

Cowichan Tribes Comments



Islands Trust

CONSULTATION DRAFT


Islands Trust Policy Statement Draft Bylaw No. 183

Draft 2.4 – September 8, 2023



Summary of comments: TAS_2024-04-10_Revised-Draft-Policy-Statement-Bylaw-183_DRAFT2-CT-comments.pdf

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Draft Vision Statement:

"While on a journey of Reconciliation, Islands Trust Council envisions a vibrant tapestry of caring, diverse and rural communities within the Salish Sea that flourish in harmony with nature."

I don't find this useful at all. What does reconciliation mean to IT? What is IT's commitment to reconciliation? If IT were actually interested in reconciliation - working in collaboration with Indigenous Nations including a recognition of the inherent rights and responsibilities of the Quw'utsun Nation - there would be clear language in both the vision statement and the policy statement to indicate that IT does not see themselves as the unilateral governing authority within Quw'utsun Nation territory. This statement maintains the ITC view that they are the decision makers in our territory. We reject that claim.

There is no mention of the nations within whose territory IT operates.

Acknowledgement

Islands Trust Council respectfully acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial and that their relationship to these lands and waters continues to this day. Islands Trust Council acknowledges that residential schools, forced removal, and colonial laws and restrictions of Indigenous governance and cultural practices have displaced and dispossessed Coast Salish peoples and disrupted their relationships with the islands and waters of the Salish Sea. Islands Trust Council is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.¹

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

- **BOKÉCEN** (Pauquachin) First Nation
- **K'ómoks** (Comox) First Nation
- **MÁLEXEŁ** (Malahat) First Nation
- **Qualicum** First Nation
- **Qu'w'ustun Nation**² comprised of **Cowichan Tribes**, **Xelátxw** (Halalt) First Nation, **Lyackson** First Nation, **Spune'luxutth'** (Penelakut Tribe) and **Stz'uminus** (Chemainus) First Nation
- **scáwaθən** (Tsawwassen) First Nation
- **səlilwətał** (Tsleil-Waututh) First Nation
- **SEMYOME** (Semiahmoo) First Nation
- **Shíshálh** (Sechelt) First Nation
- **Skw̓wú7mesh** (Squamish) First Nation
- **Snaw-naw-as** (Nanoose) First Nation
- **Snuneymuxw** (Nanaimo) First Nation
- **Songhees** First Nation
- **SṪÁUTW** (Tsawout) First Nation
- **ṫaʔəmen** (Tla'amin) First Nation
- **Ts'uubaa-asatx** (Lake Cowichan) First Nation
- **Wei Wai Kum** (Campbell River) First Nation
- **We Wai Kai** (Cape Mudge) First Nation
- **WJOŁŁP** (Tsartlip) First Nation
- **W̱SIKEM** (Tseycum) First Nation
- **Xwémalhkwa** (Homalco) First Nation
- **Xwsepsum** (Esquimalt) First Nation
- **xʷməθkʷəy̓əm** (Musqueam) First Nation



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Track changes from IT:

Islands Trust Council respectfully acknowledges Indigenous inherent rights and title as protected under section 35 of the Constitution Act, 1982. Islands Trust Council respectfully acknowledges Indigenous interests in self-governance and co-governance. Islands Trust is committed to working together to find a path forward to implement the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).



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Quw'utsun Nation - spelling

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No Comments.

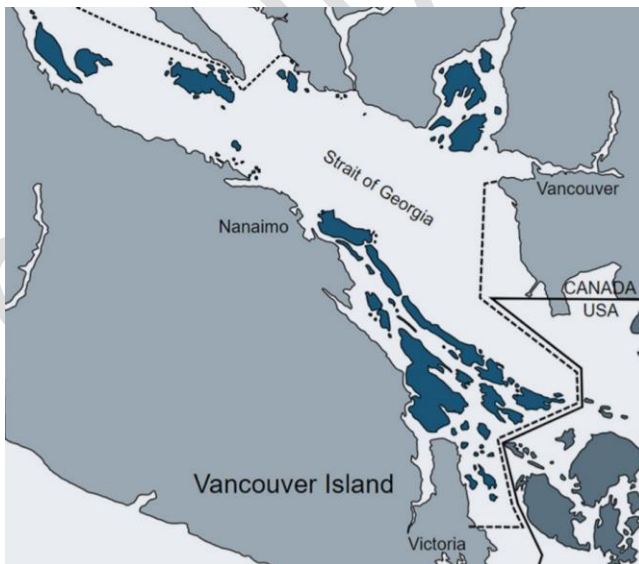
Part 1: The Islands Trust Act

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


1.1 – The Islands Trust Object

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

1.2 – Map of the Islands Trust Area



NOTE: This map is a placeholder only. A new map of the Islands Trust Area will be created, identifying the boundaries of each local trust area and island municipality.

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Realizing that this is a placeholder, there is no legend or scale (noting to ensure that these are on the updated map). Cowichan Tribes would be interested to see the new map referenced here.

The new map should include recognition of the Indigenous Nations within whose territory Islands Trust operates.

Additionally, it is important to bring forward that even though there are no Cowichan Tribes Indian Reserves on the Gulf Islands, they are part of Quw'utsun Nation territory.

1.3 – Interpretations of the Islands Trust Object

To preserve and protect the Trust Area and its unique amenities and environment...

To Preserve and Protect

The preservation and protection of the Islands Trust Area involves identifying the ‘unique amenities and environment’ and then instituting land use planning strategies and regulatory measures for their preservation and protection. Preserving and protecting includes limiting the type and intensity of development to ensure that the valued features of the area are not compromised or destroyed. Where development is deemed necessary, it can be guided to appropriate areas, with minimal impact to the ecological, cultural, and social integrity of the area.

The Islands Trust Area

The Islands Trust Area is an archipelago of 13 major islands, more than 450 smaller islands, and surrounding waters in the Salish Sea. The region is situated in Coast Salish territory, between the mainland of British Columbia and southern Vancouver Island. The specific boundaries of the region are noted in Schedule A of the Islands Trust Act.

The 13 major islands in the Islands Trust Area are:


- Bowen Island
- Denman Island
- Gabriola Island
- Galiano Island
- Gambier Island
- Hornby Island
- Lasqueti Island
- Mayne Island
- North Pender Island
- Salt Spring Island
- Saturna Island
- South Pender Island
- Thetis Island

Unique Amenities

The term amenity is derived from the Latin term *amoenitās*, signifying “pleasantness, delightfulness, charm”. The term “unique amenities” is inclusive of features that contribute to an individual islands’ uniqueness, such as landforms, freshwater sources, plants, animals, patterns of human occupation, heritage, gathering places, and culturally significant areas.

1

Commented [CF1]: Please note that this is a placeholder definition. Trust Council will be considering its interpretation of the Object and ‘unique amenities’ at its September 26-28, 2023 meeting.

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A lot of this is referring to indigenous cultural heritage: "patterns of human occupation, heritage, gathering places, and culturally significant places." "Landforms, freshwater sources, plants, [and] animals" are also distinctly connected with Quw'utsun Mustimuhw relationships with the land and land management practices. All of this history, knowledge and heritage is skipped over with a description of our heritage and knowledge as signifying "pleasantness" and "charm", continuing the attempted erasure of our people from our territory and our relationships. If Islands Trust desires to highlight these "features", it makes much more sense to work with nations for a name in one of our languages to refer to our relations and our heritage. At the very least, the Quw'utsun Nation must be recognized in this section as the stewards of our territory - including listed features - and our cultural heritage must be recognized as our own.

I understand that "unique amenities" is in the Islands Trust Act. Nevertheless, this definition should be expanded and should include the recognition that Islands Trust operates within Quw'utsun Nation territory.


