by Trustee Luckham, and SECONDED by Trustee Evans, that the motion be amended to remove the words “high density”.

CARRIED

The question on the following motion, as amended, was then called:

that Committee of the Whole recommends to Executive Committee that Policy 3.4.2 Density Limits - Establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, and is compatible with preservation and protection of the Trust Area and its unique amenities and environment be amended to read: “Manage community growth and its associated impacts by directing residential and mixed use development into appropriate locations, to prevent sprawl and relieve growth pressure in the surrounding rural areas, and to help safeguard protected area networks.”

CARRIED

November 6, 2024 Committee of the Whole

By general consent Committee of the Whole request staff attend to outdoor recreation in item 3.4.4 by adding words “and outdoor recreation” after recreational facilities and services.

By general consent Committee of the Whole recommend staff add words “and encourage adoption of” after “Identify” in item 3.4.5.

TC-COW-2024-026

that Committee of the Whole request staff strike words after “diverse and affordable housing” in item 3.4.8.



ISLANDS TRUST POLICY STATEMENT

Planning in the Islands Trust is ... complicated by processes which are complex and extended, by over-lapping jurisdictions, by the infusion of a high degree of political input, by the nature of the Trust Area itself, and by a lack or inappropriateness of regulatory tools and authority to carry out the ["preserve and protect" legislative objective]. – Diana Butler (2002)²⁹

The present version of the Islands Trust Policy Statement³⁰ does not include any specific policies on tourism, tourism management, or tourism development. However, there are statements in several policy areas which relate, at least indirectly, to tourism. These include:

- Part III - Ecosystem Preservation and Protection (maintenance of common pool natural heritage resources that are also highly valued in both automobile touring and adventure tourist markets);
- Part V, 5.1 - Aesthetic Qualities (maintenance of common pool scenic resources, although wood burning (discouraged in 5.1.4) could add to the Islands “local character” in the eyes and noses of many visitors);
- Part V, 5.2 - Growth and Development (general compatibility requirement of new development with the preservation and protection of the islands’ environment, amenities, and community character);
- Part V, 5.6 - Cultural and Natural Heritage (maintenance of common pool heritage resources that can add value to tourism);
- Part V, 5.5 - Recreation (compatibility and appropriateness of development);
- Part V, 5.5.2 & 5.5.3- Recreation (specific injunction against “**destination**” gaming facilities); and
- Part V, 5.7 - Economic Opportunities (compatibility of development).

Tourism is cited along with population growth in the introductory chapter of the Policy Statement bylaw document as one of the two current sources of “extreme pressure” in the trust area. This extreme pressure, the pressure for development of the trust area for human use and occupation, is only expected to increase, intensify, and accelerate in the future.

Model Language

At a minimum, based on the situational analysis and the consensus of views found at the forum, the Islands Trust Policy Statement should be amended by inserting the words “and tourism” after the word “economic” throughout section **5.7**

Economic Opportunities of the bylaw. The entire text of this section would then read as follows.

5.7 Economic and Tourism Opportunities

Commitment of Trust Council

5.7.1 Trust Council holds that economic and tourism opportunities should be compatible with the conservation of resources and the protection of community character.

Directive Policy

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic and tourism opportunities that are compatible with conservation of resources and protection of community character.

Policy Responses to Forum Top Issues

The six consensus issues³¹ that emerged at the Island Forum 2006 Tourism conference form a basis around which trust council can frame policy statements and adopt by amendment into appropriate sections of the Islands Trust Policy Statement bylaw. Some examples follow.

- Issue:
Proactive community visioning, planning with regulatory and market based controls and incentives, including a long term strategy.

Commitment:

Trust Council holds that the Trust Area tourism economy should be strategically planned with a long range vision of community sustainability as an underlying planning principle.

Directive:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address polices that manage tourist uses of land and critical natural resources consistent with community needs and vision.

- Issue:
Retain authentic rural communities, responding to community needs, residential based community, community values as a starting point, non-resident ownership, community integrity, diverse community.

Commitment:

Trust Council holds the Trust Area tourism economy should respect and celebrate the unique rural values and character of each Local Trust Area.

- Issue:
Research, education, awareness, inventory and indicators to understand what tourism means to the island.

Commitment:

Trust Council holds the Trust Area tourism economy planning should be based on scientific research and data collection and should incorporate

community awareness and education programs as part of the planning process.

- Issues:

Low impact green tourism is the goal, concern regarding high impact activities (dirt bikes ATVs, seadoos, jet skis, etc) noise disruption to wildlife, peace, and quiet.

Degradation of natural environment, carrying capacity, overstressed ecosystems, pollution of noise air and water.

Commitment:

Trust Council holds the Trust Area tourism economy should be low impact, sustainable, and have measurable benefit for the Trust Area and the Local Trust Area communities.

- Issue:

Opportunity to support First Nations cultural ecotourism.

Commitment:

Trust Council supports First Nations tourism economy initiatives within the Trust Area boundaries.

Trust Council supports First Nations cultural tourism and eco-tourism enterprise within the Trust Area boundaries.



REQUEST FOR DECISION

To: Committee of the Whole **For the Meeting of:** December 12, 2024
From: Trust Area Services **Date Prepared:** November 28, 2024
SUBJECT: **Policy Statement Amendment Project – Indigenous Harvesting and Hunting Areas Policies**

RECOMMENDATIONS:

- 1) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.2.1 to read as follows:

Indigenous Cultural Heritage Sites

Minimize potential negative impacts to Indigenous cultural heritage sites including, but not limited to, known village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, pictographs, and known (registered), unregistered, or newly discovered archaeological sites.

- 2) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.2.2 to read as follows:

Indigenous Marine Harvesting Areas

Minimize potential negative impacts to known marine harvesting areas used by Indigenous Peoples including, but not limited to, fish weirs and clam gardens.

- 3) That Committee of the Whole recommends that Trust Council add a new proposed Directive Policy 3.2.3 to read as follows:

Indigenous Harvesting and Hunting Areas

Minimize potential negative impacts to known land-based harvesting and hunting areas used by Indigenous Peoples.

- 4) That Committee of the Whole recommends that Trust Council add a new proposed Advisory Policy 3.2.4 to read as follows:

Indigenous Harvesting and Hunting Areas Access

Through engagement with Indigenous Governing Bodies, identify and pursue opportunities to improve access by Indigenous people to marine and land-based harvesting and hunting areas.

DIRECTOR COMMENTS: The recommendations respond to previous requests/recommendations of Committee of the Whole. As requested by Committee of the Whole, staff met with Trustees Fast and Gedye regarding deferred COtW motion 2024-024 (see below) and have developed the four recommendations after subsequent internal discussions.

1 PURPOSE: To provide Committee of the Whole with recommendations about Policy Statement policies concerning impacts to harvesting and hunting areas used by Indigenous Peoples and access to those areas.

2 BACKGROUND:

At its November 6, 2024 meeting, Committee of the Whole made the following decision:

By general consent Committee of the Whole defers motion TC-COW-2024-025 to the next meeting and requests staff work with Trustees Fast and Gedye to review the language in motion TC-COW-2024-024.

Deferred motion TC-COW-2024-024 says:

That Committee of the Whole recommends that Executive Committee direct staff to add a new directive policy "Ensure that the negative impacts of development on Indigenous cultural heritage, harvesting and hunting areas is minimal.

Deferred motion TC-COW-2024-025 says:

That Committee of the Whole request staff to come back with suggestions regarding ensuring access for Indigenous peoples.

The policy proposed in resolution TC-COW-2024-024 was proposed to be included under Policy Statement Objective 4, Managing Growth and Development.

The decision to defer resolution TC-COW-2024-025 was based on Trustees Gedye and Fast expressing their interest in policy options for facilitating better access to hunting and harvesting areas by Indigenous people.

Staff met with Trustees Gedye and Fast, and with Islands Trust Senior Intergovernmental Policy Advisor, and recommend the revisions listed above and discussed in Appendix 1.

