



# Denman Island Local Trust Committee

## Regular Meeting Addendum

**Date:** August 1, 2017  
**Time:** 9:30 am  
**Location:** Denman Activity Centre  
1111 Northwest Rd, Denman Island, BC

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		<b>Pages</b>
<b>3. TOWN HALL AND QUESTIONS</b>	<b>9:35 AM - 9:45 AM</b>	
3.1 <i>Denman Island Marine Stewards (ADIMS) regarding Beach Clean up - attached comments</i>		2 - 2
<b>6. MINUTES</b>	<b>9:45 AM - 9:55 AM</b>	
6.2 <i>Local Trust Committee Public Hearing Record dated June 6, 2016 - for receipt</i>		3 - 4
<b>11. LOCAL TRUST COMMITTEE PROJECTS</b>	<b>10:25 AM - 11:00 AM</b>	
11.1 <i>First Nations Relationship Building - Staff Report</i>		5 - 10
<b>16. CLOSED MEETING</b>	<b>11:55 AM - 12:05 PM</b>	
16.1 <i>Motion to Close the Meeting</i>		
That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and (i) for the purpose of considering Adoption of In-Camera Meeting Minutes dated May 2, 2017; and to receive Legal Advice that is subject to Solicitor-Client Privilege and that the recorder and staff attend the meeting.		
16.2 <i>Recall to Order</i>		
16.3 <i>Rise and Report</i>		
<b>17. ADJOURNMENT</b>	<b>12:05 PM - 12:05 PM</b>	

Letter from ADIMS to LTC re: DFO Beach Cleanup Initiative

Aug 1, 2017

Dear LTC,

ADIMS supports initiatives made by both DFO and the BC Shellfish Growers Association to collect debris from the shellfish industry that washes up on the shores of Baynes Sound.

We are working with both DFO and BCSGA to co-operate on a big beach cleanup of the whole Sound this September, and hope, over the coming years, that those organizations will take over the cleanup in an effective way.

**However, we do not support any plan that relies on vehicles driving on the beach as the means of collecting debris. The letter to be discussed today, sent to you June 21 by Chris Marrie, DFO Senior Biologist-Shellfish appears to be just such a plan.**

As the LTC is aware, we do not support any activity that degrades forage fish spawning habitat, compacts beach substrates or would delay restoration projects. We do not agree with DFO Aquaculture Management personnel that their scientific knowledge is adequate to actively disregard identified forage fish habitat along Denman's western shores.

Your amendment of Bylaw 225 reflects our community's and the Trust's concern about driving on the beach.

Collection of industrial debris does not justify driving on the beach in our view. For the last thirteen years, ADIMS and hundreds of community members have cleaned up these same beaches without driving any vehicle on our beaches. As well, only boats can get to many of the coves where debris collects along Denman's shoreline.

Most growers use skiffs to access their tenures, and to transport equipment and product between the east side of Baynes Sound, their rafts and Denman. According to the Marine Advisory Committee's report to you, only 5-6 growers rely on their trucks, and they all use the ferry as well.

We suggest that, for those growers, a dumpster at Buckley Bay would be serve better, and for the boat users, a dumpster at Fanny Bay would be a good start. Maintaining the dumpsters would be more convenient if they were all on the same side of Baynes Sound.

We will be speaking to Chris Marrie this week, and hope to have a further meeting to discuss his plan more thoroughly.

Thank you for your attention to this issue,

Dorrie Woodward,

Co-chair, ADIMS

[dorrancewoodward@gmail.com](mailto:dorrancewoodward@gmail.com)

250 335 3288

## Denman Island Local Trust Committee Public Hearing Record

**Date:** June 6, 2017  
**Time:** 10:10 am  
**Location:** Denman Activity Centre  
1111 Northwest Rd, Denman Island, BC

**Members Present** Susan Morrison, Chair  
David Critchley, Local Trustee  
Laura Busheikin, Local Trustee

**Staff Present** Ann Kjerulf, Regional Planning Manager  
Teresa Rittemann, Planner 2  
Ian Cox, Student Planner  
Vicky Bockman, Recorder

**Others Present** Approximately six (6) members of the public

### 1. CALL TO ORDER

Chair Morrison called the Public Hearing to order at 10:10 am. She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw No. 222.