For example: The Islands Trust Area includes unique landforms, water sources and water bodies, plants, animals and culturally significant places within the territories of [First Nations or Indigenous Nations listed above], peoples who have cared for these lands and waters since time immemorial. These places include, but are not limited to, village sites, harvesting areas (on land, sea and intertidal areas) and spiritual places. Islands Trust commits to working in collaboration with [listed First Nations and Indigenous Nations] to care for these unique heritage and ecological values.

Environment


The term “environment” in this document is interpreted to mean the natural environment including: air, land, and water; all layers of the atmosphere; all organic and inorganic matter and living organisms; and the interacting natural systems that include these components).

Positioned at the interface of land and sea, islands provide important habitats, including sea-land transition habitats, that support biodiversity. Located within the Coastal Douglas-fir and Coastal Western Hemlock biogeoclimatic zones, the Islands Trust Area is home to many rare and culturally significant species, including species at risk. Preserving and protecting island environments requires special considerations. Natural systems on the islands are changing due to the forced removal of Indigenous Peoples, resulting in less active management of natural systems through traditional practices. They are also changing due to human activities, the introduction of invasive species, and changes in the climate. On islands, habitats and migration corridors are constrained by shorelines and face fragmentation due to conversion for human uses. Island flora and fauna depend on freshwater sources that are vulnerable to contamination, drought, flooding, wildfire, increasing human demand, and saltwater intrusion. In addition, the health of island shorelines, nearshore ecosystems, and marine areas are vulnerable to sea level rise, storm surge, ocean acidification, and human activity such as marine shipping.

...for the benefit of the residents of the trust area and of British Columbia generally...

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Noting that there are culturally at-risk species as well, which may or may not be classified as species at risk under the federal act, but which may be uncommon, inaccessible or otherwise difficult for Quw'utsun people to acquire. Such species, and their habitats (including teachings around caring for and harvesting those species), are important to protect and ensure that Quw'utsun people have access to them.

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including industrial development and increased urbanization

Residents of the Trust Area

Coast Salish peoples have been residents and stewards of the region since time immemorial. Many Indigenous Peoples were forcibly removed from their homelands through colonization, but continue to have rights and responsibilities to their lands and waters, and many cultural, spiritual, and economic interests in the region. Preservation and protection of the region is important to Indigenous Peoples.

The Islands Trust Area is home to over 30,000 residents and 10,000 non-resident property owners. Residents in the Islands Trust Area value healthy local ecosystems and unique amenities. The mandate to preserve and protect benefits the residents of the Trust Area, many of whom value rural island ways of life and a respectful relationship with other species who share the same habitat.

Residents of British Columbia

Over five million people currently reside in the province of British Columbia, many in urban centres near the Islands Trust Area, in the Lower Mainland and Southern Vancouver Island. Many British Columbians benefit from the preservation and protection of the Islands Trust Area's unique amenities and environment through opportunities to visit these beautiful, ecologically and culturally-rich islands.

Future Generations

The Islands Trust Object is for the benefit of present and future generations. By adopting stewardship approaches, and limiting the rate and scale of growth and development through careful planning, the Islands Trust Area and its unique amenities and environment can benefit Indigenous Peoples, island residents, and British Columbians for generations to come.

...in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations, and the government of British Columbia.

In Cooperation With...

While Trust Council must provide the necessary leadership to carry out its mandate, it must do so in cooperation with many other partners, including Indigenous governing bodies, municipalities, regional districts, improvement districts, the government of British Columbia, and Islands Trust Area communities and visitors. Each have specific roles to play in preserving and protecting the region. Cooperation depends on building

How will Islands Trust work in collaboration with Cowichan Tribes and the Quw'utsun Nation with regards to shared decision making in our territory?

trusting relationships and long-term partnerships built on shared values and aspirations for the preservation and protection of this special region in the Salish Sea.

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No Comments.

1.4 – Purpose and Structure of the Policy Statement

Purpose of the Policy Statement:

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

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

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

Two Types of Policies in the Policy Statement:

1. **Guiding Principles** (as listed in Part 2 of the Policy Statement) are intended to establish general commitments of Trust Council that centre the Islands Trust Object in all daily decision-making across the Islands Trust Area by Islands Trust bodies that are bound by the Policy Statement.
2. **Directive Policies** (as listed in Part 3 of the Policy Statement) are policies that local trust committees and island municipalities must address in their work on local regulatory bylaws and official community plans. These are general policies that are deemed integral to carrying out the Islands Trust Object, but which are general enough that they can be appropriately adapted to local circumstances. Where a directive policy starts with “shall strive to...”, the local body should make best efforts to implement the policy.

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



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Re IT Reconciliation Action Plan.

This includes commitments to implement UNDRIP (which are also commitments made by the Province generally under DRIPA), the Provinces' Draft Principles that Guide the Province of BC's Relationship with Indigenous Peoples, TRC Calls to Action.

While IT can aspire to reflect interests and values of British Columbians, an "aspiration" is not enough when it comes to working with Indigenous Peoples who have rights to self-determination. Free, Prior and Informed Consent MUST be obtained from Indigenous Peoples prior on any projects within our territories.

This commitment structures the relationship between IT and Indigenous Nations, including the Quw'utsun Nation, of which Cowichan Tribes is a member community.



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As a general comment, as noted above, and per BC's DRIPA legislation, BC has committed to implementing UNDRIP including bringing all provincial legislation into accordance with UNDRIP. This is not in contradiction of the Object itself, but rather strengthens the degree to which IT must engage meaningfully with Indigenous Peoples in order to achieve Free, Prior and Informed Consent within our territories.

Both Guiding and Directive policies must incorporate the principles and articles of UNDRIP. Municipalities and IT are both bodies created through provincial legislation and thus are subject to implemented of UNDRIP as well.

Part 2: Guiding Principles


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

2.1 – General Guiding Principles

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

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


Guiding Principles and Priorities:	
2.1.1	Acknowledge and Respect Indigenous Rights To grow understanding of the history and legacy of colonialism in the Islands Trust Area, to acknowledge and respect the rights of Indigenous Peoples in decision making, and to work together with Indigenous governing bodies and Indigenous Knowledge Holders to preserve and protect culturally significant areas, sites, and species. 1
2.1.2	Prioritize Environmental Protection To place priority on preserving, protecting and restoring the environment in all decision making. 2
2.1.3	Prioritize Indigenous Cultural Heritage Protection To place priority on preserving, protecting and supporting restoration of Indigenous cultural heritage in all decision making. 3
2.1.4	Limit the Rate and Scale of Development To define and maintain appropriate limits for the rate and scale of development in order to preserve and protect the unique amenities and environment. 4
2.1.5	Foster Sustainable, Inclusive, and Resilient Communities 5 To support land use planning decisions that foster sustainable, inclusive, and resilient communities, acknowledging the interdependencies between healthy communities and healthy ecosystems.

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Working with Indigenous Nations as decision-makers within their territories: lands and waters in which Islands Trust operates.


Quw'utsun Nation Chiefs are decision-makers in our lands and waters. Looking for a meaningful commitment to shared decision-making by IT, as per DRIPA commitments.

For example, Islands Trust Council can approach Cowichan Tribes leadership to discuss on a government-to-government basis how we can acknowledge past wrongs and work together. There could be a formal agreement committing to shared decision making and a body to implement it.


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With respect to and including Indigenous nations as decision-makers.

Quw'utsun mustimuhw (people) have invaluable traditional ecological knowledge about our territory that informs our governance of the territory. Additionally, "preserving, protecting and restoring" must include space for the exercise of aboriginal rights, such as harvesting.


 **Number: 3 Author: jargan Subject: Highlight Date: 2023-12-21 14:39:46**

Yes, but it should be explicitly stated that IT will work with Indigenous Nations who are the decision makers over our cultural heritage. We know how to protect and care for our cultural heritage.