3 IMPLICATIONS OF RECOMMENDATIONS

ORGANIZATIONAL: N/A

FINANCIAL: N/A

POLICY: Would result in changes to the draft new Policy Statement.

IMPLEMENTATION/COMMUNICATIONS: Revisions recommended by Committee of the Whole will be presented to Trust Council for consideration.

FIRST NATIONS RELATIONS: See Appendix 1 for analysis

OTHER: N/A

4 RELEVANT POLICY(S): [Policy Statement Amendment Policy](#)
[Policy Statement Implementation Policy](#)

5 ATTACHMENT(S):

1) Policy Options for Access to Harvesting and Hunting Areas by Indigenous Peoples

RESPONSE OPTIONS

Recommendations:

- 1) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.2.1 to read as follows:

Indigenous Cultural Heritage Sites

Minimize potential negative impacts to Indigenous cultural heritage sites including, but not limited to, known village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, pictographs, and known (registered), unregistered, or newly discovered archaeological sites.

- 2) That Committee of the Whole recommends that Trust Council revise proposed Directive Policy 3.2.2 to read as follows:

Indigenous Marine Harvesting Areas

Minimize potential negative impacts to known marine harvesting areas used by Indigenous Peoples including, but not limited to, fish weirs and clam gardens.

- 3) That Committee of the Whole recommends that Trust Council add a new proposed Directive Policy 3.2.3 to read as follows:

Indigenous Harvesting and Hunting Areas

Minimize potential negative impacts to known land-based harvesting and hunting areas used by Indigenous Peoples.

- 4) That Committee of the Whole recommends that Trust Council add a new proposed Advisory Policy 3.2.4 to read as follows:

Indigenous Harvesting and Hunting Areas Access

Through engagement with Indigenous Governing Bodies, identify and pursue opportunities to improve access by Indigenous people to marine and land-based harvesting and hunting areas.

Alternatives:

- 1) In discussion with Trustees Gedye and Fast, the following additional directive policy was considered. However, further assessment by senior staff determined that its implementation would be problematic and the intent would be better served by an advisory policy (recommendation 4 above). It is nonetheless included here for trustees consideration:

That Committee of the Whole recommends that Trust Council add a new proposed Directive Policy 3.2.4 to read as follows:

Indigenous Harvesting and Hunting Areas Access

Identify and protect areas providing safe access for Indigenous People to marine and land-based harvesting and hunting areas.

- 2) Committee of the Whole may recommend further changes to the proposed recommendations or propose alternate revisions.

Prepared By: Senior Policy Advisor

Reviewed By/Date: Director, Trust Area Services/November 29, 2024

Policy Options for Access to Harvesting and Hunting Areas by Indigenous Peoples

Cross-reference with current draft Policy Statement [here](#).

General
Rather than adding a policy(s) about protecting sites and areas important to Indigenous Peoples to the “Objective 4 - Managing Growth and Development” section of the draft Policy Statement, staff recommend that these policies are contained under “Objective 2 – Preserving and Protecting Indigenous Cultural Heritage and Culturally Significant Areas, Sites and Species.”
Rationale
This is more for document structure reasons than anything else. Locating these policies under Objective 2 does not diminish the requirement for local trust committees and island municipalities (LTCs and IMs) to ensure these policies are addressed in their bylaws.

Revise existing Directive Policy 3.2.1 as follows:
From:
<p>Indigenous Cultural Heritage Sites <i>Address potential impacts to Indigenous cultural heritage sites including, but not limited to, known village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, pictographs, and known (registered), unregistered, or newly discovered archaeological sites.</i></p>
To:
<p>Indigenous Cultural Heritage Sites Address potential impacts Minimize potential negative impacts to Indigenous cultural heritage sites including, but not limited to, known village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, pictographs, and known (registered), unregistered, or newly discovered archaeological sites.</p>
Rationale
“Minimize” provides more specific direction about what Executive Committee expects LTCs and IMs to do.
Presumably, it is negative impacts we seek to avoid.
Effect
The effect of this policy is that when an LTC or IM bylaw is submitted to EC for approval:
<ul style="list-style-type: none"> • At the site scale, as part of a development application, the LTC or IM should be able to demonstrate that the subject lot is not in a cultural heritage site. If it is in a cultural heritage site, it should be able to demonstrate what mitigating measures are being employed to minimize potential negative impacts. • At the island scale, as part of an official community plan or land use bylaw (OCP or LUB) update, the LTC or IM should be able to demonstrate that it has made efforts to learn where

cultural heritage sites are located and that steps to mitigate potential negative impacts to these areas as a result of island-scale policy or regulatory changes are being taken.

Bylaw referrals as required under proposed policy 3.1.1 will enable Indigenous Governing Bodies (IGBs) to provide information which may help LTCs and IMs make decisions consistent with proposed Policy 3.2.1.

Revise existing Directive Policy 3.2.2 as follows:

From:

Indigenous Harvesting Areas

Address potential impacts to known Indigenous harvesting areas on land and marine foreshores, including, but not limited to, fish weirs and clam gardens.

To:

Indigenous Marine Harvesting Areas

~~Address potential impacts~~ Minimize potential **negative** impacts to known marine harvesting areas used by Indigenous Peoples including, but not limited to, fish weirs and clam gardens.

Rationale

Trustees Gedye and Fast suggested breaking marine harvesting and terrestrial hunting areas into two separate policies.

Effect

The effect of this policy is that when an LTC or IM bylaw is submitted to EC for approval:

- At the site scale, as part of a development application, the LTC or IM should be able to demonstrate that it has considered the potential negative impacts of the proposed bylaw change on a marine harvesting area(s). If potential negative impacts have been identified, it should be able to demonstrate what mitigating measures are being employed to minimize those impacts.
- At the island scale, as part of an OCP or LUB update, the LTC or IM should be able to demonstrate that it has made efforts to learn where marine harvesting areas are located and that steps to mitigate potential negative impacts to these areas as a result of island-scale policy or regulatory changes are being taken.

With a few exceptions, such as Tsawout First Nation's [Marine Use Study](#), Islands Trust as an organization knows very little about how Indigenous people today use the marine foreshore and island areas for harvesting and hunting. In some cases those Nations may be happy to share this information, in others it may be information that they do not want widely publicized. As Island Trust deepens its relationship with Indigenous Governing Bodies, the Trust will learn more. Bylaw referrals as required under proposed policy 3.1.1 will enable IGBs to provide information which may help LTCs make decisions that achieve proposed Policy 3.2.2.

Add a new Directive Policy 3.2.3 as follows:
<p>Indigenous Harvesting and Hunting Areas <i>Minimize potential negative impacts to known land-based harvesting and hunting areas used by Indigenous Peoples.</i></p>
Rationale
Trustees Gedye and Fast suggested breaking marine harvesting and terrestrial hunting areas into two separate policies.
Effect
<p>The effect of this policy is that when an LTC or IM bylaw is submitted to EC for approval:</p> <ul style="list-style-type: none"> • At the site scale, as part of a development application, the LTC or IM should be able to demonstrate that it has considered the potential negative impacts of the proposed bylaw change on a terrestrial harvesting and/or hunting area(s). If potential negative impacts have been identified, it should be able to demonstrate what mitigating measures are being employed to minimize those impacts. • At the island scale, as part of an OCP or LUB update, the LTC or IM should be able to demonstrate that it has made efforts to learn where terrestrial harvesting and hunting areas are located and that steps to mitigate potential negative impacts to these areas as a result of island-scale policy or regulatory changes are being taken. <p>With a few exceptions, such as Tsawout First Nation’s Marine Use Study, Islands Trust as an organization knows very little about how Indigenous people today use the marine foreshore and island areas for harvesting and hunting. In some cases Indigenous Governing Bodies may be happy to share this information, in others it may be information that they do not want widely publicized. As Island Trust deepens its relationship with Indigenous Governing Bodies, the Trust will learn more. Bylaw referrals as required under proposed policy 3.1.1 will enable IGBs to provide information which may help LTCs make decisions that achieve proposed Policy 3.2.3.</p>

Add a new Advisory Policy 3.2.4 as follows:
<p>Indigenous Harvesting and Hunting Areas Access <i>Through engagement with Indigenous Governing Bodies, identify and pursue opportunities to improve access by Indigenous people to marine and land-based harvesting and hunting areas.</i></p>
Rationale
Trustees Gedye and Fast expressed an interest in addressing access to harvesting and hunting areas by Indigenous people in the Policy Statement.
Staff are suggesting this be an advisory, rather than directive, policy because of the complexities of trying to pursue new or enhanced access that may prioritize Indigenous people specifically. It is not impossible, but would be a difficult standard to which to hold LTCs or IMs during the bylaw development and review process.
Effect

This policy is largely symbolic, demonstrating that Islands Trust supports traditional Indigenous uses on the islands and that the organization wishes to build a relationship to help facilitate that.

