



Cowichan Tribes
LULUMEXUN – Lands & Governance
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June 24, 2020

Our file: 878423

Gillian Nicol
Program Coordinator, Islands Trust

VIA ELECTRONIC MAIL: gnicol@islandstrust.bc.ca

Re: Islands Trust Policy Statement Amendments

Dear Ms. Nicol,

Thank you for engaging with Cowichan Tribes on proposed amendments to the Islands Trust Policy Statement. We understand that the Policy Statement is an important document that requires ministerial approval to amend and we also understand that it will shape decision-making within the Islands Trust area for years to come. Please find attached our edits, comments and suggestions in a “track changes” MS Word format. We provide these to you in fulfillment of the terms of our capacity funding agreement dated May 26, 2020. Below we have also set out a number of more general observations related to how Islands Trust may implement some of their reconciliation commitments through amendments to the Policy Statement.

Islands Trust’s Commitment to Reconciliation

On March 13, 2019, Islands Trust Council passed a Reconciliation Declaration. Individual Local Trust Committees (LTC) have also passed standing resolutions outlining their reconciliation commitments. Islands Trust also passed the Islands Trust Reconciliation Action Plan 2019-2022. By way of these resolutions, declarations and plans, Islands Trust has made clear its commitment to move forward in true partnership with the Indigenous peoples on whose lands they carry out their work. We extend our acknowledgement for the work Islands Trust has done to communicate their intentions. As we move into the realm of decision-making policies and requirements, Islands Trust will be pressed to turn the words spoken in those intention documents into concrete action. S. 15(2) of the *Islands Trust Act*, RSBC 1996, c. 239 sets out what must be contained in the Policy Statement. The requirements in s. 15(2) are a legal floor and not a ceiling – the Islands Trust therefore appears free to add substantive content to the Policy Statement so long as the legislated requirements of s.15(2) are met. We therefore suggest that Trust Council add an additional section of the Policy Statement which sets out the ways in

which the Islands Trust mandate to preserve and protect the unique ecosystems and attributes of the Trust Area will be carried out in true partnership with First Nations in accordance with the *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c. 44. This section should be drafted in collaboration with participating First Nations.

Position Statements and LTC/Island Municipality Directives

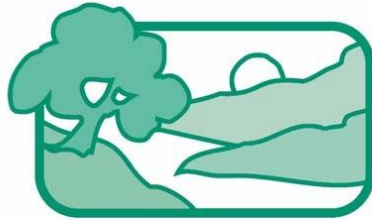
Cowichan Tribes interacts mainly with individual LTC and island municipalities with regards to issues such as development proposals and rezoning applications. Those activities provide the main context within which we are affected by decision-making within the Trust Area. Therefore, in our respectful view, the position statements made in the Policy Statement have limited weight and are of limited practical effect to us as First Nations, as compared to the policy directives. We would therefore like to see some of the position statements given some teeth by moving them into the policy directives sections of the relevant sub-headings (e.g., forests, heritage), if doing so does not run afoul of Trust Council's jurisdiction vis-à-vis the LTC. We also suggest that Islands Trust explore using the Policy Statement to establish an Indigenous advisory body tasked with assisting LTC and island municipalities in implementing Islands Trust's broader reconciliation commitments in the context of local decision-making. Alternatively, the Islands Trust could approach the Province to request a legislative amendment to the *Islands Trust Act* if such an amendment would be required to establish an Indigenous advisory body.

We trust our comments and suggestions outlined above and in the attached revisions will be taken into consideration as the Policy Statement amendment process moves ahead. If Islands Trust requires further elaboration, clarification or discussion please contact my referrals staff at: Candace.charlie@cowichantribes.com and Tracy.fleming@cowichantribes.com

Sincerely,



Larry George
Smaalthun
Director, Lands & Governance



Islands Trust

ISLANDS TRUST
POLICY STATEMENT

CONSOLIDATED - APRIL, 2003

ISLANDS TRUST COUNCIL

BYLAW NO. 17

AS AMENDED BY ISLANDS TRUST COUNCIL
BYLAW NOS. 42, 48, 53 AND 87

THIS BYLAW IS CONSOLIDATED FOR CONVENIENCE ONLY AND IS NOT
TO BE CONSTRUED AS A LEGAL DOCUMENT

This copy is consolidated for convenience only and is amended by the following:

<u>Bylaw No.</u>	<u>Amendment No.</u>	<u>Adoption Date</u>
Bylaw No. 42	Amendment No. 1/96	November 4, 1996
Bylaw No. 48	Amendment No. 1/97	March 6, 1998
Bylaw No. 53	Amendment No. 1/98	December 4, 1998
Bylaw No. 87	Amendment No. 1/02	December 6, 2002

ISLANDS TRUST COUNCIL

BYLAW NO. 17

A BYLAW TO ADOPT A POLICY STATEMENT FOR THE TRUST AREA

The Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act* S.B.C. 1989 c.68, enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as "The Islands Trust Policy Statement Bylaw, 1993".

APPLICATION

2. This Bylaw applies to the Trust Area, as defined in Schedule A of the *Islands Trust Act* S.B.C. 1989 c.68.

ORGANIZATION

3. Parts I, II, III, IV, and V and Schedule 1 of the "Islands Trust Policy Statement" attached to and forming part of the bylaw are hereby adopted as the trust policy statement pursuant to S.13(1) of the *Islands Trust Act*.

READINGS

READ A FIRST TIME THIS 31ST DAY OF OCTOBER , 1993

READ A SECOND TIME THIS 31ST DAY OF OCTOBER , 1993

READ A THIRD TIME THIS 31ST DAY OF OCTOBER , 1993

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS PURSUANT TO SECTION 13(2)(c) OF THE *ISLANDS TRUST ACT* THIS 9TH DAY OF JUNE , 1994

RECONSIDERED AND FINALLY ADOPTED THIS 11TH DAY OF JUNE , 1994

Gordon McIntosh
Secretary

Graeme Dinsdale
Chairperson

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INTRODUCTION

We acknowledge with respect the Coast Salish speaking peoples on whose traditional and treaty territories the Islands Trust is situated. We acknowledge the historical relationship to the land, culture, and spirit of this place that continues to this day.

Commented [GN1]: Updated section

Commented [CC2]: We avoid using the term "traditional territories" – our territory is our territory, full stop.

The Islands Trust Area is located within the traditional and treaty territories of the BOKEĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək wəŋən (SXIMELEĒ, Songhees, T'Sou-ke), Lyackson, MÁLEXEĒ, Penelakut, Qualicum, Scia'new, səilwətaʔ/selilwitulh, SEMYOME, Shishálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, STÁUTW, Stz'uminus, Tla'amin, Tsawwassen, We Wai Kai, Wei Wai Kum, WJOĒĒLP, WSIKEM, and xʷməθkʷəy̓əm Nations. These First Nations have resided in this place since time immemorial, and for innumerable generations protect the cultural heritage, ecosystem, lands and waters of the Salish Sea.

