



# MEMORANDUM

File No.: Gambier Island OCP and LUB  
Targeted Review Project

DATE OF MEETING: July 14, 2022  
TO: Gambier Island Local Trust Committee  
FROM: Marlis McCargar, Island Planner  
Northern Team  
COPY: Heather Kauer, Regional Planning Manager  
SUBJECT: Gambier Island OCP and LUB Targeted Review Project

## PURPOSE

The purpose of this memo is to update the Gambier Island Local Trust Committee (LTC) on progress to date with Gambier Island OCP and LUB Targeted Review Project, to introduce two of the discussion papers and to outline the next steps.

## BACKGROUND

The LTC passed the following resolutions at their March 31, 2022 business meeting:

### GM-2022-018

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

that the Gambier Island Local Trust Committee endorse the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Charter, dated October 14, 2021, as amended.

#### CARRIED

### GM-2022-019

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

that the Gambier Island Local Trust Committee endorse the project framework and graphic.

#### CARRIED

Previous staff reports and background information for this project are found on the LTC Projects [webpage](#).

## PROJECT UPDATE

The request for proposal process to hire a consultant to lead this project concluded at the end of June. The contract was awarded to Bayshore Planning Services Inc. In the short time since being hired, the consultant has undertaken the following work to advance this project:

- attended a project kick-off meeting with Islands Trust staff;
- started a comprehensive review of relevant reports, discussion papers, policies, bylaws, regulations, and standards to identify policy and regulatory gaps and needed updates within topic areas; and
- began developing the Public Engagement Plan.

**Discussion Papers**

Staff have been undertaking a review of current LUB regulations and OCP policies on Gambier Island and other Local Trust Area regulations and policies related to shoreline protection and forest ecosystem protection. The goal of this review is to analyse what opportunities may exist for regulatory and/or policy changes that could potentially provide increased shoreline and forest ecosystem protection on Gambier Island.

As a means for providing baseline information to the LTC and the Gambier Island OCP/LUB Targeted Review Working Group with respect to shoreline and forest ecosystem protection regulations and policies on Gambier Island, the attached discussion papers include:

- A summary of relevant Islands Trust Policy Statement directive policies;
- A summary of relevant Gambier Island Official Community Plan (OCP) policies;
- A description of current regulations in the Gambier Island Land Use Bylaw (LUB);
- A summary of relevant regulations in other Local Trust Area land use bylaws; and,
- A brief outline of potential options for regulatory and/or policy changes that could help to protect the shoreline on Gambier Island. Note: options for regulatory and/or policy changes regarding forest ecosystem protection have not yet been compiled, as of the date on this report.

**First Nation Engagement**

A staff-to-staff meeting to discuss the project was in the process of being set-up with Skwxwú7mesh (Squamish) Nation by Islands Trust Senior Intergovernmental Policy Advisor, but that was delayed due to staff turnover. However, on May 20, 2022 staff received a response from Skwxwú7mesh (Squamish) Nation. They suggested creating a working group between staff and two Squamish Nation managers for quarterly meetings regarding this project. We have not been able to connect to set a dates for the quarterly meetings, but staff will update once meeting dates are established.

**NEXT STEPS**

Staff will continue to work with the consultant to develop and implement the Public Engagement Plan over the summer months. Staff will schedule a meeting with Gambier Island Targeted Review Project Working Group to discuss regulatory options presented in the discussion papers and to provide feedback on the Public Engagement Plan. Staff will continue to try and set up quarterly meetings with Skwxwú7mesh (Squamish) Nation.

Submitted By:	Marlis McCargar Island Planner	June 29, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 29, 2022

## **ATTACHMENTS**

1. Shoreline Protection Discussion Paper
2. Forest Ecosystem Discussion Paper

## Contents

Summary .....	2
1. Background .....	2
2. Limitations.....	3
3. Gambier Island’s Shoreline .....	3
4. Existing Islands Trust Policies.....	5
1.1. Islands Trust Policy Statement.....	5
1.2. Gambier Island Official Community Plan .....	6
1.3. Gambier Island Land Use Bylaw.....	9
1.4. Other Local Trust Area Regulations .....	15
1.5. Islands Trust Shoreline Protection Model Bylaw Report .....	16
5. Options.....	17
5.1. Establish an Expanded Shoreline Development Permit Area .....	17
5.2. Flood Protection Bylaw .....	19
5.3. Establish Heritage Conservation Areas .....	20
5.4. No Change.....	21
6. Conclusion.....	21
7. Appendix 1 – Shoreline Protection Model Bylaw Report .....	21

## Summary

The Gambier Island Local Trust Committee (LTC) is engaged in a targeted review of the Official Community Plan and Land Use Bylaw in the Gambier Island Local Trust Area. As a mechanism for providing background and context, staff have prepared a discussion paper on shoreline policies and regulations on Gambier Island. The purpose of this discussion paper is to provide analysis, technical information and recommend options in order to inform discussion and deliberation as the project progresses.

### 1. Background

A review of Gambier's OCP was identified as Top Priority project in 2015. As a result, the Gambier Island LTC is embarking on a review of Gambier Island's land use policies and regulations, with a specific focus on three topic areas:

- forest ecosystem protection;
- shoreline protection and access to public docks and;
- archaeological and cultural site protection.

The purpose of these discussion papers is to inform discussion and deliberations for the Gambier Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Targeted Review. The focus of this discussion paper is shoreline protection and public docks.

The concerns are understood to include environmental impacts, particularly on eelgrass or forage fish spawning areas; continued public access to the New Brighton dock and boat ramp; and impacts on public access to the foreshore for residents and visitors of the Island.

A high concentration of archaeological values, including an estimated 80% of known archaeological sites, are found near the foreshore. Increasingly, First Nations are expressing concerns about the proliferation of shoreline development, which may impact their ability to engage in traditional food gathering activities, and other cultural impacts, as well as generating rights and title implications.

In addition to community concerns, a review and update to policies and regulations for Gambier Island has not been done since the adoption of the Gambier Island Official Community Plan (OCP) Bylaw No. 73, 2001 and the Gambier Island Use Bylaw No. 86, 2004 (LUB). It is generally considered good practice to review OCPs every 5 to 10 years.

The overall objectives of the project are to amend the Gambier OCP and LUB with regards to:

- First Nations Perspectives;
- Archaeological and cultural site protection;
- Forest Ecosystem Protection;
- Shoreline Protection;
- Public docks; and
- Technical amendments.

This discussion paper has been prepared to present an overview of existing Gambier Island regulations and policies, provide a comparison of other Local Trust Area's regulations, and present potential regulatory options for proceeding.

## 2. Limitations

This discussion paper has several limitations. An overarching goal of this portion of the targeted review is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and maintain access to a public dock on Gambier Island.

It is noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information. However, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

It is recognized that Gambier Island is accessible by boat only, and that many properties are water access only, having no access to a developed road. Options for access include private boat, water taxi from Gibsons or Horseshoe Bay or a passenger ferry service from Langdale.

There have been ongoing community concerns raised about the future of the New Brighton dock; however, Islands Trust does not have jurisdiction over public dock tenure. Islands Trust can ensure the zoning allows a public dock and passenger ferry access, but the ownership, maintenance and access is out of scope.

## 3. Gambier Island's Shoreline

Gambier Island's shoreline is broadly divided into three regions.

**Foreshore (intertidal):** the intertidal zone or the foreshore, is the area of land between the high and low water marks of the sea (in other words, the area within the tidal range). This area can include several types of habitats with various species of life.

**nearshore (non-tidal marine areas):** The nearshore is the area that encompasses the foreshore (intertidal from the highest high tide to the lowest low tide) and subtidal zones.

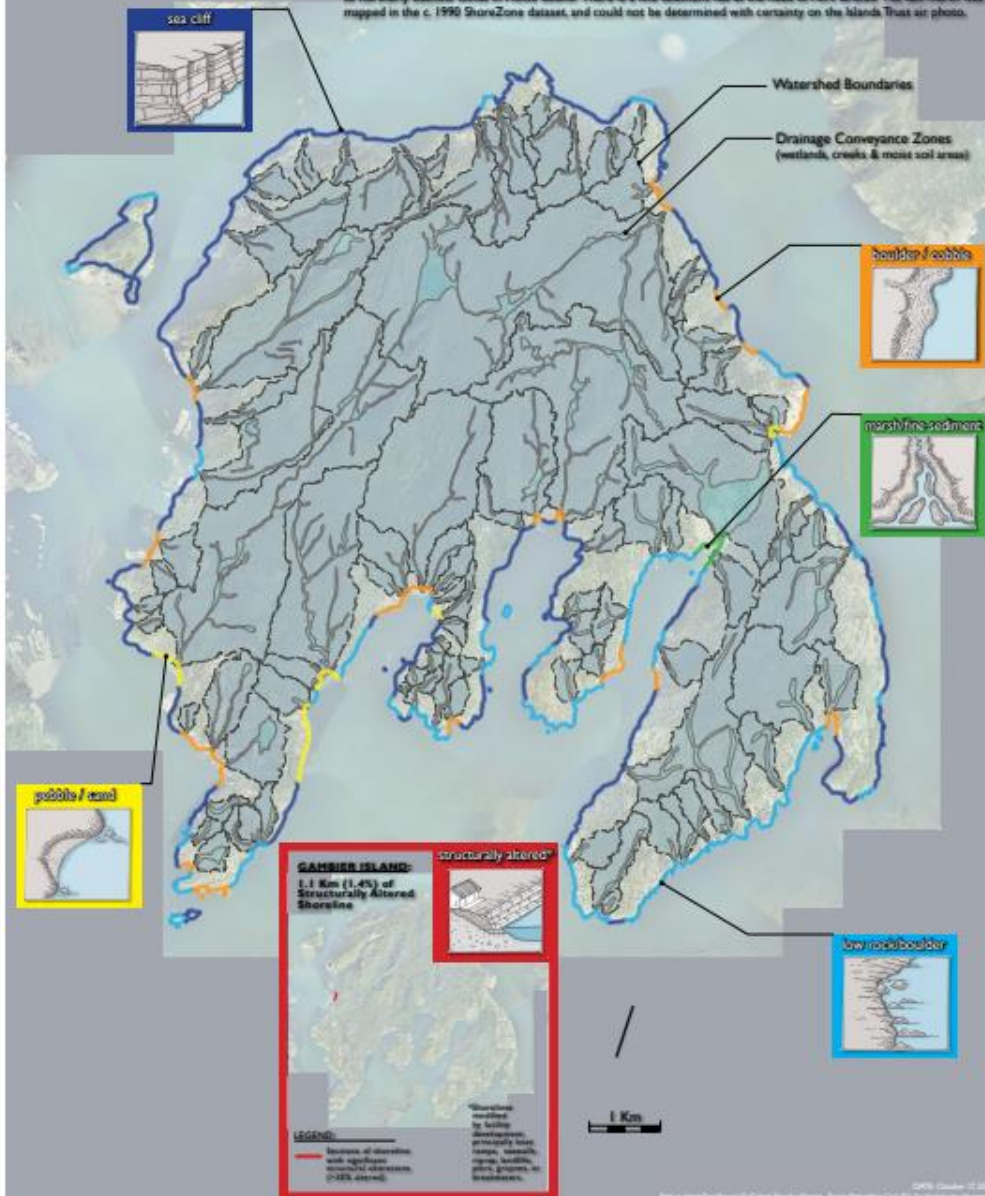
**backshore (upland):** The part of the beach lying between the beach face and the front dune, cliff base, vegetation line or coastal protection structure. The backshore is dry under normal conditions; it is often characterised by berms. Vegetation is generally sparse or even absent. The backshore is only exposed to waves under extreme events with high tide and storm surge.

The Gambier Island shoreline is largely bedrock with a few sand and shell pocket beaches. The map below illustrates the distribution of shoreline types on Gambier Island [note: searching for a better quality map], as mapped in 2011

# GAMBIER Is.

## MAP 1 of 3: Distribution of Shoreline Types

The Gambier Island shoreline is largely bedrock and resistant to erosion. There are a few sand and shell pocket beaches which are very important recreationally. Gambier Island is protected east and west by steep terrain surrounding Howe Sound, by Anvil Island to the north, and by Bowen and Keats Islands to the south. Gambier Island is occasionally exposed to south westerly storm winds and waves through Collingwood and Shoal Channels, and occasionally exposed to northerly outflow winds in Howe Sound. There is a fine sediment flat at the head of Port Graves. No salt marsh was mapped in the c. 1990 ShoreZone dataset, and could not be determined with certainty on the island. Trust air photo.



SEA CLIFF	LOW ROCK/BOULDER	BLUFF	BOULDER/COBBLE	PEBBLES/SAND	MARSH/FINE SEDIMENT
<ul style="list-style-type: none"> <li>rocky shore with steep slope</li> <li>~2% of shoreline (42 Km)</li> </ul>	<ul style="list-style-type: none"> <li>rocky shore with low slopes</li> <li>10% of shoreline (24 Km)</li> </ul>	<ul style="list-style-type: none"> <li>moderate to high slopes of sediment (when eroding)</li> <li>Gambier Island has no bluff shores</li> </ul>	<ul style="list-style-type: none"> <li>rocky - pebbles cover extensive (often) shallow pocket (beaches)</li> <li>~15% of shoreline (3 Km)</li> </ul>	<ul style="list-style-type: none"> <li>patches of eroding pebbles/sand (or shell) beaches (may be rocky - they erode and supply to later sections)</li> <li>~2% of shoreline (4 Km)</li> </ul>	<ul style="list-style-type: none"> <li>low energy shorelines with extensive exposed (long water table) marshy</li> <li>~1% of shoreline (2 Km)</li> </ul>
Rock (Hard) Shorelines			Sediment (Soft) Shorelines		

## 4. Existing Islands Trust Policies

### 1.1. Islands Trust Policy Statement (ITPS)

The Islands Trust Council is currently undertaking a process to amend the Policy Statement which has not been substantively updated since 1994. This discussion paper will look at the policies in the current Policy Statement.

