

Trust Programs Committee Revised Agenda

Date: Friday, August 26, 2022
 Time: 9:00 am - 2:00 pm
 Location: Electronic Zoom Meeting

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1. CALL TO ORDER	
2. AGENDA	
2.1. New Items and Re-Ordering of the Agenda	
2.1.1. <i>Addition to agenda item #7.1 - Correspondence from the Ministry of Municipal Affairs - Briefing</i>	3 - 9
2.2. Approval of Agenda	
3. PUBLIC COMMENT PERIOD	
4. DELEGATIONS	
None	
5. CORRESPONDENCE	
5.1. 2022-08-04 WŹSÁNEĆ Leadership Council	10 - 17
6. ADMINISTRATIVE COORDINATION	
6.1. Draft Minutes of Previous Meetings	
6.1.1. Trust Program Committee Minutes of July 8, 2022	18 - 24
For review and approval	
6.2. Resolutions Without Meeting	
None	
6.3. Follow up Action List	25 - 27
For review	
7. BUSINESS - WORK PROGRAM ITEMS	

7.1. TPC Recommendations to Trust Council on Revisions & Next Steps for the Policy Statement Amendment Project - RFD 28 - 35

Priority #1 - Policy Statement Amendment Project

That Trust Programs Committee forward the attached Request for Decision to Executive Committee for inclusion in the September 2022 Trust Council agenda package

8. BUSINESS - OTHER 36 - 37

8.1. Trust Programs Committee Budget and Work Program for FY2023/24 - RFD 38 - 47

1. That Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$20,000 for stewardship education.

2. That Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$15,000 for secretariat services.

8.2. Draft letter from Chair Morrison to next term's TPC - Discussion 48 - 50

9. BUSINESS - NEW

10. WORK PROGRAM 51 - 52

For review and referral to Trust Council before each quarterly TC meeting

11. NEXT MEETING

Friday, November 25, 2022, from 9:00 a.m. to 2:00 p.m.

12. ADJOURNMENT

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

BRIEFING

To:	Trust Programs Committee	For the Meeting of:	August 26, 2022
From:	Trust Area Services	Date Prepared:	August 25, 2022
SUBJECT:	Correspondence from Ministry of Municipal Affairs staff on Policy Statement Content and Structure		

PURPOSE: To provide Trust Programs Committee (TPC) with recent correspondence received from staff at the Ministry of Municipal Affairs in response to TPC's request for feedback on required or desired content or structure for the Policy Statement.

BACKGROUND:

On February 11, 2022 during discussion about potential next steps to amend the Policy Statement, Trust Programs Committee passed the following motion:

That Trust Programs Committee request staff to seek provincial staff feedback on required or desired content or structure for the Policy Statement. (TPC 2022-003)

While Section 15 of the *Islands Trust Act* states that the Policy Statement "must be a general statement of the policies of Trust Council to carry out the object of the Trust", it does not stipulate more specific details on what types of policies should be included. Some TPC members questioned whether Trust Council is obliged to include specific directive policies to local trust committees and island municipalities, or whether there is flexibility to restructure the document and types of policies included (Commitments of Trust Council, Directive Policies to Local Trust Committees and Island Municipalities, and Recommendations / Advocacy / Coordination Policies).

As the Policy Statement must be approved by the Ministry of Municipal Affairs prior to adoption, Trust Area Services (TAS) staff conveyed TPC's request to staff at the Ministry of Municipal Affairs to inquire whether they had any feedback on required or desired content or structure for the Policy Statement. Following receipt of an initial response from ministry staff, TAS staff sought further clarification to ensure correct interpretation. A follow-up response was provided by ministry staff on August 25. (See Attachment 1)

Ministry staff has advised that Islands Trust has considerable flexibility as to what could be included in the Policy Statement and how it could be structured, and has provided some further observations for the committee's consideration. It notes that its observations do not constitute legal advice and that Islands Trust is encouraged to seek advice from its own legal counsel on the questions posed. With this in mind, TPC members may wish to revisit the [publicly released legal opinion](#) received from Young Anderson in October 2020.

ATTACHMENT(S):

1. Correspondence from Ministry of Municipal Affairs staff regarding Policy Statement content and structure.

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

Prepared By: Dilani Hippola, Senior Policy Advisor, Trust Area Services
Reviewed By/Date: Clare Frater, Director, Trust Area Services / August 25, 2022

From: Burleson, Ron MUNI:EX <Ron.Burleson@gov.bc.ca>
Sent: Thursday, August 25, 2022 2:05 PM
To: Dilani Hippola
Cc: Brooks, Jessica MUNI:EX; Shortly, Anna MUNI:EX; Woodward, Kara M MUNI:EX; Clare Frater; Russ Hotsenpiller
Subject: RE: Requested Direction re Policy Statement Content/Structure

Dilani,

Although there is no expressed authority for the Trust Council to proactively require a local trust committee or island municipality to adopt certain policies contained in the Policy Statement or address certain matters within their own existing policies, we do not take any issue with the interpretation of the Islands Trust Act authorities discussed in the October 27, 2020 Young Anderson opinion (the YA Opinion) – namely that the Trust Council may require a local trust committee or island municipality to include certain substantive content in their proposed bylaws – this substantive content could presumably include a requirement to include specific policies and statements in their OCP and other bylaws. The YA opinion bases this conclusion primarily on the combined effect of s.3 and section s.15(4) of the Islands Trust Act that states that bylaws from local trust committees or island municipality must not be approved by Executive Committee or Trust Council if they are contrary to, or at variance with, the Policy Statement. MUNI cannot provide the Islands Trust with legal advice, so if you still have concerns about the applicability of the YA opinion to this specific question, you will want to follow up with your legal counsel.

I hope this provides the clarification you were seeking. Please let me know if you have any additional questions.

Thank you

Ron

Ron Burleson, M.A., PMP
Director, Planning and Land Use
Planning and Land Use Management | Local Government Division
Ministry of Municipal Affairs

Ph: 778-698-3328 Cell: 250-208-3981



Acknowledging the Lekwungen People whose land I am grateful to work, live and grow on.

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"The ITA contains no Policy Statement requirements for content, structure, or certain policies, nor does it appear to authorize the Islands Trust to require that a local trust committee or island municipality adopt the directive policies contained in the Policy Statement within their own policies."

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Klahoose, Lyackson, MÁLEXEL, Qualicum, sc̓awáðən, Scia'new, səlilwətaḥ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth, STÁUTW,

From: Burleson, Ron MUNI:EX <Ron.Burleson@gov.bc.ca>
Sent: Monday, June 20, 2022 3:57 PM
To: Clare Frater <cfrater@islandstrust.bc.ca>
Cc: Brooks, Jessica MUNI:EX <Jessica.Brooks@gov.bc.ca>; Shortly, Anna MUNI:EX <Anna.Shortly@gov.bc.ca>
Subject: Requested Direction re Policy Statement Content/Structure

Dear Clare Frater,

Thank you for your emails requesting feedback from the Ministry of Municipal Affairs (MUNI) about the draft Policy Statement. Thank you for sharing a copy of the Council report on engagement and for offering to provide an update on Council's next steps following its consideration of the document on June 22.

As I understand from your emails, the Trust Programs Committee passed a motion on February 11 during discussion about potential next steps to amend the Policy Statement: "that the Trust Programs Committee request staff to seek provincial staff feedback on required or desired content or structure for the Policy Statement."

Section 15 of the *Islands Trust Act (ITA)* requires that Islands Trust Council adopt a Policy Statement that applies to the entire Trust Area. The Policy Statement "must be a general statement of the policies of the Trust Council to carry out the Object of the Trust." The Object 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 in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia."

We understand that members of Trust Programs Committee are interested in understanding whether there is an obligation to include specific directive policies to local trust committees and island municipalities or whether there is flexibility to restructure the document and types of policies included. The *ITA* contains no Policy Statement requirements for content, structure, or certain policies, **nor does it appear to authorize the Islands Trust to require that a local trust committee or island municipality adopt the directive policies contained in the Policy Statement within their own policies.** The Islands Trust has considerable flexibility as to what could be included in the Policy Statement and how it could be structured. With respect to these observations on the Policy Statement, we would like to note that this does not constitute legal advice, and the Islands Trust is encouraged to seek advice from its legal counsel on the questions that it has posed.

In terms of provincial considerations, once it has been approved by the Trust Council, MUNI staff will review the Policy Statement to determine 1) whether there are any conflicts with significant provincial interests and 2) whether the obligations of the provincial Duty to Consult have been met. MUNI is pleased that the Islands Trust is focussing on policy amendments related to reconciliation, climate change and affordable housing.

MUNI generally expects local authorities, including the Islands Trust Council and its local trust committees, to address certain matters of provincial interest in their plans, policies, and procedures.

MUNI recognizes that the Trust's mandate to "preserve and protect" must be balanced with the various stakeholder interests within the Trust area, including regional districts and private landowners, as well as with different provincial interests such as those related to affordable housing, agriculture, and forestry. In support of this, the Islands Trust is encouraged to engage with all key agencies whose interests may be affected by the Policy Statement.