Commented [CC3]: See comment CC2

Commented [CC4]: I added "Tribes" to avoid any confusion between the historic Cowichan Nation (which includes Cowichan Tribes, Halalt, Lyackson, Penelakut and Stz'uminus) and Cowichan Tribes the Indian Band.

The "Trust Area" encompasses, the islands and waters between the Mainland of British Columbia and Southern Vancouver Island. The Trust Area is a unique and special place -- an archipelago of 13 major islands and more than 450 smaller islands. The Trust Area is dryer and warmer than most surrounding areas and is the habitat for an exceptional variety of species: more than 200 types of migratory and resident birds, numerous species of fish and diverse marine and intertidal life, terrestrial wildlife and vegetation. The beauty of the Trust Area is the panoramic viewpoints, sheltered bays with warm sand or pebble beaches and protected marine waterways and the flora and fauna that include towering cedar trees, arbutus, and Douglas-fir, to orca, herring, and eagles.

Establishment of the Islands Trust

Commented [GN5]: Updated section

The cultural significance and sensitivity of the Trust Area, and the need for protective measures was internationally recognized more than 20 years ago. In 1974, the provincial government recognized that the Islands Trust Area needed preservation and protection in order to maintain water quality and sustainability, to preserve and protect marine and land-based wildlife habitats, and archaeological and cultural sites.

Commented [CC6]: I would caution that this statement may not sit well with some Indigenous groups – many archaeological sites within the Gulf Islands have been damaged in the name of development and that damage has been sanctioned by the provincial government. As the Islands Trust is aware, this is still an active matter of contention.

In 1974, the *Islands Trust Act* established the Islands Trust as a unique land-use planning government body making land and water use decisions for the Islands Trust Area on behalf of people living on the islands, in the surrounding regions, and for all British Columbians. This government body was provided a special purpose to preserve and protect the Trust Area and its unique amenities and, environment, and heritage (cultural and archaeological places).

Increasing Pressure and Amendments to the *Islands Trust Act*

Commented [GN7]: Updated section

Over time, the Trust Area has seen exponential increases in population with subsequent cumulative impacts to the lands and waters of the area. Several amendments were made to the *Act* from 1974 to 1987, giving the Islands Trust community planning and land-use processes under the *Municipal Act* (today called *The Local Government Act*). Aware of the urgent need for plans to guide decisions on growth management and land-use, the process of developing Official Community Plans began to ensure measured and thoughtful development processes within island communities.

In 1990, the *Islands Trust Act* was redrafted to strengthen the Islands Trust role and object of preserving and protecting. That review focused on public opinion of the Islands Trust and its role. The results showed overwhelming public support for both the Islands Trust and its object, and suggested ways in which the Trust and its legislation could be strengthened. In response, a redrafted *Islands Trust Act* was put into effect in 1990, reaffirming the Province's commitment to careful planning and development in the Trust Area. In the redrafted *Act*, the Islands Trust retained its original authority and its dual responsibility to both Trust Area residents and other British

Columbians. The new legislation also amended the structure of the Islands Trust and greatly broadened its functions and responsibilities.¹ One of the most notable changes was the assignment of a regional-level planning function to the Islands Trust Council.

Present Context

The Trust Area is situated in the heart of the Georgia Basin-Puget Sound bioregion. Sustainability of the region's physical environment, native species and quality of life are threatened by low-density urban sprawl and rapid population growth.² Approximately five million people presently live in the areas surrounding the Trust Area. Populations on the Lower Mainland, on Southern Vancouver Island and around Puget Sound are growing much more rapidly than in other regions of the United States and Canada.³ Projections indicate that if trends continue, the total population of the region will double in 25 years to over 10 million.

The Trust Area continues to experience extreme pressure from population growth and tourism. With a population increase of 26 per cent between 1986 and 1991, it is one of the fastest-growing areas in the Province and Canada. Increasing numbers of tourists are also travelling to and through the Trust Area. The number of passengers on the main ferry routes through the Area increased by 44 per cent between 1986 and 1992, and by 37 per cent on routes to Trust Area islands. Most visitors come to islands during the summer months when demand for fresh water is highest and water supplies are lowest, placing pressure on limited water supplies.

Public and private concern continues for the long-term well-being of the Trust Area. Increasing numbers of people from the rapidly growing surrounding urban areas can be expected to be attracted to the Trust Area as a place of residence and recreation. Accelerating negative impacts accompanying development in the surrounding urban regions - pollution of air and marine waters, discharge of pulp mill effluent, disposal of waste, ocean dumping and spills associated with marine shipping - threaten the Trust Area's environment, amenities and fragile ecosystems.

Commented [CC8]: Should add that climate change is also a relevant exacerbating factor here.

¹ The present structure of the Islands Trust and the functions of its corporate bodies are described in a brochure available from the offices of the Islands Trust.

² 1993 report of the BC Round Table on the Environment and the Economy.

³ BC Round Table on the Environment and the Economy, Sustainability in the Georgia Basin/Puget Sound Region, 1992.

The Challenge

The Islands Trust today faces a major challenge. While populations, numbers of visitors and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Area's resources and systems are limited. Potential for conflict exists: conflict between short and long-term interests and between unlimited use of the Trust Area and ongoing stewardship.

To keep everything in the Trust Area exactly as it is today is impossible. Changes will occur. If the Area's environment and unique character are to be preserved and protected, priorities must be defined and management strategies established. The *Islands Trust Act* identifies the need for leadership in addressing this task and assigns this role to the Islands Trust. The policies of the Islands Trust established today and in the years ahead will be of fundamental importance to the well-being of this highly valued area.

The Islands Trust Policy Statement

The Islands Trust Policy Statement has been developed in response to the need for preservation and protection of the Trust Area and its unique amenities and environment, to the need for leadership in achieving this objective, and to the legislated requirements of the *Islands Trust Act*. Goals and policies contained in the Policy Statement reflect values and concerns for the future of the Trust Area expressed by the public and Trust Council's belief that not only this generation, but also future generations, should have the continued opportunity to enjoy the environment and amenities of this very special place.

ORGANIZATION OF THE ISLANDS TRUST POLICY STATEMENT

The Islands Trust Policy Statement is comprised of Islands Trust Council Bylaw No. 17, and Parts I to V and Schedule 1 of that Bylaw. The introduction is not part of the Islands Trust Policy Statement Bylaw, and is intended simply to provide some background related to the Trust Area, the Islands Trust and the context for development of the Policy Statement.

Part I of the document outlines the purpose of the Policy Statement and the means by which it will be implemented. The important roles of individuals, Trust Council, its Executive Committee, Trust Area communities and municipalities, the Islands Trust Fund Board, other government and non-government agencies, First Nations, property owners, residents and visitors, in implementation of the Policy Statement also clarified in Part I.