The Policy Statement guides land use planning and development through the preserve and protect mandate of the Islands Trust. It includes goals and policies that reflect the values and concerns for the future of the entire Trust Area. Local trust committee official community plans and land use bylaws must comply with the Policy Statement. There are a number of policies in the current ITPS which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development, as follows in the table below:

**Table 1. ITPS Policies**

ITPS Policies	
<b>3.4.4</b>	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
<b>3.4.5</b>	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.
<b>4.5.9</b>	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
<b>4.5.10</b>	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 access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
<b>4.5.11</b>	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.
<b>5.5.4</b>	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address: <ul style="list-style-type: none"> <li>• the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and</li> <li>• the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.</li> </ul>
<b>5.5.5</b>	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address: <ul style="list-style-type: none"> <li>• the identification of sites providing safe public access to beaches,</li> <li>• the identification and designation of areas of recreational significance, and</li> <li>• the designation of locations for community and public boat launches, docks and anchorages.</li> </ul>

Refer to the [Islands Trust Policy Statement](#) for a comprehensive list of policies.



## 1.2. Gambier Island Official Community Plan

There are several policies in the current Gambier Island Official Community Plan (OCP) Bylaw No. 73, 2001 which speak to protecting coastal and/or foreshore areas:

**P 3.5** *Future development should only be permitted to occur at a scale and rate of growth that is respectful of:*

- i. community-held values pertaining to the environment;*
  - ii. the planning area's rural qualities;*
  - iii. consideration of water-only access;*
  - iv. the local trust area's limited infrastructure; and*
- the requirements of the applicable regulatory land use bylaws.*

**P 3.7** *The zoning regulations should establish setbacks for buildings and structures, in accordance with good planning practices, from:*

- iii. the sea:*
    - to protect buildings and structures from floodwaters or coastal erosion;*
    - to protect marine and riparian habitat and water quality; and*
- to maintain a view of the coastline that is rural in character and relatively pristine in appearance.*

The following policies pertain to commercial marine uses:

**P 5.7** *The community plan makes no provision for the designation of any site(s) for a commercial marine use but consideration for such use can be addressed in response to an application for amendment to this plan.*

**P 5.8** *The following guidelines should be considered in any review of a proposed commercial marine use:*

- i. public access to the foreshore or an adjacent public recreation site is not reduced;*
- ii. proposed development is small in scale, of local and not provincial (or regional) significance and is developed in a manner which is sensitive to the character of surrounding properties;*
- iii. existing trails and important natural features on the upland portion of any site and public use of the trails are maintained;*
- iv. the site does not provide any negative environmental impact nor lead to the planning area's marine waters being polluted; and*
- v. there are no gasoline sales or water motorsport rentals.*

**P 5.9** *As an alternative to commercial marinas to serve the needs of planning area residents, the provision of wharves and other forms of moorage which are publicly-owned, community-owned or operated on a cooperative basis can be considered.*

The following policies pertain specifically to marina and foreshore areas:

**P 7.32** *Except as specifically provided for, the marine and foreshore areas as designated on Schedule B in the Gambier Island Planning Area should be zoned to allow:*

- i. Cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline;*
- ii. boat moorage, where cooperatively owned docks are not feasible, to serve the needs of residents in the immediate area, provided such moorage does not restrict navigation;*
- iii. public parks and ecological reserves, and*
- iv. marine navigational aids and publicly funded and operated boat launching facilities.*

**P 7.33** *The land use bylaw should include provision for zones for each of the following foreshore use categories:*

- i. log storage, sorting and dumping associated with the planning area's forestry requirements;*
- ii. marine transportation, and yachting outstations where ecologically sound;*
- iii. dock, moorage and swimming facilities for the non profit camps;*
- iv. marine conservation in shallow estuaries such as Cotton Bay (Mannion Creek), Douglas Bay, West Bay (Whispering Creek), Brigade Bay, MacDonald Creek/Sir Thomas Lipton Park, Halkett Bay, Long Bay and in fragile inter-tidal or foreshore areas and all other foreshore areas not otherwise alienated for specific uses; and*
- v. shellfish aquaculture in West Bay provided that:*
  - the new sites are identified by BC Fisheries to be of medium or good capability for shellfish aquaculture;*
  - the proposals for aquaculture are being advanced through a rezoning process;*
  - the aquaculture uses do not preclude the traditional enjoyment of the shoreline by the public or upland owners and the recreational activities traditionally enjoyed by people in the Howe Sound area;*
  - public access to beaches and natural marine resources are retained by the introduction of suitable regulation for locating floating objects and structures.*
  - establishment of public shellfish reserve areas can be considered in the aquaculture development in the area;*
  - The proposed aquaculture sites do not displace local vessels from traditional year round moorage areas; and*
  - monitoring of impact on other marine resources and the implementation of remedial action should be part of any management plan for an aquaculture site.*

**P 7.34** *A Marine Conservation Zone should be established in the land use bylaw in biologically significant marine and foreshore areas identified on Schedule C and in any other marine and foreshore area identified through further study as being biologically significant.*

**P 7.35** *The area of marine waters used by the existing yachting outstations in the Gambier Island Planning Area should be zoned for yachting outstation purposes.*

**P 7.36** *A marine transportation zone should be established, where suitable, to recognize existing public and community wharves and docks.*

- P 7.37** *In foreshore locations where commercial and industrial uses are permitted, adequate provision should be made for public access to the foreshore.*
- P 7.38** *Foreshore and marine areas surrounding Gambier Island which have significant environmental or marine resource values are generally shown on Schedule C.*
- P 7.39** *In a marine conservation area, the biological impacts of any land uses should be considered as part of any rezoning proposal.*
- P 7.40** *Development permit designations should be required for commercial and industrial sites adjacent to the natural boundary of the sea to regulate form and character and for protection of the natural environment, its ecosystem and biological diversity.*
- P 7.41** *Natural coastal processes should be left undisturbed to the maximum extent possible.*
- P 8.1** *Environmentally sensitive areas shall include: productive intertidal areas; shallow estuaries; lakes; forests; wetlands; streams and riparian areas; bluffs and herbaceous areas and areas of unique features that meet the Qualitative Criteria for Environmentally Sensitive Areas as outlined on Schedule G.*
- P 8.9** *Zoning regulations should establish a minimum building setback from wetlands, watercourses and the sea.*
- P 8.10** *The retention of existing 20 metre (66 ft.) wide strips of land as Crown Reserve along the coast of Gambier Island is supported where it protects sensitive natural features of the Island's coastline or where it is suitable to provide for park and conservation opportunities. In all other instances the transfer of Crown Reserves to obtain park or conservation opportunities elsewhere on Gambier Island may be considered.*

There are additional OCP policies that support dock or wharf development, specifically for water-access only lots, and that encourage sharing of docks through joint ownership or agreements between neighbours:

- P 4.5** *In new subdivisions, located in areas outside of the planning area's existing public road network, access by water (from the sea) to upland parcels should only be considered in locations where a public road right of-way may be constructed to provide each upland lot with access to a location fronting on navigable water which is able to reasonably accommodate a site for boat moorage.*
- P 9.16** *Existing publicly owned wharves in the planning area, approved for transfer to the Sunshine Coast Regional District by referendum on Oct. 21, 2000, should be maintained as public facilities or facilities open and accessible to public use.*
- P 9.17** *A car ferry service to Gambier Island is not supported as it is inconsistent with the island's rural character and low population density.*

**P 9.18** *Public boat and barge ramps are supported as a means of transporting supplies, equipment and vehicles to the planning area.*

**P 9.19** *Wharves, docks, floats, barge loading ramps and boat launch ramps should be sited to minimize their impact on the natural environment and allow public access to the foreshore.*

Refer to [Gambier Island OCP Bylaw No. 73](#) for a comprehensive list of policies.

### 1.3. Gambier Island Land Use Bylaw

For clarity the LUB provides the following definitions:

<b>Accessory</b>	<i>in relation to a use, building or structure, incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.</i>
<b>Dock</b>	<i>Means a marine-based structure, usually comprised of a ramp and float or pier.</i>
<b>High Water Mark</b>	<i>means the point at which the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil or rock of the bed of the watercourse or the soil of the wetland a character distinct from that of its banks or the adjacent land in the case of a wetland, in vegetation as well as in the nature of the soil itself.</i>
<b>Moorage</b>	<i>means the tying of a boat or vessel to a wharf, dock or float, or to a mooring buoy that is in turn anchored to the seabed.</i>
<b>Natural Boundary</b>	<i>means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; and in the case of a legal surveyed boundary, that boundary must be deemed to be the natural boundary provided the legal surveyed boundary is land-ward of the natural boundary.</i>
<b>Neighbourhood Dock</b>	<i>means a dock that provides access to two or more lots.</i>
<b>Public Wharf</b>	<i>means a wharf servicing the general public for the purpose of loading and unloading people, goods and material, and may include moorage.</i>
<b>Seasonal Float</b>	<i>means a temporary floating raft not exceeding 50 square metres in surface area for marine access from an upland lot that may be accessed by a ramp attached to the upland</i>
<b>Structure</b>	<i>means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, excluding fences, surfaced areas of gravel, concrete or other similar material comprising driveways, uncovered patios, uncovered parking areas.</i>
<b>Wharf</b>	<i>means a marine-based structure, usually comprised of a pier, ramp and floats.</i>

### ***Permitted Uses***

The Gambier Island Land Use Bylaw (LUB) permits private non-commercial moorage and non-commercial anchorage in the following zones:

- Recreation Service (S3) Zone
- Marine Park and Recreation (P3) Zone
- Provincial Park (PP) Zone (for public access)
- Marine General (W1) Zone (The permitted anchorage and moorage use is only permitted in conjunction with a permitted upland residential use.)
- Marine Transportation (W2) Zone
- Marine Log Storage (W3) Zone (accessory to residential use or accessory to log storage and log transport operations)
- Water Brigade Bay (WBB) Zone

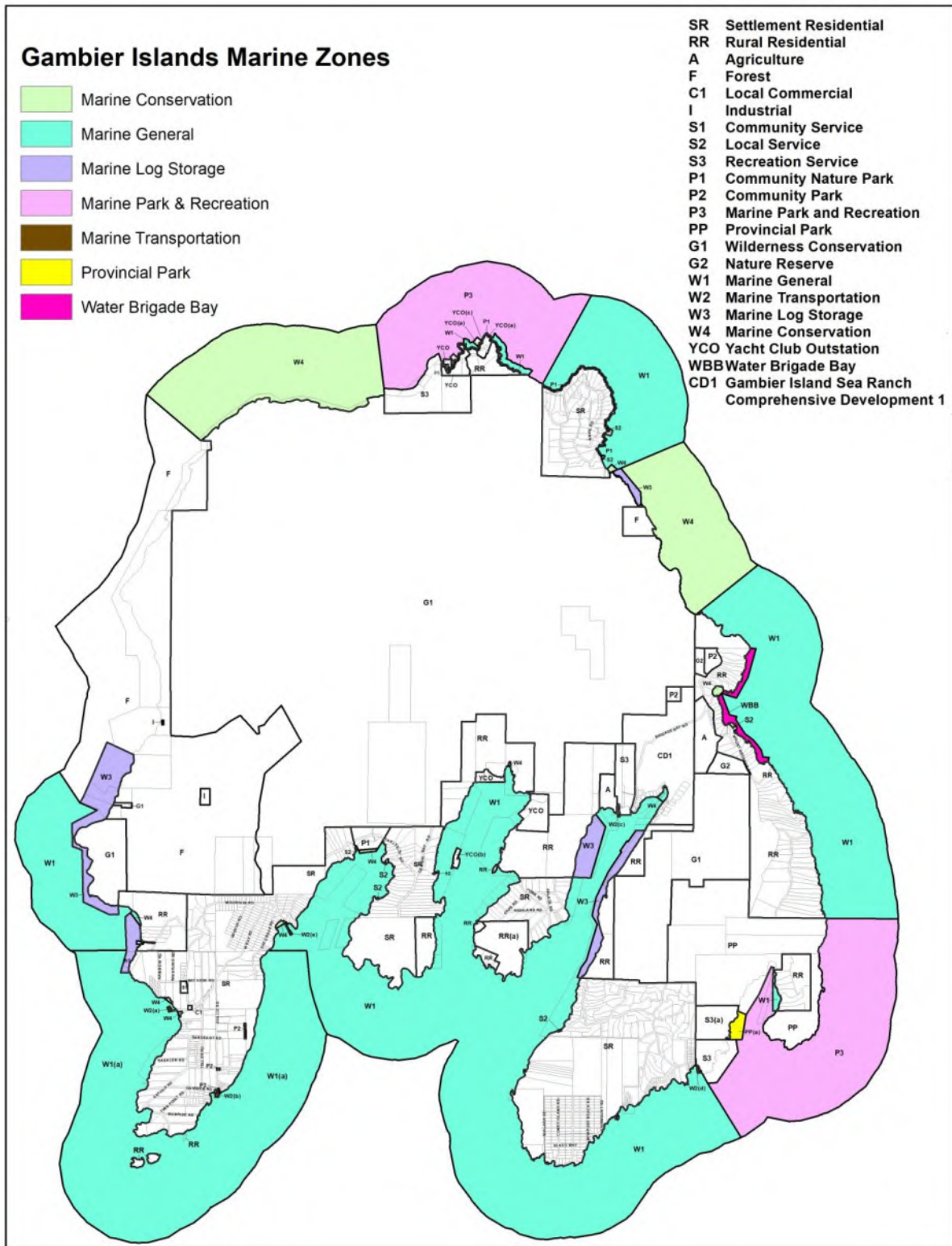
### ***Permitted Structures***

#### Docks

The LUB provides regulations for private docks and floats within the marine-based area of the following zones:

- Community Nature Park (P1) Zone (for public access)
- Marine Park and Recreation (P3) Zone (for public access)
- Provincial Park (PP) Zone (only permitted in conjunction with a principal permitted use)
- Marine General (W1) Zone (The permitted anchorage and moorage use is only permitted in conjunction with a permitted upland residential use.)
- Marine Log Storage (W3) Zone (accessory to residential use or accessory to log storage and log transport operations)
- Water Brigade Bay (WBB) Zone

Map below shows all Marine Zones on Gambier Island.