We understand that the Islands Trust has undertaken significant consultation and engagement on the Policy Statement with provincial agencies, some of whom have raised concerns with certain aspects. MUNI encourages the Islands Trust to address any concerns or objections raised by provincial agencies, and to provide a detailed analysis stating how the concerns were considered before submitting the Policy Statement for Ministerial approval.

On March 30, 2022, the Province released its [Action Plan](#) for implementing the *Declaration of the Rights of Indigenous People Act* Action Plan (*Declaration Act*). While provincial laws will be brought into alignment over time, the *Declaration Act* does not have an immediate impact on the *ITA*. The *Declaration Act* is enabling legislation and does not explicitly make changes to regulatory frameworks, operational decision-making, or consultation requirements. Future changes will take time and will be done in collaboration with Indigenous peoples, local authorities, and key stakeholder groups.

MUNI is pleased to see the Islands Trust adopt a Reconciliation Declaration, commit to aligning policies and processes with the *Declaration Act*, and continuously seeking to improve its relationships with First Nations. We ask that you please ensure that you continue to keep a detailed record of your First Nations engagement efforts, including a record of how feedback from First Nations has been considered and incorporated into the Policy Statement, and any unresolved issues or concerns. In carrying out the Provincial Duty to Consult before making an approval decision, MUNI will review the Islands Trust's engagement record and determine whether further consultation is required.

MUNI is also pleased that the Islands Trust has adopted a priority theme of addressing climate change in the Policy Statement. As you may know, the Province recently launched the [CleanBC Roadmap to 2030](#). Building on actions in our 2018 CleanBC strategy, the *Roadmap to 2030* is a more ambitious climate plan to reach our 2030 emissions reductions targets and build a strong, low-carbon economy. The *Roadmap to 2030* includes actions across eight pathways including: Low-Carbon Energy; Transportation; Buildings; Communities; Industry; Agriculture, Aquaculture and Fisheries; Forest Bioeconomy; and Negative Emissions Technologies. The Communities pathway notes that local authorities have the capacity to influence approximately 50% of B.C.'s GHG emissions through land use and transportation decisions, and commits to, among other things, providing better supports, tools and guidance, making data available to help inform decisions and assess progress and using a climate lens to review provisions in land use plans and policies. We encourage the Islands Trust to continue to apply a climate lens to their Policy Statement, and land use planning decisions generally.

Finally, MUNI is pleased to see the recent release of the [Southern Gulf Islands Housing Strategy](#), which provides an in-depth analysis of housing needs in the region. We encourage the Islands Trust to continue to consider how they can facilitate land use planning and development in support of providing affordable housing in communities and protecting the key ecosystems in the Trust area that contribute to the area's and Province's climate resiliency.

Thank you again for the opportunity to provide feedback on the draft Policy Statement. Should you have any further questions or comments, please feel free to contact me at Ron.Burleson@gov.bc.ca or by phone at (778) 698-3328. MUNI staff are always happy to meet and discuss our feedback.

Yours truly,

Ron Burleson

Ron Burleson, M.A., PMP

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WLC Staff Response to 2021 Islands Trust Policy Statement Amendments August 4, 2022

Below is a staff level review of the 2021 Islands Trust Policy Statement Amendments. WLC staff have organized this document by outlining past WSÁNEĆ Technical Advisory Committee (WTAC) recommendations, noting where Islands Trust amendments have incorporated and satisfied WTAC recommendations, and providing feedback on how to move forward. WLC staff have divided our review of the Islands Trust Policy Statement by the headers provided in that document (e.g. Introduction, Present Context, etc.).

As a note, this review is at the staff level and, due to capacity issue, it has not been reviewed by the WSÁNEĆ Leadership Council Board of Directors or the WSÁNEĆ Technical Advisory Committee. WLC staff hope for future opportunities to provide input where these advisory committees and decision-makers can be included.

Introduction:

Past WTAC recommendation:

1. Include the story of TELEIÁĆES ("Relatives of the Deep"/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why WSÁNEĆ want involvement in decisions regarding the Gulf Islands.

Feedback:

The story of TELEIÁĆES is not in the Policy Statement document. The WLC would like to see the inclusion of the story of TELEIÁĆES ("Relatives of the Deep"/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why First Nations want involvement in decisions regarding the Islands. If other First Nations have similar stories, Islands Trust should attach them also as an appendix to the Policy Statement.

Present Context:

Past WTAC recommendations:



1. Incorporate Bill c-15, an act respecting the United Nations Declaration on the Rights of Indigenous Peoples.
2. There is a need for cumulative impact studies to ensure responsible informed decision making. This work needs to incorporate First Nations values and be in collaboration with First Nations.
3. Support First Nations in the development of cultural overlay mapping, mapping for environmental and ecological systems, and heritage mapping.
4. Preserve environment to protect Douglas Treaty rights and ensure they can be exercised into the future.
5. Approach environmental issues in ways that further reconciliation with First Nations, the original and proper caretakers of the land.

2021 Policy Statement:

- Trust Council adopted a Reconciliation Declaration that speaks to UNDRIP and free, prior and informed consent
- notes the need to “effectively preserve the environment” and, that “decision making will need to be guided by the best possible science and Indigenous ways of knowing”.
- Protects the environment for the generations to come and for First Nations that wish to come home or have access to traditional uses.
- Official community plans and regulatory bylaws, identify, preserve and protect and support the restoration of indigenous cultivation and harvesting areas and coordinate with, and advocate to, other government agencies to regulate and monitor harvesting.
- Commits to consulting with FNs prior to decisions regarding hunting and to preserve traditional harvesting areas.

WLC Staff Feedback:

The Islands Trust has adopted a Reconciliation Declaration that utilizes UNDRIP, and within the Policy Statement the Islands Trust has created policy that aligns with the principles of UNDRIP. However, support for UNDRIP is not imbedded in the Policy Statement and the Reconciliation Declaration 2019-2022 is not permanent. The WLC advise that a commitment to implementing the principles of UNDRIP is embedded into the Policy Statement.

The Policy Statement does a good job in utilizing scientific studies, cultural knowledge, First Nations’ values and informed decision making, but it does not commit to additional impact



studies or cultural site identification and mapping. The gathering of this cultural data is an important project for the implementation of this Policy Statement as the data held by the Provincial databases regarding Indigenous cultural sites are wholly insufficient. The WLC would like to see a commitment to resourcing data-gathering projects, which may be an item that can be negotiated as part of a WSÁNEĆ MOU.

The Policy Statement has greatly increased the protection of the environment and it does acknowledge the harvesting rights of First Nations, it also recognizes the need to solve environmental issues in collaboration with First Nations and other organizations but it lacks a framework in which this will occur. This is discussed further in the feedback for Governance.

The Islands Trust Object and Its Meaning

Past WTAC recommendations:

1. Add information about First Nations and their history.
2. Mention First Nations rights and unceded title

2021 Policy Statement:

- Recognizes that it is in the homeland of 28,000 First Nations, that there is culturally significant species, archaeological sites and harvesting areas.
- First Nations have been here since time immemorial and are caretakers and stewards
- With creations stories, place names, laws and protocols
- Indigenous cultural heritage is a unique amenity of the Islands Trust.
- First Nations have been removed through colonization

WLC Staff Feedback:

Information regarding First Nations and their history were not added to the Object and its Meaning, possibly because the Object is stated in legislation and the Policy Statement is not intended to make a legislative change. However, Islands Trust did provide contextual information on First Nations through a statement that follows the Object and Its Meaning. Douglas Treaty rights and title, and Indigenous title is not specifically mentioned in this document. The WLC requests that Islands Trust recognizes its duty to uphold Douglas Treaty rights and title, and Indigenous title more generally.



Location of the Islands Trust Area

2021 Policy Statement:

Includes a map of the 13 major Islands.

WLC Feedback:

In this section, WLC staff recommend the inclusion of a map that demonstrates the locations of the First Nations that have been named in the Policy and a place names map in SENCOTEN and/or Hul'qumi'num.

Regional Governance:

Past WTAC recommendations:

1. First Nations should not be considered stakeholders. First Nations have a much stronger position that requires legal consultation than your typical stakeholder.
2. First Nations should be actively included in governance. First Nations involvement should not 'just' be as collaborators. WSÁNEĆ have responsibilities to the land and have been removed as caretakers.
3. There needs to be a more evidence based approach/whose information/ownership and controls. Not just 'evidence based' but based on best available science and social science and committed to indigenous ways of knowing."
4. We need a cooperation accord and information/data sharing agreements.

2021 Policy Statement:

- Trust Council recognizes that meaningful engagement/participation and cooperation with First Nations is critical and that First Nations play an integral role in governance and cooperative decision making in the Trust Area.
- Islands Trust commits to meaningful engagement/participation and cooperative/engagement mechanisms such as Protocol agreements, other cooperative arrangements and MOUs.
- The Islands Trust Policy Statement includes finding solutions using the best available area based mapping and indigenous ways of knowing.