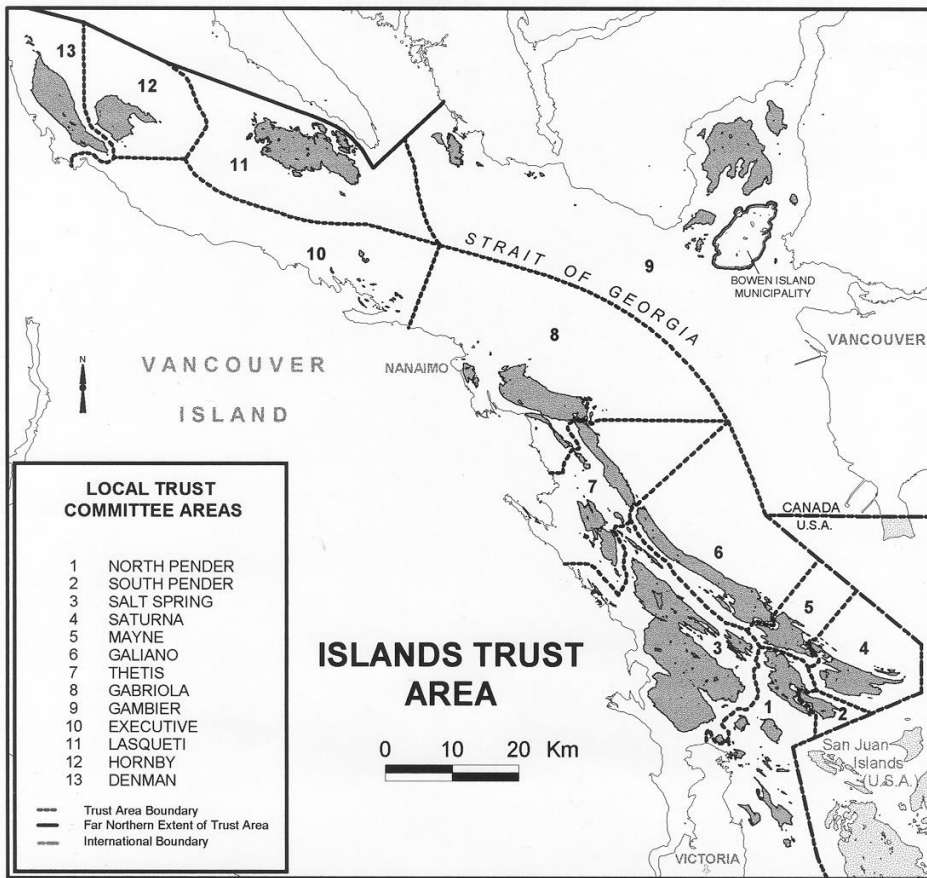
Part II of the document defines the Islands Trust's legislated object, provides an interpretation of that object, and identifies principles by which the Islands Trust will be guided in fulfillment of its object.

Parts III, IV, and V discuss Trust Council's vision for the future of the Trust Area in terms of goals and policies. Part III focuses on ecosystem preservation and protection, Part IV on stewardship of resources, and Part V on sustainable communities.

Schedule 1 provides definitions for some of the terms used in the document.

Commented [CC9]: Add in a general acknowledgement of the policy statement being developed while recognizing the inherent jurisdiction and leadership roles of First Nations, as well as Indigenous and Aboriginal rights.

LOCATION OF THE TRUST AREA



PART I: PURPOSE AND IMPLEMENTATION OF THE TRUST POLICY STATEMENT

The purpose of the Policy Statement is to establish a vision for the future of the Islands Trust Area that reflects the values of residents of the Trust Area, [First Nations](#), and of the Province generally. Achieving this vision depends on the actions of many stakeholders. The Policy Statement provides a general strategy for land use planning which translates the broad goals of the Province and the Islands Trust into specific actions to preserve¹ and protect² the Trust Area.

The Policy Statement clarifies the positions and policies of the Islands Trust and provides guidance for the formulation of bylaws, plans and policies. It is a document to be utilized by local trust committees and island municipalities when they are formulating local bylaws, by the Executive Committee of Trust Council when it is reviewing plans and bylaws of local trust committees and island municipalities, and by the Province and other agencies when they are reviewing their own plans and policies for compatibility with those of the Islands Trust.

The Policy Statement bylaw becomes effective upon the date of adoption. It is not retroactive and has no effect on any local trust committee or municipal bylaw in effect before its adoption.

ROLES AND RESPONSIBILITIES

The Islands Trust Council cannot effectively implement the Policy Statement without the support of all stakeholders. Assistance, cooperation and collaboration are required from local trust committees, island municipalities, the Trust Fund Board, the Provincial Government, other government agencies, non-government organizations, communities, First Nations, property owners, residents and visitors. In the spirit of the legislated object of the Islands Trust, it is expected that all corporate entities of the Islands Trust will consult with other agencies on matters involving potential conflict between the legislated object of the Trust and the legislated mandate of other agencies.

Role of the Minister of Municipal Affairs and Housing

The Minister approves the bylaw and provides an avenue of appeal for municipalities if neither the Executive Committee nor Trust approves a bylaw that has been submitted to them. And the Minister and Ministry staff can facilitate communication between the Islands Trust and other government agencies on policy matters.

¹ Preserve - to maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.

² Protect - to maintain over the long-term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

Role of the Islands Trust Council

The *Islands Trust Act* assigns to the Islands Trust Council the responsibility for development and adoption of the Trust Policy Statement. Recognizing the varying roles and responsibilities of the many stakeholders and its own jurisdiction, Trust Council has included three types of policies in the Policy Statement bylaw:

a) Commitments of Trust Council

These policies state the position or philosophy of Trust Council on various matters. For this category of policy, several introductory phrases are used, for example, "Trust Council holds that", "It is the position of Trust Council that", and "It is Trust Council's policy that"

b) Policies that Direct Local Trust Committees and Island Municipalities

These policies direct local trust committees and island municipalities to address³ certain matters in their official community plans and regulatory bylaws. Where a policy requires a local trust committee or island municipality to address a particular matter, the official community plans must contain policies that implement the policy stated by Trust Council, unless the plan sets out explicitly the reasons and justifications for local policies that do not implement that policy. Directive policies commence with the phrase "Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address"

c) Recommendations to Other Government Agencies, Non-Government Organizations, Property Owners, Residents and Visitors

These policies serve as recommendations from Trust Council to government agencies, non-government organizations, property owners, residents and visitors regarding decisions or actions that they might undertake in support of the Policy Statement and the Islands Trust object, and specify principles of guidance for protocol agreements between the Trust and other agencies. These policies begin with the phrase "Trust Council encourages"

Trust Council may review the Policy Statement annually to prioritize actions, assess progress, and consider possible amendments. **Trust Council also serves as an avenue of appeal for local trust committees and island municipalities if a bylaw submitted to the Executive Committee is not approved.**

³ Address - direct attention to matters in a way that implements the policy of Trust Council.

Role of the Executive Committee

The Executive Committee of Trust Council is required to review all bylaws of local trust committees and those bylaws of island municipalities that deal with the adoption of an official community plan. Such bylaws have no effect unless approved by the Executive Committee, and the Committee cannot approve such a bylaw if it is “contrary to or at variance with” a directive policy. If there is no official community plan in place for an island municipality, then the Executive Committee is required to review all bylaws of the municipality, and no bylaw that is contrary to a directive policy in the Policy Statement can be approved.