### 2. PROPOSED BYLAW NO. 222 (OCP)

Planner Rittemann reported that all notification requirements under the *Local Government Act* have been completed. She explained that the intent and purpose of the proposed bylaw is to amend the Official Community Plan to address a "housekeeping" item that would correct an inaccuracy and omission in the original Development Permit Area 4 mapping schedule for Streams, Lakes and Wetlands. She reported on the agency referrals and responses received and noted that to date there have been no written submissions received.

The location of the speakers list, comment sheets for written comments, and Public Hearing submission box were pointed out and the public was advised that all submissions must be received by the end of the Public Hearing.

### 3. PUBLIC COMMENTS

Chair Morrison opened the floor for public comments on proposed Bylaw No. 222.

- Shirley Ward, 2575 Jemima Road, expressed support for Riparian Areas Regulation (RAR) protection of wetlands. She asked for clarification of the term RAR-applicable and how the decision was made to protect this additional stream.
  - Staff responded that that this stream, identified as a result of a Temporary Use Permit application, has been determined to meet the criteria for RAR protection.
- Bill Peters, 2575 Jemima Road, expressed support for the Bylaw amendment that adds the stream into the RAR-applicable category as it would prevent any future logging within the regulated setback.

#### **4. ADJOURNMENT**

Chair Morrison asked three times for further comments from the public and hearing none the Public Hearing was closed at 10:17 am.

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I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

\_\_\_\_\_  
Vicky Bockman, Recorder



DATE OF MEETING: August 1, 2017  
TO: Denman Island Local Trust Committee  
FROM: Fiona XETXÁITEN MacRaid, First Nations and Marine Issue Management  
Local Planning Services  
SUBJECT: Shared Narrative of Place with First Nations: Next Steps

## RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff work with K'omoks First Nation staff and Jesse Morin, K'omoks Consultant Archaeologist, to develop an introductory section for the Official Community Plan, which:
  - Reflects the deep history of the island region based on emerging archaeological evidence;
  - Acknowledges the tragic history of First Nations in this region over the last 150 years;
  - Describes opportunities provided by the current period of reconciliation for the LTC to work more closely with local First Nations; and
  - Includes a map of Indigenous place names in the Denman Island Local Trust Area.
2. That the Denman Island Local Trust Committee request staff to develop a series of educational workshops, in cooperation with the K'omoks First Nation, focused on the cumulative impacts of aquaculture activities in Baynes Sound.
3. That the Shared Narrative of Place Project Charter be amended to include a series of educational workshops as "in-scope" activities.

## REPORT SUMMARY

Following the successful day-long meeting of elected officials of the K'omoks First Nation and Denman and Hornby trustees on July 14, 2017, the conversations of that day present a natural segue into next steps of working together on areas of mutual interest. To demonstrate sincerity, the recommended first steps would be to amend the Denman Island Official Community Plan (OCP) to reflect an honest history of the Denman Island Local Trust Area (LTA), and secondly, to start working with K'omoks leadership and staff to understand and collaboratively address the cumulative impacts of aquaculture activities in Baynes Sound.

## BACKGROUND

The Project Charter "Shared Narrative of Place – Charter v2" was approved by the Denman Island Local Trust Committee (LTC) on June 6, 2017 with one change recommended:

### HO-2016-047

#### It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee request that In Scope items of the Shared Narrative of Place – Charter v2 be amended so that the fourth bullet In Scope reads: "Identification of signage opportunities in the Denman Island Trust Area where Indigenous history can be acknowledged".

Following the day-long meeting with elected officials and staff from the K'omoks Nation on July 14, 2017 and consideration of how best to approach signage opportunities as previously requested, it was determined that a prerequisite to that activity should be an amendment to the introduction of the OCP that reflects local First Nations' history within the LTA. This shows sincerity from the LTC in a way that carries meaning and an expression of long-lasting intent to acknowledge the importance of local First Nations. It also provides an opportunity to work with K'omoks staff for text review and possible inclusion of a map of Indigenous place names. This would set the groundwork to identify signage opportunities in the LTA where Indigenous history can be acknowledged, and how best – with the advice of K'omoks staff – to approach the other local First Nations with asserted interests in the LTA on proposed OCP amendments.