Opportunities for LTCs or IMs to use their Part 14 land use planning powers to improve access by Indigenous people to their harvesting and hunting areas will be rare. But trustees may find it helpful to have this policy if and when opportunities do emerge.



Islands Trust

DRAFT for COMMITTEE OF THE WHOLE/TRUST COUNCIL

Islands Trust Policy Statement

Draft Bylaw No. 183

November 29, 2024

Proposed Revisions by Committee of the Whole made September 25, October 3,
and November 6, 2024

For Committee of the Whole meeting of December 12, 2024

Acknowledgement

Islands Trust Council respectfully acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial and that their relationship to these lands and waters continues to this day. Islands Trust Council acknowledges that residential schools, forced removal, and colonial laws and restrictions of Indigenous governance and cultural practices have displaced and dispossessed Coast Salish peoples and disrupted their relationships with the islands and waters of the Salish Sea. Islands Trust Council is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

The Islands Trust Area is located within Coast Salish Territory, in the treaty lands and territories of:

- **BOKÉĆEN** (Pauquachin) First Nation
- **K'ómoks** (Comox) First Nation
- **MÁLEXEL** (Malahat) First Nation
- **Qualicum** First Nation
- Quw'utsun Nation (comprised of **Cowichan Tribes**, **Xeláltxw** (Halalt) First Nation, **Lyackson** First Nation, **Spune'luxutth'** (Penelakut Tribe) and **Stz'uminus** (Chemainus) First Nation
- **scəwáθən** (Tsawwassen) First Nation
- **səlilwətał** (Tsleil-Waututh) First Nation
- **SEMYOME** (Semiahmoo) First Nation
- **shíshálh** (Sechelt) Nation
- **Skw̓wú7mesh** (Squamish) First Nation
- **Snaw-naw-as** (Nanoose) First Nation
- **Snuneymuxw** (Nanaimo) First Nation
- **Songhees** First Nation
- **SṪÁUTW** (Tsawout) First Nation
- **łaʔəmen** (Tla'amin) First Nation
- **Ts'uubaa-asatx** (Lake Cowichan) First Nation
- **Wei Wai Kum** (Campbell River) First Nation
- **We Wai Kai** (Cape Mudge) First Nation
- **W JOŁEŁP** (Tsartlip) First Nation
- **W SIKEM** (Tseycum) First Nation
- **Xwémalhkwu** (Homalco) First Nation
- **Xwsepsum** (Esquimalt) First Nation
- **xʷməθkʷəy̓əm** (Musqueam) First Nation

Contents

Acknowledgement	2
Part 1 – The Islands Trust Act	4
1.1 – The Islands Trust Object	4
1.2 – Map of the Islands Trust Area	4
1.3 – Indigenous Inherent Rights Acknowledgment	5
1.4 – Purpose and Structure of the Policy Statement	5
Part 2 – Guiding Principles and Priorities	6
2.1 – Guiding Principles and Priorities	6
2.2 – Coordination Principles	7
2.3 – Reconciliation Principles	8
Part 3 – Objectives and Directive Policies	9
3.1 – Objective 1: Advancing Reconciliation	9
3.2 – Objective 2: Preserving and Protecting Indigenous Cultural Heritage and Culturally Significant Areas, Sites, and Species	10
3.3 – Objective 3: Preserving and Protecting Healthy and Biodiverse Ecosystems	11
3.4 – Objective 4: Fostering Sustainable, Inclusive, and Resilient Communities	12
3.5 – Objective 5: Fostering Sustainable Stewardship of Lands and Waters	15
Part 4 – Implementation	18
4.1 – Policy Statement Implementation	18
4.2 – Policy Statement Amendments	18
Glossary	20

Part 1: The Islands Trust Act

In 1974, the Government of British Columbia established the *Islands Trust Act* to preserve and protect the Trust Area and its unique amenities and environment against unrestrained growth and development. The Act establishes Islands Trust as a special-purpose provincial government agency equipped with a suite of land use planning powers and a conservation-oriented mandate to preserve and protect the region in cooperation with others. This unique governmental mandate was defined in Section 3 of the *Islands Trust Act* and is commonly referred to as the “Islands Trust Object”:

1.1 – The Islands Trust Object

“**The object of the trust** is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.” (Section 3, *Islands Trust Act*)

1.2 – Map of the Islands Trust Area



NOTE: This map is a placeholder only. A new map of the Islands Trust Area will be created, identifying the boundaries of each local trust area and island municipality, and will include a legend, scale and recognition of the Indigenous Nations within whose territory Islands Trust operates

1.3 – Indigenous Inherent Rights Acknowledgment

Islands Trust Council respectfully acknowledges Indigenous inherent rights as protected under section 35 of the Constitution Act, 1982. Islands Trust Council respectfully acknowledges Indigenous rights to self-governance and the expressed interest of Indigenous Governing Bodies in working toward co-governance of the Islands Trust Area.

Given the *Declaration on the Rights of Indigenous Peoples Act* and the evolving legislative landscape in British Columbia, this bylaw serves as a starting point for improved cooperation with Indigenous Governing Bodies. Islands Trust Council commits to an ongoing effort to co-develop planning and land use management processes with Indigenous Governing Bodies within the Islands Trust Area and acknowledges that this document does not serve as an endpoint. Islands Trust Council will be informed by the United Nations Declaration on the Rights of Indigenous Peoples as a framework for its approach to reconciliation.

1.4 – Purpose and Structure of the Policy Statement

Communications, Engagement, and Referrals:

Section 15 of the *Islands Trust Act* states that Trust Council must adopt, by bylaw, an Islands Trust Policy Statement that applies to the Islands Trust Area as a whole. The Act specifies that the Policy Statement must be a general statement of the policies of Trust Council to carry out the Islands Trust Object, that it may establish different policies for different parts of the Islands Trust Area, and that it must be approved by the provincial Minister responsible for Islands Trust prior to adoption.

The Islands Trust Council is responsible for establishing and amending the Policy Statement, which in turn guides the development of more specific official community plans and regulatory bylaws by local trust committees and island municipalities across the region. The Act stipulates that official community plans and bylaws submitted to Executive Committee or Trust Council must not be approved if they are contrary to or at variance with the Policy Statement. This ensures that the Islands Trust Object is at the core of all planning and land use management decision-making in the Islands Trust Area.

The Policy Statement represents Trust Council's vision for the preservation and protection of the Islands Trust Area and its unique amenities and environment. It aspires to reflect the values and interests of island communities, Indigenous government bodies and Indigenous Peoples, partner agencies, and all British Columbians, as well as the silent voices of island ecosystems, species at risk, and future generations.

Three Types of Policies in the Policy Statement:

1. **Guiding Principles** (as listed in Part 2 of the Policy Statement) are intended to establish general commitments of Trust Council that centre the Islands Trust Object in all daily decision-making across the Islands Trust Area by Islands Trust bodies that are bound by the Policy Statement.
2. **Directive Policies** (as listed in Part 3 of the Policy Statement) are policies that:
 - local trust committees must address in the development of official community plans and/or regulatory bylaws, and amendments to those documents where relevant; and
 - island municipalities must address in the development of an official community plan, and amendments to that document where relevant.

These are policies integral to carrying out the Islands Trust object.