The Executive Committee also monitors the progress of Trust Council in achieving the goals defined in the Policy Statement, and makes recommendations to Council in this regard.

Role of Local Trust Committees

As set out in the *Islands Trust Act*, bylaws of local trust committees cannot be “contrary to or at variance with” the Trust Policy Statement. The Policy Statement contains policies that direct local trust committees to address certain matters in their official community plans and regulatory bylaws. While directive policies identify matters that must be addressed in official community plans and regulatory bylaws, such policies do not stipulate the specific policies and regulations to be included because the social and environmental characteristics of the islands vary. However, where a certain policy requires a local trust committee to address a particular matter, the official community plan must contain policies that implement the policy stated by Trust Council or the plan must set out explicitly the reasons and justifications for local policies that do not do so. Each local trust committee works with its island community to develop policies and regulations to suit local needs, while still supporting the Islands Trust object and the Policy Statement. Local trust committees are not required to comply with any policy in the Policy Statement not stated as a directive policy.

Role of Island Municipalities

Municipalities in the Trust Area, like local trust committees, are directed to address certain matters in their official community plans. Where a particular policy requires a municipality to address a particular matter, the official community plan must contain policies that implement the policy stated by Trust Council unless the municipality sets out explicitly in the plan the reasons and justifications for local policies that do not do so.

Role of the Islands Trust Conservancy Board

The *Islands Trust Act* assigns the Islands Trust object to the Islands Trust Conservancy, as well as to Trust Council, local trust committees and island municipalities. Although the Board does not take direction from Trust Council, it can support the policies of the Policy Statement through, for example, the acceptance of voluntary donations of property and covenants, the purchase of lands and through education and communication initiatives.

Commented [CC10]: To be clear then, the Trust Council may take a position on a matter involving, for example, Indigenous issues, and none of the local trust committees would be required to act in a manner consistent with the Trust Council’s position? If this is indeed the case, then there may be cause for concern. Local trust committees are the bodies with whom we deal most regularly, and they are typically the ones making on-the-ground decisions which can impact our inherent rights – they are also much more susceptible to local politics and aggressive lobbying. What meaning then, does a position taken by Trust Council have when local trust committees are free to act inconsistently with those positions?

Role of First Nations

First Nations through self-determined representatives or government structures will maintain and strengthen their treaty and traditional territories through cooperative decision-making and engagement to address certain matters related to land and water use. Cooperative actions such as engagement and mutually supportive strategies and action plans are necessary for the sustainability of the Trust Area.

Role of Other Government and Non-Government Organizations

Government agencies and non-government organizations can contribute greatly to the preservation and protection of the environment and amenities of the Trust Area through cooperative actions based on the Policy Statement. Cooperative actions such as protocols and mutually supportive strategies and action plans are necessary for the sustainability of the Trust Area.

Role of Property Owners, Residents and Visitors

The assistance and cooperation of property owners, residents and visitors is vital to the preservation and protection of the environment and amenities of the Trust Area and the implementation of the Policy Statement. Individuals have the opportunity to participate in local planning and to work with other members of the community and the trustees to develop official community plans and bylaws that address local needs and support the object of the Islands Trust.

AMENDMENTS AND REVIEW

The Policy Statement bylaw may be amended by the Islands Trust Council with the approval of the Minister of Municipal Affairs and Housing. Regardless of the source, all proposals for amendments to the Policy Statement are compiled by the Executive Committee and brought forward for the consideration of Trust Council.

The Islands Trust Council may, from time to time, initiate a public review of the entire Policy Statement.

Commented [GN11]: Updated Section

Commented [CC12]: Instead of "maintain and strengthen". We would suggest this the phrase "help preserve and protect" – our territories in and of themselves do not need to be "maintained" – they simply are. Our suggested language is also more consistent with the legislated objects of the Islands Trust.

Commented [CC13]: See comment CC2

Commented [CC14]: This line may be problematically vague. It may be helpful here to list some examples of matters that may be addressed through engagement.

PART II: THE ISLANDS TRUST’S OBJECT AND GUIDING PRINCIPLES

THE ISLANDS TRUST OBJECT AND ITS MEANING

The *Islands Trust Act* provides the following definition of the purpose of the Islands Trust, which is referred to in the legislation as its “object”:

Amend
Mar 6/98
BL 48

“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

The Islands Trust has responsibility for conservation⁴ through land use planning and regulation and for leadership in stewardship — that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area. It is in this context that the word “stewardship” is used within this document. The Islands Trust seeks to integrate ecosystem preservation and protection, sustainable communities and stewardship of resources.

The *Islands Trust Act* provides special legislation for preservation and protection of the Georgia Strait-Howe Sound geographic area and creates a conservation-oriented agency to work towards this objective. The object establishes the value of the Trust Area by identifying the need for preservation and protection of the Area. The following sections provide a fuller explanation of the key phrases in the legislated object of the Trust.

“... to preserve and protect the Trust Area and its unique amenities and environment...”

The area of jurisdiction of the Islands Trust is established by Schedule A of the *Islands Trust Act*. The Trust Area is valued and is unique, not because of any one quality or feature, but rather because of its particular combination of characteristics and location.

“... for the benefit of the residents of the Trust Area and of British Columbia generally ...”

The Islands Trust is responsible to the present and future residents of both the Trust Area and the Province of British Columbia. Their needs can only be met and sustained within the limitations of the natural environment and the island communities of the Trust Area. A balance must be established between the needs of all stakeholders.

“... in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of the Province ...”

To achieve its object, the Islands Trust must be an educator, coordinator, and initiator, guiding individuals, organizations and other agencies in support of the object. While the Islands Trust can provide the necessary leadership, responsibility for stewardship of the Trust Area rests with many. Individuals, other government agencies, organizations, and the Province itself all have important roles to play. Cooperative actions are required of other agencies, organizations and individuals to

Commented [CC15]: If there’s nothing substantial stopping a legislative amendment to s.3 of the Islands Trust Act, then it should be done. S.3 should be amended to explicitly include Indigenous peoples and the principles of UNDRIP. This will ensure consistency with the Declaration on the Rights of Indigenous Peoples Act, SBC 2019 c. 44 (DRIPA)

Commented [CC16]: This last line should read “co-stewardship of resources” – Indigenous communities actively steward the resources within our territories.

Commented [CC17]: How does the Islands Trust determine these limitations? What is the “carrying capacity” of each island? If these are not ascertained, continued and sustained incremental growth and development (no matter how “green” the development may be), will continue to be allowed to erode the functionality of the very ecosystems and resources that the Islands Trust is mandated to protect.

⁴ Conservation - actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or area of human heritage value or character.

ensure that activities are carried out in a manner that is sensitive to the needs of Trust Area ecosystems⁵ and island communities.

GUIDING PRINCIPLES

The following principles, derived from the Islands Trust object and from input received from First Nations through engagement processes, and the public during public forums, will guide Trust Council in its day-to-day planning and decision-making.