### Public Wharves

Public commercial moorage is permitted in the Marine Transportation (W2) Zone (includes temporary mooring use for passenger ferry, charter vessels, water taxis, pleasure craft, fishing boats and sea planes).

#### 5.17.3 Structures are limited to:

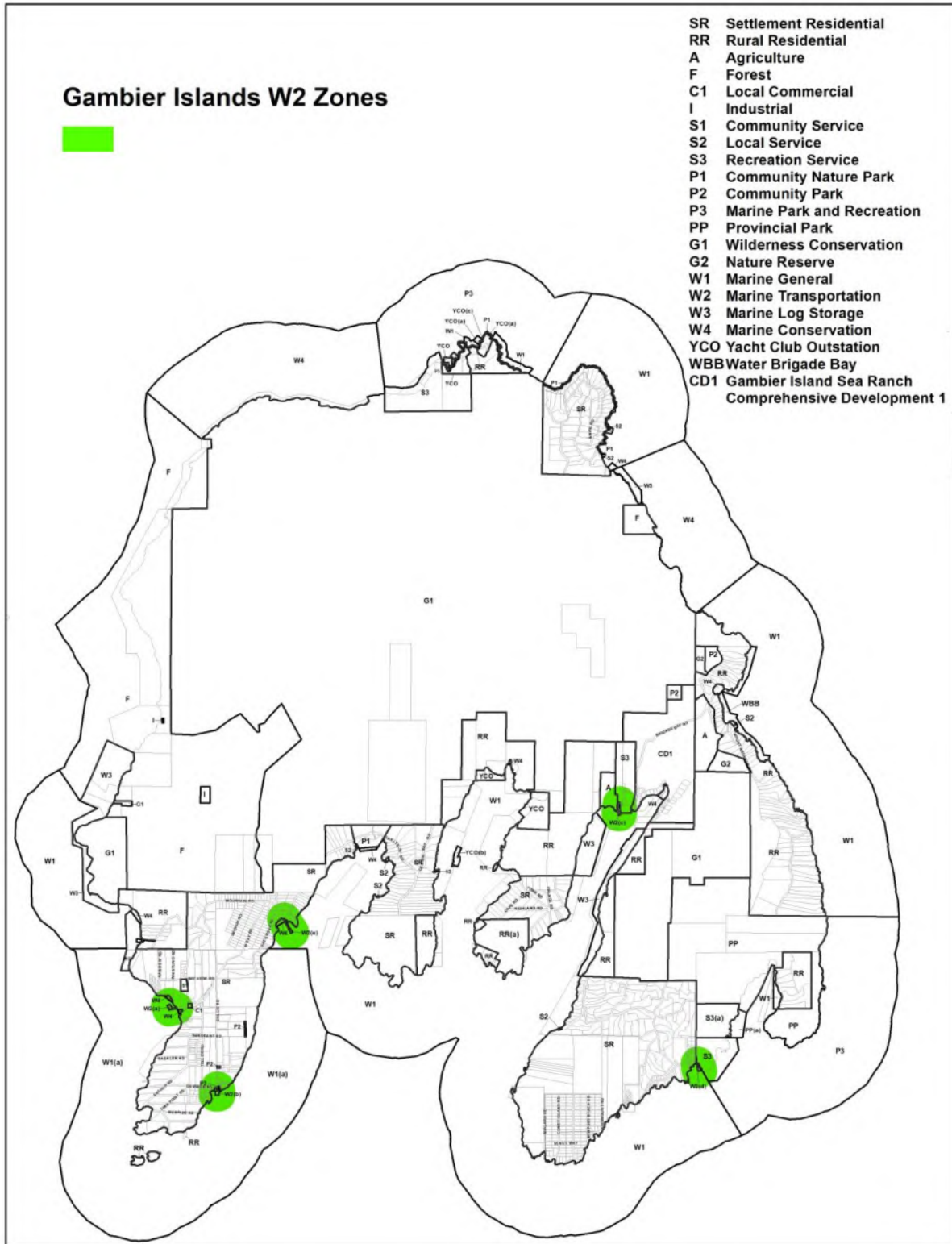
- a) *one public wharf including approach, wharfhead, floats, gangway;*
- b) *one crane;*
- c) *one barge ramp.*

Siting and size varies depending on location.

#### 5.17.4 The maximum total area of dock floats at a public wharf is:

- a. *385 square metres in the W2 (a) Zone (New Brighton L5087)*
- b. *154 square metres in the W2 (b) Zone (Gambier Harbour L6373);*
- c. *44 square metres in the W2 (c) Zone (Port Graves L.7929);*
- d. *82.5 square metres in the W2 (d) Zone (Fircom Bay L6122);*
- e. *66 square metres in the W2 (e) Zone (West Bay DL5085).*

Map below shows all W2 zones highlighted in green.





## **Setbacks**

### Natural Boundary of the Sea

The LUB provides the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:

*3.3.1 No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, or constructed with the underside of any floor system or the top of any pad supporting any space or room that is used for dwelling purposes, business or the storage of goods less than 1.5 metres above the natural boundary of the sea, lake or watercourse unless otherwise provided for in this Bylaw.*

*(a) Despite regulation 3.3(1), the minimum setback for animal enclosures, pens, feeding troughs, animal runs, or manure piles is 40 metres from the natural boundary of the sea, lake, wetland or watercourse*

*3.4.2 Retaining walls not exceeding a vertical dimension of 2 metres measured from grade at any point may be sited on any portion of a lot except within the setback from the natural boundary of the sea.*

*3.4.5 Where a building is used exclusively as a pump/utility house, it may be sited on any portion of a lot except within the setback from the natural boundary of the sea.*

*3.4.6 Boat houses, stairs, or walkways required for access to the foreshore or a permitted ramp associated with a dock may be sited within 15 metres of the natural boundary of the sea.*

*3.8.3 Non-agricultural use fences not exceeding a vertical dimension of 2.5 metres measured from grade at any point may be sited on any portion of a lot except within the setback from the natural boundary of the sea.*

### **DPA No. 2 Brigade Bay**

The area designated as Development Permit Area No. 2 (Brigade Bay Area) is a DPA for protection of the natural environment, its ecosystems and biological diversity.

The DPA includes an area 15 metres upland of the natural boundary of the sea and an area 30 metres seaward of the natural boundary of the sea that represent an area that is important for fish habitat or is within an area of potential impact on such habitat. The objectives of the designation are:

1. to conserve biological diversity and habitat values of marine ecosystems;
2. to ensure no net loss in fisheries values; and
3. to ensure that any development in the upland portion of the development permit area has no impacts on adjacent fisheries values.

Maintenance of vegetation in upland areas can minimize siltation of shoreline zones and assist in preventing erosion of existing shoreline. Eelgrass beds, rocky shoreline and variable substrate can provide opportunity for fish habitat and protection from predators.

The management of the shoreline and immediate upland area in the vicinity of areas of fish habitat is important to maintain the integrity of the habitat and allows for the ongoing maintenance of the fishery resource.

## Guidelines

- a) *Shoreline areas should not be filled.*
- b) *Structures should not be located over shellfish, kelp or eel grass beds.*
- c) *Structures should be located and designed to avoid the need for dredging, shore defense works or breakwaters. Bulkheads for docks should not be located on the foreshore.*
- d) *Structures should not restrict the movement of aquatic life requiring shallow water and should allow for thorough flushing of enclosed marine areas.*
- e) *Structures should be constructed of materials that will not impair water quality and should not be treated with preservative chemicals that are toxic or harmful to aquatic life.*
- f) *The number of pilings used to stabilize structures should be minimized, with preference given to large spans over additional pilings.*
- g) *Docks should include features to prevent floats from resting on the foreshore at low water levels and ramps should have a minimum clearance of 0.5 metres above the natural boundary of the sea.*
- h) *Disturbance of areas upland of the natural boundary of the sea should be kept to a minimum and design of structures and the access to them should be of a manner that prevents any increase in erosion or instability of the shoreline or movement of silt onto the foreshore.*
- i) *Structures or works should not create any impacts that contravene the Federal Fisheries Act and nothing in the issue of the development permit by the Local Trust Committee shall remove any liability on the part of the owner arising from any contravention of the Fisheries Act.*

## Exemptions

1. *The following land use activities are exempt from the development permit requirement:*
  - a. *Construction or reconstruction of gear lockers located on a permitted neighbourhood dock.*

### **1.4. Other Local Trust Area Regulations**

Policies and regulations related to shorelines differ from island to island in the Trust Area, as each island has taken a variety of approaches to address shoreline development and protection. Since each LTA has its own Land Use Bylaw (LUB) and Official Community Plan (OCP), each island has taken an approach consistent with its own individual culture, history, and intensity of use. The main tools available to the LTAs under the *Islands Trust Act* are modifications to the OCP and associated LUBs to include shoreline-specific provisions. Within the LUBs, this generally takes the form of increasing setbacks from the natural boundary of the sea and limiting buildings and structures within the setback area and in marine areas.

Table 2 provides a brief overview of how the LTAs in the Islands Trust regulate the shoreline area.

**Table 2: Summary of Other LTA Regulations**

2. Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓***
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

\*Docks permitted on specific lots only. Rezoning required for additional docks.

\*\*May be reduced with engineer certification.

\*\*\* DPA in some shoreline areas

### 1.5 Islands Trust Shoreline Protection Model Bylaw Report

In March 2021 consultants were hired by Islands Trust to complete a report to:

- Review all existing Official Community Plans and Land Use Bylaws in the Islands Trust Area on foreshore and nearshore policies and regulations, and a selection of other BC coastal jurisdictions and San Juan County.
- Review Provincial guidelines on mitigation and adaptation to sea level rise.
- Review Islands Trust Policy Statement for compliance of any proposed policies and regulations.

- Develop options and make recommendations on model official community plan policy and land use bylaw regulations to protect foreshore and nearshore.

The report looks at heritage and cultural considerations, green shores, mitigation and adaptation to sea level rise, BC Marine Coastal Shorelines jurisdiction and legislative framework for shoreline protection strategies and provides some recommendations on how to move forward with a model bylaw. This report is Appendix 1 of this discussion paper.

## 5. Options

As outlined in Section 1.3, the Gambier Island LUB currently regulates docks and other foreshore development through a combination of general and zone-specific regulations. Outlined below is a brief discussion of potential options that could be considered by the LTC for enhancing shoreline protection further through its regulatory and policy framework on Gambier Island.

### 5.1. Establish an Expanded Shoreline Development Permit Area

Authorized by the *Local Government Act* (LGA), development permit areas (DPA) are one regulatory option available to the LTC for managing development on private land. Under Section 488 of the LGA, DPAs may be designated within an official community plan for a number of purposes, including “protection of the natural environment, its ecosystems and biological diversity” and “protection of development from hazardous conditions”. DPAs are established over specific land or areas and include development guidelines to address DPA objectives. Examples of objectives that may be relevant to Gambier Island include:

- To preserve and protect the ecological values of shorelines and associated foreshore and upland areas;
- To protect and/or minimize disruption of important natural features and processes;
- To protect fish or wildlife habitat;
- To prevent erosion;
- To adapt to anticipated effects from climate change.

The guidelines may prescribe how applicable development activity occurs within that DPA. Examples include guidelines for retaining walls and other shoreline stabilization works; dock construction regarding density, size and materials; protecting eelgrass and other plant or tree species; setbacks from the natural boundary; requirements for professional reports (i.e. engineer, biologist, etc.); and restoration or enhancement measures.

Gambier Island has established DPA No. 2 (Brigade Bay Area).

The Gambier Island Land Use Bylaw prohibits the siting of buildings and structures within 15 metres of the natural boundary of the sea, and the construction of only minor structures is permitted under the bylaw throughout most of the shoreline. However, there are specific guidelines for development permit applications in the DPA No. 2.

There are several LTAs that have established Shoreline DPAs, which guide development within a specified area upland of the natural boundary of the sea, and in some cases, seaward to the boundary of the area of bylaw application.

- Ballenas-Winchelsea Islands designates all land 30 metres upland of the natural boundary of the sea within its Shoreline DPA, for the protection of the natural environment and to protect development from hazardous conditions. The DPA applies to all construction and land alteration within the Shoreline DPA, and includes general guidelines, shoreline specific guidelines for steep slopes and bluffs, and guidelines for boat launch facilities.
- Salt Spring Island designates all land covered by water between the natural boundary of the sea and a parallel line draw 300 metres seaward of the natural boundary of the sea within its Shoreline DPA. It also encloses upland areas measured 10 metres from the natural boundary of the sea in areas where the marine environment has been identified as particularly sensitive to development impacts. Guidelines include addressing water quality, residential dock float size, shoreline stabilization works, lighting over the water and reducing impact on kelp or eelgrass beds.