3. **Advisory Policies** (as listed in Part 3 of the Policy Statement) are policies expressing select goals of Trust Council, that local trust committees and island municipalities are advised to address in the development of official community plans, bylaws, and in discretionary land use decisions. Advisory policies are not intended to constitute a basis for Executive Committee or Trust Council review of local trust committee or island municipality bylaws, or for potential rejection of such bylaws.

All of the policies contained within the Policy Statement are interconnected and interrelate to each other in multiple ways. Therefore, the document should always be considered in its entirety to interpret its intended meaning and vision.

The policies in Part 3 have been included as they are considered by Trust Council to be important for preservation and protection of the Trust Area and its unique amenities and environment.

Part 2: Guiding Principles

In its decision making, Trust Council shall be guided by the following guiding principles:

2.1– General Guiding Principles

In its efforts to carry out the Islands Trust Object, Trust Council commits to the following set of shared principles and priorities to guide daily planning and decision making by all bodies across the Islands Trust Area:

Trust Council commits to be guided by the following principles in its efforts to advance the Islands Trust Object:

Guiding Principles and Priorities:	
2.1.1	Acknowledge and Respect Indigenous Rights To grow understanding of the history and legacy of colonialism in the Islands Trust Area, to acknowledge and respect the rights of Indigenous Peoples, and to work together with Indigenous Governing Bodies and Indigenous Knowledge Holders to preserve and protect culturally significant areas, sites, and species.
2.1.2	Prioritize Environmental and Indigenous Cultural Heritage Protection To place priority on preserving, protecting and restoring the environment, and preserving, protecting and supporting restoration of Indigenous cultural heritage in all decision making.
2.1.3	Limit the Rate and Scale of Development To define and maintain appropriate limits for the rate and scale of development in order to preserve and protect the Trust Area and its unique amenities and environment.
2.1.4	Foster Sustainable, Inclusive, and Resilient Communities To support planning and land use management decisions that foster sustainable, inclusive, and resilient communities, acknowledging the interdependencies between healthy communities and healthy ecosystems.
2.1.5	Take Guidance From the Precautionary Principle To be guided by the precautionary principle in all decision making to safeguard the environment and cultural heritage where there may be uncertainty over the threats of serious or irreversible damage from development.
2.1.6	Account for Cumulative Effects To strive to account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies, culturally sensitive areas and cultural heritage sites, and Islands Trust Area species and their habitats.
2.1.7	Foster Informed and Balanced Decision Making To be informed by a broad range of sources in its decision making processes, including the best available science, Indigenous Knowledge, and local community knowledge.

2.2 – Cooperation Principles

While Trust Council must provide the necessary leadership to carry out the Islands Trust Object, its mandate requires cooperation with partners who each have unique roles to play in preserving and protecting the region.

Trust Council commits to be guided by the following principles in its cooperation efforts to advance the Islands Trust Object:

Trust Council's Cooperation Principles:

2.2.1	<p>Collaborate with the Islands Trust Conservancy Board</p> <p>To collaborate closely with, and be informed by, the Islands Trust Conservancy Board, particularly in the areas of science-based conservation planning, ecosystem mapping, identification of core conservation areas and protected area networks, and protection of species and ecosystems at risk.</p>
2.2.2	<p>Work Towards Collaborative Governance with Indigenous Governing Bodies</p> <p>To work towards building strong relationships and foundations for collaborative governance with Indigenous Governing Bodies, including through the development of shared decision-making agreements under the <i>Declaration on the Rights of Indigenous Peoples Act</i>.</p>
2.2.3	<p>Work Towards Strategic Inter-Agency Coordination</p> <p>To work towards establishing effective inter-agency coordination mechanisms with different levels of government, academic institutions and organizations who have important roles to play in supporting the Islands Trust Object.</p>
2.2.4	<p>Work Towards Accessible and Inclusive Public Communications and Engagement</p> <p>To work towards accessible and inclusive public communications and engagement strategies that engage a wide range of Islands Trust Area residents, communities, local organizations, and British Columbians.</p>
2.2.5	<p>Provide Public Education Opportunities</p> <p>To provide education opportunities to Islands Trust Area residents, communities, local organizations, and visitors, highlighting tangible ways they can contribute to preserving and protecting the Trust Area and its unique amenities and environment, while respecting the confidentiality interests of Indigenous Peoples and Indigenous Governing Bodies.</p>

2.3 – Reconciliation Principles

Trust Council has declared its commitment to reconciliation with Indigenous Peoples of the Islands Trust Area, with the understanding that this commitment is a long-term relationship building and healing process.

Trust Council's Reconciliation Principles:

Trust Council will, to the extent that they engage its mandate to preserve and protect the Trust Area. . .

2.3.1	<p>Guidance from Truth and Reconciliation Commission</p> <p>Be informed by the 10 principles established by the Truth and Reconciliation Commission of Canada (TRC) .</p>
2.3.2	<p>Guidance from United Nations Declaration on the Rights of Indigenous Peoples</p> <p>Be informed by the articles established in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).</p>
2.3.3	<p>Guidance from Missing and Murdered Indigenous Women and Girls Calls for Justice</p> <p>Be informed by the principles for change used by the National Inquiry into Missing and Murdered Indigenous Women and Girls .</p>

Part 3: Objectives, and Directives and Advisory Policies

Objective 1:

Advancing Reconciliation

This objective advances Guiding Principle 2.1.1 [Acknowledge and Respect Indigenous Rights]. Trust Council is committed to reconciliation and to long-term healing and relationship building with Indigenous Governing Bodies and Indigenous Peoples across the region. The policies in this section aim to acknowledge the history and legacy of Indigenous Peoples in the area since time immemorial, to recognize and respect the interests of Indigenous Governing Bodies regarding planning and land use management decisions that impact their territories, and to build foundations for collaborative governance and shared decision making.

Directive Policies - Reconciliation

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

- | | |
|-------|--|
| 3.1.1 | Cooperate with Indigenous Governing Bodies
Engage with Indigenous Governing Bodies and provide a record of the engagement at time of bylaw submission. |
|-------|--|

Advisory Policies - Reconciliation

Local trust committees and island municipalities should . . .

- | | |
|-------|--|
| 3.1.2 | Cooperate with Indigenous Governing Bodies
Engage with Indigenous Governing Bodies on discretionary planning and land use management decisions that may have potential significant impacts on Indigenous Governing Bodies' territories or the ecological health of the Islands Trust Area. |
|-------|--|

Objective 2:

Preserving and Protecting Indigenous Cultural Heritage and Culturally Significant Areas, Sites, and Species

This objective advances Guiding Principle 2.1.2 [Prioritize Environmental and Indigenous Cultural Heritage Protection]. Trust Council recognizes Indigenous cultural heritage as a unique amenity in the Islands Trust Area that must be preserved, protected, and where possible, restored. The Islands Trust Area is home to many culturally significant areas, sites, and species of importance to present and future generations of Indigenous Peoples. This section lays out general types of Indigenous cultural heritage and culturally significant areas, sites, and species that should be identified and protected in each local planning area; this should be guided by Indigenous Peoples, Indigenous governing bodies and Indigenous Knowledge Holders and undertaken in a culturally sensitive manner that respects confidentiality protocols around the sharing of Indigenous Knowledge.

Directive Policies - Indigenous Cultural Heritage & Culturally Significant Areas, Sites and Species

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.2.1	<p>Indigenous Cultural Heritage Sites Address potential impacts to Indigenous cultural heritage sites including, but not limited to, known village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, and pictographs, and known (registered), unregistered, or newly discovered archaeological sites.</p>
3.2.2	<p>Indigenous Harvesting Areas Address potential impacts to known Indigenous harvesting areas on land and marine foreshores including, but not limited to, fish weirs and clam gardens.</p>

Advisory Policies - Indigenous Cultural Heritage & Culturally Significant Areas, Sites and Species

Local trust committees and island municipalities should . . .