WLC Staff Feedback:

In this policy statement, engagement and cooperation with First Nations is stated over 20 times. Engaging with First Nations is a priority of Islands Trust as they recognize that it is essential to the implementation of the Policy Statement. However, without an inclusive method of decision making, First Nations that do not have protocol agreements, or those that are in the process of making these agreements, will have no avenue of accountable engagement. Additionally, this method may limit tier one (First Nation to First Nation) collaboration and has the potential to reduce cooperation amongst First Nations. With that said, protocol agreements to clarify interests and establish commitments are essential and need to be created between the WSÁNEĆ Leadership Council, our constituent First Nations, and Islands Trust.

Ecosystem Preservation and Protection

Past WTAC recommendations:

1. The creation of protected areas, including areas that are 'off limits' and protected ecological networks that are intended to curb development.
2. Include active remediation projects.
3. All environmental preservation, protection, and mitigation projects should be established with First Nations as we need to ensure projects protect but do not alienate rights or block First Nations' economies.
4. When considering land acquisition, work with Local First Nations and land trusts
5. Reconnection of fragmented forest ecosystems.
6. Ecosystems Preservation and Protection.

2021 Policy Statement:

- approaches to protecting the environment are being put in place for First Nations that wish to come home or have access to traditional uses.
- official community plans and regulatory bylaws are to identify, preserve, protect and support the restoration of indigenous cultivation and harvesting areas.
- advocate to other government agencies to regulate and monitor harvesting
- consult with First Nations prior to decisions regarding hunting and to preserve First Nations traditional harvesting areas.
- retain large land holdings to enable sustainable forest harvesting and minimize the fragmentation of forests



- coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting.
- agricultural and development activity needs to be respectful of Indigenous harvesting, and should not adversely impact (and be directed away from) traditional harvesting areas, middens and other archeologically significant resources and areas.
- in cooperation with First Nations and the Conservancy Board, will advocate for acquisitions in order to protect natural areas.

WLC Staff Feedback:

This policy statement increases environmental protection policies and recognizes the need to include First Nations' rights to access land and natural resources. It speaks not only to protection of the environment but the remediation of the environment, which was an important element to the WSÁNEĆ Technical Advisory Committee.

Additionally, there are tools embedded in the Policy Statement to protect land from development and pollution, but the policy statement does not speak to the creation of protected areas. The WLC recommends a commitment to additional impact studies, and ecosystem mapping to assist in protection and remediation of the environment.

Further, WLC staff find it problematic that the Policy Statement does not commit resources to do pursue these goals. This may be tackled through a protocol agreement or an MOU with the WLC but should also be a priority of the Islands Trust outside of a protocol agreement. This protocol agreement could include dedicated funding for environmental remediation projects important to WSÁNEĆ peoples, studies to determine causes of shellfish pollution in the Islands Trust area, and commitments to funding for WSÁNEĆ monitoring programs.

Heritage Preservation and Protection

Past WTAC recommendation:

1. Protect and preserve First Nations history, cultural and archaeological, in collaboration with First Nations

2021 Policy Statement:

- recognizes heritage as a 'unique amenity' that is to be preserved and protected. This



includes, places, objects, knowledge, artistic impressions, natural landscapes, which includes Indigenous cultural heritage. This is not limited to areas that are utilized and occupied by indigenous peoples.

- First Nations have a right to identify, interpret and safeguard its value, outside of colonial frameworks.
- regional planning decisions should not have adverse impacts on Indigenous cultural heritage
- committees and island municipalities in their bylaws, need to identify, preserve, protect and support restoration of indigenous cultural heritage- in cooperation with First Nations.
- engage with Indigenous organizations/people to seek the best available archaeological data and provide educational materials and tools to help preserve and protect indigenous cultural heritage.

WLC Staff Feedback:

The additions that have been made to the policy statement in regards to the preservation and protection of heritage mostly cover the recommendations that were made by the WTAC. The concern of the WLC is the implementation of these policies and the inclusion of WLC in decision making on projects that may impact cultural heritage. The WLC staff recommend that Islands Trust make additional commitments to the WLC through protocol agreements and/or MOUs on this topic. Within these agreements, commitments could be made to further develop internal archaeological potential mapping at the Islands Trust; develop cultural heritage protocol for engagement, the use of WSÁNEĆ cultural workers, and other items of value to both parties; and, a role in decision making for WLC when Islands Trust contemplates Development Permits.

Housing

Past WTAC recommendation:

1. Promote First Nations housing opportunities that brings WSÁNEĆ people back out to the islands. That would be a real win.

2021 Policy Statement:

- The Islands Trust shall advocate to organizations to foster safe, secure and affordable housing for indigenous peoples.



WLC Staff Feedback:

The WLC staff recommends that Islands Trust enter into an MOU to explore housing opportunities for WSÁNEĆ community members.

Additional Recommendations:

- Islands Trust include a commitment to place name changes, the use of First Nations art in developments, installing signage related to First Nations history/culture, and specific targeted reconciliation policies.
- Islands Trust prioritize First Nations economic opportunities.

Conclusion:

After completing the review of the 2021 Islands Trust Policy Statement, it is clear that the Islands Trust team has made meaningful and important changes to the Policy Statement. As mentioned above, there are many instances throughout the document where WLC staff can see that our feedback has been incorporated. However, WLC staff are concerned about future amendments to this document which may alter the elements important to the WLC. There is a chance that some commitments to environmental and cultural protection and First Nations engagement will be taken out of the Policy Statement. The WLC would like to support the strong commitments that are made in this iteration of the Policy Statement to First Nations collaboration, the environmental, and to First Nations culture. WLC staff would like to thank the Islands Trust staff who have provided the opportunity to review the Policy Statement which will may impact the rights and title of the WSÁNEĆ People.



Trust Programs Committee Minutes of a Special Meeting

Date: July 8, 2022
Location: Regional District of Nanaimo
6300 Hammond Bay Road, Nanaimo, BC

Members Present: Deb Morrison, North Pender Island Local Trustee (Chair)
Timothy Peterson, Lasqueti Island Local Trustee (Vice Chair)
Paul Brent, Saturna Island Local Trustee (by teleconference)
Scott Colbourne, Gabriola Island Local Trustee (by teleconference)
David Critchley, Denman Island Local Trustee
Doug Fenton, Thetis Island Local Trustee
Kees Langereis, Gabriola Island Local Trustee
Benjamin McConchie, North Pender Island Local Trustee
Dan Rogers, Gambier Island Local Trustee (EC Representative)
Grant Scott, Hornby Island Local Trustee (by teleconference)
Steve Wright, South Pender Island Local Trustee
Peter Luckham, Islands Trust Council Chair (Ex Officio)

Members Regrets: Michael Kaile, Bowen Island Municipal Trustee

Staff Present: Clare Frater, Director, Trust Area Services
Dilani Hippola, Senior Policy Advisor
Robert Barlow, Legislative Services Clerk/Recorder

Others Present: No member of the public was present.

1. CALL TO ORDER

The meeting was called to order at 9:00 a.m. Chair Morrison acknowledged that participants of the meeting were on the traditional and treaty territories of the Snuneymuxw, Snaw-naw-as, and Stz'uminus First Nations. It was noted that the meeting was not being recorded or livestreamed because of technical issues at the meeting location.

2. AGENDA

2.1 New Items and Re-Ordering of the Agenda

- 5.3 Correspondence from Alix Hodson-Deggan dated June 18, 2022 – provided by Committee members during the meeting

2.2 Approval of Agenda

By general consent the agenda was approved as presented.

3. PUBLIC COMMENT PERIOD

No member of the public was present.

4. DELEGATIONS

None

5. CORRESPONDENCE

5.1 June 3, 2022 - Alix Hodson-Deggan

Referred from Executive Committee. Received for information.

5.2 June 6, 2022 - Patricia Mertz

Referred from Executive Committee. Received for information.

5.3 June 18, 2022 - Alix Hodson-Deggan

Received as a late item for information.

6. ADMINISTRATIVE COORDINATION

6.1 Draft Minutes of Previous Meeting

6.1.1 Trust Programs Committee minutes of May 13, 2022

By general consent the minutes were approved.

6.2 Resolutions Without Meeting

6.2.1. RWM 2022-01 - Set Special Meeting of July 8, 2022

Provided for information.

6.3 FUAL

To be reviewed at the next scheduled meeting.

7. BUSINESS - WORK PROGRAM ITEMS

7.1 Policy Statement Amendment Project - Next Steps – Briefing

Director Frater introduced the briefing, indicating that the purpose was to provide the Committee with recent engagement feedback from First Nations, referral agencies, and the public, and resolutions passed by Trust Council in June, 2022, to assist the Committee in developing recommendations for further amendments to the draft new Policy Statement Bylaw No. 183, for Trust Council to consider in September 2022.