Further to this initial gesture of a proposed OCP amendment, and reflecting the authentic connection the trustees had recently with K'omoks leadership and staff on July 14<sup>th</sup>, it is recommended that the LTC ask staff to respectfully engage K'omoks leadership and staff through a series of educational workshops focused on the cumulative impacts of aquaculture activities.

## **ANALYSIS**

### **Policy/Regulatory**

The two recommendations in this Report are a direct demonstration of the new First Nations Engagement Principles Policy 6.1.i. that Trust Council approved in December 2016, as they reflect sincerity and respect in tangible, important and long-lasting ways.

#### ***Islands Trust Policy Statement:***

As the Trust Area Services staff prepare a First Nations engagement plan to discuss possible amendments to the Islands Trust Policy Statement before September 2018, these recommended actions would establish the relationships needed for “early and meaningful” consultation on Policy Statement amendments.

### **Issues and Opportunities**

#### ***Provincial and First Nations Interests***

With the recent change in provincial political direction and a new Minister who will be responsible for approving OCP bylaws, these recommendations come at an opportune time to inform Ministry staff of the developing nature of the relationship of the Denman Island LTC and their local First Nations.

There is a possibility that local First Nations, other than the K'omoks Nation, may bring forward conflicting interests with regard to these recommendations. This may be viewed as a positive. Although it is not the role of the LTC to sort out conflicting interests amongst First Nations, it may advance issues forward for discussion. The LTC can remain neutral and supportive of those discussions between First Nations.

#### ***Balancing Diverse Interests***

There is also the possibility that a focus on the cumulative impacts of aquaculture activities in Baynes Sound will provide a forum for different interest groups. This is exactly the reason that educational workshops should occur in partnership with the K'omoks Nation. Given their stage in the treaty process, the unceded Aboriginal rights and title in the waters and lands of the LTA, and their vested interests in balancing environmental issues with economic development and social equity, they are ideally suited to help shape a balanced program of educational workshops.

## First Nations Consultation

Although K’omoks is the initial First Nation the Denman LTC will work with on these recommended activities, it is anticipated that staff will engage with the other First Nations with asserted interests in the LTA. K’omoks may be able to assist with this process.

## Statutory Requirements

Unlike most local government authorities, Islands Trust OCP bylaws require Ministerial approval. This means the Province has a statutory requirement as the Crown to provide “meaningful” consultation. It is anticipated that Islands Trust staff will work closely with Ministry staff and share input from First Nations on proposed OCP amendments as they are received. This may alleviate some pressure on the administrative staff of First Nations as the Province is in a position to simply confirm with First Nations that what was shared with them is correct.

## Agencies

Should the LTC pursue the development of a series of educational workshops focused on Baynes Sound, it is anticipated that a Project Charter would be submitted for LTC review identifying the appropriate agencies to engage in this work.

## Rationale for Recommendation

K’omoks First Nation elected officials and Denman and Hornby trustees had a successful day-long meeting on July 14, 2017, which forms the basis for further work on areas of mutual interest. The recommendations are noted on page 1.

## ALTERNATIVES

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

### 1. Request further information

*That the Denman Island Local Trust Committee request that staff develop a more detailed plan of developing a relationship with local First Nations for LTC review.*

### 1. Receive for information

The LTC may receive the report for information

## NEXT STEPS

Contingent on LTC concurrence with the recommendations, staff would proceed to contact Jesse Morin for input on a draft OCP introduction that reflects the deep history of the island region, and request an in-person meeting to work through a final draft for text and/or a map of Indigenous place names that might be included in the OCP.

Submitted By:	Fiona MacRaid, First Nations and Marine Issues Management	July 31, 2017
Concurrence:	Ann Kjerulf, Regional Planning Manager, Northern Region	July 1, 2017

## ATTACHMENTS

1. Draft text of “A Deep History”

## Attachment 1. Draft text “A Deep History”

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*Where there is a low-lying beach for pulling a canoe up, that is where we would be.*

(elder from K’omoks Nation, 2017)

### **A Dense Aboriginal Population, Not So Long Ago**

Now, about 25,000 people live in the Trust Area and includes the highly populated islands of Salt Spring Island (over 10,000), Gabriola Island (over 4,000) and Bowen Island (almost 4,000). However, this island region held a much denser population, not so long ago.