3.2.3	<p>Indigenous Cultural Heritage Sites Through engagement with Indigenous Governing Bodies, identify and protect Indigenous cultural heritage sites including, but not limited to, village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, and pictographs, and known (registered), unregistered, or newly discovered archaeological sites.</p>
3.2.4	<p>Indigenous Harvesting Areas Through engagement with Indigenous Governing Bodies, identify and protect Indigenous harvesting areas on land and marine foreshores including, but not limited to, fish weirs, clam gardens, camas meadows, and other areas used for Indigenous hunting, fishing, trapping, and gathering of plants and medicines.</p>
3.2.5	<p>Other Culturally Significant Areas for Indigenous Peoples Through engagement with Indigenous Governing Bodies, identify and protect areas of importance for Indigenous cultural, spiritual, medicinal and ceremonial practices and gathering areas</p>
3.2.6	<p>Culturally Significant Species and Medicinal Plants Through engagement with Indigenous Governing Bodies, identify and protect and support restoration of culturally significant species and medicinal plants.</p>

Objective 3:

Preserving and Protecting Healthy and Biodiverse Ecosystems

This objective advances Principle 2.1.2 [Prioritize Environmental Protection]. Trust Council acknowledges that preserving and protecting the ecological integrity of the Islands Trust Area is essential to the Islands Trust Object and to supporting community well-being across the region. The policies in this section aim to identify and protect key ecosystem types and characteristics that safeguard biodiversity (excluding invasive species) and promote resilience to climate change.

Directive Policies - Ecosystem Integrity

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.3.1	<p>Protected Area Networks Identify, establish, and maintain<u>sustain</u> a network of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems in their planning area.</p>
3.3.2	<p>Sensitive Ecosystems Identify and prioritize the preservation, protection, and restoration of sensitive ecosystems in the Islands Trust Area, classified as the following ecosystem types: cliff; freshwater; herbaceous; old and mature forest; riparian; wetland; and woodland.</p>
3.3.3	<p>Forest Ecosystems Identify forest ecosystems and prioritize the preservation, protection, and restoration of unfragmented forest ecosystems, with particular focus on remaining stands of relatively undisturbed Coastal Douglas-fir, <u>Western redcedar</u>, Arbutus, Garry oak, and Coastal Western Hemlock and their associated ecosystems.</p>
3.3.4	<p>Watershed Ecosystems Identify and prioritize the preservation, protection, and restoration of watershed ecosystems, freshwater sources, and groundwater recharge areas.</p>
3.3.5	<p>Marine Shorelines and Nearshore Areas Identify and prioritize the preservation, protection, and restoration of eelgrass meadows, kelp forests, forage fish spawning areas, clam beds, estuaries, tidal salt marshes, mud flats, and coastal wetlands.</p>
3.3.6	<p>Critical Habitat for Species at Risk Identify and prioritize the preservation, protection, and restoration of critical habitat for species at risk.</p>
3.3.7	<p>Islets and Small Islands Identify and prioritize the preservation, protection, and restoration of relatively undisturbed islets and small islands.</p>

Objective 4:

Fostering Sustainable, Inclusive, and Resilient Communities

This objective advances Principle 2.1.2 [Limit the Rate and Scale of Growth and Development], and Principle 2.1.4 [Foster Sustainable, Inclusive, and Resilient Communities]. Trust Council recognizes that the Islands Trust Object is for the benefit of residents of the Islands Trust Area and all British Columbians, who in turn have a role in preserving and protecting this region. The policies in this section support the preservation and protection of unique island character and aim to foster sustainable, inclusive, and resilient island communities.

Directive Policies - Managing Growth and Development

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.4.1	<p>Sustainable Development Consider site capabilities, environmental and protected areas, and existing development patterns when determining the <u>land use designation and appropriate locations and intensities of various uses of the land</u>. Ensure development is compact, energy-efficient, and appropriately situated on the island and on the site in order to: reduce dependency on private automobile use, and support increased use of trail systems, public transportation, and active transportation be compatible with preservation and protection of the Trust Area and its unique amenities and environment, and limit impacts on Indigenous cultural heritage, harvesting and hunting areas.</p>
3.4.2	<p>Density Limits Establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, and is compatible with preservation and protection of the Trust Area and its unique amenities and environment Manage community growth and its associated impacts by directing residential and mixed use development into appropriate locations, to prevent sprawl and relieve growth pressures in the surrounding rural areas, and to help safeguard protected area networks.</p>
3.4.3	<p>Impacts of Development Consider the aesthetic, environmental, and social impacts of development.</p>
3.4.4	<p>Community Facilities and Services Ensure that each community's current and projected long-term needs for educational, institutional, community, health, cultural, and recreational facilities and services <u>and outdoor recreation</u> are considered and planned for.</p>
3.4.5	<p>Climate Change Mitigation and Adaptation Identify <u>and encourage adoption</u> of planning and land use management strategies, and consider nature-based solutions, to minimize greenhouse gas emissions, and adapt to climate change-related vulnerabilities.</p>
3.4.6	<p>Hazardous Areas Identify, with consideration of climate change, areas hazardous to development activities, including, but not limited to, areas subject to flooding, erosion, wildfire, or slope instability, and direct development away from such hazards.</p>
3.4.7	<p>Economic Activities Support economic activities that are compatible with preservation and protection of the Trust Area and its unique amenities, environment, and community character.</p>
3.4.8	<p>Community Heritage Sites Identify, preserve, protect, and support the restoration of community heritage sites.</p>

Directive Policies - Housing

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.4.9	Appropriate Locations for Densification Identify appropriate locations where density increases could support the development of safe, secure, diverse, and affordable housing while reducing dependency on private automobile use, and increasing use of trail systems, public transportation, and active transportation, and without adversely impacting the Trust Area and its unique amenities and environment.
3.4.10	Short-Term Rentals Identify and assess the impacts of short-term rentals of dwellings on the availability of safe, secure, and affordable housing and, where necessary, regulate and limit the number of short-term rentals accordingly.
3.4.11	Floor Area and Lot Coverage Limits Determine appropriate floor area and lot coverage limits for residential development to minimize greenhouse gas emissions and cumulative impacts to the Trust Area and its unique amenities and environment, including impacts on agricultural land.
3.4.12	Housing Diversity Support housing agreements for affordable housing, and special needs housing.

Advisory Policies - Housing

Local trust committees and island municipalities should...

3.4.13	Housing Options Support a range of housing types and tenures, including rentals, co-operatives and other alternatives to fee-simple ownership.
--------	--

Directive Policies - Transportation

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.4.14	Public and Active Transportation Networks Identify and establish appropriately situated, safe, comfortable, and equitable transportation networks, both on the islands and to the islands that reduce dependency on private automobile use, encourage electric vehicles, and support increased use of trail systems, public transportation, and active transportation.
3.4.15	Rural Roadways Identify and protect rural roadways, including scenic and/or heritage roads.

Advisory Policies - Transportation

Local trust committees and island municipalities should...