*Considerations:*

**Pros**

- Furthers the Islands Trust's "preserve and protect" mandate;
- Guides development, does not preclude development;
- Certain development activities may be exempted from the requirement for a development permit;
- Specifies natural or hazardous areas that must remain free of development, except in accordance with the conditions of the permit;
- May require measures to preserve, protect, restore or enhance specified natural features or areas;
- May incorporate recommended sea level rise and flood protection measures;
- Opportunity to incorporate recommendations in the Islands Trust Coastal Douglas-fir Zone Ecosystem Protection Toolkit and Islands Trust Conservancy Regional Conservation Plan;
- Opportunity to incorporate Green Shores or "soft shore" alternative approaches to shoreline and flood protection;
- No public notification required for an application for a Development Permit. Public consultation is done at the time of the DPA's establishment within the OCP and LUB.

**Cons**

- Amendments to OCP and LUB required, including mapping updates;
- Limited discretion for LTC. Issuance of DP is in accordance with DPA guidelines;
- Bylaw infraction enforcement can be costly;
- Misunderstanding of DPAs can lead to difficulty gaining public acceptance;
- Property owners concern for additional costs and regulations.

## 5.2. Flood Protection Bylaw

Section 524 of the LGA enables local governments to develop flood hazard area bylaws. Gambier Island does not currently have an applicable flood hazard bylaw. When adopting these bylaws, local governments are required to consider the Province's "[Flood Hazard Area Land Use Management Guidelines](#)" (the Provincial Guidelines). Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development, and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines require a setback of 15 metres from the future estimated natural boundary of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site specific conditions, for example in low-lying areas or areas of known erosion hazard.

The current Gambier LUB already requires a 15 metres setback from the natural boundary of the sea for buildings and structures. One option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

For historic development that does not meet the Provincial Guidelines, the province recommends that redevelopment be regulated by requiring a restrictive covenant stipulating that any future development must meet the FCL and setback requirements in force at the time of redevelopment.

### *Considerations:*

#### **Pros**

- Aligns with provincial direction;
- Designed to prevent injury or loss of human life, and to minimize property damage resulting from flood events; and
- Potentially an Islands Trust-wide option.

#### **Cons**

- Only address flood construction levels; do not address most aspects of dock or retaining wall density, design or setbacks, or environmental protection beyond flood construction levels;
- Coastal floodplain mapping and data is costly, Islands Trust relies on Regional Districts and the Province for this information;
- Flood hazard assessment reports by qualified professional engineer may be out of reach for some property owners;

### 5.3. Establish Heritage Conservation Areas

In accordance with Section 614 of the LGA, Heritage Conservation Areas (HCA) are designated within an OCP. Gambier Island does not currently have any designated Heritage Conservation Areas. Similar to DPAs, where a Development Permit application must be “in accordance with” DPA guidelines, a Heritage Alteration Permit (HAP) must act in accordance with the HCA “purpose”. While DPAs may be designated for a number of purposes, a HCA is designated for the purpose of “heritage conservation”. The LGA provides the following definition:

**conservation** *includes, in relation to heritage, any activity undertaken to protect preserve or enhance the heritage value or heritage character of heritage property or an area;*

Further definitions are provided within the LGA for “heritage value”, “heritage character”, and “heritage property”. While heritage conservation is often thought of from a historical or architectural perspective (i.e. heritage buildings), HCAs can apply to cultural areas, land or natural features of importance. In this way, staff surmise that this option may also further the [Reconciliation Action Plan 2019-2022](#) adopted by the Islands Trust Council in 2019, by exploring opportunities for collaboration and knowledge sharing with local First Nations. HCAs could recognize important cultural or historical areas or features of importance on Gambier, and facilitate understanding of property owners on First Nations concerns.

Existing Gambier OCP policies that address heritage conservation are broad and seek to identify, protect, preserve and enhance important cultural and historical resources. Establishing a HCA is an opportunity to strengthen heritage conservation on Gambier Island.

HCAs are a relatively underused regulatory tool in the Islands Trust. Staff are aware of one HCA on Salt Spring Island, the HCA 1 – Ganges Village Core. While the Ganges Village Core is a designated HCA that protects a number of heritage buildings, it also protects heritage trees – in Centennial Park, on the grounds of the elementary school, mature trees with a trunk diameter greater than 20 cm and fruit trees over 50 years old, as decided by a certified arborist.

An important note when considering the establishment of HCAs, is that they may not be used to prevent a land use that is permitted within the LUB, and may not conserve natural landscapes or undeveloped land, except as noted in Section 588(1) of the LGA:

**588 (1)** *This Part must not be used to conserve natural landscapes or undeveloped land except*

*(a) to the extent that the exercise of power under this Part in respect of natural landscape or undeveloped land is, in the opinion of the local government, necessary for the conservation of adjacent or proximate real property that is protected heritage property,*

*(b) with respect to a site that has heritage value or heritage character related to human occupation or use, or*

*(c) with respect to individual landmarks and other natural features that have cultural or historical value.*

*Considerations:*

**Pros**

- Strengthens the protection of important heritage areas, properties and/or features;
- Provides long-term protection;
- Can apply to a historical, cultural, aesthetic, scientific or educational value;
- Can protect identified natural features and characteristics; and
- No public notification required for an application for a HAP. Public consultation is done at the time of the HCA's establishment within the OCP and LUB.

**Cons**

- Does not address regulations or guidelines associated with docks or retaining walls;
- Generally underused, may be unfamiliar to many;
- Limited discretion for LTC. Issuance of HAP is in accordance with HCA purpose;
- Enforcement can be costly; and
- Could potentially be a slow process to establish a HCA – planning and research, consultation, etc.

**5.4. No Change**

This option would be to opt for the status quo with respect to the current policy and regulatory regime and to not pursue changes related to shoreline protection. Choosing this option would represent an acknowledgement that the current system, while not perfect, is functioning well enough to leave alone. The choice of this option should also include a clear understanding of the number and nature of complaints that have been received with respect to foreshore development.

*Considerations:*

**Pros**

- Current policies and regulations are familiar to the community;
- Does not introduce additional regulations; and
- Maintains status quo.

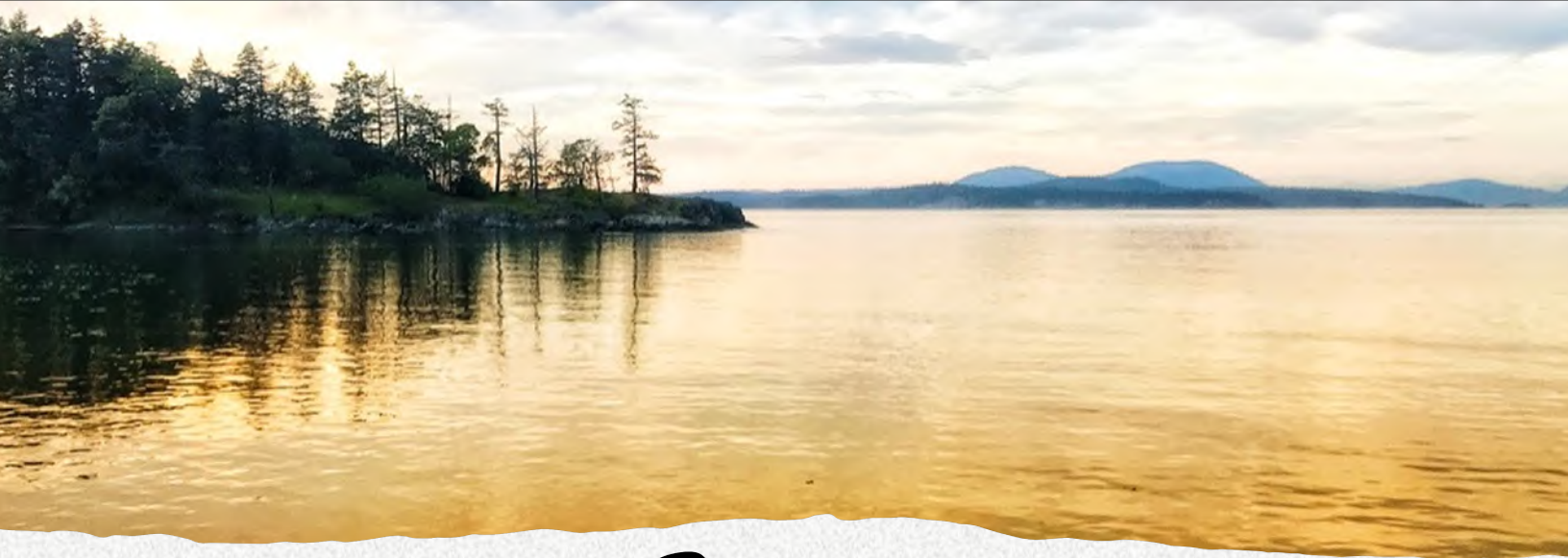
**Cons**

- Outdated policies and regulations;
- Does not align with provincial direction and provincial best practices;
- Shoreline protection measures are not strengthened;
- Does not address ongoing concerns and issues;
- Does not address cumulative impacts of foreshore development; and
- Ongoing bylaw enforcement issues.

**6. Conclusion**

**7. Appendix 1 – Shoreline Protection Model Bylaw Report**





# Islands Trust

Shoreline Protection Model Bylaw Report  
March 2021

# ACKNOWLEDGEMENTS

This Report is possible through the financial support of the Islands Trust.

We would like to thank all those who participated in the Islands Trust Shoreline Review Model Bylaw Project.

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It is a privilege to write this guide and we acknowledge the lands described in this report are within the ancestral territory of the Coast Salish people and as a reminder we are all connected.

We are in a sacred relationship with all things in the natural world – the land, waters, and air, and all of the plants and animals we live with. Respect for the spirit and life in each of these, and the intricate relationships and interconnectedness we are all in together is a key value and principle of our culture.



TABLE OF CONTENTS

OVERVIEW .....5

---

---

HERITAGE AND CULTURAL CONSIDERATIONS .....7

---

---

GREEN SHORES..... 12

---

---

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE ..... 13

---

---

BC MARINE COASTAL SHORELINES JURISDICTION ..... 15

---

---

LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES ..... 18

---

---

RECOMMENDATIONS .....29

---

---

APPENDICES.....32

---

---

REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES.....32

---

---

REFERENCES .....43

## OVERVIEW

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Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands, and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

The Islands Trust Area is located within the Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. In 2019, Islands Trust Council passed a Reconciliation Declaration and committed to a Reconciliation Action Plan as per the Truth and Reconciliation Commission (TRC) Calls to Action. Islands Trust is committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

The Islands Trust Council adopted a Strategic Plan for the 2018-2022 term. Item six of the Strategic Plan is to: Undertake a review of Local Trust Committees and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. This is a community planning project that is being advanced by Islands Trust Council Regional Planning Committee. The work will be consolidated into a template of standard bylaws that will be available for local trust committees and Bowen Island Municipality to use when developing policy and regulation along the shoreline.

### **Project Deliverables:**

- Review all 21 existing Official Community Plans and 21 Land Use Bylaws in the Islands Trust Area on foreshore and nearshore policies and regulations, and a selection of other BC coastal jurisdictions and San Juan County. Selection should have relevance to the Trust Area with similar shorelines and upland uses.
- Discussion with Islands Trust Senior Intergovernmental Policy Advisor on consideration of First Nations interests in the options and recommendations.
- Review Provincial guidelines on mitigation and adaptation to sea level rise.
- Review Islands Trust Policy Statement for compliance of any proposed policies and regulations.

- Develop options and make recommendations on model official community plan policy and land use bylaw regulations to protect foreshore and nearshore,

# HERITAGE AND CULTURAL CONSIDERATIONS

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## Islands Trust Initiatives:

The Islands Trust acknowledges the value of Indigenous traditional knowledge and perspectives as part of its decision-making processes.

Some of the recent Official Community Plans (OCP) reviews included references to Heritage and Archaeological Resources. To guide development the Saturna, South Pender and Thetis Island OCPs include the following objectives:

1. To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features.
2. To protect archaeological sites from damage due to development, land alteration or human use.
3. To increase public awareness of the Island's heritage resources.
4. To recognize first nations past and current presence on Thetis Island, its foreshore, and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

The Saturna Island OCP also includes a Heritage designation which identifies known heritage sites and areas of historical or cultural significance. The objective is to preserve places of historical or cultural significance from destruction. These places are to be identified and means for their preservation should be sought. Furthermore, the Saturna Island Local Trust Committee

may create a Heritage Commission to study and recommend sites, areas, landmarks, buildings, roads, trails, and other features of historical or cultural significance for inclusion together with sites that are on a registry in a Heritage designation under the Local Government Act and archeological sites protected under section 13 of the Heritage Conservation Act.

The Heritage Commission may:

- a) develop a Community Heritage Registry to identify island heritage buildings or other heritage and archaeological sites and features;
- b) develop heritage conservation areas for inclusion in the plan;
- c) require heritage alteration permits for heritage features identified in the Community Heritage Registry and heritage conservation areas;
- d) require heritage impact assessments for designated heritage features and archaeological sites protected under section 13 of the Heritage Conservation Act.;
- e) encourage heritage conservation covenants to protect heritage features; and
- f) encourage dedication or donation of heritage features for long-term protection.