- * The primary responsibility of the Islands Trust Council is to provide leadership in partnership with First Nations, for the preservation, protection and stewardship of the amenities, environment and natural resources, and cultural heritage of the Trust Area.
- * When making decisions and exercising judgment, Trust Council will place priority on preserving and protecting the integrity of the environment, cultural heritage, and amenities in the Trust Area.
- * Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of traditional knowledge, and local knowledge in this regard.
- * Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation.
- * Trust Council will commit through the principles of UNDRIP to the preservation and protection of cultural, archaeological, village, land, and marine sacred sites within the Islands Trust area.
- * Trust Council believes that open, consultative public participation and cooperation with First Nations is vital to effective decision making for the Trust Area.
- * Trust Council will implement a plan for the advancement of the Policy Statement as part of its annual budget process, and the Executive Committee of Trust Council will report to Council on progress in achieving the goals of the Policy Statement.

Commented [CC18]: In addition to being a guiding principle, this should also be a policy directive.

Commented [CC19]: Consistent with my previous comment, how are local trust committees required to act in a manner consistent with these positions and statements? The amendments to this policy statement needs meet the legislated requirements of DRIPA. Much of the language in this document falls short.

⁵ Ecosystem - complexes of living organisms interacting with the non-living environment that sustains them. All ecosystems have three fundamentals: composition, structure and function. The composition of

ecosystems is defined as an inventory of the living components including humans. The structure of an ecosystem is the physical arrangement of its living and non-living components. Function refers to the exchanges and flows of energy, material or information within and among the living and non-living components of an ecosystem.

PART III: ECOSYSTEM PRESERVATION AND PROTECTION

GOAL: TO FOSTER PRESERVATION AND PROTECTION OF THE TRUST AREA’S ECOSYSTEMS

As humans occupy and modify the Trust Area, ecosystems are subject to various pressures. Protection of these ecosystems is essential if they are to remain healthy and productive for the benefit of future generations.

The principle of sustainability⁶ must be upheld. Protective measures are varied and can include actions ranging from preservation of natural areas⁷ in the form of parks and ecological reserves, to increasing public awareness and understanding of the need for sustainable use⁸ and stewardship⁹ by all landowners.

The task of protecting the Trust Area is particularly challenging because ecosystems do not stop at political boundaries. Cooperative management programs are required to coordinate the actions of all stakeholders. Government, property owners, residents and visitors share responsibility for the preservation and protection of the Trust Area ecosystems.

POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

3.1 Ecosystems

Commitments of Trust Council

3.1.1 Trust Council holds that:

- proactive land use planning is essential for the protection of Trust Area ecosystems,
- protection must be given to the natural processes, habitats¹⁰ and species¹¹ of the Trust Area, including those of the old forests, Coastal Douglas-fir forests, Coastal Western Hemlock, Garry Oak/Arbutus forests, wetlands¹², open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors¹³, lagoons, and kelp and eel grass beds, and

Commented [CC20]: Where does the Islands Trust stand on the integration of Indigenous land-management regimes (e.g. controlled burning)? Should those be included here?

⁶ Sustainable - capable of being maintained indefinitely; capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

⁷ Natural Areas - areas that have experienced minimal modification by humans.

⁸ Sustainable Use - use of renewable resources which is within the capability of those resources for renewal and which conserves the ecological processes that support the use.

⁹ Stewardship - voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

¹⁰ Habitat - the place or situation in which a human, animal or plant lives.

¹¹ Trust Area Species - species native to the Trust Area, dependent on the Trust Area for all or part of their life cycle, or using the Trust Area seasonally or for migratory purposes.

¹² Wetland - land that has the water table at, near, or above the land’s surface or which is saturated for a long enough period to promote aquatic processes.

¹³ Drift Sector - an integrated and independently operating beach system or erosion-transportation-accretion operating along the coastline.

Commented [CC21]: Add spiritual and health needs – many of the lands and waters of the Trust Area are utilized by Indigenous peoples for spiritual and well-being purposes.

Commented [CC22]: Stewardship for Cowican peoples is an imperative under Indigenous law – it is not voluntary

- planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.

3.1.2 It is Trust Council's policy to work towards the establishment of a network of protected areas that preserves representative ecosystems in their natural state and in sufficient size and distribution to sustain their ecological¹⁴ integrity.

Commented [CC23]: Shouldn't planning also account for the existing and anticipated effects of climate change on ecosystem function and resiliency?

Directive Policies

3.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

3.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.

Commented [CC24]: Is there any in which land uses adjacent to these protected areas are constrained through policy?

3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.

Commented [CC25]: The phrase "humans or other species" can be problematic – most species are more sensitive than humans to harmful emissions. So here, LTCs and island municipalities have the option to choose between restricting emissions either more or less, depending on whether they're restricting to a level harmful to humans, or to a level harmful to other species.

Recommendations

3.1.6 Trust Council encourages all government agencies and non-government organizations to consider both monetary and non-monetary costs when making resource management and land use decisions.

3.1.7 Trust Council encourages the Provincial government and the government of Washington State to proceed with their proposal for a joint environmental monitoring system for the Georgia Basin Region.

3.1.8 Trust Council encourages the Provincial government to establish property tax incentives for conservation or habitat protection.

3.1.9 Trust Council encourages actions and programs of other government agencies which:

- place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,
- protect the diversity of native species and habitats in the Trust Area, and
- prevent pollution of the air, land and fresh and marine waters of the Trust Area.

3.1.10 Trust Council encourages the Provincial government to enforce standards for control of emissions polluting the air of the Trust Area.

¹⁴ Ecological - related to the interrelations among plants, animals (including humans) and their environment.

- 3.1.11 Trust Council encourages agents of the government of British Columbia or the government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers to protect environmentally sensitive areas and significant natural sites, features and landforms through voluntary stewardship, acquisitions, conservation covenants and careful management.

Amend
Nov 4/96
BL 42

3.2 Forest Ecosystems

Commitment of Trust Council

3.2.1 It is Trust Council's policy that:

- forest ecosystems in the Trust Area should be protected, and
- the remaining stands of relatively undisturbed Coastal Douglas fir, Coastal Western Hemlock, Garry Oak and Arbutus should be preserved.

Directive Policy

3.2.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems¹⁵ within their local planning areas from potentially adverse impacts of growth, development and land-use.

Recommendation

3.2.3 Trust Council encourages government agencies, non-government organizations, property owners and occupiers to protect forested areas through voluntary donation, acquisition, conservation covenants and careful management.

3.3 Freshwater and Wetland Ecosystems and Riparian Zones¹⁶

Commitment of Trust Council

3.3.1 Trust Council holds that:

- the freshwater wetlands, bodies of surface water, natural drainage patterns, water courses, fish-bearing streams, watershed and groundwater recharge areas of the Trust Area should be identified, protected and, where possible, restored or rehabilitated, and
- the natural wetlands of the Trust Area, including those in the Agricultural Land Reserve that have not been altered in the past for agriculture, should not be drained, filled or degraded.

Amend
Mar 6/98
BL 48

Directive Policy

3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

¹⁵ Unfragmented Forest Ecosystem - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

¹⁶ Riparian Zone - relating to the bank of a river, lake, stream or watercourse.