3.4.16	Road Systems Ensure that road location, design, construction, and road systems are compatible with preservation and protection of the Trust Area and its unique amenities and environment.
--------	--

Directive Policies - Waste

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.4.17	<p>Disposal of Waste Identify appropriate locations for waste transfer stations for the removal of waste from the Islands Trust Area on islands with vehicle ferry service that are compatible with the preservation and protection of the Trust Area and its unique amenities and environment.</p>
3.4.18	<p>Septic Systems Establish requirements for the location and siting of new septic systems to mitigate adverse impacts on the Trust Area and its unique amenities and environment, including Indigenous Peoples' cultural heritage sites and marine harvesting areas.</p>

Directive Policies - Recreation

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.4.19	<p>Preservation of Natural Heritage Identify, preserve, protect, and support the restoration of natural heritage sites.</p>
3.4.20	<p>Location and Types of Recreational Facilities Identify appropriate locations and types of facilities for low-impact and active recreational activities, and discourage high-impact recreational facilities that may adversely impact the preservation and protection of the Trust Area and its unique amenities and environment.</p>
3.4.21	<p>Access to Recreational Facilities Identify appropriate locations, types, and safe public access to recreational facilities</p>
3.4.22	<p>Access to Community Marinas, Boat Launches, and Docks. Identify safe public access to community marinas, boat launches, and docks.</p>
3.4.23	<p>Access to Anchorages Identify appropriate and safe small-craft anchorage public-access locations.</p>
3.4.24	<p>Trail Systems Identify appropriate locations, types, and safe public access to public pedestrian, equestrian and bicycle trail systems to support active recreation that is compatible with preservation and protection of the Trust Area and its unique amenities and environment.</p>
3.4.25	<p>Public Shoreline Access Identify and protect areas providing safe public access to marine shorelines and along marine shorelines that are appropriate for low-impact, public recreational use and do not adversely impact the Trust Area and its unique amenities and environment.</p>
3.4.26	<p>Destination Gaming Facilities Prohibit destination gaming facilities such as casinos and commercial bingo halls.</p>

Objective 5:

Fostering Sustainable Stewardship of Lands and Waters

This objective advances Principle 2.1.3 [Limit the Rate and Scale of Growth and Development] and Principle 2.1.2 [Prioritize Environmental and Indigenous Cultural Heritage Protection]. Trust Council recognizes that sustainable use of lands and waters in the Islands Trust Area is important to the long-term well-being and resilience of ecosystems in the Islands Trust Area and the communities that depend on them. This section lays out policies for sustainable land and water use that support the long-term health of ecosystems and sustainability of freshwater.

Directive Policies - Freshwater

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.5.1	<p>Freshwater Sustainability Ensure that neither the density, nor intensity of land use is increased in watersheds where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable.</p>
3.5.2	<p>Freshwater Demand and Supply Projections Ensure that existing, anticipated, and seasonal water demand and water availability are considered.</p>
3.5.3	<p>Freshwater Self-Sufficiency Ensure that islands are self-sufficient in their supply of freshwater.</p>

Advisory Policies - Freshwater

Local trust committees and island municipalities should ...

3.5.4	<p>Freshwater Quality Ensure that freshwater quality is maintained or remediated.</p>
3.5.5	<p>Freshwater Uses Strive to ensure that freshwater use is not to the detriment of other uses of the waterway such as fish and fish habitat uses, Indigenous cultural and spiritual uses, aesthetic and recreational uses, and the maintenance of water quality in lakes, streams, and wetlands.</p>

Directive Policies - Forest Lands

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.5.6	<p>Forest Lands for Sustainable Management Maintain large land holdings and parcel sizes to support sustainable forest management practices that are compatible with preservation and protection of the Trust Area and its unique amenities and environment.</p>
3.5.7	<p>Forest Lands and Road Systems Consider siting of roads and utility corridors to minimize the fragmentation of forest lands.</p>
3.5.8	<p>Forest Lands and Wildfire Risk Management Identify planning and land use management strategies that mitigate wildfire risk and that are appropriate to the unique biogeoclimatic zones and settlement patterns of each local planning area.</p>

Directive Policies - Agricultural Lands

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.5.9	Protection of Agricultural Lands Identify and protect agricultural lands for current and future use consistent with the Agricultural Land Commission Act and its regulations for agricultural land within the Agricultural Land Reserve while considering downstream impacts, wildlife habitat, and adjacent properties.
3.5.10	Agriculture and Adjacent Properties Minimize any adverse impacts of land uses from adjacent properties on agricultural lands.
3.5.11	Agriculture and Road Systems Consider siting of roads and utility corridors to minimize fragmentation of agricultural lands.
3.5.12	Economic Viability of Farms Consider land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land or adversely impacting the Trust Area and its unique amenities and environment.

Advisory Policies - Agricultural Lands

Local trust committees and island municipalities should ...

3.5.13	Sustainable Agriculture Preserve, protect, and encourage sustainable farming and the sustainability of farming.
--------	---

Directive Policies - Soil and Fill

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.5.14	Soil Removal and Deposit Foster the preservation, protection, and restoration of soils in the Islands Trust Area.
3.5.15	Soil and Fill from Middens and Foreshore Areas of Cultural Significance Prohibit alteration, removal or excavation of soil or fill from middens or foreshore areas identified as culturally significant areas.

Directive Policies - Marine Shorelands

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.5.16	Aquaculture Tenures Direct commercial aquaculture tenures to appropriate locations that will not adversely impact areas of cultural, spiritual, archaeological, medicinal or recreational significance, or established or designated upland land uses, anchorages or moorages.
--------	--

3.5.17	Setbacks from the Sea Consider the current and anticipated impacts of sea level rise and storm surge, and determine appropriate shoreline buffers and setbacks from the sea, taking into account best practices recommended by the federal and provincial governments.
3.5.18	Soft Shoreline Protections Consider and foster soft shoreline approaches first, such as those identified by the “Green Shores” program, to set requirements for shoreline preservation, and to mitigate erosion of shoreline and foreshore cultural heritage sites.
3.5.19	Marinas Identify requirements for the location, size, and nature of marinas that are compatible with preservation and protection of the Trust Area and its unique amenities and environment.
3.5.20	Sharing of Coastal Facilities Identify opportunities for the sharing of coastal facilities such as docks, wharves, floats, jetties, boat houses, board walks, and causeways.
3.5.21	Private Docks Limit or prohibit new private docks in areas identified as culturally significant by Indigenous Governing Bodies and Indigenous Knowledge Holders, in areas that provide critical habitat for species at risk, and in areas of recreational significance; and consider the cumulative effects of docks.

Directive Policies - Emissions

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.5.22	Emissions to Air, Land, and Water Regulate land use and development to reduce detrimental emissions, including greenhouse gas emissions, to air, land, and water.
--------	---

Part 4: Implementation

4.1 – Policy Statement Implementation

Statutory Bylaw Approval Process:

The main implementation mechanism to ensure that the Policy Statement is implemented in local planning and land use management decision making is the statutory bylaw referral process, as stipulated in the *Islands Trust Act*.

Local Trust Committees: Under Section 27 (1) of the *Islands Trust Act*, a local trust committee must submit its bylaws to Executive Committee for approval before adoption. If Executive Committee returns a bylaw with requested changes or refuses to approve a bylaw, the local trust committee may refer the bylaw to Trust Council for approval. A bylaw has no effect until it is approved by Executive Committee or Trust Council. A bylaw adopting or amending an official community plan has no effect until it is approved by the Minister responsible for Islands Trust.

Island Municipalities: Under Section 38 (1) of the *Islands Trust Act*, the council of a municipality, all or part of which is in the Islands Trust Area, must submit official community plan bylaws to Executive Committee for approval before adoption. If Executive Committee returns a bylaw with requested changes or refuses to approve the bylaw, the municipality may refer it to Trust Council for approval. If Trust Council returns or refuses to approve a bylaw, the municipality may submit it to the Minister for approval. Bylaws have no effect until they are approved by Executive Committee, Trust Council, or the Minister responsible for Islands Trust.

Executive Committee Approval: Under Section 15(4) of the *Islands Trust Act*, bylaws submitted to the Executive Committee must not be approved by the Executive Committee, or Trust Council, if they are contrary to or at variance with the Islands Trust Policy Statement.

Organizational Policy Alignment:

All Islands Trust bodies are expected to take general policy direction from the Policy Statement to ensure that all decisions and activities of the organization are centered on carrying out the Islands Trust Object. The Guiding Principles of the Policy Statement should form the basis of Trust Council’s strategic planning process. To ensure consistency between the Policy Statement and the activities of Islands Trust bodies, staff should reference the Policy Statement and its relevant sections in meetings, staff reports, work programs, inter-governmental agreements (including protocols, letters of understanding and memoranda of understanding) and responses to referrals from other agencies. All inter-governmental coordination agreements, external communications, and advocacy should be consistent with the principles and policies set out in the Policy Statement.

Monitoring and Evaluation:

Trust Council will report on its progress in implementing the objectives contained in the Policy Statement each year through the Islands Trust Annual Report.