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Yes. However, in considering and determining development, this must be done through meaningful engagement with Indigenous nations. Cowichan Tribes has an extreme housing crisis and we need to ensure that our members are housed. Municipalities and other such bodies, such as IT, must coordinate with Cowichan Tribes to account for our housing needs in their plans (for example, developing an OCP with the understanding that CT has housing needs that are not able to be fulfilled on reserve. So limits must include planning for a percentage of the allowed housing for CT and other First Nations as well as needs of the non-indigenous community.)

Include working with the Quw'utsun Nation when developing limits for rate and scale of development to ensure that needs of indigenous and non-indigenous peoples are met.

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Land use planning must be done in a collaborative manner with Indigenous Nations. We are developing our own land use plans and must work together on this.

2.1.6	<p>Take Guidance From the Precautionary Principle</p> <p>To be guided by the precautionary principle in all decision making to safeguard the environment and cultural heritage where there may be uncertainty over the threats of serious or irreversible damage from development.</p>
2.1.7	<p>Account for Cumulative Effects</p> <p>To strive to account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies, culturally sensitive areas and cultural heritage sites, and Islands Trust Area species and their habitats.</p>
2.1.8	<p>Foster Informed and Balanced Decision Making</p> <p>To be informed by a broad range of sources in its decision making processes, including the best available science, Indigenous Knowledge, and local community knowledge.</p>

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Delete "to strive to".
Account for the cumulative effects...

2.2 – Cooperation Principles


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

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

Trust Council's Cooperation Principles:	
2.2.1	Collaborate with the Islands Trust Conservancy Board To collaborate closely with, and be informed by, the Islands Trust Conservancy Board, particularly in the areas of science-based conservation planning, ecosystem mapping, identification of core conservation areas and protected area networks, and protection of species and ecosystems at risk.
2.2.2	Work Towards Collaborative Governance with Indigenous Governing Bodies To work towards building strong relationships and foundations for collaborative governance with Indigenous governing bodies, including through the development of shared decision-making agreements under the Declaration on the Rights of Indigenous Peoples Act.
2.2.3	Work Towards Strategic Inter-Agency Coordination ¹ To work towards establishing effective inter-agency coordination mechanisms with different levels of government, academic institutions and organizations who have important roles to play in supporting the Islands Trust Object.
2.2.4	Work Towards Accessible and Inclusive Public Communications and Engagement To work towards accessible and inclusive public communications and engagement strategies that engage a wide range of Islands Trust Area residents, communities, local organizations, and British Columbians.
2.2.5	Provide Public Education Opportunities To provide education opportunities to Islands Trust Area residents, communities, local organizations, and visitors, highlighting tangible ways they can contribute to preserving and protecting the region's unique amenities and environment, while respecting the confidentiality interests of Indigenous Peoples and Indigenous governing bodies. ²

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including coordination and collaboration with Cowichan Tribes and the Quw'utsun Nation with regards to spill response and Guardians programs, for example

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Yes, but it could be included that working with Indigenous Nations around public education is needed. Public education is IT's responsibility but it is important that Indigenous history and culture are shared and respected, as shared and directed by the nation.
In line with principles of OCAP (Ownership, Control, Access and Possession), recognizing the Quw'utsun Nation as a self-determining nation with regards to our knowledge - how it is shared, with whom it is shared.

2.3 – Reconciliation Principles

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

Trust Council’s Reconciliation Principles:

2.3.1	Guidance from Truth and Reconciliation Commission To be guided by the 10 principles established by the Truth and Reconciliation Commission of Canada (TRC) (Table 1).
2.3.2	Guidance from United Nations Declaration on the Rights of Indigenous Peoples To be guided by the principles established in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) including, but not limited to, the following UNDRIP articles (Table 2).
2.3.3	Guidance from Missing and Murdered Indigenous Women and Girls Calls for Justice To be guided by the principles for change used by the National Inquiry into Missing and Murdered Indigenous Women and Girls (Table 3).

Table 1 - Truth & Reconciliation Commission of Canada (TRC) – 10 Principles¹:

A	The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the framework for reconciliation at all levels and across all sectors of Canadian society.
B	First Nations, Inuit, and Métis peoples, as the original peoples of this country and as self-determining peoples, have Treaty, constitutional, and human rights that must be recognized and respected.
C	Reconciliation is a process of healing of relationships that requires public truth sharing, apology, and commemoration that acknowledge and redress past harms.
D	Reconciliation requires constructive action on addressing the ongoing legacies of colonialism that have had destructive impacts on Aboriginal peoples’ education, cultures and languages, health, child welfare, the administration of justice, and economic opportunities and prosperity.

¹ From - https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf


Yes, but noting that only First Nations have aboriginal rights and title within the Gulf Islands.

D	Reconciliation must create a more equitable and inclusive society by closing the gaps in social, health, and economic outcomes that exist between Aboriginal and non-Aboriginal Canadians.
E	All Canadians, as Treaty peoples, share responsibility for establishing and maintaining mutually respectful relationships.
F	The perspectives and understandings of Aboriginal Elders and Traditional Knowledge Keepers of the ethics, concepts, and practices of reconciliation are vital to long-term reconciliation.
G	Supporting Aboriginal peoples' cultural revitalization and integrating Indigenous knowledge systems, oral histories, laws, protocols, and connections to the land into the reconciliation process are essential.
H	Reconciliation requires political will, joint leadership, trust building, accountability, and transparency, as well as a substantial investment of resources.
I	Reconciliation requires sustained public education and dialogue, including youth engagement, about the history and legacy of residential schools, Treaties, and Aboriginal rights, as well as the historical and contemporary contributions of Aboriginal peoples to Canadian society.

Table 2 – Applicable UN Declaration on the Rights of Indigenous Peoples (UNDRIP) Articles²:

Article 11.1	Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
Article 12.1	Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
Article 13.1	Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to reserve and retain their own names for communities, places and persons.

² From - https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

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Please include also articles 3, 4, 10, 24 and 26. Of course, all UNDRIP articles apply per DRIPA, but it is important to include the recognition of Indigenous Nation's inherent right to self-determination. This underlies and gives support to the need for shared decision-making with regards to IT activities.

Article 24 speaks to harvesting rights, rights protected as aboriginal rights under s.35. Cowichan people's harvesting rights, including access to harvesting places, must be protected.

Article 25	Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
Article 29.1	Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
Article 31.1	Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
Article 32	<ol style="list-style-type: none"> 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

No Comments.

Table 3 – Principles for Change used by the National Inquiry into Missing and Murdered Indigenous Women and Girls³:

Focus on Substantive Equality and Human and Indigenous Rights	Indigenous women, girls, and 2SLGBTQQIA+ ⁴ people are holders of inherent Indigenous rights, constitutional rights, and international and domestic human rights. In addition, many Indigenous Peoples in Canada are rights holders under various Treaties, land claims, and settlement agreements.
Decolonizing Approach	Recognizes inherent rights through the principle that Indigenous Peoples have the right to govern themselves in relation to matters that are internal to their communities; integral to their unique cultures, identities, traditions, languages, and institutions; and with respect to their special relationship to their resources, which many witnesses described as their relatives
Inclusion of Families and Survivors	Include the perspectives and participation of Indigenous women, girls, and 2SLGBTQQIA people with lived experience, including the families of the missing and murdered and survivors of violence
Self-Determined and Indigenous-Led Solutions and Services	1 Services and solutions must be led by Indigenous governments, organizations, and people
Recognizing Distinctions	Implement in an equitable and non-discriminatory way, addressing the needs of distinct Indigenous Peoples, and taking into account factors that make them distinct such as self-identification, geographical or regional-specific information, residency, and a gendered lens and framework
Cultural Safety	Incorporate services and processes that empower Indigenous Peoples
Trauma-Informed Approach	Incorporate knowledge of trauma into all policies, procedures, and practices of solutions and services

Part 3: Goals and Directive Policies

³ From - https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf

⁴Two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, and all other sexual orientations and genders



Hoping to see IT implement this commitment

Goal 1:

Advancing Reconciliation ¹

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

Directive Policies - Reconciliation

Local trust committees and island municipalities shall...