Committee discussion included:

- an acknowledgement that first reading of a proposed Policy Statement Bylaw will not occur during this term of office
- a desire to do more regular reviews of the Policy Statement

The Committee discussion was organized around three categories of preliminary suggestions for amendments as indicated in the Session Outline: structure, content amendments and additional content development.

Structure

Committee discussion about structure included:

- whether the history and introduction should be part of the bylaw
- whether to remove or simplify advocacy/coordination policies within the bylaw, recognizing the need to highlight coordination mandate outlined in the Act
- detailed advocacy actions would be better placed in a separate advocacy strategy each term, related to strategic plan
- directive policies should be grouped together, with greater clarity on how to implement at local level
- remove or simplify Commitments of Trust Council as more general overarching guiding principles
- add new category of suggested / recommended policies for local trust committees and island municipalities to consider
- provide rationale or justification for directive policies within the Policy Statement or in a companion document
- the glossary should be part of the bylaw, as an appendix
- it is worth exploring whether the Policy Statement Implementation Policy should be part of the bylaw

Trustee Brent left the meeting at 10:00 a.m.

- there is a need to clarify whether other agencies are bound by the *Islands Trust Act* to engage and coordinate with Islands Trust
- while the document should be written in plain language it should not lose the detail needed to provide clear direction to decision-makers
- consider seeking professional plain language editorial services

The meeting recessed at 10:32 a.m. and resumed at 10:43 a.m.

Trustee Brent rejoined the meeting at 10:45 a.m.

Content Amendments

Committee discussion about content amendments included:

First Nations and Reconciliation

- need to heed feedback from some Nations that they must be involved at earliest stages of conception and development of Policy Statement
- need to incorporate commitments to Declaration on the Rights of Indigenous Peoples Act (DRIPA), including aligning decision making with DRIPA principles
- some terms have specific definitions in DRIPA
- need for policies to require engagement with First Nations
- need for stronger language around First Nations' constitutional rights (i.e. access to culturally significant areas and healthy ecosystems, food security)
- need for stronger language around engaging with First Nations on cultural sites
- need for more detail on First Nations co-governance interests and collaborative frameworks
- changes needed to *Islands Trust Act* to support reconciliation and sharing of authority

Docks

- the Province also holds responsibility for docks
- cumulative impact concepts are important and valuable in discussing docks but there are different worldviews to consider; need to have collaborative approaches with Nations
- requiring rezonings for docks may be a better than a ban
- promoting community docks rather than private docks is of value
- “preserving and protecting” includes aesthetic views of the islands and public access to the shore
- docks can obstruct beach access and moorage
- dock rezoning is a local trust committee and island municipality authority, not a Trust Council authority, but that doesn't preclude over-arching responsibility of Trust Council
- need to consider First Nations interests and feedback on this issue and ensure adequate engagement
- consider DRIPA requirements for “consent” – how to uphold amidst current legislative constraints; also need to uphold existing Constitutional rights

Agriculture

- support for agriculture is important and complicated
- not talking about no farming, but need to acknowledge potential harms and climate considerations, and promote sustainable, regenerative approaches
- BC environmental farm plan is a good roadmap to safe farming
- need to follow through on what Nations are telling us, to better understand the implications of historic settler land uses on First Nations territories and rights

The meeting recessed at 12:04 p.m. and resumed at 12:39 p.m.

Trustee Scott left the meeting at 12:04 p.m.

Jurisdictional authority over tree cutting

- Trust Council has already asked for tree cutting authority and an advocacy policy does not need to be in the Policy Statement
- policies about forest cover protection are important and already in current and draft Trust Policy Statement
- need policies or tools to protect Garry oak ecosystems and other special 'trees of interest', such as very large or old trees
- asking local trust committees to develop forest management plans can't be included as LTCs don't have that authority; broader forest protection projects could be undertaken at the Trust Council strategic plan level
- there is little public understanding that if local trust committees are eventually given tree cutting powers in the Islands Trust Act, local trust committees could then choose whether to develop tree cutting regulations and local engagement would occur

Appropriate floor area and lot coverage limits for residential development

- impact of larger homes on climate change and rural character is substantial
- if the Policy Statement is silent on a particular topic, that may create problems of interpretation
- if policy is included needs to allow for local flexibility
- some islands may not have an issue with limits
- floor area and lot coverage can already be addressed by local trust committees
- keep the policy and emphasize local flexibility/customization

Trustee Brent left the meeting at 1:52 p.m.

The meeting recessed at 2:00 p.m. and resumed at 2:09 p.m.

Mitigating impacts of seawalls and encouraging the use of soft shoreline approaches

- instead of a ban the policy could indicate that seawalls or hard shoreline armoring require a permit/variance
- The science of Green Shores methods is available and clear, but there are concerns that hard armoring might be needed in some exceptional cases
- Any kind of hard armoring is affecting the natural process; erosion is a natural process
- Check on requirements that would trigger a variance

New desalination plants

- it was noted that the Trust Council resolution is to remove the draft directive policy to prohibit new desalination plants
- language could remain to suggest local trust committees consider dealing with impact of desalination plants
- Fisheries and Oceans Canada and the Province of British Columbia require a permit process to review proposals for new desalination plants

- federal and provincial staff indicate that they don't receive applications despite the fact that some residents in the local trust area do establish desalination plants

Prioritizing advocacy for affordable housing for Indigenous people

- Indigenous peoples were displaced as a result of colonial practices
- where there are affordable housing projects, part of those projects could include support for Indigenous needs
- this particular topic is part of the broader reconciliation work but may not fit within the Policy Statement as coordination policies will be removed
- need to learn more about what levers are at our disposal to require LTCs to prioritize Indigenous interests; what are the constraints and opportunities?

Trustee Scott left the meeting at 2:44 p.m. due to technical difficulties.

Postponing the deferred referrals to local trust committees until next term

By general consent the agenda item was deferred to the next scheduled Trust Programs Committee meeting.

Recommendations from regional districts to refine policies around active recreation, active transportation, trails, and climate emergency preparedness

- a dialogue is needed with the regional districts
- each local trust area/Bowen Island has different needs so each local trust committee/island municipality needs to work with their respective regional district
- this is a climate change issue, so the Policy Statement needs to include support for these actions
- this is also a coordination issue with other local governments

Chair Morrison requested that Trust Programs Committee recommendations to Trust Council be included in the agenda of the next meeting. Further items for the committee to discuss include:

- the timing of first reading of the Policy Statement Bylaw
- advice to the next Trust Council on public engagement
- a potential recommendation for annual reviews of the Trust Policy Statement
- potential budget business cases for next phases of project
- discussion whether the current fiscal year budget is sufficient for the Policy Statement Amendment Project
- communications strategy needed, should be included in the budget

8. BUSINESS - NEW

None

9. WORK PROGRAM

To be reviewed at the next scheduled meeting.

10. NEXT MEETING

The next scheduled meeting is Friday, August 26, 2022, from 9:00 a.m. to 2:00 p.m.

11. ADJOURNMENT

By general consent the meeting adjourned at 3.24 p.m.

Deb Morrison, Chair

Certified Correct:

Robert Barlow, Legislative Services Clerk/Recorder

Minutes are not official until adopted at a subsequent meeting.

Follow Up Action Report

Trust Programs Committee

29-Feb-2016

Activity	Responsibility	Dates	Status
1 Implement Crown Land Protocol project charter V2, circulate past RFD to TPC members, keep charter on future agendas until project is complete, and consider inventory of current referrals if it helps demonstrate the need for updating the letter of understanding.	Clare Frater	Target: 15-Oct-2022	In Progress

05-Nov-2020

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee request staff to investigate options for a joint review with the Ministry of Transportation and Infrastructure of road standards, incorporating the Climate Change Declaration and the Reconciliation Declaration, and report back to Trust Programs Committee.	Clare Frater David Marlor	Target: 15-Oct-2022	In Progress
2 that Trust Programs Committee request staff to work with Trustee Peterson to refine the Amending the Policy Statement Amendment Policy 1.2.1. RFD, and bring it back to Trust Programs Committee before the March, 2021 Trust Council meeting. ON HOLD pending staff capacity	Clare Frater Dilani Hippola		In Progress

05-Feb-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Trust Programs Committee

05-Feb-2021

Activity	Responsibility	Dates	Status
1 Discuss with the province and report to Trust Council on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. By general consent, at its Dec 16, 2020 meeting, Executive Committee put this item ON HOLD pending review by Trust Programs Committee.	Clare Frater		In Progress

14-May-2021

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee request staff to review current criteria, and to provide feedback or suggestions for criteria for future Secretariat Services applications.	Clare Frater	Target: 15-Oct-2022	In Progress

13-May-2022

Activity	Responsibility	Dates	Status
1 staff to conduct a poll of trustee availability for a special meeting on July 6, 7, 8, 15 or 22. Staff will inform Chair Morrison of the results of the poll and then will conduct a Resolution Without Meeting to set the date for the special meeting.	Clare Frater Robert Barlow	Target: 01-Jun-2022	Completed

Follow Up Action Report

Trust Programs Committee

13-May-2022

Activity	Responsibility	Dates	Status
2 that Trust Programs Committee endorse the Living in the Trust Area Mailing Program Project Charter, dated May 13, 2022 and that staff need to consider how to evaluate the effectiveness of the program.	Clare Frater	Target: 26-Aug-2022	In Progress
3 that Trust Programs Committee approve the attached text for inclusion in the 2021/22 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.	Clare Frater	Target: 01-Jun-2022	Completed
4 that Trust Programs Committee Work Program be forwarded to Trust Council.	Clare Frater	Target: 01-Jun-2022	Completed



REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** August 26, 2022
From: Trust Area Services **Date Prepared:** August 19, 2022
SUBJECT: TPC Recommendations to Trust Council on Revisions & Next Steps for the Policy Statement Amendment Project

RECOMMENDATION: That Trust Programs Committee forward the attached Request for Decision to Executive Committee for inclusion in the September 2022 Trust Council agenda package.