4.2 – Policy Statement Amendments

Policy Statement Amendment Projects:

At the beginning of each term, in conjunction with its strategic planning process, Trust Council can identify any Policy Statement amendment tasks to be undertaken that term. Newly elected Trust Councils will likely wish to engage with Indigenous Governing Bodies, and may wish to engage with other key partners and interested and affected parties across the Islands Trust Area to define priorities for Policy Statement amendments that term. Any topics that are not able to be addressed in a particular term could be noted on a “Policy Statement Amendment Topic Review Inventory” for consideration by Trust Council at a later date. Once an amendment project is initiated, Trust Council could assign the Executive Committee or a council committee the task of leading and coordinating the Policy Statement review and amendment project, with the support of other committees as appropriate. As part of its annual budget cycle, Trust Council should consider allocating resources required for a Policy Statement amendment project, including for any related communications and engagement.

Communications, Engagement, and Referrals:

As soon as practicable after the initiation, of a Policy Statement amendment process, the assigned committee should adopt a communications and engagement plan appropriate to the scope and scale of the amendment project. Proposed Policy Statement amendments must be referred to regional district boards in the Islands Trust Area and should be referred to Indigenous Governing Bodies. While there are no statutory requirements for public engagement or public hearings related to the Policy Statement, in cases where major amendments are being considered, Trust Council should inform and consult members of the public and relevant partner agencies. Engagement and referral partners could include, but would not be limited to: local trust committees and island municipalities; the Islands Trust Conservancy Board; residents and non-resident property owners in the Islands Trust Area; other residents of British Columbia; municipal councils, improvement district boards operating within the Islands Trust Area; relevant provincial government agencies; and other persons and organizations who would be interested and affected by the proposed Policy Statement amendments.

Legislative Process:

Adoption of a Policy Statement amendment bylaw occurs only after Trust Council has undertaken four readings of the proposed Policy Statement bylaw and received approval by the Minister responsible for Islands Trust.

Implementation of Policy Statement Amendments:

Policy Statement amendment bylaws become effective upon date of adoption and are not retroactive. Following the adoption of Policy Statement amendments, Trust Council should in consultation with each local trust committee and island municipality develop a “Policy Statement Implementation Plan”. The Policy Statement Implementation Plan will set a timeline for official community plans and regulatory bylaw amendments to bring them into compliance with the amended Policy Statement. As part of its budget processes, Trust Council may allocate resources to support local trust committees and island municipalities to undertake this work.

Glossary of Terms

NOTE: The source references listed in this draft glossary would be removed prior to first reading and are included here solely for informational purposes during the amendment review process. Citations are not typically included in glossaries.

<p>Aboriginal (see Indigenous Peoples)</p>	<p>This is a collective name for all of the original peoples of Canada and their descendants. The Constitution Act of 1982 specifies that the Aboriginal Peoples in Canada consist of three groups – First Nations, Inuit and Métis – with unique heritages, languages, cultural practices and spiritual beliefs. The term Aboriginal peoples should not be used to describe only one or two of the groups. Because Aboriginal peoples is the term used in Canada’s constitution, it has specific importance within a Canadian legal context. Other terms include Indigenous Peoples, Native Peoples, Original Peoples, or First Peoples. For our purposes, the term “Indigenous Peoples” is currently the preferred and most respectful term to use. (Source: Assembly of First Nations)</p>
<p>Archaeological Sites</p>	<p>Archaeological sites consist of the physical remains of past human activity. All archaeological sites in British Columbia are protected under the <i>Heritage Conservation Act</i>. This applies whether sites are located on public or private land, and whether the site is known or unknown. Protected archaeological sites may not be altered or changed in any manner without a permit. There are over 60,000 archaeological sites recorded in BC’s Provincial Heritage Register including the remains of village and other habitation sites, as well as resource procurement activities such as fishing weirs and culturally modified trees. These sites may date anywhere from recent times to 14,000+ years ago, and studies continue to uncover new information. (Source: BC Archaeology Branch)</p>
<p>Biodiversity</p>	<p>Biodiversity (biological diversity) is the variety of living things, including diversity within species (genetic diversity), diversity between species, and diversity of ecosystems. When biodiversity characteristics are assessed for any location or region, three attributes are considered: 1) composition (describes the parts of each biodiversity component in that area – e.g. habitat types, species present, genetic diversity within species); 2) structure (refers to the physical characteristics supporting that composition – e.g. size of habitats, forest canopy structure, etc.); 3) function (means the ecological and evolutionary processes affective life within that structure – e.g. pollination, natural disturbances, predator-prey relationships). (Source: Biodiversity BC)</p>
<p>Colonialism</p>	<p>Colonizers are groups of people or countries that come to a new place or country and steal the land and resources from Indigenous peoples, and develop a set of laws and public processes that are designed to violate the human rights of the Indigenous peoples, violently suppress the governance, legal, social, and cultural structures of Indigenous peoples, and force Indigenous peoples to conform with the structures of the colonial state. Historical and ongoing colonialism, including the dispossession of lands, has a deep and devastating impact on Indigenous people and communities. (Source: BC Addressing Racism Working Glossary; BC Office of the Human Rights Commissioner)</p>
<p>Community Heritage Site</p>	<p>A community heritage site is real property that is considered to be heritage property. (Source: Local Government Act)</p>
<p>Conservation</p>	<p>Actions, legislation, or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or areas of human heritage value or character.</p>
<p>Critical Habitat</p>	<p>Under the federal <i>Species at Risk Act</i>, critical habitat is the habitat that is necessary for the survival or recovery of listed extirpated, endangered, or threatened species, and that is identified as critical habitat in a recovery strategy or action plan. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. (Source: <i>Species at Risk Act</i>)</p>

<p>Land Use Density and Intensity</p>	<p>Density is regulated through zoning. Density may be defined by the number of units per given area of land. Density may also be measured by dividing the built area including all floor area, by the total area of the lot, e.g., floor area ratio (FAR) is an example</p> <p>Intensity of use refers to the impacts of different types of land uses, e.g., certain types of commercial or industrial uses could be more intense with more impacts than residential or vice versa.</p> <p>Of note, density and intensity of use can combine to increase cumulative impacts of the land use.</p>
<p>Ecosystem</p>	<p>An ecosystem is a collection of communities of both living and non-living things that are connected. The biotic elements in an ecosystem include living things such as plants and animals. The abiotic elements found in an ecosystem include non-living things like land forms or climate. Healthy ecosystems provide important “services,” like clean air and water, healthy forests and farms, and habitat for plants and animals. (Source: Government of BC)</p>
<p>Ecosystem Integrity</p>	<p>Ecosystems have integrity when their native components, such as native species, biological communities, natural landscapes and ecological functions, are intact and are likely to persist. (Source: Government of Canada)</p>
<p>Environment</p>	<p>The components of the Earth, including:</p> <ol style="list-style-type: none"> 1. land, water and air, including all layers of the atmosphere, 2. all organic and inorganic matter and living organisms, and 3. the interacting natural systems that include components referred to in paragraphs (a) and (b). <p>(Source: Impact Assessment Agency of Canada)</p>
<p>Equity / Equitable</p>	<p>Equity refers to achieving parity in policy, process and outcomes for historically and/or currently underrepresented and/or marginalized people and groups while accounting for diversity. It considers power, access, opportunities, treatment, impacts and outcomes. (Source: Equity & Inclusion Glossary, UBC)</p>
<p>First Nations</p>	<p>First Nations is not a legal term but came into common use in the 1970s to replace Indian, which some people found offensive. Many communities have also replaced “band” with “First Nation” in their names. Symbolically, the term elevates First Nations to the status of “first among equals” alongside the English and French founding nations of Canada. It also reflects the sovereign nature of many communities, and the ongoing quest for self-determination and self-government. First Nations people may live on or off reserve, they may or may not have legal status under the <i>Indian Act</i>, and they may or may not be registered members of a community or nation. “First Nations” should be used exclusively as a general term as community members are more likely to define themselves as members of specific nations or communities within those nations. (Source: Assembly of First Nations)</p>
<p>Groundwater Recharge Areas</p>	<p>Groundwater recharge areas are terrain that inherently provide geographical and ecological conditions for the infiltration of water from the land surface to the subsurface through soils, sediments, and fractured bedrock to replenish groundwater sources.</p> <p>Groundwater recharge areas can be <i>diffuse</i> where widespread precipitation on the landscape infiltrates into groundwater sources or <i>localized</i> where discrete surface water sources such as streams, lakes, septic fields, and/or irrigation fields infiltrate into groundwater sources. Groundwater recharge areas that have a significant groundwater recharging effect for drinking water sources or groundwater dependent ecosystems in the Islands Trust Area are defined as <i>Critical Aquifer Recharge Areas</i>.</p>
<p>Heritage Site</p>	<p>Heritage site means, whether designated or not, land, including land covered by water, that has heritage value to British Columbia, a community or an aboriginal people.</p> <p>(Source: BC Heritage Conservation Act)</p>
<p>Inclusive / Inclusion</p>	<p>Inclusion is an active, intentional, and continuous process to address inequities in power and privilege, and build a respectful and diverse community that ensures welcoming spaces and opportunities to flourish for all. (Source: Equity & Inclusion Glossary, UBC)</p>