Commented [CC26]: Should add "through collaboration and partnership with First Nations where possible"

Recommendation

3.3.3 Trust Council encourages government agencies, non-government organizations, property owners and occupiers to protect freshwater bodies, watercourses, wetlands, riparian zones and aquatic wildlife habitats through voluntary donation, acquisition, conservation covenants and careful management.

Commented [CC27]: See comment CC25

3.4. Coastal and Marine Ecosystems

Commitments of Trust Council

3.4.1 It is the position of Trust Council that development should not be allowed within a line drawn 300 metres offshore or mid-channel (whichever is less) of any island or islet in the Trust Area owned entirely by the Crown or affected by Order in Council 467¹⁷.

Amend
Nov 4/96
BL 42

3.4.2 It is Trust Council's policy that marine areas be protected and coastal zone management principles be defined in consultation with agents of the government of British Columbia, the government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers.

3.4.3 Trust Council holds that artificial reefs should not be developed in the Trust Area.

Interp. Memo
Mar 7/03

Interpretation Note: Small scale habitat enhancement structures known as 'reef balls', which are placed in marine areas with the approval of Fisheries and Oceans Canada, are not considered to be artificial reefs for the purposes of this policy.

Directive Policies

3.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

Commented [CC28]: Is there any sort of map showing where all of these "sensitive coastal areas" are?

3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

Recommendations

3.4.6 Trust Council encourages the Provincial and Federal governments to develop existing and new programs such as "harvest refugia", which protect and enhance the populations of native marine species of the Trust Area.

3.4.7 Trust Council encourages the Provincial and Federal governments to research the impacts of the introduction of new marine species into the marine water of the Trust Area before such species are introduced.

3.4.8 Trust Council encourages the Federal and Provincial governments to develop and adopt legislation that regulates sewage discharge from shores and boats and addresses its detrimental impact on marine or coastal ecosystems.

¹⁷ Order in Council 467 - Provincially established legislation that reserves certain Crown lands, including lesser islands and islets in the Trust Area from disposition under the *Land Act*.

PART IV: STEWARDSHIP OF RESOURCES

GOAL: TO ENSURE THAT HUMAN ACTIVITY AND THE SCALE, RATE AND TYPE OF DEVELOPMENT IN THE TRUST AREA ARE COMPATIBLE WITH MAINTENANCE OF THE INTEGRITY OF TRUST AREA ECOSYSTEMS.

With responsible management, the natural resources of the Trust Area can be used long into the future. In the long term, it is less costly to use resources sustainably than to have to replace or rehabilitate them once they are depleted. Indiscriminate use or development of natural resources can threaten the island lifestyles and environments that are valued by the people who live in and visit the Trust Area.

POLICIES FOR STEWARDSHIP OF RESOURCES

4.1 Agricultural Land

Amend
Nov 4/96
BL 42

Commitments of Trust Council

- 4.1.1 Trust Council recognizes that agriculture is a traditional and valuable activity in the Trust Area.
- 4.1.2 Trust Council shall consult with the Ministry of Agriculture, Fisheries and Food and the British Columbia Land Reserve Commission to request that agriculture policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.
- 4.1.3 It is Trust Council's policy to encourage agricultural management practices that are compatible with sustaining wildlife habitat.

Directive Policies

- 4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
- 4.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse eaffects on agricultural land.
- 4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
- 4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.

Amend
Mar 6/98
BL 48

Commented [CC29]: What about the reverse (where agricultural land practices impact adjacent properties or values)?

4.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.

Commented [CC30]: What does this mean?

Recommendations

4.1.10 Trust Council encourages the Ministry of Transportation to ensure that, where a road must sever agricultural land to provide access to lands beyond, the road is built to the minimum standard necessary to service that land.

4.1.11 Trust Council encourages the British Columbia Land Reserve Commission to approve applications from property owners for inclusion of their land with potential for agriculture in the Provincial Agricultural Land Reserve.

4.1.12 Trust Council encourages the Provincial government and the British Columbia Assessment Authority to:

- retain a separate farm class to provide significant property tax incentives;
- ensure that the threshold for farm income necessary for farm class status is appropriate to agriculture within the Trust Area; and
- acknowledge that the total land area subject to the farm class may include land left uncultivated.

Amend
Dec
4/98
BL 53

4.2 Forests

Commitments of Trust Council

4.2.1 Trust Council recognizes that forestry is a traditional land use in the Trust Area, and supports sustainable forestry as an appropriate form of land use.

4.2.2 It is the position of Trust Council that sustainable forestry depends on maintaining and, where necessary, restoring the ecological integrity of forests.

4.2.3 It is the position of Trust Council that to achieve sustainable forestry, forest owners should undertake planning to address the integrity of forest ecosystems, including monitoring and evaluation to modify forestry plans and activities as needed.

4.2.4 It is the position of Trust Council that forest cover is a representative characteristic of the Trust Islands and should be maintained.

4.2.5 It is the position of Trust Council that the aesthetic and cultural value of forest land should be protected.

Commented [CC31]: Is this section dealing only with forests vis a vis forestry or also policies on forest land in the context of other land use activities (e.g. do these policies come into play during rezoning applications)?

Directive Policies

4.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.

4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- the retention of large land holdings and parcel sizes for sustainable forestry use, and
- the location and construction of roads, trails and utility and communication corridors to minimize the fragmentation of forests.

4.2.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.

Recommendations

4.2.9 Trust Council encourages the Provincial government to adopt mechanisms that will ensure full and meaningful participation of communities and First Nations in decisions concerning the use of forest land.

4.2.10 Trust Council encourages the Provincial government to implement education and extension programs to promote sustainable forestry and the protection of forest ecosystems.

Commented [CC32]: What are extension programs?

4.2.11 Trust Council encourages the Provincial government to adopt Provincial statutes and guidelines that establish forestry practices to protect the ecological integrity on a scale of forest stands and landscapes by maintaining and, where necessary, restoring:

- the diversity of forest structure and composition;
- the physical, chemical, and biotic diversity of soils;
- natural aquatic and wetland ecosystems;
- the full range of natural habitats in the forest landscape, including old growth; and
- connectivity of forest habitats sufficient for the dispersal needs of native species.

4.2.12 Trust Council encourages the Provincial government to adopt Provincial statutes and guidelines that will reduce invasive non-native plant species in the forests.

4.2.13 Trust Council encourages the Provincial government to designate forest ecosystem reserves, where no extraction will take place, to promote the preservation of native biological diversity and vegetation of cultural importance to Indigenous peoples.

4.2.14 Trust Council encourages the Provincial government, prior to giving approval to cutting plans, to require that the applicant identify those elements of the forest needed to maintain sustainable forest land use.

4.2.15 Trust Council encourages the Provincial government to implement property tax incentives for the practice of sustainable forestry.

4.2.16 Trust Council encourages the Provincial Ministry of Forests, when developing specific forest tenures, to assign to Trust Council or Trust Fund Board the holding of areas not to be harvested.