3.1.1	Section 35 Constitutional Rights Recognize and respect the aboriginal and treaty rights of Indigenous Peoples, as stipulated in Section 35 of the <i>Constitution Act</i> of Canada, in all land use decision making.
3.1.2	Cooperate with Indigenous Governing Bodies Cooperate with Indigenous governing bodies on significant ² discretionary land use decisions that may impact their territories and the ecological health of the Salish Sea, and when addressing all Policy Statement directive policies (i.e. those under Part 3's Goals 2, 3, 4, and 5)



Number: 1 Author: jargan Subject: Highlight Date: 2024-03-04 14:56:46

As commented by Cowichan Tribes on a previous draft of the policy statement, it would be useful to consider a mechanism whereby IT earmarks funds to purchase and return private lands to Cowichan Tribes and to the Quw'utsun Nation. Lands prioritized could be those for cultural protection (which includes ancillary ecological benefits). As IT is a body created by the Province, they too have a role in returning land to First Nations.

It would be good to see this goal woven throughout the other goals in the document, made more explicit.



Number: 2 Author: jargan Subject: Highlight Date: 2023-12-07 14:29:11

Significance level to be determined by the Indigenous Nation, not IT or a regulator.

Goal 2:

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

This goal advances Guiding Principle 2.1.3 [Prioritize Indigenous Cultural Heritage Protection]. Trust Council recognizes Indigenous cultural heritage as a unique amenity in the Islands Trust Area that must be preserved, protected, and where possible, restored. The Islands Trust Area is home to many culturally significant areas, sites, and species of importance to present and future generations of Indigenous Peoples. This section lays out general types of Indigenous cultural heritage and culturally significant areas, sites, and species that should be identified and protected in each local planning area; this should be guided by Indigenous Peoples, Indigenous governing bodies and Indigenous Knowledge Holders and undertaken in a culturally sensitive manner that respects confidentiality protocols around the sharing of Indigenous Knowledge.


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

Local trust committees and island municipalities shall... 2


3.2.1	Indigenous Cultural Heritage Sites Identify and protect Indigenous cultural heritage sites including, but not limited to, village sites, burial sites, middens, cairns, petroglyphs and pictographs, and known (registered), unregistered, or newly discovered archaeological sites.
3.2.2	Indigenous Harvesting Areas Identify and protect Indigenous harvesting areas land and marine foreshores including, but not limited to, fish weirs, clam gardens, camas meadows, and other areas used for Indigenous hunting, fishing, trapping, and gathering of plants and medicines.
3.2.3	Other Culturally Significant Areas for Indigenous Peoples Identify and protect areas of importance for Indigenous cultural, spiritual, and ceremonial practices.
3.2.4	Culturally Significant Species and Medicinal Plants Identify and protect and support restoration of culturally significant species and medicinal plants.

 Number: 1 Author: jargan Subject: Highlight Date: 2023-12-21 14:33:07


Including OCAP

 Number: 2 Author: jargan Subject: Highlight Date: 2023-12-07 14:32:41


It's a bit odd to say that local trust committees and municipalities shall identify indigenous cultural heritage sites. They should work (in a structured manner, including providing capacity funding) with Indigenous Nations to protect cultural sites, cultural landscapes including harvesting areas etc.

 Number: 3 Author: jargan Subject: Highlight Date: 2023-12-21 14:19:25

This should include that IT will work with the Quw'utsun Nation to develop further policies around excavations, chance finds and the protection of known archaeological sites. Noting that this comment was made previously by Cowichan Tribes and has not been addressed adequately.

 Number: 4 Author: jargan Subject: Highlight Date: 2023-12-21 13:31:02

Cowichan Tribes has previously commented that access to harvesting areas and culturally significant species (as well as freedom from harassment) is often restricted. IT noted in response that this is the relevant section in which to include such a comment (on the PSAP doc). Yet the comment has not been included or addressed. How will IT work with the Quw'utsun Nation to reduce access restrictions to harvesting areas for our members?

 Number: 5 Author: jargan Subject: Highlight Date: 2023-12-21 13:41:05

Previous Cowichan Tribes comment asking how IT will work with Cowichan Tribes to address land return. IT identified that this section would be the place ("identify" areas for protection). Identifying areas for protection is not synonymous with land return, nor is there any indication in this section that IT will work with Cowichan Tribes and the Quw'utsun Nation to recognize our jurisdiction within our territory, including, but not limited to harvesting sites. I suggest that this applies more broadly than just harvesting places and areas (which are certainly important but not the only areas of our territory to which we have jurisdiction).

Goal 3:

Preserving and Protecting Healthy and Biodiverse Ecosystems

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


Directive Policies - Ecosystem Integrity

Local trust committees and island municipalities shall...


3.3.1	Protected Area Networks 3 Identify, establish, and maintain a network of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems in their planning area.
3.3.2	Sensitive Ecosystems Identify and prioritize the preservation, protection, and restoration of sensitive ecosystems in the Islands Trust Area, classified as the following ecosystem types: cliff; freshwater; herbaceous; old and mature forest; riparian; wetland; and woodland.
3.3.3	Forest Ecosystems 4 Identify forest ecosystems and prioritize the preservation, protection, and restoration of unfragmented forest ecosystems, with particular focus on remaining stands of relatively undisturbed Coastal Douglas-fir and Coastal Western Hemlock and their associated ecosystems.
3.3.4	Watershed Ecosystems Identify and prioritize the preservation, protection, and restoration of watershed ecosystems, freshwater sources, and groundwater recharge areas.
3.3.5	Marine Shorelines and Nearshore Areas Identify and prioritize the preservation, protection, and restoration of eelgrass meadows, kelp forests, forage fish spawning areas, clam beds, estuaries, tidal salt marshes, mud flats, and coastal wetlands.
3.3.6	Critical Habitat for Species at Risk Identify and prioritize the preservation, protection, and restoration of critical habitat for species at risk.

 Number: 1 Author: jargan Subject: Highlight Date: 2023-12-07 14:36:30


Removal of invasive species is safeguarding biodiversity so I don't see the need for these parentheses.

 Number: 2 Author: jargan Subject: Highlight Date: 2023-12-07 14:47:37

Work with Indigenous Nations to do the following...

 Number: 3 Author: jargan Subject: Highlight Date: 2023-12-07 14:46:14

Protected areas should be focused on cultural protection as determined by First Nations whose territory the place is within. As a minimum, this will necessitate shared decision-making with First Nations; preferably would be governance entirely by First Nations. It is a widely researched and understood that indigenous land management, including care for cultural landscapes and places, has great ecological benefits as well as cultural benefits. Indigenous governance and land management would enhance the goals of IT while working towards greater recognition of Indigenous nations as self-determining, focusing on the protection of indigenous cultural heritage (which nonetheless includes ecological integrity).

 Number: 4 Author: jargan Subject: Highlight Date: 2023-12-21 13:33:23

Previous comment from Cowichan Tribes that Garry Oak and arbutus forests and meadows be included here.

Goal 4:

Fostering Sustainable, Inclusive, and Resilient Communities

This goal advances Principle 2.1.2 [Limit the Rate and Scale of Growth and Development], and Principle 2.1.4 [Foster Sustainable, Inclusive, and Resilient Communities]. Trust Council recognizes that the Islands Trust Object is for the benefit of residents of the Islands Trust Area (as defined in section 1.3 – Interpretations of the Trust Object, and includes Coast Salish Peoples) and all British Columbians, who in turn have a role in preserving and protecting this region. The policies in this section support the preservation and protection of unique island character and aim to foster sustainable, inclusive, and resilient island communities.