- 1 **PURPOSE:** To seek Trust Program Committee's approval of the attached DRAFT Request for Decision to Trust Council, which contains a draft summary of TPC's recommendations to Trust Council regarding revisions and next steps for the Policy Statement Amendment Project.
- 2 **BACKGROUND:** In June 2022, following receipt of three Islands 2050 engagement summary reports from the latest phases of engagement with First Nations, referral agencies, and the public, Trust Council discussed next steps for the Policy Statement Amendment Project and passed a series of resolutions, including the following request of Trust Programs Committee:
 - *That Trust Council request Trust Programs Committee to review recent engagement feedback from First Nations, referral agencies, and the public, and resolutions passed by June 2022 Trust Council and work with staff to develop recommendations for further amendments to the draft new Islands Trust Policy Statement Bylaw No. 183, and forward recommendations to Executive Committee for inclusion in the September 2022 Trust Council package.*

On July 8, 2022, Trust Programs Committee (TPC) held a productive in-person meeting in Nanaimo to consider the engagement input and develop recommendations for further amendments to the draft new Policy Statement for the consideration of Executive Committee and Trust Council in September 2022. TPC's recommendations to Trust Council have been summarized on Pages 1-4 of the attached Request for Decision.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: See attachment. Following TPC's review of the attached draft Request for Decision, staff will make any requested amendments before forwarding on to Executive Committee for inclusion in the September 2022 Trust Council agenda package.

FINANCIAL: See attachment.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: See attachment.

FIRST NATIONS: See attachment.

OTHER: None.

4 RELEVANT POLICY(S): See attachment.

5 ATTACHMENT(S): DRAFT Trust Council Request for Decision: Policy Statement Amendment Project - Revisions & Next Steps (Fall/Winter 2022-23)

RESPONSE OPTIONS

Recommendation: That Trust Programs Committee forward the attached Request for Decision to Executive Committee for inclusion in the September 2022 Trust Council agenda package.

Alternatives:

1. That Trust Programs Committee forward the attached RFD, as amended, to Executive Committee for inclusion in the September 2022 Trust Council agenda package.
2. That Trust Programs Committee not forward the attached RFD at this time.

Prepared By: Dilani Hippola, Senior Policy Advisor, Trust Area Services

Reviewed By/Date: Clare Frater, Director, Trust Area Services / August 18, 2022

REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 20, 2022
From: Trust Programs Committee **Date Prepared:** August 26, 2022
SUBJECT: Policy Statement Amendment Project: Revisions & Next Steps (Fall/Winter 2022-23)

TPC RECOMMENDATIONS:

Part 1 - Structural Revisions:

1. That Trust Council request staff to make the following changes to the structure of the draft new Islands Trust Policy Statement Bylaw No. 183, for Trust Programs Committee and Executive Committee review:

1.1 – remove detailed coordination policies from each subsection and instead develop more general coordination principles in accordance with the object of the Trust.

1.2 – remove detailed “commitments of Trust Council” from each subsection and instead develop more general guiding principles in accordance with the object of the Trust.

1.3 – add a new category of “recommended policies” for local trust committees and island municipalities (not mandatory, but encouraged) in addition to existing category of “directive policies” (mandatory to include in local official community plans and regulatory bylaws).

1.4 – draft a companion handbook that includes greater detail on the rationale for policies and how local trust committees and island municipalities are expected to implement each policy.

1.5 – separate out introductory/history sections from the official bylaw and place them in the companion handbook.

1.6 – explore updating and integrating Trust Council’s Policy Statement Amendment Policy [1.2.1](#) and Policy Statement Implementation Policy [1.3.1](#) into the draft Policy Statement bylaw.

(...in addition to the following resolutions already passed by Trust Council in June 2022):

- reformat the draft Trust Policy Statement to simplify the structure and shorten the length to improve readability and understanding, for example, separate the mandatory directive policies from the remainder of the text

- develop a Glossary of Terms used in the Trust Policy Statement to be an appendix to that document

Part 2 - Revisions to Existing Content:

2. That Trust Council request staff to make the following changes to the existing content of the draft new Islands Trust Policy Statement Bylaw No. 183, for Trust Programs Committee and Executive Committee review:

2.1 – refine the draft directive policy prohibiting new private docks to highlight areas of concern, for example prohibiting or limiting new private docks in areas that have been identified as culturally significant for First Nations or in locations that provide critical habitat for species at risk, and/or requiring cumulative effects assessments prior to approval of applications.

2.2 – refine the draft agricultural policies to highlight the value of sustainable agriculture in the Trust Area, while also suggesting preferred approaches that are aligned with the object of the Trust, and First Nations’ rights and interests.

2.3 – refine the draft directive policy prohibiting new seawalls or hard shoreline armouring to instead direct local trust committees and island municipalities to stipulate certain requirements for new seawalls in their local area, such as setback or height limitations, while encouraging soft shoreline approaches.

2.4 – remove the draft commitment/coordination policies advocating for authority to regulate tree cutting, acknowledging that Trust Council may continue to advocate for this irrespective of the topic’s inclusion in the Policy Statement.

(...in addition to the following resolutions already passed by Trust Council in June 2022):

- remove the draft directive policy to prohibit new desalination plants
- change the term “Indigenous ways of knowing” to “[Indigenous Knowledge](#)”
- reword “seven generations” language to better reflect relationships to past, present, and future generations

Part 3 - Development of Additional Content:

3. That Trust Council request staff to develop and add the following additional content to the draft new Islands Trust Policy Statement Bylaw No. 183, for Trust Programs Committee and Executive Committee review:

3.1 – provide more explanatory context on First Nations rights and responsibilities, and implications of the Declaration on the Rights of Indigenous Peoples Act, with corresponding “recommended policies” to guide First Nations engagement and reconciliation work.

3.2 – add greater detail on First Nations’ co-governance interests and the need for collaborative frameworks to work together at all stages of policy development and implementation.

3.3 – strengthen policy language around First Nations’ constitutional rights to access culturally significant areas and healthy ecosystems for their cultural, spiritual, and economic uses.

3.4 – strengthen policy language around preservation and protection of the coastal and marine environment to support First Nations’ food security in Indigenous marine harvesting areas.

3.5 – strengthen policy language around engaging with First Nations and cultural monitors to better protect known and unknown cultural heritage sites, through clearly defined collaborative frameworks.

(...in addition to the following resolutions already passed by Trust Council in June 2022):

- provide options for draft policy language for the draft Policy Statement to encourage preservation of forest cover in the Trust Area, this will include reference to sustainable forest management practices
- reaffirm Trust Council’s Reconciliation Declaration of March 2019 and its inherent commitment to be responsive to First Nations engagement on the Trust Policy Statement as dictated by the Declaration on the Rights of Indigenous Peoples.

Part 4 – Coordination with Referral Agency Partners:

4. That Trust Council request staff to explore and, where possible, integrate input received from the following referral agency partners on the draft new Islands Trust Policy Statement Bylaw No. 183, for Trust Programs Committee and Executive Committee review:

4.1 – work with Bowen Island Municipality staff and Islands Trust Conservancy staff to integrate their specific amendment requests.

4.2 – work with Ministry of Agriculture & Food, and Agricultural Land Commission staff to refine the wording of the draft agricultural policies.

4.3 – address regional district staff recommendations for revisions to policies relating to active recreation, active transportation, trails, and climate emergency preparedness, as appropriate.

4.4 – address improvement district recommendations around water management, including rainwater harvesting, septic filtering, and water conservation, as appropriate.

4.5 – postpone the deferred referrals to local trust committees until the next draft of the document has been received by the incoming Trust Council and its committees.

Part 5 – Engagement, Reviews, and Next Steps:

5.1 – That Trust Council request staff to continue to build staff-to-staff relationships with First Nations who provided input to the Policy Statement Amendment Project in Phases 1 and 2 of early and meaningful engagement, and provide additional capacity funding to support continued First Nations engagement on this project.