Commented [CC33]: Can you explain what "holding" means?

4.3 Wildlife and Vegetation

Recommendations

- 4.3.1 Trust Council encourages Provincial and Federal government agencies to:
- regulate and monitor the harvesting of the fish, wildlife and vegetation of the Trust Area so as to protect populations and habitats, and
 - consult with local trust committees, island municipalities, the communities of the Trust Area and First Nations prior to decisions regarding regulation of hunting or harvesting of Area wildlife or vegetation.
- 4.3.2 Trust Council encourages Provincial and Federal government agencies to protect, for public and Indigenous use, areas supporting naturally occurring shellfish populations and other marine life and to establish public shellfish reserves in the Trust Area.

4.4 Freshwater Resources

Commitment of Trust Council

- 4.4.1 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.

Directive Policies

- 4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
 - water quality is maintained, and
 - existing, anticipated and seasonal demands for water are considered and allowed for.
- 4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses¹⁸.

Recommendations

- 4.4.4 Trust Council encourages island property owners, residents and visitors to adopt conservation practices in their use of freshwater.
- 4.4.5 Trust Council encourages the Provincial government to implement property tax incentives for the retention of groundwater and watershed recharge areas and freshwater wetlands.
- 4.4.6 Trust Council encourages the Provincial government to adopt legislation that protects the sustainability and quality of the groundwater of the Trust Area.
- 4.4.7 Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies that promote efficient use of freshwater

¹⁸ Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and the maintenance of water quality in lakes and streams and wetlands.

Commented [CC34]: Why are there no commitments or directive policies for this section? There needs to be. Wildlife and vegetation are two important components of trust areas and the islands hold a myriad of culturally important vegetation species.

For example, Cowichan people still presently hunt on Gabriola, Galiano and Valdes Islands and will continue to do so as an exercise of their inherent rights – this needs to be kept in mind while Islands Trust Council or LTCs are policy-making.

Commented [CC35]: We would like to see Islands Trust take a stronger stance on protection of marine resources like shellfish, particularly as we continue to battle the province over the proliferation of private moorages in the Gulf Islands. Most of the bays are polluted and we have very few stretches of shoreline left to harvest in the Islands Trust jurisdictional area. It is extremely important to us that the preservation and protection mandate be carried out to protect these areas.

Commented [CC36]: One active issue is the lack of understanding as to how many aquifers interact with nearby freshwater streams. The province frequently employs guesswork when deciding whether to grant water licences. Islands Trust should use whatever leverage they have to try and further the collection of information regarding the interaction between aquifers and streams within their jurisdiction. This will help foster fully informed decision-making by all involved parties.

resources, including cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices.

4.5 Coastal Areas and Marine Shorelands¹⁹

Commitments of Trust Council

- 4.5.1 It is Trust Council’s policy that aquaculture²⁰ is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.
- 4.5.2 Trust Council holds that finfish farms should not be located in the marine waters of the Trust Area.
- 4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.
- 4.5.4 It is the position of Trust Council that development, activity, buildings or structures should not restrict public and Indigenous access to, from or along the marine shoreline.
- 4.5.5 It is Trust Council’s policy that development should be directed to sites away from:
 - areas of environmental sensitivity, and
 - areas of naturally occurring stocks of clams or oysters.
 - Identified Indigenous harvesting areas
- 4.5.6 It is Trust Council’s policy that aquaculture should be directed to sites away from:
 - areas of recreational significance,
 - areas where an aquaculture operation would conflict with established or designated upland land uses, and
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.
 - Identified Indigenous harvesting areas
- 4.5.7 It is the position of Trust Council that aquaculture related development, activity, buildings or structures should not result in site alteration²¹.

Directive Policies

- 4.5.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
- 4.5.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws and in partnership with First Nations, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
- 4.5.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public and Indigenous access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

¹⁹ Marine Shorelands - lands immediately adjacent to the marine shorelands.

²⁰ Aquaculture - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or

Commented [CC37]: “Significant” is an extremely problematic word. Because the bar of “significant” loss is so high, anything that falls below significant is considered acceptable – this is the very logic that results in “death by a thousand cuts” – i.e., cumulative impacts. We therefore strongly disagree with the use of the word “significant” in this policy.

Commented [CC38]: From the Indigenous perspective, everything is connected. We don’t write-off places that have existing impacts and only seek protection of unencumbered areas. We realize that the marine ecosystem operates as a unified whole; we therefore expect all levels of government to minimize impacts of any development, no matter where on the coastline it occurs.

under the foreshore or in the sea.

²¹ Site Alteration - includes, but is not limited to substrate modification or the use of metal plates or pipes.

- 4.5.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

4.6 Soils²² and Other Resources

Commitments of Trust Council

- 4.6.1 Trust Council holds that there should be no extraction of peat, metals, minerals, coal or petroleum resources in the Trust Area.
- 4.6.2 Trust Council holds that there should be no extraction of aggregate from the foreshore or the sea floor of the Trust Area.

Directive Policy

- 4.6.3 Local trust committees and island municipalities shall, in local bylaws relating to soil removal and deposit, address the protection of productive soils.

²² Soils - the entire layer of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act* or the *Mining Placer Act*.

PART V: SUSTAINABLE COMMUNITIES²³

GOAL: TO SUSTAIN ISLAND CHARACTER AND HEALTHY COMMUNITIES

Communities within the Trust Area are predominantly rural in character and contrast markedly with surrounding urban areas. Each island community has developed somewhat independently of other communities. Residents of all island communities value the safe and supportive nature of their island and their quality of life. Most feel strongly that people of differing age groups and income levels should continue to have the opportunity to reside in island communities.

The health of a community is influenced by numerous factors such as economic security, education, social support systems, the cleanliness and safety of the environment, and the availability of such necessities as educational and social services, transportation, affordable food and housing. Public involvement in decisions that affect a community is also critical to the health of that community. Participation in the decision-making process influences whether an individual or group is able to realize aspirations, satisfy needs or cope with change.

POLICIES FOR SUSTAINABLE COMMUNITIES

5.1 Aesthetic Qualities

Commitments of Trust Council

- 5.1.1 Trust Council holds that the overall visual quality of the Trust Area and its scenic values should be protected from disturbance, particularly those areas that have distinctive features or are highly visible.
- 5.1.2 It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character.

Directive Policy

- 5.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

Recommendation

- 5.1.4 Trust Council encourages property owners, residents and visitors to reduce the burning of wood and fossil fuels by adopting alternative or innovative technologies.

5.2 Growth and Development

Commitments of Trust Council

- 5.2.1 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.2 Trust Council holds that tree cover on the islands is of great importance and should be preserved.

Amend
Mar 6/98
BL 48

²³ Sustainable Communities - human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.

Directive Policies

- 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

5.3 Transportation and Utilities

Commitments of Trust Council

- 5.3.1 Trust Council holds that local trust committees and island municipalities should be consulted and involved in the decision-making process regarding provision of utilities, transportation services or facilities that might affect land use in their local planning areas.
- 5.3.2 It is Trust Council's policy that no island in the Trust Area should be connected to Vancouver Island, the mainland or another island by a bridge or tunnel, notwithstanding the existing bridge between North and South Pender Islands.