Directive Policies - Managing Growth and Development

Local trust committees and island municipalities shall...

3.4.1	Sustainable Development ¹ Ensure development is compact, energy-efficient, and appropriately situated on the island and on the site in order to: <ul style="list-style-type: none">• reduce dependency on private automobile use, and support increased use of trail systems, public transportation, and active transportation, and• be compatible with preservation and protection of the area's unique amenities and environment
3.4.2	Density Limits Establish appropriate density limits for efficient and sustainable use of the land base ² that help to safeguard protected area networks, and is compatible with preservation and protection of the area's unique amenities and environment.
3.4.3	Impacts of Development ³ Consider the aesthetic, environmental, and social impacts of development.
3.4.4	Community Facilities and Services Ensure that each community's current and projected long-term needs ⁴ for educational, institutional, community, health, cultural, and recreational facilities and services are considered and planned for.
3.4.5	Climate Change Mitigation and Adaptation Identify land use strategies, and consider nature-based solutions, to minimize greenhouse gas emissions, and adapt to climate change-related vulnerabilities. ⁵
3.4.6	Hazardous Areas Identify areas hazardous to development activities, including, but not limited to, areas



Number: 1 Author: jargan Subject: Highlight Date: 2023-12-21 14:34:08

Work with First Nations on revenue-sharing, jobs and other economic development opportunities.
Collaboration with First Nations in regards to their housing needs, including the development of affordable housing for Cowichan Tribes members.



Number: 2 Author: jargan Subject: Highlight Date: 2023-12-07 14:57:35

land including foreshore and water. Ex. considering the impacts of existing private docks on eelgrass and on harvesting abilities and access for First Nations.



Number: 3 Author: jargan Subject: Highlight Date: 2023-12-07 14:58:20

Work with First Nations to have Indigenous artists involved in public design



Number: 4 Author: jargan Subject: Highlight Date: 2024-03-04 14:58:07

Working with First Nations to ensure that our community needs are met as well. Cowichan Tribes does not have IRs on the Gulf Islands but these are still our homelands which were preempted. It is common for municipalities not to work with Cowichan Tribes and the Quw'utsun Nation as a whole when developing OCPs and other regional plans, thereby planning for maximum growth without accounting for use by Cowichan Tribes members.



Number: 5 Author: jargan Subject: Highlight Date: 2023-12-07 15:01:33

Yes, including ecological restoration - mitigation and enhancement specific to that ecosystem

	subject to flooding, erosion, wildfire, or slope instability, and direct development away from such hazards.
3.4.7	Economic Activities Support economic activities that are compatible with preservation and protection of the area’s unique amenities, environment, and community character.
3.4.8	Community Heritage Sites Identify, preserve, protect, and support the restoration of community heritage sites.

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No Comments.

Directive Policies - Housing


Local trust committees and island municipalities shall... 1

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

Directive Policies - Transportation

Local trust committees and island municipalities shall...

3.4.12	Public and Active Transportation Networks Identify and establish appropriately situated, safe, comfortable, and equitable transportation networks, both on the islands and to the islands, that reduce dependency on private automobile use, encourage electric vehicles, and support increased use of trail systems, public transportation, and active transportation.
3.4.13	Road Systems Strive to ensure that road location, design, construction, and road systems are compatible with preservation and protection of area's unique amenities and environment.
3.4.14	Rural Roadways Identify and protect rural roadways, including scenic and/or heritage roads.
3.4.15	Emergency Helicopters Identify appropriate areas for the landing of emergency helicopters that do not adversely impact the area's unique amenities and environment.

 Number: 1 Author: jargan Subject: Highlight Date: 2023-12-21 14:21:26

See previous comments on working with Cowichan Tribes to coordinate housing and development needs.

All of these directives should read "Local trust committees and island municipalities shall meaningfully collaborate with Indigenous Nations as they..."
Reinforcing the commitment to shared decision making with the Quw'utsun Nation.

Directive Policies - Waste

Local trust committees and island municipalities shall...

3.4.16	<p>Disposal of Waste</p> <p>Identify appropriate locations for the disposal of solid waste that are compatible with the preservation and protection of the area’s unique amenities and environment.</p>
3.4.17	<p>Septic Fields</p> <p>Establish requirements for the location and siting of new septic fields to mitigate adverse impacts on the area’s unique amenities and environment, including Indigenous Peoples’ food security in Indigenous marine harvesting areas.</p>

Directive Policies - Recreation ¹

Local trust committees and island municipalities shall...

3.4.18	<p>Preservation of Natural Heritage</p> <p>Identify, preserve, protect, and support the restoration of natural heritage sites.</p>
3.4.19	<p>Low Impact Recreation</p> <p>Identify appropriate locations and types of facilities for low-impact and active recreational ² activities, and discourage high-impact recreational facilities that may adversely impact the preservation and protection of the area’s unique amenities and environment.</p>
3.4.20	<p>Access to Recreational Facilities</p> <p>Identify appropriate locations, types, and safe public access to recreational facilities</p>
3.4.21	<p>Access to Community Marinas, Boat Launches, and Docks.</p> <p>Identify safe public access to community marinas, boat launches, and docks. ³</p>
3.4.22	<p>Access to Anchorages</p> <p>Identify appropriate and safe small-craft anchorage public-access locations.</p>
3.4.23	<p>Trail Systems</p> <p>Identify appropriate locations, types, and safe public access to public pedestrian, equestrian and bicycle trail systems to support active recreation that are compatible with ⁴ preservation and protection of the area’s unique amenities and environment.</p>
3.4.24	<p>Public Shoreline Access</p> <p>Identify and protect areas providing safe public access to marine shorelines and along marine shorelines that are appropriate for low-impact, public recreational use and do not adversely impact unique amenities and the environment. ⁵</p>



Number: 1 Author: jargan Subject: Highlight Date: 2023-12-07 15:32:47

Concern that recreation mandates often overtake harvesting rights and protection of indigenous cultural landscapes and places. IT must work closely with Indigenous Nations around any development of recreational sites to ensure that our cultural heritage and rights are protected.



Number: 2 Author: jargan Subject: Highlight Date: 2023-12-07 15:35:00

low-impact rec can still impact cultural activities, depending on the teachings associated with that activity. Quiet and seclusion are important characteristics needed for certain cultural activities - highlighting the need to work collaboratively with First Nations on such plans.



Number: 3 Author: jargan Subject: Highlight Date: 2023-12-07 15:31:28

Concerns around the environmental and cumulative impacts of docks. Community/public marinas are generally a better way to go, however, it is necessary to work collaboratively with First Nations regarding such developments.



Number: 4 Author: jargan Subject: Highlight Date: 2024-03-04 14:58:47

compatible with aboriginal rights and title and indigenous self-determination - all of these recreational decisions need to be made in explicit collaboration with the Quw'utsun Nation.



Number: 5 Author: jargan Subject: Highlight Date: 2023-12-14 16:02:29

Noting that there are many archaeological sites along the beaches and foreshore which need to be protected, working with the Quw'utsun Nation as the right and title holding nation. Additionally, beaches and foreshores should be cleaned up, access for Quw'utsun Nation members with regards to harvesting rights is necessary.

3.4.25

Destination Gaming Facilities

Prohibit destination gaming facilities such as casinos and commercial bingo halls.

Goal 5:

Fostering Sustainable Stewardship of Lands and Waters

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

Directive Policies - Freshwater

Local trust committees and island municipalities shall...

3.5.1	Freshwater Sustainability Ensure that neither the density, nor intensity of land use is increased in watersheds where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable.
3.5.2	Freshwater Demand and Supply Projections Ensure that existing, anticipated, and seasonal water demand and water availability are considered.
3.5.3	Freshwater Quality Strive to ensure that freshwater quality is maintained or remediated.
3.5.4	Freshwater Self-Sufficiency Ensure that islands are self-sufficient in their supply of freshwater.
3.5.5	Freshwater Uses Strive to ensure that freshwater use is not to the detriment of other uses of the waterway such as fish and fish habitat uses, Indigenous cultural and spiritual uses, aesthetic and recreational uses, and the maintenance of water quality in lakes, streams, and wetlands.