5.2 – That Trust Council request staff to coordinate the provision of expert advice and training to the incoming Trust Council on the theme of public engagement, building on lessons learned from the first three phases of Islands 2050 public engagement from 2019 – 2022.

5.3 – That Trust Council request staff to procure legal review, graphic design, and plain language editorial services for the next draft of the Policy Statement prior to its public release.

5.4 – That Trust Council request staff to prepare a new Policy Statement Amendment Project Charter for the consideration of the incoming Executive Committee and Trust Council in early 2023.

(NOTE: Budgetary requests/forecasts related to 5.1 – 5.3 will be included in the relevant Policy Statement Amendment Project business cases.)

1 PURPOSE: To seek Trust Council’s approval of recommendations regarding revisions and next steps for the Policy Statement Amendment Project.

2 BACKGROUND:

In June 2022, following receipt of three Islands 2050 [engagement summary reports](#) from the latest phases of engagement with First Nations, referral agencies, and the public, Trust Council discussed next steps for the Policy Statement Amendment Project and passed a series of resolutions, including the following request of Trust Programs Committee:

- ***That Trust Council request Trust Programs Committee to review recent engagement feedback from First Nations, referral agencies, and the public, and resolutions passed by June 2022 Trust Council and work with staff to develop recommendations for further amendments to the draft new Islands Trust Policy Statement Bylaw No. 183, and forward recommendations to Executive Committee for inclusion in the September 2022 Trust Council package.***

On July 8, 2022, Trust Programs Committee (TPC) held a productive in-person meeting in Nanaimo to consider the engagement input and develop recommendations for further amendments to the draft new Policy Statement for the consideration of Executive Committee and Trust Council in September 2022. TPC’s recommendations to Trust Council have been summarized on Pages 1-4 of this Request for Decision.

Most of TPC’s recommendations build on suggestions previously presented to Trust Council in the June 2022 Trust Council agenda package. One new recommendation which arose during the July 8 TPC meeting was Recommendation 1.3 – to add a new category of “recommended policies”. The Committee noted that there were a number of areas where Trust Council cannot or does not want to *require* that certain policies be included in local official community plans (OCPs) and bylaws, but would like to *guide* local trust committees and island municipalities to conduct their daily decision-making in ways that are aligned with the Islands Trust Object and Trust Council’s reconciliation commitments. These policies would be similar to the current “Commitments of Trust Council”. Directive policies, on the other hand, would require local trust committees and island municipalities to include certain types of policies in their OCPs and regulatory bylaws. This category of “recommended policies” may be particularly suitable to reconciliation-related policy guidance in the Policy Statement, as current legislative structures and processes are not yet fully aligned with principles set out in the *Declaration on the Rights of Indigenous Peoples Act* and other reconciliation-related guidelines.

Once endorsed by Trust Council, these recommendations will provide the necessary political direction to staff to revise the draft Policy Statement bylaw over the coming months.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Revising the structure and content of the draft new Policy Statement, and coordinating with other agencies and Islands Trust staff, will be a priority for Trust Area Services (TAS) and will occupy a significant portion of the Senior Policy Advisor’s time over Fall/Winter 2022-23. TAS’ ability to take on new additional work will be limited.

FINANCIAL: Anticipated costs relating to this next round of revisions to the draft Policy Statement bylaw include capacity funding for continued First Nations engagement, legal review, graphic design, and plain language editorial services. These will be brought forward for Trust Council's approval through budgetary business cases relating to the Policy Statement Amendment Project.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Following Trust Council's directions in September 2022, staff will advise e-mail subscribers of Trust Council's next steps for the Policy Statement Amendment Project, and will update the Islands 2050 webpage accordingly. Following revision of the draft Policy Statement bylaw, staff will present the revised draft and a new draft project charter to the incoming Executive Committee and Trust Council in early 2023.

Staff consider it unlikely that first reading of the revised draft Policy Statement will be achieved prior to June 2023. Following first reading, the revised draft would need to be referred to First Nations, regional districts and other agencies/bodies requested by Trust Council prior to second and third readings. After third reading, the proposed new Policy Statement bylaw would be sent to the Minister of Municipal Affairs for final approval and would then return to Trust Council for fourth reading and final adoption.

FIRST NATIONS: During this next round of revisions, staff hope to continue to collaborate with First Nations staff who contributed feedback to the Policy Statement amendments in Phases 1 and 2 of early and meaningful engagement (2019 – 2022), using additional capacity funding. Some Nations have expressed concern that the document will change significantly in its next iteration and would like to be engaged prior to its next release. Engaging First Nations and other experts on the development of a glossary, for instance, would help to ensure that any new language is aligned with the Truth & Reconciliation Commission Calls to Action, the *Declaration on the Rights of Indigenous Peoples*, and other foundational reconciliation principles and guidelines.

OTHER: None.

4 **RELEVANT POLICY(S):** [Policy Statement Amendment Policy 1.2.1](#)

5 **ATTACHMENT(S):** None.

RESPONSE OPTIONS

Recommendations: As outlined on pages 1-4 of this Request for Decision.

Alternatives: As determined by Trust Council.

Prepared By: Dilani Hippola, Senior Policy Advisor, Trust Area Services

Reviewed By/Date: Clare Frater, Director, Trust Area Services / August 18, 2022
Stefan Cermak, Director, Local Planning Services / August 19, 2022
David Marlor, Legislative Services Manager / August 19, 2022
Trust Programs Committee / August 26, 2022
Executive Committee / September 7, 2022



REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** August 26, 2022
From: Trust Area Services **Date Prepared:** August 18, 2022
SUBJECT: Trust Programs Committee Budget and Work Program for FY2023/24

RECOMMENDATION:

1. That Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$20,000 for stewardship education.
2. That Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$15,000 for secretariat services.

DIRECTORS COMMENTS: The recommendations support development of the 2023/24 draft budget. AS staff did not have prior direction, these business cases are provided for consideration and Trust Programs Committee can request additional business cases be developed for submission to Financial Planning Committee. Staff will prepare a Policy Statement Amendment Project business case for review by Executive Committee at its October meeting.

1 PURPOSE:

The purpose of this Request for Decision is for Trust Programs Committee to recommend budget allocations for Fiscal Year 2023/24.

2 BACKGROUND:

Financial Planning Committee reviews the first draft of the 2023/24 budget at their meeting on October 12, 2022 and meets again to review the next draft on November 30, 2022.

Staff have prepared business cases anticipating the programs that Trust Programs Committee may wish to recommend are funded in the first year of the new term.

3 IMPLICATIONS OF RECOMMENDATIONS

ORGANIZATIONAL: Staff assigned to the Trust Programs Committee will undertake work with staff/consultants support work per the business cases.

FINANCIAL: The FY2023/24 budget would need to include the required funds to support the projects.

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: The Trust Programs Committee resolutions will be forwarded to the Executive Committee and Financial Planning Committee.

FIRST NATIONS: Reconciliation opportunities will be considered in the development of business cases.

OTHER: No other implications.

4 RELEVANT POLICY(S): Budget Process Policy (6.3.1)

5 ATTACHMENT(S):

- 1) Business case for 2023/24 funding for stewardship education
- 2) Business case for 2023/24 funding for secretariat services

RESPONSE OPTIONS

Recommendation:

1. That Trust Programs Committee request that the Financial Planning Committee include in the first version of the Fiscal Year 2022/23 Budget \$XX,000 as a Trust Programs Committee Strategic Plan projects budget placeholder amount pending TPC consideration of specific budget requests on November 25, 2022.
2. That Trust Programs Committee request staff to prepare business cases for undertaking 2018-2022 Strategic Plan projects related to Secretariat Services, Policy Statement Amendment Project, Climate Change Indicators and Stewardship Education Program for consideration by Trust Programs Committee on November 25 2022.

Alternatives:

- 1) Move recommendations above with amendments
- 2) That Trust Programs Committee request staff to develop a business case in the amount of \$XX to support \$XX.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date:



REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** August 26, 2022
From: Trust Area Services **Date Prepared:** August 18, 2022
SUBJECT: Trust Programs Committee Budget and Work Program for FY2023/24

RECOMMENDATION:

1. That Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$20,000 for stewardship education.
2. That Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$15,000 for secretariat services.

DIRECTORS COMMENTS: The recommendations support development of the 2023/24 draft budget. AS staff did not have prior direction, these business cases are provided for consideration and Trust Programs Committee can request additional business cases be developed for submission to Financial Planning Committee. Staff will prepare a Policy Statement Amendment Project business case for review by Executive Committee at its October meeting.

1 PURPOSE:

The purpose of this Request for Decision is for Trust Programs Committee to recommend budget allocations for Fiscal Year 2023/24.

2 BACKGROUND:

Financial Planning Committee reviews the first draft of the 2023/24 budget at their meeting on October 12, 2022 and meets again to review the next draft on November 30, 2022. Trust Programs Committee has a meeting scheduled for November 25, 2022 which will give the Committee an opportunity to review the requests and provide requests for changes verbally to the Financial Planning Committee meeting on November 30, 2022 when it considers the second version of the draft budget.