Furthermore, the Saturna Island Local Trust Committee shall encourage and support creation of a community heritage museum on Saturna Island to maintain and display heritage artifacts originally located within the Area.

South Pender Island heritage cultural resources include the archaeological evidence of First Nations use and buildings

associated with the island's more recent settlement. There are registered archaeological sites on South Pender Island, mostly midden deposits, and these are afforded protection from disturbance under the provisions of the Heritage Conservation Act.

South Pender Island OCP Heritage Cultural Resources Objectives include: a) To increase awareness and appreciation of the island's ancient and recent cultural heritage.

b) To encourage and support measures that identify, inventory, and protect heritage cultural resources.

c) To recognize First Nations presence on South Pender Island and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

Heritage Cultural Resources Policies:

a) The Local Trust Committee is to encourage the formation of a Community Heritage Commission to provide it and the community with advice and assistance regarding:

i) criteria for determining community heritage values, e.g., archeological evidence, historical significance, socio-cultural context, and architectural relevance;

ii) identification, inventory, and information compilation regarding sites, artifacts, structures, buildings, and persons of interest;

iii) measures to increase general awareness and appreciation of the island's cultural heritage; and

iv) methods of securing protection for the island's cultural heritage resources.

b) Roads or portions thereof identified as Scenic/Heritage Road are not to be altered without consultation,

c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

d) The Local Trust Committee should not approve applications that would result in disturbance to an archaeological site unless there are unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites. If this is the case, the LTC should require measures to manage the impacts.

e) Recognizing the inter-relationship of community interests and services between North and South Pender Islands, the Local Trust Committee is to encourage opportunities for mutually beneficial co-operative efforts relating to heritage cultural resources.

f) The Local Trust Committee may consider designation of a Heritage Conservation Area or adoption of Heritage Bylaws to protect heritage cultural resources.

The Salt Spring Island Official Community Plan includes a General Community Objective designed to "identify and protect important components of our island's heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles." (Source: SSI OCP Volume 1 Section A4 Objective 15)



### **Provincial Archaeological Requirements:**

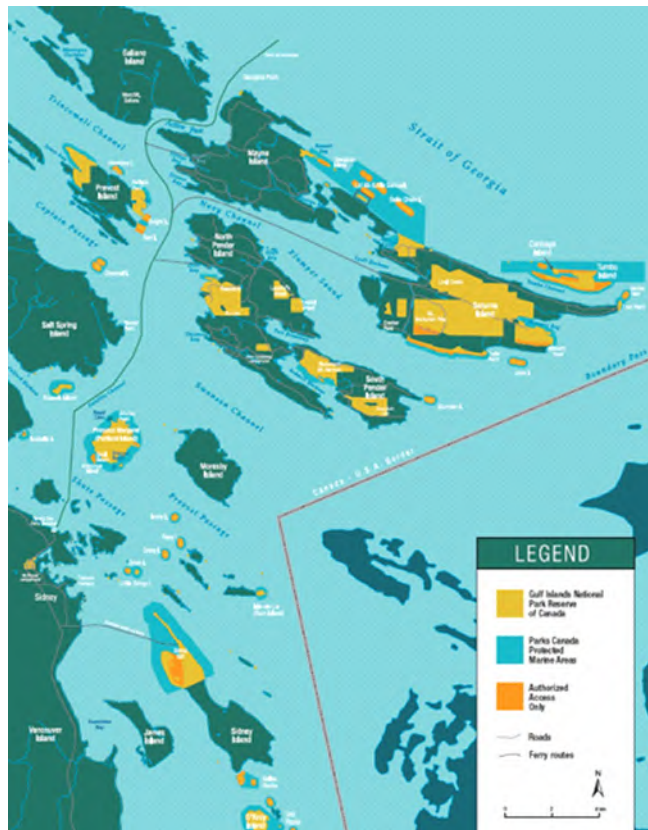
The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by all the Local Trust Committees. The LTC recognizes that there are other buildings and landscapes of heritage value to Island residents and to the First Nations with a long and continuing history of life on the island. <http://www.islandstrust.bc.ca/trust-council/first-nations-reconciliation/>

This recognizes that marine shorelines were well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The BC Heritage Conservation Act governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

It should be noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

### **Federal Government Initiatives:**

The Federal Government's Gulf Islands National Park Reserve (GINPR) comprises approximately 31 square kilometers of land and intertidal areas scattered over 15 of the southernmost Islands. The following map provides an overview of the national parks in the Gulf Islands.



(Source: [Camping - Gulf Islands National Park Reserve \(pc.gc.ca\)](http://Camping - Gulf Islands National Park Reserve (pc.gc.ca)))

Parks Canada is responsible for the management of about six square kilometers of marine area located offshore of waterfront portions and around islets of the national park reserve.

The southern Gulf Islands embody a rich human history stretching from thousands of years ago to the present. Coast Salish people have occupied the region since time immemorial and continue to live and use these islands.

These parklands help maintain a deep spiritual connection to the area and traditional use continues today. First Nations

archaeological sites as well as historical features from other groups provide tangible evidence of the history of the region’s inhabitants who lived out their lives in this ecologically diverse landscape.

GINPR lies within the Dry Coastal Douglas-fir ecosystem—one of Canada’s most at risk ecosystems. Although the national park reserve contains examples of many of the various components found within the Coastal Douglas-fir ecosystem, younger forest ecosystems make up the majority of the reserve, with significantly smaller amounts of mature forest and Garry Oak and associated ecosystems. To protect these ecosystems the Federal Government implemented the legislation to protect Species at Risk.

The Species at Risk Act (SARA) prohibits individuals and applies to species listed. All critical habitat in national parks and national historic sites must be legally protected within 180 days of being identified.

Recovery measures for species at risk will be integrated within the framework of Parks Canada’s ongoing ecological integrity and management programs. The species-directed measures outlined in this plan will contribute to maintaining and improving ecological integrity of GINPR by improving the conservation status of native species and their habitat and maintaining biodiversity.

### Provincial Initiatives

There are a number of Provincial recovery strategies and plans that complement the GINPR and provide guidance for the recovery of individual species, including strategic directions, recovery objectives, critical habitat, and threats. Multi agency cooperation links strategies and plans for more successful outcomes.

The measures presented in the action plan for GINPR could result in positive impacts on biodiversity and the value individuals place on preserving biodiversity (Federal, Provincial, Territorial Governments of Canada, 2014).

Intergovernmental collaboration and support will benefit park reserve visitors, local residents and Coast Salish groups. Voluntary stewardship opportunities will help build community knowledge which is an important consideration for species at risk management in GINPR. Some activities may create opportunities for local residents to become involved in the recovery of species at risk and for community partnerships to enhance recovery for Species at Risk. Benefits should be relatively evenly distributed across individuals in local communities. These include opportunities to learn about and take part in the recovery of culturally important species at risk, opportunities for integration of Coast Salish traditional knowledge into conservation issues in GINPR, and greater awareness of Coast Salish values and culture among local residents and visitors to the park reserve. Clam food harvesting brings communities together. This activity crosses cultural boundaries and is vital to BC coastal communities to have access to healthy Shell-Fish harvests.

### Clam Garden Restoration

First Nations governance and inter-generational knowledge sharing helps to deepen knowledge. The Clam Garden Network is a group of First Nations, academics, researchers, and resource managers from coastal British Columbia, Washington State, and Alaska. Through collaborations across communities and disciplines participants explore the cultural and ecological

importance of traditional clam management practices and features to enhance regeneration of clam gardens.

### Eelgrass Restoration

The Sea Change Society based in Brentwood Bay, Victoria, BC initiated coast-wide eelgrass mapping, restoration, and monitoring. Sea Change Society works with First Nations communities on Southern Vancouver Island including the Gulf Islands. Their strategy is to locate and restore sites that historically supported eelgrass. Sea Change transplants between 500 and 1000 eelgrass shoots into a test plot. If restoration is successful, the transplant areas are expanded with additional eelgrass shoots.

Source: [Home - SeaChange Marine Conservation Society \(seachangesociety.com\)](http://seachangesociety.com)



Source: Mapping in the Salish Sea (islandstrustconservancy.ca)

Local organizations such as Green Shores use ecological methods to protect shorelines from erosion and to address the impacts of climate change. The use of Eelgrass mapping as a planning tool is proving to be an effective method to consider erosion control.

## GREEN SHORES

Green Shores is a program of the Stewardship Centre for British Columbia that promotes sustainable shoreline ecosystems for commercial, residential, institutional and park properties. It supports a broader vision for Canada's waterfront communities to increase capacity to minimize impacts of shoreline development and climate change while preserving or enhancing shoreline ecology and ecosystem services. Climate change is expected to impact the rate and nature of change across Canada's shorelines and affect its ecosystems. Green Shores incentivizes and provides a guideline for climate change adaptation and incorporates the most recent estimates of sea level rise to increase shoreline resilience for both ecosystems and property developments. The Green Shores guiding principles are to:

1. Preserve the integrity and connectivity of shoreline processes;
2. Maintain and enhance shoreline habitat diversity and function;
3. Minimize and reduce pollutants to the shoreline environment;
4. Reduce and reverse cumulative impacts to shoreline systems.

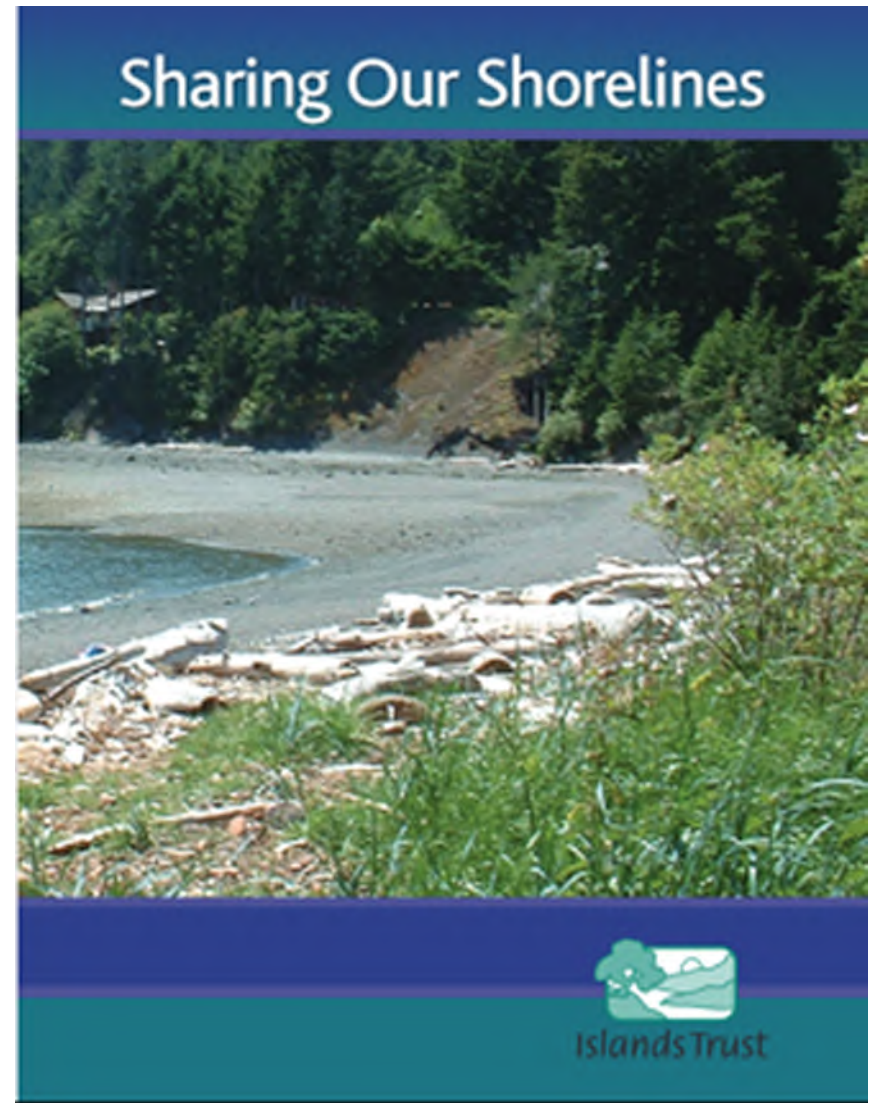
The Islands Trust promotes the Green Shores programs to the development community.

There are two programs –

Green Shores for Development provides a Credit and Ratings Guide for commercial, multi-family residential, subdivision, park, and institutional waterfront development.

Green Shores for Homes Program which is based on the four guiding principles:

1. Preserve or restore physical processes—the natural actions of water and sediment movement that maintain healthy shorelines.



2. Maintain or enhance habitat function and diversity along the shoreline.
3. Prevent or reduce pollutants entering the aquatic environment.
4. Avoid or reduce cumulative impacts—small individual effects that add up to large impacts on shoreline environments. (Source:

*Green Shores for Homes - Stewardship Centre for BC (stewardshipcentrebc.ca) and Care for my Shoreline (islandstrust.bc.ca))*

Examples of related policies include Salt Spring Island Official Community Plan B.9.2. shoreline conservation designation policy which states: shoreline conservation designation is encouraged to

help owners to implement best practices for shoreline development, such as green shores.

## GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE

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B.C.'s climate is changing, and climate scientists are projecting further changes over the next decades. Climate change mitigation and adaptation involves preparing for these changes and the impacts they will have on natural systems and communities. Communities are experiencing the impacts of climate change including more frequent and intense storms, increasing temperatures, drought, wildfire, sea level rise and flooding.