Yes, need to ensure planning with the Quw'utsun Nation regarding our housing needs.

Directive Policies - Forest Lands

Local trust committees and island municipalities shall...

3.5.6	Forest Lands for Sustainable Management Retain large land holdings and parcel sizes to support sustainable forest management practices that are compatible with preservation and protection of the area's unique amenities and environment.
3.5.7	Forest Lands and Road Systems Ensure that road systems and utility corridors are appropriately situated to minimize the fragmentation of forest lands.
3.5.8	Forest Lands and Wildfire Risk Management Identify land use strategies that mitigate wildfire risk and that are appropriate to the unique biogeoclimatic zones and settlement patterns of each local planning area.

Directive Policies - Agricultural Lands ¹

Local trust committees and island municipalities shall...

3.5.9	Protection of Agricultural Lands Identify and protect agricultural lands for current and future use while considering downstream impacts, wildlife habitat, and adjacent properties.
3.5.10	Agriculture and Adjacent Properties Minimize any adverse impacts of land uses from adjacent properties on agricultural lands.
3.5.11	Agriculture and Road Systems Ensure that roads and utility corridors are appropriately situated to minimize fragmentation of agricultural lands.
3.5.12	Sustainable Agriculture Strive to preserve, protect, and encourage sustainable farming and sustainability of farming.
3.5.13	Economic Viability of Farms Strive to address land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land or adversely impacting the area's unique amenities and environment.

Directive Policies - Soil and Fill

Local trust committees and island municipalities shall...

Noting the need for shared decision making with the Quw'utsun Nation. Determining future use of land must include the nation.

3.5.14	Soil Removal and Deposit Foster the preservation, protection, and restoration of soils in the Islands Trust Area.
3.5.15	Soil and Fill from Middens and Foreshore Areas of Cultural Significance Prohibit alteration, removal or excavation of soil or fill from middens or foreshore areas identified as culturally significant areas. 1

Directive Policies - Marine Shorelands

Local trust committees and island municipalities shall...

3.5.16	Aquaculture Tenures Direct commercial aquaculture tenures to appropriate locations that will not adversely impact areas of cultural, spiritual, archaeological, medicinal or recreational significance, or established or designated upland land uses, anchorages or moorages.
3.5.17	Setbacks from the Sea Consider the current and anticipated impacts of sea level rise and storm surge, and determine appropriate shoreline buffers and setbacks from the sea.
3.5.18	Soft Shoreline Protections 2 Consider and foster soft shoreline approaches first such as those identified by the “Green Shores” program to set requirements for shoreline preservation.
3.5.19	Marinas 3 Identify requirements for the location, size, and nature of marinas that are compatible with preservation and protection of the area’s unique amenities and environment.
3.5.20	Sharing of Coastal Facilities Identify opportunities for the sharing of coastal facilities such as docks, wharves, floats, jetties, boat houses, board walks, and causeways. 4
3.5.21	Private Docks Limit or prohibit new private docks in areas identified as culturally significant by Indigenous governing bodies and Indigenous Knowledge Holders, in areas that provide critical habitat for species at risk, and in areas of recreational significance; and consider the cumulative effects of docks.


Directive Policies - Emissions

Local trust committees and island municipalities shall...


3.5.22	Emissions to Air, Land, and Water. Regulate land use and development to reduce detrimental emissions, including greenhouse gas emissions, to air, land, and water.
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 Number: 1 Author: jargan Subject: Highlight Date: 2023-12-21 14:17:42


Not all culturally significant sites - not all archaeological sites - are recorded and/or known to the Archaeology Branch. The policy must include how IT will work in collaboration (per DRIPA) with the Quw'utsun Nation around the protection of our material cultural heritage. How will chance finds be addressed?
Noting that this was a previous comment made by Cowichan Tribes, which has not be addressed.

 Number: 2 Author: jargan Subject: Highlight Date: 2024-03-04 14:59:51

As stated by Cowichan Tribes in comments on a previous draft, development of stretches of foreshore that don't have existing infrastructure should be prevented. There are very few areas in our territory where Quw'utsun Mustimuhw can harvest resources on the foreshore, which is an aboriginal right and important for food security and cultural transmission. IT should also commit to working with the Quw'utsun Nation, DFO and municipalities to restore contaminated beaches so that harvesting can occur in the future.

 Number: 3 Author: jargan Subject: Highlight Date: 2024-03-04 15:00:07

and protection of Quw'utsun Nation cultural landscapes including, but not limited to, archaeological sites.

 Number: 4 Author: jargan Subject: Highlight Date: 2023-12-14 15:57:13

these often have ecological impacts impacting aboriginal rights

Part 4: Implementation

4.1 – Policy Statement Implementation

Statutory Bylaw Referrals:

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

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

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

Executive Committee Approval: Under Section 15(4) of the *Islands Trust Act*, bylaws submitted to the Executive Committee must not be approved by the Executive Committee, or Trust Council, if they are contrary to or at variance with the Islands Trust Policy Statement. As interpreted by the courts, "contrary to or at variance with," means that there is an absolute and direct collision between the local trust committee or island municipality bylaw and the Policy Statement.

Organizational Policy Alignment:

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

Monitoring and Evaluation:

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

No Comments.

4.2 – Policy Statement Amendments

Policy Statement Amendment Projects:

At the beginning of each term, in conjunction with its strategic planning process, Trust Council can ¹ identify any Policy Statement amendment tasks to be undertaken that term. Newly elected Trust Councils shall cooperate with Indigenous governing bodies, ² and may wish to engage with key partners and interested and affected parties across the Islands Trust Area to define priorities for Policy Statement amendments that term. Any topics that are not able to be addressed in a particular term could be noted on a “Policy Statement Amendment Topic Review Inventory” for consideration by Trust Council at a later date. Once an amendment project is initiated, Trust Council could assign the Executive Committee or a council committee the task of leading and coordinating the Policy Statement review and amendment project, with the support of other committees as appropriate. As part of its annual budget cycle, Trust Council should consider allocating resources required for a Policy Statement amendment project, including for any related communications and engagement.

Communications, Engagement, and Referrals:


As soon as practicable after the initiation, in cooperation with Indigenous governing bodies, of a Policy Statement amendment process, the assigned committee should adopt a communications and engagement plan appropriate to the scope and scale of the amendment project. Referrals are required to ³ Indigenous governing bodies and regional district boards. While there are no statutory requirements for public engagement or public hearings related to the Policy Statement, in cases where major amendments are being considered, Trust Council should inform and consult members of the public and relevant partner agencies. Engagement and referral partners could include, but would not be limited to: local trust committees and island municipalities; the Islands Trust Conservancy Board; residents and non-resident property owners in the Islands Trust Area; residents of British Columbia; municipal councils, improvement district boards operating within the Islands Trust Area;; relevant provincial government agencies; and other persons and organizations who would be interested and affected by the proposed Policy Statement amendments.

Legislative Process:


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

Implementation of Policy Statement Amendments:


Policy Statement amendment bylaws become effective upon date of adoption and are not retroactive. Following the adoption of Policy Statement amendments, Trust Council should in consultation with each local trust committee and island municipality develop a “Policy Statement Implementation Plan”. The Policy Statement Implementation Plan will set a timeline for official community plans and regulatory bylaw amendments to bring them into compliance with the amended Policy Statement. As part of its budget processes, Trust Council may allocate resources to support local trust committees and island ⁴ municipalities to undertake this work.

 Number: 1 Author: jargan Subject: Highlight Date: 2023-12-14 16:09:50


What mechanism for Indigenous nations in whose territory IT operates to put forward policy amendments?