Directive Policies

Amend
Nov 4/96
BL 42

- 5.3.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.

Amend
Nov 4/96
BL 42

- 5.3.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.

- 5.3.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.

- 5.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.

Recommendations

5.3.8 Trust Council encourages Provincial and Federal agencies to ensure safe shipment of materials hazardous to the environment.

Amend
Nov 4/96
BL 42

5.3.9 Trust Council encourages the Ministry of Transportation and local communities to work together through a public and Indigenous consultation process to evaluate and modify road construction and road system proposals to encompass the environmental, economic and social values of the community.

5.4 Disposal of Waste

Commitments of Trust Council

5.4.1 It is Trust Council's policy that the safe disposal in the Trust Area of waste originating in the Trust Area is acceptable.

5.4.2 It is Trust Council's policy that:

- neither hazardous nor industrial waste should be disposed of in the Trust Area,
- local recycling operations should be established, and
- local programs for chipping of wood waste and disposal of hazardous wastes should be established.

5.4.3 It is Trust Council's policy that there should be a reduction in the burning of solid waste in the Trust Area.

Directive Policy

5.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

Recommendation

5.4.5 Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies and safe alternatives for disposal of sewage effluent.

5.5 Recreation

Commitments of Trust Council

5.5.1 It is Trust Council's policy that recreational activities in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.

Amend
Mar 6/98
BL 48

5.5.2 Trust Council holds that destination gaming facilities such as casinos and commercial bingo halls are not appropriate to and should not be located in the Trust Area.

Commented [CC39]: Islands Trust should also endeavour to undertake a resident education campaign about the importance of having septic systems routinely inspected and maintained.

Directive Policies

Amend
Mar 6/98
BL 48

5.5.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.

5.5.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws and in partnership with First Nations, address:

- the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and
- the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.

5.5.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- the identification of sites providing safe public access to beaches,
- the identification and designation of areas of recreational significance, and
- the designation of locations for community and public boat launches, docks and anchorages.

5.5.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.

5.5.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.

5.6 Cultural and Natural Heritage²⁴

Commitment of Trust Council

5.6.1 Trust Council holds that the natural and human heritage of the Trust Area — that is the areas and property of natural, historic, cultural, aesthetic, educational or scientific heritage value²⁵ or character²⁶ — should be identified, preserved, protected and enhanced.

Directive Policies

5.6.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws and in partnership with First Nations, address the identification, protection, preservation and enhancement of local heritage.

Commented [CC40]: These are extremely important topics for Cowichan Tribes and an area in which we expect to work in true partnership with Islands Trust.

Commented [CC41]: See comment CC30

Commented [CC42]: See comment CC30

²⁴ Heritage - a place, feature or event of cultural, biological, archaeological, paleontological or geological significance.

²⁵ Heritage Value - historical, cultural, aesthetic, educational or scientific worth or usefulness of property or an area.

²⁶ Heritage Character - the overall effect produced by traits or features which give property or an area a distinctive quality or appearance.

5.6.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws and in partnership with First Nations, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.

5.7 Economic Opportunities

Commitment of Trust Council

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

Directive Policy

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

5.8 Health and Well-being

Commitments of Trust Council

5.8.1 Trust Council holds that public participation and Indigenous consultation should be part of the decision-making processes of all levels of government.

5.8.2 It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.

5.8.3 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.

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5.8.4 Trust Council holds that island municipalities shall, in all of their actions have regard for the Trust Policy Statement and the object of the Islands Trust.

5.8.5 It is the position of Trust Council that the development and maintenance of healthy communities in the Trust Area through the process described in the Provincial Ministry of Health's "Healthy Communities Program" should be encouraged.

Directive Policies

5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Recommendations

5.8.7 Trust Council encourages Provincial, Federal and local governments to provide information and databases to local trust committees and communities to assist them in land use planning.

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5.8.8 Trust Council encourages government agencies, corporations, property owners, residents and visitors to use renewable sources of energy within the Trust Area.

Commented [CC43]: The Islands Trust should explicitly support policies and developments which seek to eliminate the socio-economic gap between Indigenous peoples and the broader public.

Commented [CC44]: Understanding that there is no delegation to Islands Trust of the Crown's legal duty to consult, we encourage Islands Trust to adopt its own concept of what consultation looks like in the Trust Areas, in keeping with the Province's commitments as well as various policy expressions that have come forward from the LTCs recently (e.g. standing resolutions).

SCHEDULE I

DEFINITIONS

Address - direct attention to matters in a way that implements the policy of Trust Council.

Aquaculture - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or under the foreshore or in sea.

Conservation - actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or areas of human heritage value or character.

Drift Sector - an integrated and independently operating beach system of erosion-transportation-accretion operating along the coastline.

Ecological - related to the interrelations among plants, animals (including humans) and their environment.

Ecosystem - complexes of living organisms interacting with the non-living environment that sustains them. All ecosystems have three fundamentals: composition, structure and function. The composition of ecosystems is defined as an inventory of the living components including humans. The structure of an ecosystem is the physical arrangement of its living and non-living components. Function refers to the exchanges and flows of energy, material or information within and among the living and non-living components of an ecosystem.

Habitat - the place or situation in which a human, animal or plant lives.

Heritage - a place, feature or event of historical, cultural, aesthetic, educational or scientific significance.

Heritage Character - the overall effect produced by traits or features which give property or an area a distinctive quality or appearance.

Heritage Property - property or areas that have historical, cultural, aesthetic, educational or scientific value or character.

Heritage Value – historical, cultural, aesthetic, educational or scientific worth or usefulness of property or an area.

Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and maintenance of water quality in lakes and streams and wetlands.

Marine Shorelands - lands immediately adjacent to the marine shoreline.

Natural Areas - areas that have experienced minimal modification by the human species.

Order in Council 467 - Provincially established legislation that reserves certain Crown lands, including lesser islands and islets in the Trust Area, from disposition under the *Land Act*.

Preserve - to maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.

Protect - to maintain over the long term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

Renewable Resources - resources that are capable of being replaced by natural ecological cycles within reasonable human time frames.

Riparian Zone - relating to the bank of a river, lake, stream or watercourse.

Site Alteration - includes, but is not limited to substrate modification or the use of metal plates or pipes.

Soil - the entire layer of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act* or the *Mining Placer Act*.

Stewardship - voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

Sustainable - capable of being maintained indefinitely; capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

Sustainable Communities - human communities that have achieved a balance between environmental, economic and social systems and that respect the carrying capacity of the supporting environment.

Sustainable Use - use of renewable resources which is within the capacity of those resources for renewal and which conserves the ecological processes that support the use.

Trust Area Species - species native to the Trust Area, dependent on the Trust Area for all or part of their life cycle, or using the Trust Area seasonally or for migratory purposes.

Unfragmented Forest Ecosystems - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

Wetland - land that has the water table at, near, or above the land's surface or which is saturated for a long enough period to promote aquatic processes.