- Mitigations deal with how we can reduce the greenhouse gases that are the root cause of human caused climate changes.
- Adaptations are behavioral. Physical changes we make in our use of natural resources deal with the results of changing climate.

### Mitigations

Mitigations in climate change can be undertaken by the Islands Trust by either reducing carbon dioxide emissions or increasing carbon sequestration (the amount of atmospheric carbon fixed into plants or other solid materials). Energy use is a key issue around reducing emissions. Maintaining forest cover is important for carbon sequestration. Several resources are available to help us with mitigation efforts such as:

- Plug in BC - <https://pluginbc.ca/>
- Climate Action to Go Kits -

<https://www.crd.bc.ca/education/climate-action/at-home/climate-action-to-go-kits>

- Efficiency BC - <https://betterhomesbc.ca/> to carbon sequestration by island, Here's a link <http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

**The Islands Trust is committed to becoming a carbon neutral organization with no net increase in greenhouse gas emissions from its operations. Carbon neutrality has been achieved since 2012 through these steps:**

- Performing an emissions inventory of our operations.
- Implementing an action plan to reduce emissions;
- Purchasing carbon offsets to counteract emissions that cannot be readily reduced.
- Improving transportation networks that are low carbon such as bike paths or other trail networks or installing EV stations.
- All Local Trust Committee Official Community Plans contain targets and policies related to Green House Gas (GHG) emission reduction.

**Local Trust Committees have the following tools available for addressing climate change mitigation efforts:**

- GHG Reduction Targets- Section 473 of the Local Government Act – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- Zoning Authority – Section 479 of the Local Government Act could cluster development, protect areas for conservation, limit extent of development, establish building size limits, and prohibit uses that contribute the most to GHG production.
- Development Permit Area to Promote Energy Conservation– Section 488(1)(h) of the Local Government Act can be used to reduce heating and cooling requirements through building siting, systems, and landscaping.
- Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions - Section 488(1)(j) of the Local Government Act.
- Off-street Parking and Loading Regulations - Section 525 of the Local Government Act – establish parking requirements, electric vehicle and active transportation parking, surfacing and landscaping of parking areas.
- Impacts of climate change include sea level rise, possible saltwater intrusion into groundwater aquifer, warmer winters and summers, dryer summers, more intense storm events, and wildfire potential. Adaptations to changes resulting from climate warming include a wide variety of options. Such adaptations could be behavioural (e.g., Educating people to reduce food waste and drive less) or structural measures (e.g., Requiring water storage for household and fire suppression use).

The Province of B.C. has developed a Climate Change Secretariat to address climate change adaptations and has begun to produce numerous resources for communities to deal with climate change adaptations. These include:

- The site of climate change resources - <https://www2.gov.bc.ca/gov/content/environment/climatechang>

e

- The climate action toolkit - <https://www.toolkit.bc.ca/taking-action/community-wide> Local Trust Committees are being supported in understanding potential adaptations through staff reports.

A review of Islands Trust policies revealed a commitment to addressing climate change demonstrated by the islands of North Pender, South Pender, Galiano, Mayne and Saturna that are collaborating on a project to assess groundwater and establish water budgets.

Tools to support Local Trust Committees in understanding possible adaptations include:

- Zoning Authority - Section 479 of the Local Government Act require setback from the sea and water bodies, building location and size, appropriate uses, and density.
- Runoff Control Bylaw - Section 523 of the Local Government Act Regulations to address increased rain events.
- Development Permit Area to Protect Development from Hazardous Conditions – Section 488(1)(b) of the Local Government Act. Flood plain regulations along foreshore, rivers, and lakes. Tree and vegetation retention in areas prone to land slip.
- Development Permit Area to Promote Energy Conservation- Section 488(1)(h) of the Local Government Act. Siting, landscaping, and flooding.

### **Shoreline Management Plans: Oak Harbour. WA. U.S. Oak Harbour SMP**

#### Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the

Comprehensive Plan, other adopted plans and the Shoreline Management Plan. To accomplish this, shoreline segments are given an environmental designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments shall include the shorelines of the City of Oak Harbor, including shorelands, surface waters, and bed lands. These environments are derived from and based on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.



*Storm surge flooding, Victoria. Photo: B.C. Ministry of Environment*

The Summary List of Recommended Actions [Appendix A: Summary List of Recommended Actions Page 1 \(washington-apa.org\)](#) includes a number of options that LTC could use to outline how protection of marine ecology will be managed.

## BC MARINE COASTAL SHORELINES JURISDICTION

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Jurisdiction over coastal areas in B.C. is split among federal, provincial, and local governments, depending on the location along the coast and the relationship to the shore.

Within the Islands Trust Communities there are six types of shorelines that are shaped by complex processes that connect the land to the sea.



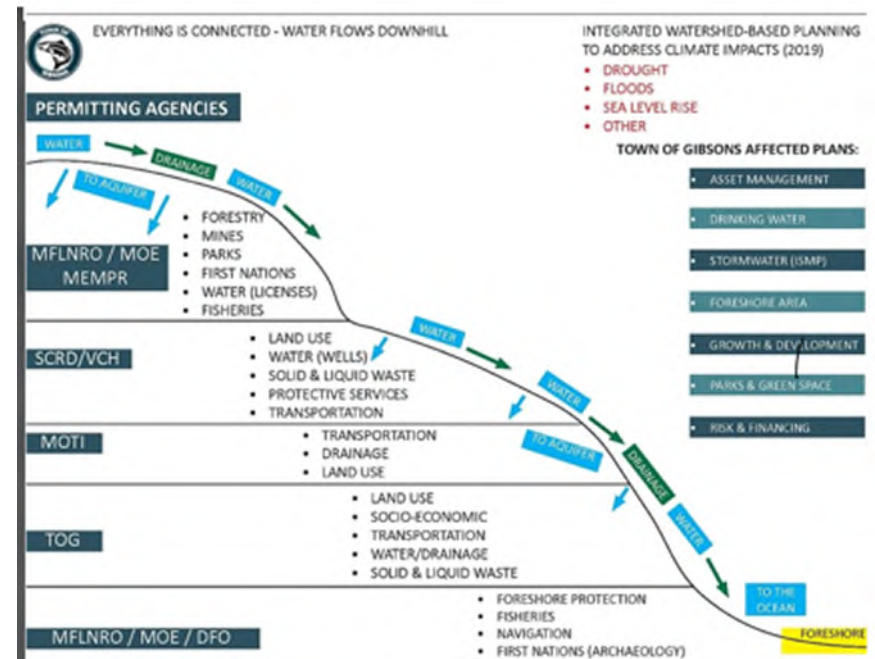
The land and surrounding environment protect the natural processes that form the shoreline. Marine and terrestrial habitat, as well as sensitive habitat and features exist, which are important to support a vibrant marine ecosystem.

The Islands Trust interactive mapping (MapIT) application is available online and provides more information about regulations. Although mapping is informative, it cannot replace observations made by walking the site and surrounding areas, particularly noticing seasonal and other changes over time.

It is important to note that while the following points refer to ownership and jurisdiction, all of B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations and constitutional recognition of Aboriginal Title and Rights.

To highlight the multiple jurisdictions that regulate water the following water model in Figure 1 highlights how watershed planning can help to address climate impacts such as droughts, floods, and sea level rise.

Figure 1: Permitting Agencies | Integrated Watershed Model



Source: [2020-07-28 Gibson's Source to Sea Project.pdf \(civicweb.net\)](#)

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The Federal Department of Fisheries and Oceans (DFO) is responsible for fisheries protection provisions to prevent serious harm to commercial, recreational, and Aboriginal fisheries under the *Fisheries Act*, including shoreline “riparian” habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigation Protection Act* (2014) in waters listed in the schedule to that Act. The public right of navigation



will continue to be recognized in common law for navigable waters not listed in the Act. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands, such as Victoria, Metro Vancouver, Port Alberni, Prince Rupert, and Nanaimo harbours.

On B.C.'s coast, the area between high tide and low tide (the foreshore area) is owned and controlled by the provincial government as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. Foreshore area is never privately owned, though the Province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. [Land Use - Private Moorage - Province of British Columbia \(gov.bc.ca\)](#)

The Land Tenure Branch (under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) administers lands in the foreshore area and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. Consultation with First Nations is an important consideration with development around the coastal lands. It is part of land and resource decision-making. The following link outlines communications protocols with First Nations.

[Consulting with First Nations - Province of British Columbia \(gov.bc.ca\)](#)

The Province may also establish regional coastal zone or estuary management plans. Use of the foreshore is also subject to local

government land use regulations. *Source: Regulations Affecting BC Marine Coastal Shorelines Green Shores™ Background Report Shoreline Regulations and Permitting Processing BC 2014*

**Professional Organizations** Engineers have been involved in shoreline ecological restoration for some time. For example, in 2010 Jericho Beach enabled the opportunity to return the shoreline to its natural state and allowed for return of native plant habitat. Dangerous materials, such as creosote treated piles were removed.

The experience in undertaking flood plain restoration shows that a co-ordinated approach is essential and Community buy-in is required. An example of a multidisciplinary team has been the Shoreline Protection for the Town of Comox which commenced in 2011.

*(Source: [Waters | Nanwakolas Council](#))*

The Team included the K'omox First Nation, an archaeologist, a biologist/fisheries expert, a wave modelling/coastal engineering specialist, and a geotechnical engineer. The Foreshores dynamic nature made the Project extraordinarily complex. In addition, an archaeological site was located. *(Source: Innovation 2018 Engineers and Geoscientists BC). In 2016, the Association of Professional Engineers of BC (APEGBC) released a position paper entitled Human-Induced Climate Change which was followed in 2017 by professional practice guidelines, Flood Mapping in BC.*



1. Low Bank Beach of Jericho Beach, Vancouver, BC



Pictures 3 and 4 depict Low Bank Beaches in Comox, B.C. Rocks and logs are used as a natural approach to slow tidal flows and to prevent erosion.



2. Beach Images: Stanley Park, Vancouver, BC  
Rocks placed to slow tidal action



## LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES

An overarching goal of government regulation is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access to marine ecosystems.

The Islands Trust has policies that give local island trust committees the ability to amend Official Community plans and Land Use bylaws. Policies to manage development on shorelines through its preserve and protect mandate, is expressed through

the Islands Trust Policy Statement that reflects the values expressed by Island Trust communities.

### **1. Islands Trust Policy Statement**

The Islands Trust policy statement guides land use planning and development through the preserve and protect mandate of the islands trust. It includes goals and policies that reflect the values and concerns for the future of the trust area. Local trust committee official community plans and land use bylaws must comply with the policy statement. There are several policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development for policies in the Islands Trust. These are listed in Appendix 1: Policies in the Islands Trust. Note that the Islands Trust Mandate in Section 3.4.4 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas protection of sensitive marine areas and in Section 3.4.5 requires that 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.

### **2. Official Community Plans**

Official Community Plans allow local governments to set objectives and policies to regulate future growth and development in communities. The OCP divides the communities into residential, commercial, agricultural, institutional, industrial, and other land uses. The OCP outlines when these uses are needed and provides policy direction on how, when and where each land use will be located. Designated uses can be outlined on OCP maps.

The Official Community Plans within the Islands Trust area have included the Objectives and Mandate in a variety of ways. The following communities demonstrate how they have amended their OCP's to address shoreline protection.

The Saturna Island Official Community Plan highlights the legality of the Islands Trust Object. Over the years the provincial legislature has reaffirmed 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, other persons and organizations and the government of British Columbia.”  
(Sec.3 Islands Trust Act).

This legislated objective defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment, and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers "to preserve and protect" an amenity, it is not acting in bad faith, but rather carrying out its assigned duty under the Islands Trust Act. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the objectives than would be acceptable in other local governments in British Columbia. The

Court's decision affirmed the powers and obligation of each Local Trust Committee to further the object of the Islands Trust Act.

The Galiano Island Official Community Plan elaborates on Principles.

- a. This Plan advances the Object of the Islands Trust to "preserve and protect the Trust area and its unique amenities and environment" and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area.
- b. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.

One method of regulation is via Development Permits as established in Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. An example is Ballenas Winchelsea Official Community Plan, which elaborates on the justification of a Shoreline Development Permit area. The Plan notes that the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area 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." Provincial legislation in Section 877(1)(d) of the Local Government Act says that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development. It is policy of the Islands Trust Council that protection must be given to the natural

processes, habitats, and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, saltwater marshes, drift sectors, lagoons, kelp and eel grass beds and that development activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: the protection of sensitive coastal areas; and the planning for and regulation of development in coastal regions to protect natural coastal processes.

Land Use Bylaws also regulate Shoreline uses. North Pender Island, for example has 1 Ecological Zone and 6 Water Zones.

Developments to ensure they meet the policies and objectives of the Official Community Plan (OCP) as well as the regulations of the Zoning Bylaw. The OCP specifies areas that fall under a Development Permit Area (DPA).

Local governments may designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
  - The natural environment, its ecosystems and biological diversity
  - Development from hazardous conditions. Protection of development from wildfire, land slide, flooding, erosion, and other hazards
  - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:

- Intensive residential development
- Commercial, industrial, or multi-family residential development
- Development in a resort region
- Promotion of:
  - Energy conservation
  - Water conservation
  - Reduction of greenhouse gas emissions

### Designating a Development Permit Area

Local governments may designate a development permit area in an official community plan. The plan must describe the special conditions or objectives that justify the designation.

The local government must also specify guidelines for how proposed development in that area can address the special conditions or objectives. These guidelines may be specified by zoning bylaw.

In the Islands Trust many locations include Development Permit Areas within Official Community Plans to implement Islands Trust Policy Statements to Preserve and Protect mandate.