Disease-related depopulation of this island region probably began with the smallpox epidemic of 1782, just over two centuries ago. Although numbers vary in the estimation of Aboriginal populations, it can conservatively be said that there were between 50,000 and 100,000 First Nations living in this island region. Some historians estimate these numbers to be much higher given the richness of marine resources in this region. Of the entire Aboriginal population of what is now Canada, it is estimated that between a third to one half lived in this island region.

“In the century or so after the first arrival of European diseases, native populations throughout the Western Hemisphere commonly declined by some 90 percent; that, in all probability, was also the magnitude of decline in British Columbia. If so, then the population of the province on the eve of the first epidemics was well over two hundred thousand people, of whom more than fifty thousand lived around the Strait of Georgia and up the Fraser River to the limit of Coast Salish territory. If the population decline was in the order of 95 percent, then these figures are doubled.”<sup>1</sup>

### **A Highly-Developed Aboriginal Culture**

Emerging archaeological evidence from the Salish Sea region suggests that wealth exchange and network strategies may have great antiquity in the region, and debunks the myth that the Aboriginal population of this island region in pre-contact times were a simple hunter-gatherer society. In fact, this early development of wealth-based social stratification appears to have been a localized process, geographically restricted to the southern Salish Sea and lower Fraser River region<sup>2</sup>.

As an indicator of this advanced civilisation, more than half a million stone disc beads and many thousands of shell disc beads have been recovered archaeologically<sup>3</sup> from the Salish Sea region dated 4000-3500 cal B.P.<sup>4</sup> This implies that literally millions of beads were made and circulated throughout the region during this time. In 2010, one of the burials discovered in the shíshálh (Sechelt) Nation territory

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<sup>1</sup> Harris, Cole. *Voices of Disaster: Smallpox around the Strait of Georgia in 1782*. University of British Columbia. *Ethnohistory* 41:4, fall 1994, p. 618.

<sup>2</sup> Coupland, Gary et al. *A Wealth of Beads: Evidence for Material Wealth-Based Inequality in the Salish Sea Region, 4000-3500 cal B.P.* *American Antiquity* 81:2, 2016, p. 312.

<sup>3</sup> The most outstanding findings being found near Tsawwassen in the 1990s, Green Point in Cowichan Bay in 1994, Katzie on the lower Fraser River about 50kilometres upriver from the coast in 2010 and in the shíshálh (Sechelt) Nation territory in 2010-12.

<sup>4</sup> The term "cal BP" is the abbreviation for "calibrated years before the present" or "calendar years before the present" and what that is references the fact that archaeologists have discovered wiggles in the radiocarbon curve which produces usable dating.



## Attachment 1. Draft text “A Deep History”

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contained a man more than 50 years old buried with approximately 350,000 stone disc beads and 1,000 shell disc beads. These human remains were carbon dated to 4020-3570 cal B.P. It is estimated that it would have taken more than 35,000 hours to make the stone disc beads alone, and the average time required to make a shell disc bead may have been substantially longer.

Again, for a sense of historical perspective, this advanced civilisation of our region existed just a few centuries after the earliest of the Egyptian pyramids were built (Pyramid of Djoser, constructed 2630 BC–2611 BC).

### More than a Century of Racial Oppression

Eighty years after the profound depopulation of this island region in the 1780s, another smallpox epidemic struck the descendants of the Aboriginal survivors of the 1782 epidemic. In the spring of 1862, B.C.’s total population was estimated to be about 50,000. By the fall of 1863, at a conservative estimate, about 32,000 people — virtually all the victims were First Nations — had perished. It was this further tragic depopulation of the islands that made them appear “empty” for the taking.

Shortly after this period of further depopulation, the surviving local First Nations in this region were confined to some of the smallest reserve land allocations in Canada. The Joint Indian Reserve Commission of 1876-78 was a commission of three men who were instructed to lay out reserves that would not interfere with “White Settlement”<sup>5</sup>. Unlike reserve lands in the rest of Canada — where anywhere from 160-640 acres per family of five were set aside — The Reserve Commission granted only 20 acres per family in British Columbia. These reserves had barely been established when the Governor of BC, Joseph Trutch, “cut off” what he deemed excess land (over 90% reduction) from many of the province’s reserves under the pretense that Aboriginal people did not need so much land and that white settlers would make better use of it<sup>6</sup>.