Indigenous Cultural Heritage	Indigenous Peoples understand and describe cultural heritage according to their distinct perspectives, traditions, and languages. For Indigenous Peoples, cultural heritage refers to ideas, experiences, objects, artistic expressions, practices, knowledge, and places that are valued because they are culturally meaningful, connected to shared memory, or linked to collective identity. Indigenous cultural heritage cannot be separated from either Indigenous identity or Indigenous life. Indigenous cultural heritage can be inherited from ancestors or it can be created by people today as a legacy for future generations. Indigenous Peoples have a right to identify their own cultural heritage, interpret its meaning, and safeguard its value. (Source: Indigenous Heritage Circle)
Indigenous Governing Body	Indigenous Governing Body means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> .
Indigenous Knowledge / Knowledge Holders	There is no single definition of Indigenous Knowledge. For our purposes, we understand "Indigenous Knowledge" as a term that refers to a set of complex knowledge systems based on the worldviews of Indigenous peoples. Indigenous Knowledge reflects the unique cultures, languages, values, histories, governance and legal systems of Indigenous peoples. It is place-based, cumulative and dynamic. Indigenous Knowledge systems involve living well with, and being in relationship with, the natural world. Indigenous Knowledge systems build upon the experiences of earlier generations, inform the practice of current generations, and evolve in the context of contemporary society. Different First Nations, Inuit and Métis communities each have distinct ways of describing their knowledge. Knowledge Holders are the only people who can truly define Indigenous Knowledge for their communities. It is important to note that some Indigenous communities are struggling to maintain their Indigenous Knowledge due to ongoing impacts of colonialism. (Source: Impact Assessment Agency of Canada)
Indigenous Peoples (see Aboriginal Peoples)	Indigenous Peoples has the same meaning as aboriginal peoples in section 35 of the <i>Constitution Act, 1982</i> . The Assembly of First Nations also states: There is no official definition of Indigenous Peoples. In part, Indigenous communities, peoples and nations can be described as those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories. Other terms include Aboriginal Peoples, Native Peoples, Original Peoples, or First Peoples. (Source: Assembly of First Nations)
Indigenous Rights	The term 'Indigenous Rights' is to be interpreted in accordance with the Province of British Columbia's Distinctions-Based Approach Primer, December 2023.
Middens	Midden, or 'shell midden' archaeological sites are indicative of past First Nations settlement activity. Formed by the accumulation of stratified cultural deposits over thousands of years, shell midden sites represent some of the most complex archaeological sites in the world. Source: McLay et al (2008) <i>A'lhut tu tet Sul'hweentst Respecting the Ancestors</i> <i>Note:</i> A midden may be an archaeological indicator of village and burial sites, and may contain ancestral remains
Nature-based solutions	Nature-based solutions are actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously benefiting people and nature. Nature-based Solutions address societal challenges through the protection, sustainable management and restoration of both natural and modified ecosystems, benefiting both biodiversity and human well-being. Nature-based Solutions are underpinned by benefits that flow from healthy ecosystems. They target major challenges like climate change, disaster risk reduction, food and water security, biodiversity loss and human health, and are critical to sustainable economic development. (Source: International Union for Conservation of Nature (IUCN))

Precautionary Principle	Principle 15 of the Rio Declaration, known as the precautionary principle, states: “In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” Four central components of the precautionary principle include: taking preventive action in the face of uncertainty; shifting
	the burden of proof to the proponents of an activity; exploring a wide range of alternatives to possibly harmful actions; and increasing public participation in decision making. (Source: <i>The Precautionary Principle in Environmental Science</i> , Kriebel et al., 2001)
Preservation	To maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.
Protection	To maintain over the long term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.
Reconciliation	Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, an acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior. (Source: Truth & Reconciliation Commission)
Restoration	Restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Ecological restoration seeks to initiate or accelerate ecosystem recovery following damage, degradation, or destruction. (Source: Society for Ecological Restoration)
Sensitive Ecosystems	Sensitive ecosystems are classified as ‘sensitive’ because of their rarity and vulnerability to disturbances such as human impacts and climate change. The BC Sensitive Ecosystems Inventory identifies sensitive ecosystem types, which have been adapted by the Islands Trust Conservancy to identify sensitive ecosystems commonly found in the Islands Trust Area, including: <u>Cliff</u> : Steep slopes, often with exposed bedrock. Very little soil accumulation, and only exceptionally hardy trees and plants. Cliffs are important vegetation refugia because they are often inaccessible to deer browsing or livestock grazing and can be important nesting habitat for birds. <u>Freshwater</u> : all freshwater networks including but not limited to streams, lakes, wetlands, groundwater sources, springs, and precipitation ⁵ . <u>Herbaceous</u> : Shallow soils characteristic of herbaceous ecosystems support low-growing vegetation, such as grasses, forbs (low, broad-leaved plants), wildflowers, mosses and lichens. Few trees and shrubs survive on these sites due to the fast-drying and often shallow nature of the exposed soils. <u>Old and Mature Forest</u> : Dry to moist forests dominated by conifer or deciduous tree species with a canopy cover of over 30%. Old forests have a stand age of over 250 yrs.; Mature forests have a stand age of 80–250 yrs. <u>Riparian</u> : Located adjacent to lakes, streams and rivers and characterized by plant communities and soils dependent on increased moisture. Influenced by erosion, sedimentation, flooding and seepage. <u>Wetland</u> : Feature moisture-dependent plants that thrive in an environment where water remains at or above the surface of the soil during most of the year. Can be bog, fen, marsh, swamp, shallow water, wet meadow or a mixture of these types. <u>Woodland</u> : Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10–30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. (Source: BC Sensitive Ecosystems Inventory, as adapted in Islands Trust Conservancy Regional Conservation Plan 2018-2027)
Species At Risk	An extirpated, endangered, threatened species, or a species of special concern. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. Species of special concern means a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats. (Source: Federal <i>Species at Risk Act</i>)
Stewardship	Voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities in the Islands Trust Area
Sustainable	Capable of being maintained indefinitely; capable of meeting the environmental, economic, and social needs of current generations without compromising the ability of future generations to meet their needs.

**Treaties /
Treaty Nations**

Treaties are constitutionally protected, government-to-government agreements that identify, define and implement a range of rights and obligations, creating long-term, mutually binding commitments. Treaties negotiated through the BC treaty negotiations process are tripartite agreements between the governments of Canada, British Columbia, and a First Nation. The goal of treaties is reconciliation. Treaties signed with First Nations in Canada between 1701 and 1923 are commonly referred to as historic treaties. In BC, there are Douglas treaties, signed with First Nations on Vancouver Island, and Treaty 8 covering a portion of northeastern BC. Treaties signed today are called modern treaties, and cover where there are no historic treaties, and can also deal with matters not addressed in historic treaties. (Source: BC Treaty Commission)