The promote high quality developments in terms of design, performance, and environmental protection. Most lands within jurisdictions are subject to the provisions of one or more development permit areas. Therefore, prior to commencing subdivision, construction, or the clearing or alteration of land, a development permit may be required for one or more of the following purposes:

The Island Trust Shoreline DPA (DP-3) is an example of a policy that has designated an area for which development approval

information may be required as authorized by Section 484 of the Local Government Act.

Examples of Coastal Development Permit Guidelines are included:

1. [northcowichan.ca/assets/MarineWaterfront.pdf](http://northcowichan.ca/assets/MarineWaterfront.pdf)  
(North Cowichan Development Permit)
2. [foreshore-development-permit-area.pdf](http://foreshore-development-permit-area.pdf)  
(Campbell River)

Development Permit Areas can help local government achieve development objectives by providing guidelines on the design, appearance, and performance of a development. A development permit cannot vary the use or density of land, or a flood plain specification. The only exception is where the permit is essential to health, safety, and protection of development from hazardous conditions.

Keats Island community in conjunction with the Island Trust planners conducted a Shoreline Review Project. This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development. The attached report outlines a strategy that encompasses the findings from the consultation and a review of Land Use Policies in the Islands Trust.  
[gm-ltc-2020-06-15\\_keats-shoreline\\_rpt-discussion-paper-working-group.pdf](http://gm-ltc-2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) ([islandstrust.bc.ca](http://islandstrust.bc.ca))

### Zoning Bylaws and Setbacks

One area of inconsistency is between zoning Bylaws and specifically setback requirements. Zoning bylaws regulate Marine Riparian setbacks, and they may differ across local governments and regional districts.

Most jurisdictions now require setbacks on lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger. This is consistent with the Provincial Guidelines as part of its strategy to address climate change impacts. When development is proposed within a specified distance from the high tide mark of the ocean, a report is required from a qualified environmental professional, to eliminate or mitigate impacts of the development on all parcels with marine shorelines.

Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. To minimize the degree to which this may happen it is preferred that natural measures are deployed to protect marine shores wherever possible. Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's "Flood Hazard Area Land Use Management Guidelines" (the Provincial Guidelines).

Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines requires a setback of 15 metres from the future estimated natural boundary (NB) of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea

frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site-specific conditions, for example in low-lying areas or areas of known erosion hazard. The Islands Trust is no exception as can be seen from the following table.

The Capital Region District (CRD) Flood Inundation Project 2020 provides detailed information for some of the more southern Islands within the Islands Trust regarding future hazards associated with coastal flooding

related to sea level rise and tsunamis. The following map shows information for Ganges and adjacent area on Salt Spring Island. (Source: Task 2 Sea Level Rise Modelling and Mapping Report Map 2 )

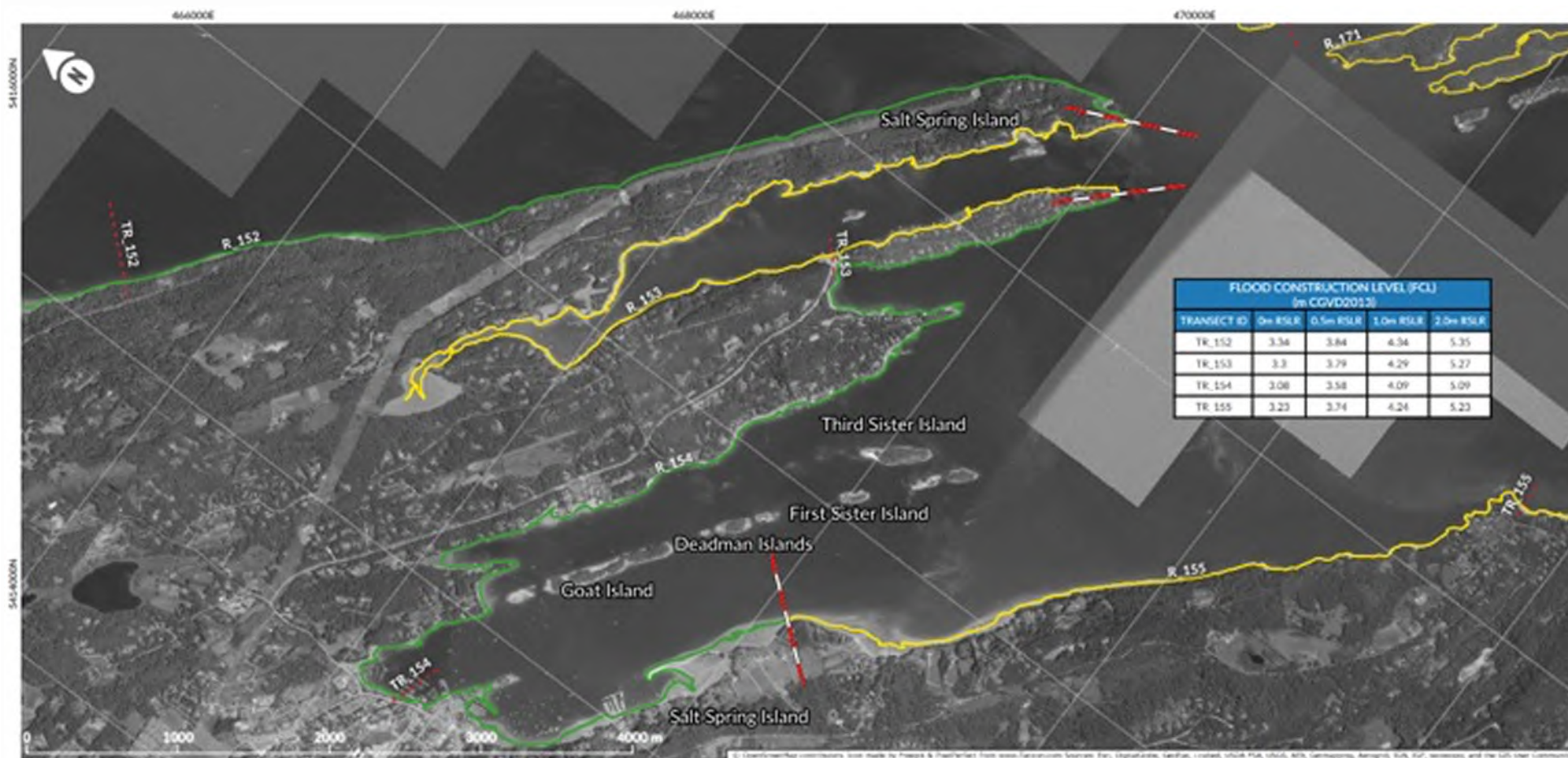


Table 1 Summary of Local Trust Committee (LTC) regulations.

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

\*Docks permitted on specific lots only. Rezoning required for additional docks.

\*\*May be reduced with engineer certification.



## Natural Boundary Considerations

One of the key components of Development Permit requirements is establishing setback requirements. With regards to Shoreline protection, the establishment of the Natural Boundary is a key component as it impacts setback distances from hightide.

The 2010 BC Supreme Court case *Lawrence v. British Columbia* (Attorney General) 2010 accepted of the method of determining the natural boundary as shown in the figure below.

The Natural Boundary means the visible high-water mark of the sea, a lake, a stream, or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the ban. (The definition is defined in the BC Land Act <https://www.bclaws.gov.bc.ca/civix/document/id/91consol15/91consol15/79214#section14>.) and in the case of a lot having a surveyed high-water mark means the high-water mark. LUB should provide the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:



Source: *Greenhores Credits and Ratings Guide*

The following features may project into a required setback area:

- o steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre

(3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;

- o balconies, decks, and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- o retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

### **Marine/Coastal Policies**

- a. Develop and implement a Marine Action Strategy to identify, prioritize and resource local actions for protecting and maximizing waterfront and marine resources as important assets providing valuable ecological services, and social, cultural, and economic benefits.
- b. Continue to build partnerships and collaborate to monitor and protect waterfront and marine areas. Establish a Marine Working Group to coordinate and align efforts of all coastal stakeholders and agencies with jurisdictional authority and interests in the local marine environment.

### **Objectives**

- a. Recognize, value, and promote ecosystem services provided by coastal and marine environments.
- b. Protect, restore, and enhance the ecological features and functions of coastal and near shore areas.
- c. The Islands Trust should continue to work collectively across each of the Gulf Islands to help sustain a healthy marine environment.
- d. Play a proactive leadership role and work with First Nations and senior governments to monitor and address marine issues such as unauthorized mooring, derelict vessels, and ship and non-point source pollution of the coastal environment.
- e. Continue to participate in initiatives and forums to enhance dialogue and collective action among First Nations, local and regional governments, marine stakeholders, and community

organizations to support the health and sustainability of the Gulf Islands.

f. Support participation and benchmarking activities in the provincially led cumulative impacts project for the Gulf Islands. Work with other agencies and groups to inventory and more closely to define environmentally sensitive areas in the marine environment.

g. Plan and design waterfront sites to minimize impacts on the marine environment, in accordance with best management practices, all federal and provincial regulations. Refer to Province's Develop with Care resource, and Island Trust's development permit guidelines. The purpose of a Development Permit Area (DPA) guidelines is to designate for the protection of the natural environment, its ecosystems and biodiversity. DPA requires applicants to provide information on the anticipated impact of development activities on the natural environment, pursuant to the Development Approvals Information requirements outlined in sec 30 of the Local Government Act.

h. Infill of marine areas to create additional upland developable area beyond the natural boundary is strongly discouraged. Where required for contaminated sites remediation and coastal flood protection, the location and shoreline alignment of structures should wherever possible follow High Water to maintain marine channel area. Wherever possible, apply 'Green Shores' principles in their planning and design for shoreline restorations projects.

i. Ensure foreshore development is undertaken in a manner that secures and enhances public shoreline access without adversely affecting aquatic habitat. Access points should be practical and universally accessible for public use and enjoyment.

j. Support opportunities for coordinated project review with senior governments and First Nations for projects proposed within the marine environment. It is strongly encouraged to contact the Archaeological Branch to prior to development along shorelines

to determine if there could be the presence of culturally significant artifacts.

For Shore line development made to the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development for private docks and floats, these applications will only be accepted by the Islands Trust if the following criteria are met: Adherence to the Integrated Land Management Bureau (ILMB) policies regarding public notification e.g. Local First Nations and is in keeping with best management practises, planning and design standards, e.g. shared access and dock usage whenever possible.

### **Environmentally Sensitive Areas**

a. Marine Shoreline guidelines apply to environmentally sensitive areas. These areas are mapped and included in each of the Islands Trust OCPs, and accompanying Development Permit Applications. Shoreline developments within the Islands Trust may lie within multiple development permit areas. It is advised Property owners work with a Qualified Environment Professional to meet the requirements within each DPA. In the case of guidelines for areas designated for the protection of development from hazardous conditions, development proposals which include marine or riparian areas must also be submitted to Fisheries and Oceans (Canada) for authorization and should be subject to any conditions or limitations determined necessary or appropriate by Fisheries and Oceans (Canada).

### **Objectives and Justification**

The objectives of Development Permit Areas are to:

- i. protect areas of highest biodiversity and ecological sensitivity within the Gulf Islands including ground and surface water, shorelines, forests, wildlife habitat features and rare and endangered ecosystems and species.

- ii. ensure that ecosystem protection and enhancement values are elevated and prioritized, and to specify where and how lands are developed in and around environmentally sensitive areas.

- iii. conserve and steward the natural environment, ecosystems, and biodiversity within the community.

- iv. support the movement of various species by connecting ecosystems through undisturbed open space corridors.

- vi. restore, enhance and protect marine ecosystems; Shoreline ecosystems such as stream corridors, slopes, and nearshore beaches to preserve fish habitat, improve water quality for shellfish harvests.

- vii. minimize and mitigate the environmental and visual impacts of development.

- viii. accommodate recreational and complementary land uses, where appropriate that contribute to the above objectives.

- ix. restore and enhance sites previously degraded or denuded of vegetation.

- x. Discourage any new development in within designated ecological reserves.

b. The Islands Trust has some mapping for designated Environmental Review Areas (ERAs) that are based on Sensitive Ecosystem Mapping completed to provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area. [Islands Trust Conservancy - Sensitive Ecosystems and Land Use Planning](#). The terrestrial ecosystems can be viewed using the Islands Trust interact mapping application MapIT and PDF versions of the maps can be downloaded.

These areas have rare or restricted distribution, high biodiversity, and habitat values, and are sensitive to disturbance and human

impacts. Within the Gulf Islands, sensitive ecosystems are not limited to Shorelines but include old forest, mature forest, woodlands, riparian areas, wetlands, and sparsely vegetated, estuarine, intertidal, fresh water and ocean areas.

c. Areas of recent disturbance or modification are not considered sensitive, and include urban and rural residential areas, industrial sites, golf course (excluding natural areas within some courses), gravel pits, roads, hydro corridors, dikes, farmland, and recently logged areas. The Gulf Islands has designated some areas as environmentally sensitive and there are several Environmental Review Areas (ERAs) based on Sensitive Ecosystem Mapping completed to Provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area.

The Islands Trust has Sensitive Ecosystem Mapping available on the Islands Trust Geographic Information System to identify Environmentally Sensitive Area (ESA) rankings (Medium or High) based on an ecosystem's sensitivity to disturbance, ecological importance, and provincial rarity according to its BC Conservation Data Centre status. Ecosystems with high percent of recent disturbance are ranked as Low (not highlighted on ESA mapping).