This depopulation and widespread expropriation of lands in this island region set the stage for a further 140 years of racial discrimination through the policies of the *Indian Act* of 1876. The *Indian Act* clearly aimed to assimilate First Nations. For example, people who earned a university degree would automatically lose their Indian status, as would status women who married non-status men and many traditional practices were prohibited.

Between 1890 and 1975 (representing over four generations), thousands of First Nations children in this region attended residential schools designed to make them forget their language and culture, where many suffered profound abuse. There were two residential schools that First Nations children of this region were sent to: Alberni Indian Residential School (1890-1973) and St. Michael’s Indian Residential School in Alert Bay on Cormorant Island (1929-1975). Emerging evidence shows these schools were typical of the worst atrocities associated with residential schools, such as high rates of sexual abuse, unchecked deaths by tuberculosis and starvation experiments.

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<sup>5</sup> Memorandum of Instructions to Archibald McKinlay, 23 October 1876, RG 494/1/2, PABC; Terry Eastwood, *The Indian Reserve Commission of 1876 and the Nanaimo Indian Reserves*, B.C. Historical News 12 (February 1979):10

<sup>6</sup> Union of British Columbia Indian Chiefs. *Our Homes Are Bleeding*—Digital Collection. Union of B.C. Indian Chiefs. <http://www.ubcic.bc.ca/Resources/ourhomesare/index.html>

## Attachment 1. Draft text “A Deep History”

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### Making Things Right: The Courts

“The doctrine of *terra nullius* (that no one owned the land prior to European assertion of sovereignty) never applied in Canada, as confirmed by the *Royal Proclamation* (1763), R.S.C. 1985, App. II, No. 1.”<sup>7</sup>

In the ground-breaking case of *Tsilhqot’in Nation v. British Columbia* the Supreme Court of Canada recognized and affirmed Aboriginal title under section 35(1) of the *Constitution Act, 1982*. As case law continues to develop since this case, it is becoming clear that for more than a century, Canada’s federal and provincial governments have assumed ownership of unceded lands without any clear legal basis for doing so.

This leaves our current situation in a state of ambiguity with regards to how Aboriginal title and private property intersect. More clarity will come as the courts continue to hear cases and make decisions on these issues. In the meantime, John Burrows, Canada’s Research Chair in Indigenous Law, in a 2015 article in *The Supreme Court Law Review*<sup>8</sup>, invites Canadians to face the raw truths of our Canadian history and address these opportunities and obstacles in light of our Constitution’s central commitments to the rule of law. Burrows’ article is a positive exploration of future possibilities and pleads for an approach which places respect at the centre of our relationships.

### Now: A Time of Ambiguity and Reconciliation

“Reconciliation” is a hard-working word in Canada these days. These six syllables are asked to hold the weight of a complex and deeply painful history, while also signalling our profound intention to make things right. Reconciliation is about listening, learning, and through that transforming our awareness and attitudes, both personally and collectively. And more: reconciliation points to the need to fundamentally change Canadian legal, political, economic, educational, and cultural systems. That’s a lot of meaning for one word.<sup>9</sup>

Much like the approach of John Burrows, the 26 trustees of Islands Trust have chosen to approach First Nations with respect at the centre of that relationship. The Trust Council unanimously passed a First Nations Engagement Principles Policy 6.1.i. in December 2016 that reflects that humility and respect.

Local First Nations have been the stewards of this island region for millennia and as Islands Trust joins them in this responsibility (since 1974) to “preserve and protect” the islands through land-use planning, we do so with humility and a sincere desire to approach the inevitable changes in this island region in partnership with those First Nations with long-standing interests in these islands.

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<sup>7</sup> See *Tsilhqot’in Nation v British Columbia*, 2014 SCC 44 at para. 69.

<sup>8</sup> Borrows, John. *Aboriginal Title and Private Property*. The Supreme Court Law Review: Osgoode’s Annual Constitutional Cases Conference, York University, Volume 71 (2015), p. 133.

<sup>9</sup> Busheiken, Laura. *Trustee Notebook: First Nations Reconciliation on Denman Island*. Islands Trust Website, June 2017. Trustee for the Denman Island Local Trust Committee