Staff have prepared business cases anticipating the programs that Trust Programs Committee may wish to recommend are funded in the first year of the new term.

3 IMPLICATIONS OF RECOMMENDATIONS

ORGANIZATIONAL: Staff assigned to the Trust Programs Committee will undertake work with staff/consultants support work per the business cases.

FINANCIAL: The FY2023/24 budget would need to include the required funds to support the projects.

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: The Trust Programs Committee resolutions will be forwarded to the Executive Committee and Financial Planning Committee.

FIRST NATIONS: Reconciliation opportunities will be considered in the development of business cases.

OTHER: No other implications.

4 RELEVANT POLICY(S): Budget Process Policy (6.3.1)

5 ATTACHMENT(S):

- 1) Business case for 2023/24 funding for stewardship education
- 2) Business case for 2023/24 funding for secretariat services

RESPONSE OPTIONS

Recommendation:

- 1. That Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$20,000 for stewardship education.**
- 2. That Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$15,000 for secretariat services.**

Alternatives:

- 1) Move recommendations above with amendments
- 2) That Trust Programs Committee request staff to develop a business case in the amount of \$XX to support \$XX.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date:



**Budget Funding Request
Short-Form Business Case**

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.1).

TO BE COMPLETED BY INITIATOR

Initiated by (name, title): Trust Programs Committee	Budget Source (select all that apply): ☒ Specific Project Funding (select all that apply) ☒ Third Party Contractors ☐ Staff Travel Expense ☐ Staff Overtime Expense ☐ New Staff Member – Temporary for project ☐ Computer Hardware/Software ☐ Furniture & Equipment ☐ Computer Hardware/Software/Supplies ☐ New Staff Resources (see Staff Costing Tool) ☐ Permanent ☐ Temporary Temp Duration: _____ ☐ Other – please describe: _____
Business Area: Trust Area Services	
Name of Request: Stewardship Education Program \$20,000	
Date of Funding Request Submission: August 26, 2022	Funding Required for (date range): FY2023/2024
ISSUE/OPPORTUNITY: Trust Area communities play a critical role in supporting the Islands Trust Object. There is a need to broaden public and industry awareness about the uniqueness of the Islands Trust mandate and local bylaws, and to empower the public with education and tools to help preserve and protect local ecosystems and cultural heritage in the Islands Trust Area. This budget request is to request funds to support stewardship education activities (e.g. educational webinars, workshops), including the Living in the Trust Area mailing to new residents, into the new term. In FY 2020/21, with a budget of \$15,000, Trust Programs Committee (TPC) successfully delivered Phase 1 of the program - a series of three climate action stewardship education webinars on the topics of rainwater harvesting, ecosystem-based adaptation, and eelgrass/blue carbon.	

In FY 2021/22, with the Stewardship Education program budget of \$24,000 (actuals spent was \$15,000) the Committee supported development of a "[Living in the Trust Area](#)" package which was mailed to 1000 new property owners across the Trust Area in March 2022. The package included newly designed Islands Trust brochures, stewardship tips booklets, groundwater conservation brochures, as well as localized government service contact lists. The full budget was underspent as the committee was not able to offer webinars or other education programs due to staff resources being allocated to the Islands 2050 Policy Statement Phase 3 engagement.

In FY 2022/23 Trust Council budgeted \$13,000 and TPC adopted a project charter allocating all the funds to three mailings of the Living in the Trust Area package and distribution of the materials to renters via community groups.

PROJECTED RESULTS/DELIVERABLES:

The provision of educational programming and materials on stewardship topics to be determined by Trust Program Committee in FY 2023/24.

RISK ASSESSMENT:

The main risk to stewardship education programming is staffing vacancies or reallocation of staff to other priorities. The Living in the Trust Area mailing project has been designed to require limited staff time with BC Mail undertaking most of the work. Staff will clearly advise Trust Programs Committee of staff capacity and will recommend use of contractors as appropriate.

ALTERNATIVES CONSIDERED:

Option 1: Budget a reduced funding amount.

Option 2: Budget a higher funding amount.

Option 3: Do not budget for stewardship education.

Option 4: Budget general funds for Trust Programs Committee programming without calling it stewardship education.

CRITICAL SUCCESS FACTORS:

Sufficient staff time to administer and deliver the program.

Trust Programs Committee decision-making regarding the topics to be addressed and methods of outreach.

RECOMMENDED OPTION:

That \$20,000 be budgeted for the Stewardship Education Program.

COST/BENEFIT ANALYSIS:Quantitative Analysis:

- \$20,000 for the Stewardship Education Program for FY 2023/24

Qualitative Analysis:

A stewardship education program offers the opportunity to educate community members and professional practitioners about the importance of preserving and protecting the Trust Area, climate action, and methods of being a good steward. Increased understanding of the Islands Trust and rationale for the preserve and protect mandate could result in reduced bylaw infractions.

PURCHASING PROCEDURE:

All expenditures will be in accordance with Policy 6.5.3 on Procurement.

PROPOSED IMPLEMENTATION STRATEGY:

Staff would develop a project charter(s) for the Trust Programs Committee to guide stewardship education work. There are staff procedures available to guide a mailout of the Living in the Trust Area package.

STAFF RESOURCING:

Trust Area Services staff will support delivery of the project. The Living in the Trust Area project is expected to require approximately 50 hours of the Program Coordinator position. Additional staff hours will depend on the activities selected by Trust Programs Committee.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

Change management, communication and collaboration will be addressed via the strategies outlined in the project charter and as directed by Trust Programs Committee during consideration of next steps.

The program would be supported by a communications plan. Ideally, components of the program would be delivered in collaboration with local agencies and/or First Nations.

Clare Frater, Trust Area Services for Trust
Programs Committee

Initiator Name, Title

August 29, 2022

Date

Reviewed by Department Lead: Name, Title

Date

REVIEWED BY MANAGEMENT TEAM:**Date received:****Accepted by Management:** ☐ YES ☐ NO**Next steps:**

- If accepted by management:
 - the business case will be forwarded to FPC for review in October of each year.
 - the funding for the request will be included in Draft 1, Version 1 of the budget which is reviewed by FPC in October of each year, and the business case forwarded to FPC.
- If not accepted by management:
 - the business case will be forwarded to FPC for information in October of each year, but not included in the budget draft.



**Budget Funding Request
Short-Form Business Case**

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by (name, title): Trust Programs Committee	Budget Source (select all that apply): ☒ Specific Project Funding (select all that apply) ☒ Third Party Contractors ☐ Staff Travel Expense ☐ Staff Overtime Expense ☐ New Staff Member – Temporary for project ☐ Computer Hardware/Software ☐ Furniture & Equipment ☐ Computer Hardware/Software/Supplies ☐ New Staff Resources (see Staff Costing Tool) ☐ Permanent ☐ Temporary Temp Duration: _____ ☐ Other – please describe: _____
Business Area: Trust Area Services	
Name of Request: Secretariat Services \$15,000	
Date of Funding Request Submission: August 26, 2022	Funding Required for (date range): FY2023/2024
ISSUE/OPPORTUNITY: The <i>Islands Trust Act</i> states that Trust Council may coordinate and assist in the determination, implementation and carrying out of municipal, regional and improvement district, First Nations, and government of British Columbia policies for the preservation and protection of the Trust Area and its unique amenities and environment. In September 2020, Trust Council adopted a Secretariat Services Policy . Trust Programs Committee has provided secretariat service support to coordination groups in the Trust Area such as the Baynes Sound / Lambert Channel Regional Forum, Howe Sound Community Forum, and Southern Gulf Island Regional Forum. This support includes both Islands Trust in-kind staff time, and the hiring of administrative consultants and workshop facilitators.	

There are a number of coordinating bodies operating in the Trust Area, largely supported by volunteer or in-kind staff effort. These bodies bring together different levels of government, First Nations and community members on a regular basis to discuss matters of mutual interest/concern.

Over the years, coordinating bodies and trustees raised concern regarding the lack of funding for the administrative needs (e.g. meeting logistics, agenda preparation, minutes, facilitation, website hosting/posting, shared document drive) for some of the coordinating bodies and/or concern about the sustainability of relying on volunteer and side-of-the-desk coordinators.

In FY 2022/23, Trust Programs Committee allocated \$15,000 budgeted by Trust Council to support four coordination groups and staff support to one coordination group.

In FY 2021/22, Trust Programs Committee allocated \$12,000 budgeted by Trust Council and 70 staff hours to support five coordination groups.

In FY 2020/21, Trust Programs Committee allocated \$11,000 budgeted by Trust Council to support four coordination groups.

PROJECTED RESULTS/DELIVERABLES:

Continued support to coordination groups in the Trust Area that further the Islands Trust Object.

RISK ASSESSMENT:

The main risk to secretariat services programming is staffing vacancies or reallocation of staff to other priorities. Staff will clearly advise Trust Programs Committee of staff capacity and will recommend use of contractors as appropriate.