 Number: 2 Author: jargan Subject: Highlight Date: 2023-12-14 16:12:26

Need higher level discussions between IT and Quw'utsun Nation to negotiate structures for shared decision-making. Cooperation is not a specific commitment that can be evaluated held up.

 Number: 3 Author: jargan Subject: Highlight Date: 2023-12-21 14:20:34

Capacity funding requirement?


 Number: 4 Author: jargan Subject: Highlight Date: 2023-12-14 16:17:04

Need to ensure adequate resourcing to Quw'utsun Nation member communities to ensure we can participate in engagement with IT.

Glossary of Terms

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

<p>Aboriginal (see Indigenous Peoples)</p>	<p>This is a collective name for all of the original peoples of Canada and their descendants. The Constitution Act of 1982 specifies that the Aboriginal Peoples in Canada consist of three groups – First Nations, Inuit and Métis – with unique heritages, languages, cultural practices and spiritual beliefs. The term Aboriginal peoples should not be used to describe only one or two of the groups. Because Aboriginal peoples is the term used in Canada’s constitution, it has specific importance within a Canadian legal context. Other terms include Indigenous Peoples, Native Peoples, Original Peoples, or First Peoples. For our purposes, the term “Indigenous Peoples” is currently the preferred and most respectful term to use. (Source: Assembly of First Nations)</p>
<p>Archaeological Sites</p>	<p>All archaeological sites in British Columbia are protected under the <i>Heritage Conservation Act</i>. This applies whether sites are located on public or private land, and whether the site is known or unknown. Protected archaeological sites may not be altered or changed in any manner without a permit. There are over 60,000 archaeological sites recorded in BC’s Provincial Heritage Register including the remains of village and other habitation sites, as well as resource procurement activities such as fishing weirs and culturally modified trees. These sites may date anywhere from recent times to 14,000+ years ago, and studies continue to uncover new information. (Source: BC Archaeology Branch)</p>
<p>Biodiversity</p>	<p>Biodiversity (biological diversity) is the variety of living things, including diversity within species (genetic diversity), diversity between species, and diversity of ecosystems. When biodiversity characteristics are assessed for any location or region, three attributes are considered: 1) composition (describes the parts of each biodiversity component in that area – e.g. habitat types, species present, genetic diversity within species); 2) structure (refers to the physical characteristics supporting that composition – e.g. size of habitats, forest canopy structure, etc.); 3) function (means the ecological and evolutionary processes affective life within that structure – e.g. pollination, natural disturbances, predator-prey relationships). (Source: Biodiversity BC)</p>

 Number: 1 Author: jargan Subject: Highlight Date: 2023-12-18 16:33:28

Not a major point, but as this is a glossary, it should define the term. This isn't a definition of an archaeological site.

Not for the glossary, but as general information: archaeological sites are where material evidence of past human activity. There are many places where material evidence may not have been found but that does NOT mean that areas where material evidence has not been found were not occupied (any archaeologist would confirm this). As such, it is imperative to understand that the entire Quw'utsun territory is and was a lived landscape and that importance of sites is not limited to recorded arch sites.

Colonialism	Colonizers are groups of people or countries that come to a new place or country and steal the land and resources from Indigenous peoples, and develop a set of laws and public processes that are designed to violate the human rights of the Indigenous peoples, violently suppress the governance, legal, social, and cultural structures of Indigenous peoples, and force Indigenous peoples to conform with the structures of the colonial state. Historical and ongoing colonialism, including the dispossession of lands, has a deep and devastating impact on Indigenous people and communities. (Source: BC Addressing Racism Working Glossary; BC Office of the Human Rights Commissioner)
Community Heritage Site	A community heritage site is real property that is considered to be heritage property.
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.
Critical Habitat	Under the federal <i>Species at Risk Act</i> , critical habitat is the habitat that is necessary for the survival or recovery of listed extirpated, endangered, or threatened species, and that is identified as critical habitat in a recovery strategy or action plan. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. (Source: <i>Species at Risk Act</i>)
Land Use Density and Intensity	<p>Density is regulated through zoning. Density may be defined by the number of units per given area of land. Density may also be measured by dividing the the built area including all floor area, by the total area of the lot, e.g., floor area ratio (FAR) is an example</p> <p>Intensity of use refers to the impacts of different types of land uses, e.g., certain types of commercial or industrial uses could be more intense with more impacts than residential or vice versa.</p> <p>Of note, density and intensity of use can combine to increase cumulative impacts of the land use.</p>
Ecosystem	An ecosystem is a collection of communities of both living and non-living things that are connected. The biotic elements in an ecosystem include living things such as plants and animals. The abiotic elements found in an ecosystem include non-living things like land forms or climate. Healthy ecosystems provide important “services,” like clean air and water, healthy forests and farms, and habitat for plants and animals. (Source: Government of BC)
Ecosystem Integrity	Ecosystems have integrity when their native components, such as native species, biological communities, natural landscapes and ecological functions, are intact and are likely to persist. (Source: Government of Canada)
Environment	<p>The components of the Earth, including:</p> <ol style="list-style-type: none"> 1. land, water and air, including all layers of the atmosphere, 2. all organic and inorganic matter and living organisms, and 3. the interacting natural systems that include components referred to in paragraphs (a) and (b).

No Comments.

Equity / Equitable	<p>(Source: Impact Assessment Agency of Canada)</p> <p>Equity refers to achieving parity in policy, process and outcomes for historically and/or currently underrepresented and/or marginalized people and groups while accounting for diversity. It considers power, access, opportunities, treatment, impacts and outcomes. (Source: Equity & Inclusion Glossary, UBC)</p>
First Nations	<p>First Nations is not a legal term but came into common use in the 1970s to replace Indian, which some people found offensive. Many communities have also replaced “band” with “First Nation” in their names. Symbolically, the term elevates First Nations to the status of “first among equals” alongside the English and French founding nations of Canada. It also reflects the sovereign nature of many communities, and the ongoing quest for self-determination and self-government. First Nations people may live on or off reserve, they may or may not have legal status under the <i>Indian Act</i>, and they may or may not be registered members of a community or nation. “First Nations” should be used exclusively as a general term as community members are more likely to define themselves as members of specific nations or communities within those nations. (Source: Assembly of First Nations)</p>
Groundwater Recharge Areas	<p>Groundwater recharge areas are terrain that inherently provide geographical and ecological conditions for the infiltration of water from the land surface to the subsurface through soils, sediments, and fractured bedrock to replenish groundwater sources. Groundwater recharge areas can be <i>diffuse</i> where widespread precipitation on the landscape infiltrates into groundwater sources or <i>localized</i> where discrete surface water sources such as streams, lakes, septic fields, and/or irrigation fields infiltrate into groundwater sources. Groundwater recharge areas that have a significant groundwater recharging effect for drinking water sources or groundwater dependent ecosystems in the Islands Trust Area are defined as <i>Critical Aquifer Recharge Areas</i>.</p>
Inclusive / Inclusion	<p>Inclusion is an active, intentional, and continuous process to address inequities in power and privilege, and build a respectful and diverse community that ensures welcoming spaces and opportunities to flourish for all. (Source: Equity & Inclusion Glossary, UBC)</p>
Indigenous Cultural Heritage	<p>Indigenous Peoples understand and describe cultural heritage according to their distinct perspectives, traditions, and languages. For Indigenous Peoples, cultural heritage refers to ideas, experiences, objects, artistic expressions, practices, knowledge, and places that are valued because they are culturally meaningful, connected to shared memory, or linked to collective identity. Indigenous cultural heritage cannot be separated from either Indigenous identity or Indigenous life. Indigenous cultural heritage can be inherited from ancestors or it can be created by people today as a legacy for future generations. Indigenous Peoples have a right to identify their own cultural heritage, interpret its meaning, and safeguard its value. (Source: Indigenous Heritage Circle)</p>
Indigenous governing body	<p>Indigenous governing body means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>.</p>

No Comments.