ALTERNATIVES CONSIDERED:

Option 1: Budget a reduced funding amount.

Option 2: Budget a higher funding amount.

Option 3: Do not budget for secretariat services.

CRITICAL SUCCESS FACTORS:

Some limited staff time must be available to manage contractors and work with partners. Staff estimate that up to 100 hours (approx. three weeks) may be required to manage four contracts and work with the coordination groups, as well as provide direct administrative support should TPC decide to allocate staff time.

There must also be available contractors willing to take on the coordination/secretariat work.

Trust Programs Committee must decide on the amount of funding to be allocated to the various groups.

RECOMMENDED OPTION: That \$15,000 be budgeted for the Secretariat Services.
COST/BENEFIT ANALYSIS: <u>Quantitative Analysis:</u> \$15,000 to fund requests from groups for FY 2023/24 <u>Qualitative Analysis:</u> Supporting coordination groups/partnerships allows for Islands Trust to support enhanced coordination and cooperation in the Islands Trust Area and to learn from these groups, which advocate on similar issues of interest to Islands Trust residents and trustees. Supporting these local groups strengthens Islands Trust's position within the community as a leader and ally, and creates an opportunity to build long-term collaborative relationships. Some of these groups also offer an opportunity for more targeted and effective collaboration with First Nations and regional districts in the Trust Area.
PURCHASING PROCEDURE: All expenditures will be in accordance with Policy 6.5.3 on Procurement.
PROPOSED IMPLEMENTATION STRATEGY: Following the Secretariat Services policy, Trust Programs Committee will assess opportunities to provide Secretariat Services at its first meeting of the fiscal year. If Trust Programs Committee indicates an interest in providing administrative support to certain coordination groups, staff will work with the coordination groups to determine the exact nature of the support, the timeframes, and expected workload.
STAFF RESOURCING: Staff estimate that up to 100 hours (approximately three weeks) of the Program Coordinator's time may be required to manage contracts and work with the coordination groups, as well as provide administrative support should TPC decide to allocate staff time.
CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION: Funding for secretariat services supports enhanced collaboration in the Islands Trust Area. Staff may promote the Islands Trust's contributions, as appropriate.

Clare Frater, Trust Area Services for Trust
Programs Committee

Initiator Name, Title

August 26, 2022

Date

Reviewed by Department Lead: Name, Title

Date

REVIEWED BY MANAGEMENT TEAM:

Date received:

Accepted by Management: ☐ YES ☐ NO

Next steps:

- If accepted by management:
 - the business case will be forwarded to FPC for review in October of each year.
 - the funding for the request will be included in Draft 1, Version 1 of the budget which is reviewed by FPC in October of each year, and the business case forwarded to FPC.
- If not accepted by management:
 - the business case will be forwarded to FPC for information in October of each year, but not included in the budget draft.



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DRAFT FOR TRUST PROGRAMS COMMITTEE

August 19, 2022

Dear Chair of the Trust Programs Committee 2022-2026,

Congratulations on being elected into this role within the Islands Trust! As outgoing Chair of the Trust Programs Committee (TPC) 2018-2022, I wanted to provide you with some thoughts and reflections as the TPC engages in the next phase of work.

The TPC provides policy advice to the Islands Trust Council (TC) via the Executive Committee (EC) on Trust-wide issues related to the TPC's areas of responsibility. Some past areas assigned to TPC work include issues relating to fresh water, marine stewardship, sustainable communities, public awareness and education, and the Islands Trust Policy Statement. While much of this work falls into advocacy advice, there are also larger policy and planning roles on which the TPC advises. Sometimes this work can seem daunting as it often takes much longer than expected to effect desired changes but it is rewarding and needed work. So thank you in advance for your service to the First Nations of the Salish Sea, island communities, the non-human organisms of the region, and the residents of British Columbia for helping to preserve and protect the unique amenities of the Trust Area.

I thought I would outline a few things that were engaged in during the 2018-2022 term and provide some of my own personal thoughts on the process or activity which may not have been in any of the official records so far. Please also feel free to reach out to me at any point if you want a deeper conversation on any of these issues.

The Policy Statement Amendment Project

During my term the Trust Policy Statement Amendment Project (PSAP) was initiated and dominated the TPC's work program – see details here at the [Islands 2050 webpage](#). This caused other things on the committee's work program to be stalled as a result of staff time allocations to the TPS work and a few core initiatives. As this project is not yet completed, it will be a priority to get up to speed quickly as the TPC continues on with this work. You may want me to come in with key staff to brief you all early in the course of the term. Due to the heavy workload around the PSAP that remains, you may want to consider how many meetings per year, and whether they should be in person, to schedule for the TPC. In previous terms, other committees had only four meetings a year while TPC had 6- 9. In recent years there were many more TPC or smaller working groups of the TPC meetings to address the need to move the project forward.

TPC Accomplishments and Progress on Other Work

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

The [Community Stewardship Awards](#) program delivery was accomplished several times throughout my term. However, we suggested and the TC executed policy changes to this program and it will now only be offered in the last year of term. You should be prepared for this well in advance to ensure that good communication is made with all trustees at least six months in advance of the submission date to ensure good nomination options are made.

The [State of the Island Report](#) was updated and would be a great resource for all of the trustees to read and essential for the members of the TPC so as to get a good overview of the whole Trust Area. Additionally, the delivery of the [stewardship education webinars and development of Living in the Trust Area mailing to new residents](#) and associated materials are things that should be recommended reads for new committee members.

This term also saw the formalization of the [secretariat services](#) program to support coordination groups. This program is well loved across the Trust and should, in my opinion, be championed by the TPC in future years.

Areas that Need Future Attention

The development of an agreement with the Ministry of Forests, Lands and Natural Resource Operations, and the Bowen Island Municipality about Crown lands decisions is still outstanding after more than a decade due to staff being assigned to higher priority work. Early in the term this should be revisited to consider it in the TPC work program. I recommend the project continue.

There is work to identify potential governance or operational changes that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. This decision will need to come from TC through the EC to the TPC. This was on the committee work program when the term started and did not see progress other than the establishment of the secretariat services policy and associated program.

The committee developed [key messages about climate change](#) and procured an [Islands Trust Climate Indicators: Scoping Exercise to Identify Climate Change Indicators for the Islands Trust Area Report](#) and forwarded them to Trust Council but did not yet get TC support for monitoring indicators noted in the report. This should be considered again in the work program.

The TPC received a *Community Benefit Land Trust Concept Briefing* and added the topic to its projects list, but saw no progress despite high interest on Trust Council regarding affordable housing issues. This is a highly promising pathway for the Trust Area and should be considered on the work program.

Future Guidance as the Chair

Without budgeting to backfill staff working on the TPS project, the committee did not have sufficient resources for other work. When TC dedicated a temporary Community Communications Specialist to the Living in the Trust Area project there was substantial progress. It is important to champion budget requests that allow for adequate staff resourcing

to the diverse work of the TPC work plan. If adequate staff are not available, then it is better to pick a few priorities and fund them adequately than ask staff to juggle multiple projects as they can.

The Policy Statement project did not have sufficient staff resources or budget, and saw continuous project scope creep through the term, resulting in challenges in delivering the budget. A key lesson was the need for internal engagement on draft language with trustees and local trust committees/Bowen Island and communications materials ready early to support draft ideas. We should, depending on what happens with the TPS, be doing continuous review of TPS instead of letting needed smaller amendments build up.

I sincerely hope you have a fabulous term and again thank you for stepping into this role and for the service you do for us all.

A handwritten signature in black ink, appearing to read 'Deb L. Morrison', followed by a long horizontal line.

Dr. Deb L. Morrison
Chair, Trust Programs Committee, 2018-2022
Trustee, North Pender Island, 2018-2022

Top Priorities Report

Trust Programs Committee

1. Policy Statement Amendment Project

Implement Policy Statement engagement plan and project charter (in support of Strategic Plan strategies 3.1; 4.4; 5.6; 5.7)

Responsible

Clare Frater
Dilani Hippola
Gillian Nicol

Dates

Rec'd: 21-Jun-2017
Target: 15-Oct-2022

2. Secretariat Role to Forums within the Trust Area

Administer Secretariat Services program. Strategic Plan item 5.2

Responsible

Clare Frater
Gillian Nicol

Dates

Rec'd: 20-Jun-2018
Target: 15-Oct-2022

3. Stewardship Education Program

Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area. (Strategic Plan strategy #4.3). This includes the Living in the Trust Area project guided by the project charter endorsed by TPC.

Responsible

Clare Frater

Dates

Rec'd: 13-Aug-2020
Target: 15-Oct-2022

Projects Report

Trust Programs Committee

1. *Update Crown Land Agreements*

Responsible

Date Received

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

19-Jun-2014

2. *Community Benefit Land Trust Concept*

Responsible

Date Received

Further consideration of the Community Benefit Land Trust Concept briefing presented to TPC on February 5, 2021.

05-Feb-2021