<p>Indigenous Knowledge / Knowledge Holders</p>	<p>There is no single definition of Indigenous Knowledge. For our purposes, we understand "Indigenous Knowledge" as a term that refers to a set of complex knowledge systems based on the worldviews of Indigenous peoples. Indigenous Knowledge reflects the unique cultures, languages, values, histories, governance and legal systems of Indigenous peoples. It is place-based, cumulative and dynamic. Indigenous Knowledge systems involve living well with, and being in relationship with, the natural world. Indigenous Knowledge systems build upon the experiences of earlier generations, inform the practice of current generations, and evolve in the context of contemporary society. Different First Nations, Inuit and Métis communities each have distinct ways of describing their knowledge. Knowledge Holders are the only people who can truly define Indigenous Knowledge for their communities. It is important to note that some Indigenous communities are struggling to maintain their Indigenous Knowledge due to ongoing impacts of colonialism. (Source: Impact Assessment Agency of Canada)</p>
<p>Indigenous Peoples (see Aboriginal Peoples)</p>	<p>Indigenous Peoples has the same meaning as aboriginal peoples in section 35 of the <i>Constitution Act, 1982</i>. The Assembly of First Nations also states: There is no official definition of Indigenous Peoples. In part, Indigenous communities, peoples and nations can be described as those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories. Other terms include Aboriginal Peoples, Native Peoples, Original Peoples, or First Peoples. (Source: Assembly of First Nations)</p>
<p>Middens</p>	<p>Middens are the heaps of shells, bones, utensils and artifacts that accumulated sometimes over thousands of years of Indigenous Peoples' occupation of a site. Indigenous Peoples were originally thought to be nomadic but the existence and dates of middens are proof positive that some Indigenous Peoples occupied their villages year round. In British Columbia, all middens are protected if they contain artifacts, features, materials or other physical evidence of human habitation or use before 1846. Protection means that a permit is required to alter the site. There are approximately 5700 recorded shell midden sites in the province, and thousands of additional sites that have not been identified to date. (Source: Indigenous Corporate Training Inc.)¹²</p>
<p>Nature-based solutions</p>	<p>Nature-based solutions are actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously benefiting people and nature.</p> <p>Nature-based Solutions address societal challenges through the protection, sustainable management and restoration of both natural and modified ecosystems, benefiting both biodiversity and human well-being. Nature-based Solutions are underpinned by benefits that flow from healthy ecosystems. They target major challenges like climate change, disaster risk reduction, food and water security, biodiversity loss and human health, and are critical to sustainable economic development.</p> <p>(Source: International Union for Conservation of Nature (IUCN))</p>
<p>Precautionary Principle</p>	<p>Principle 15 of the Rio Declaration, known as the precautionary principle, states: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." Four central components of the precautionary principle include: taking preventive action in the face of uncertainty; shifting</p>



Number: 1 Author: jargan Subject: Highlight Date: 2023-12-18 16:27:19

Quw'utsun elders have emphasized that middens are cultural heritage, they are ancestral places, not "heaps" of refuse. There could be other material cultural heritage (artifacts) or ancestral remains (burials) in middens.

"these archaeological sites are indicative of past First Nations settlement activity. Formed by the accumulation of stratified cultural deposits over thousands of years, shell midden sites represent some of the most complex archaeological sites in the world" (McLay et al 2008)



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Why this reference? For a discussion of middens by Quw'utsun elders, see McLay et al 2008 "A'lhut tu tet Sul'hweentst Respecting the Ancestors"

	the burden of proof to the proponents of an activity; exploring a wide range of alternatives to possibly harmful actions; and increasing public participation in decision making. (Source: <i>The Precautionary Principle in Environmental Science</i> , Kriebel et al., 2001)
Preservation	To maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.
Protection	To maintain over the long term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

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No Comments.

Reconciliation	Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, an acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour. (Source: Truth & Reconciliation Commission)
Restoration	Restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Ecological restoration seeks to initiate or accelerate ecosystem recovery following damage, degradation, or destruction. (Source: Society for Ecological Restoration)
Sensitive Ecosystems	<p>Sensitive ecosystems are classified as ‘sensitive’ because of their rarity and vulnerability to disturbances such as human impacts and climate change. The BC Sensitive Ecosystems Inventory identifies sensitive ecosystem types, which have been adapted by the Islands Trust Conservancy to identify sensitive ecosystems commonly found in the Islands Trust Area, including:</p> <p>Cliff: Steep slopes, often with exposed bedrock. Very little soil accumulation, and only exceptionally hardy trees and plants. Cliffs are important vegetation refugia because they are often inaccessible to deer browsing or livestock grazing and can be important nesting habitat for birds.</p> <p>Freshwater: all freshwater networks including but not limited to streams, lakes, wetlands, groundwater sources, springs, and precipitation⁵.</p> <p>Herbaceous: Shallow soils characteristic of herbaceous ecosystems support low-growing vegetation, such as grasses, forbs (low, broad-leaved plants), wildflowers, mosses and lichens. Few trees and shrubs survive on these sites due to the fast-drying and often shallow nature of the exposed soils.</p> <p>Old and Mature Forest: Dry to moist forests dominated by conifer or deciduous tree species with a canopy cover of over 30%. Old forests have a stand age of over 250 yrs.; Mature forests have a stand age of 80–250 yrs.</p> <p>Riparian: Located adjacent to lakes, streams and rivers and characterized by plant communities and soils dependent on increased moisture. Influenced by erosion, sedimentation, flooding and seepage.</p> <p>Wetland: Feature moisture-dependent plants that thrive in an environment where water remains at or above the surface of the soil during most of the year. Can be bog, fen, marsh, swamp, shallow water, wet meadow or a mixture of these types.</p> <p>Woodland: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10–30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. (Source: BC Sensitive Ecosystems Inventory, as adapted in Islands Trust Conservancy Regional Conservation Plan 2018-2027)</p>
Species At Risk	An extirpated, endangered, threatened species, or a species of special concern. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. Species of special concern means a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats. (Source: Federal <i>Species at Risk Act</i>)

⁵ <https://islandstrust.bc.ca/document/freshwater-sustainability-strategy>

No Comments.

Stewardship	Voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities in the Islands Trust Area
Sustainable	Capable of being maintained indefinitely; capable of meeting the environmental, economic, and social needs of current generations without compromising the ability of future generations to meet their needs.
Treaties / Treaty Nations	Treaties are constitutionally protected, government-to-government agreements that identify, define and implement a range of rights and obligations, creating long-term, mutually binding commitments. Treaties negotiated through the BC treaty negotiations process are tripartite agreements between the governments of Canada, British Columbia, and a First Nation. The goal of treaties is reconciliation. Treaties signed with First Nations in Canada between 1701 and 1923 are commonly referred to as historic treaties. In BC, there are Douglas treaties, signed with First Nations on Vancouver Island, and Treaty 8 covering a portion of northeastern BC. Treaties signed today are called modern treaties, and cover where there are no historic treaties, and can also deal with matters not addressed in historic treaties. (Source: BC Treaty Commission)
Unique Amenities	The term amenity is derived from the Latin term <i>amoenitas</i> , signifying “pleasantness, delightfulness, charm”. An amenity is something considered to benefit a location, contribute to its enjoyment, and thereby increase its value. Thus, the term “unique amenities” is interpreted to mean those features which contribute to the Islands Trust Area’s unique charm, enjoyment, and value as a region. Examples include the region’s extensive Indigenous cultural heritage and culturally important sites, its unique rural island character and farmlands, and the many recreational areas and nature connection opportunities that it affords to residents and visitors. (Source: Islands Trust)

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No Comments.