ERAs may not represent all sensitive ecosystems present within a given area or site. The Islands Trust relies on the most updated information, acquired through site-level bio-inventories and assessments as required for Development Permits. As new information becomes available, and buffer areas are determined by Qualified Environmental Professionals (QEPs) to maintain ESAs,

OCP's and Development Permit areas can be amended along with Geographic Information System ESA map layers, which should be referenced for detailed ESA information over time.

d. Development within and adjacent to these sensitive ecosystem areas will be reviewed against and subject to OCP environmental objectives and policies that seek to ensure ecologically sensitive development. Development should be carried out according to permits issued pursuant to these guidelines.

**Conclusion:**

This discussion paper is intended to identify and document existing policies and regulations related to updating LUB and policies for shoreline in LTC's and to make recommendations as to potential updates to these policies and regulations.

The options presented in this report outline initiatives underway in other communities and jurisdictions. One of the major issues impacting changes in regulations is the impacts of Climate Change on coastal communities specifically sea level rise. The goal of the Islands Trust is to support policies to improve Shoreline Protection and to include Indigenous perspectives in project planning. The report represents some potential regulations that could be enacted that response to specific concerns from the community. It is recommended that Climate Change and Indigenous reconciliation be used as the catalyst to review and update LUB's specifically to introduce Shoreline Development Permit Areas as this regulatory tool as this has the best potential for impacting the areas of concern.

# RECOMMENDATIONS

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## First Nations

1. To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturna.
2. Through government-to-government meetings, Local Trust Committee may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.
3. The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.
4. Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

5. Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the depuration areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

## Land Use Planning Documents

6. Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.
7. DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be

- regulated through development permits; and b) consider on a case-by-case basis.
8. Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.
  9. Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.

#### Definitions:

10. Have a consistent definition for “shoreline” and “development” on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.

Setbacks are the primary tool for regulating where buildings locate. Need to define consistent setbacks for marine shoreline s. Implement consistent requirements for measuring Natural Boundary and have surveyor confirm exact High-Water Mark. Need to define “natural boundary” and “natural grade” in relation to “shoreline” and Sea Level Rise (SLR). The table

highlights LUB setback requirements from the natural boundary of the sea for buildings and structures and requires amendments to be consistent with the Provincial Guideline of 15metres. Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

#### Climate Change

11. Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour. WA. U.S. Appendix A: Summary List of Recommended Actions Page 1 ([washington-apa.org](http://washington-apa.org)) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. [Microsoft Word - TEXT-20110627.doc \(gov.bc.ca\)](http://www2.gov.bc.ca/gov/content/spe/spe_collections/20110627.doc) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.
12. The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws

that deal with Sea Level Rise Management management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.

13. The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.

#### **Best Practices – Islands Trust**

16. There has been considerable work undertaken by Island planners and with the knowledge, and thorough

research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. [gm-ltc\\_2020-06-15\\_keats-shoreline\\_rpt-discussion-paper-working-group.pdf](https://islandstrust.bc.ca/gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandstrust.bc.ca)

17. Recognizing the organizational structure and directives guided by the LTCs, perhaps it is worthwhile conducting a feasibility study to determine which LTCs are interested in building off of the extensive work carried out over a 2+ year span of time for the Lasqueti Shoreline Protection project and again recently for the Keats Shoreline Protection project?

# APPENDICES

## REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES

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Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws.

### **Bowen Island Municipality**

Marine Resources/Foreshore: The sea provides visual, auditory, recreational, and other tangible and intangible values that can be experienced from island and off island locations, as well as providing habitat for marine life and birds. Pollution of the foreshore can preclude its use by people and by all or some forms of wildlife. Excessive building and tree clearing on the shoreline can destroy fragile plant communities and the views for residents and the boating public. Objectives are to protect the natural and scenic values of the coastline that provide the rural maritime atmosphere of the island; to protect coastline habitat areas for marine life and to identify, protect and preserve sensitive coastal vegetation. The Land Use Bylaw will set out detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage. The importance of the marine environment as a recreational resource for island residents and visitors will be affirmed through the continued maintenance of existing beach and shoreline access and establishment of new beach and shoreline access where such access does not detrimentally affect the marine environment and associated wildlife.

### **Denman Island Local Trust Area**

A guiding objective is to protect the foreshore, coastal waters, and native marine life and to retain sufficient natural habitat to ensure the preservation of native species...The foreshore (or intertidal) area is defined as the land located between highest and lowest tides.

### **Gabriola Island Local Trust Area**

The objectives include to manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate; To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats; To protect the natural and scenic values of the coastline; To provide opportunities for the commercial uses of the foreshore and coastal waters; To recognize the importance of the existing log storage areas in the; To promote the recreational and commercial use of the area's aquaculture resources; and To encourage the sharing of docks and wharves. Within Development Permit Areas there are policies regarding no alteration or disturbance causing a negative impact to the foreshore habitat or erosion in upland areas.



## **Mudge Island**

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove's beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats. Objectives are to minimize disturbance and pollution of the foreshore and the surrounding waters and conflicts between marine and foreshore users and uses.

## **DeCourcy Island**

The Official Community Plan notes that the foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum. 1) Moorage space for residents and owners should be centralized at one or more locations. 2) Private floats and docks serving only individual lots should be discouraged. 3) Houseboats should not be permitted. Water General (W-1) Zone (i) Boat and seaplane moorage associated with single family uses located on adjacent upland.

## **Gambier Island Local Trust Area**

Marine and Foreshore Areas Policy states that zoning should allow: cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline. Also, property owners are encouraged to retain natural vegetation on any land sloping towards the shoreline. The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values.

## **Keats Island**

The Official Community Plan states that the integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline. The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.

## **Gambier Associated Islands**

Policies in the Official Community Plan state that the LTC should identify and consider protecting ecologically sensitive marine areas. The

LTC should permit and encourage the construction and use of common, community, or communal docks where feasible but permit individual private docks accessory to residential uses where required for access. The LTC should use bylaw provisions to protect public access to, from, and along the marine shoreline. The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities. modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provide habitat should be retained or enhanced.

### **Galiano Island Local Trust Area**

The Official Community Plan explains the complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial, and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity. The Shoreline and Marine designation incorporate as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The objectives are: 1) to protect shoreline and marine ecosystems in the local trust area, 2) to ensure public access to the foreshore, and 3) to encourage safe and considerate use of the marine environment. There is a Shoreline and Marine Development Permit Area. Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

The DPA includes Guidelines and provides information on Shoreline Protection Measures, Guidelines for specific Shoreline Types, Guidelines for Subdivision, Guidelines for Shore Protection Measures Design, Guidelines for Beach Nourishment and Fill, and Guidelines for Shore Access and Parking. There is also a Sensitive Ecosystem Development Permit area with some policies for shorelines.

### **Hornby Island Local Trust Area**

The objectives of the Official Community Plan include, to promote the conservation, preservation or restoration of shoreline, foreshore, and the Island's surrounding marine ecosystem. Policies include 6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

### **Lasqueti Island Local Trust Area**

Objectives include the support conservation-based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea and limitation of the density of waterfront parcels.

### **Mayne Island Local Trust Area**

Official Community Plan Objectives include: to retain the public accesses to shoreline and beach areas. The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. The objectives of this section are to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline. Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

### **North Pender Island Local Trust Area**

Sensitive Ecosystem Development Permit Areas are included in the Official Community Plan. Stipulations include: Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.

### **Salt Spring Island**

The Official Community Plan objectives include: To give particular attention to the streams, wetlands, and shorelines. The Ministry of Transportation and Infrastructure and other responsible agencies are encouraged to support efforts to create a harbour shoreline that offers access to the harbour and opportunities for walking and traditional recreational activities. Shoreline and Aquatic Use Objectives and Policies are: To protect our marine and freshwater shorelines. To protect the most significant ecological and physical processes of marine and freshwater shorelines; To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation; To avoid conflicts between shoreline uses and uses allowed on the adjacent upland; To avoid shoreline uses that impede public access to and along the shoreline; Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine; The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government; The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat. Shoreline Conservation Designation Objectives are: To protect the island's most environmentally sensitive shoreline areas such as tidal flats, fish and wildlife habitat, sensitive lake ecosystems, estuaries and wetlands that is not suitable for intensive development. and Policies include: Zones created in this Designation should not result in negative impacts to sensitive natural habitat areas. The Local Trust Committee will not consider rezoning applications that would locate large new developments in or next to this Designation. Zoning should recognize the existing aquaculture operation in Walker Hook. However, zoning changes to allow expansion of the operation will not be made, unless it can be demonstrated that there will be no impacts on the area's sensitive environment or First Nation's interests. The Local Trust Committee should support the efforts of other agencies to maintain existing public accesses to the Shoreline Conservation Designation. However, if the adjacent upland is being subdivided, the Subdivision Approving Officer is encouraged to ensure that any new public accesses provide viewing areas rather than direct physical access to sensitive habitat areas. In providing referral responses to Integrated Land Management Bureau, Islands Trust staff will identify any known and identified environmentally sensitive areas or habitat that may be impacted by the proposed use.

### **Saturna Island Local Trust Area**

The Harbours section within the Official Community Plan states that Permanent private moorage facilities, including docks, ramps, floats, and breakwaters, should be as small as practicable given the particular conditions, including shoreline topography, depth of navigable water, exposure to weather and other navigational considerations. These facilities shall be designed to facilitate public access along the foreshore.

The DPA for Lyall Creek states that i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access. ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.

### **South Pender Island Local Trust Area**

Marine Use Objectives in the Official Community Plan are a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes. b) To allow for access to beaches suitable for recreation and maintain them free from development.

c) To retain areas of foreshore in an undeveloped state. d) To protect against impacts of mariculture operations, marine shipping, or marine based activities. e) To protect the marine areas subject to this OCP from use and development that would detract from present marine, and upland uses or conflict with existing marine life. f) To protect and maintain important foreshore and marine features and habitats. g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat. Policies include: The Local Trust Committee may regulate the size and location of docks and other shoreline developments. Coastal Environment Objectives include: To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands and related policies: Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.

### **Thetis Island**

Official Community Plan includes the entire Island and the seaward area from the shoreline of Thetis Island as identified by the natural boundary of the sea and encompasses all other islands, islets, reefs, the seabed, surface water, and air space. Policies include: Public access to the Crown land foreshore should remain unobstructed and the right to pass around shoreline structures. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore. b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas. c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures. d) Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

### **Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)**

Official Community Plan Policy: considers the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses; the protection of sensitive ecosystems, ecological values and wildlife and fisheries habitats, especially in inter-tidal, estuarine, stream and riparian areas, in accordance with the current published guidelines as expressed in the Forest Practices Code, the Fish Protection Act and other guidelines published by the provincial and federal governments.

### **Ballenas and Winchelsea**

Official Community Plan Policies include: LTC should identify and consider protecting ecologically sensitive marine areas; Zoning should permit shellfish aquaculture within existing tenures; LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms; LTC should recognize and support the marine dependent nature of land uses; LTC should permit one dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline; LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning; LTC should not permit commercial marinas; LTC should use bylaw provisions to protect public access to, from and along the marine shoreline; use bylaw provisions

to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore; through zoning, the use of setbacks, and the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes; (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials. The LTC should not permit the hardening of the shoreline. LTC should not support ocean disposal applications within the Plan area. LTC should not support the creation of artificial reefs within the Plan area.

## Review other Examples

- Oak Harbour SMP  
Shoreline Environment Designations  
The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the Comprehensive Plan, other adopted plans and this SMP. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments include shorelands, surface waters, and bed lands. These environments are derived from and build on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.
- Natural Resources Canada, Land Use Planning Tools 2012  
This publication describes a variety of planning tools being used across Canada to help communities prepare for climate change, increase adaptive capacity, and build resilience. It is directed to individuals and groups interested in climate change adaptation at the local level, including planners and other local government staff, elected officials, community organizations, local residents and business leaders.  
  
Climate Change Land use planning tools for local adaptation to climate change describes seven of the most prominent land use planning tools in use across Canada and explains how communities can use them to more effectively adapt to climate change.  
  
The land use planning processes and instruments employed to manage the use of land and the physical development of a community for the common interest includes a variety of statutory and other measures – bylaws, incentives, information and guidance, spending

programs – may be applied to control how land is used. [Land use planning tools for local adaptation to climate change \(publications.gc.ca\)](http://publications.gc.ca)

- Rural Comox Valley OCP 2014

*Natural Environment: Objectives*

(4) To protect, restore and enhance coastal shorelines, streams, wetlands, and the marine environment.

*Climate change – policies (adaptation)*

14. (1) Develop strategies to reduce the environmental, social, and economic impact of sea level rise and increasing extreme storm surge events in coastal areas through development permit area designations and conditions and submission of development approval information in accordance with policies included within this OCP.

14. (2) Work with stakeholders to complete an assessment of risk and susceptibility of the coastal areas to increasing sea level and extreme storm surge impacts.

Rural settlement areas – policies (industrial) (d) public access to the coastal waterfront, where applicable.

*Coastal areas*

68. Coastal areas are those lands that run parallel to the full waterfront of the CVRD, generally extending from the present natural boundary to the 30-metre bathymetric contour as illustrated on map 3. Activities are typically environmental protection, aquaculture, marine industry, and recreation. This plan seeks to protect such uses while discouraging activities both on the water and the abutting upland areas that could compromise the environmental integrity of the aquatic environment.

*Coastal area - objectives*

69. (1) To minimize any negative impacts of settlement on the coastal areas. (2) To steward these areas for their environmental and economic benefits. (3) To encourage appreciation of the marine environment, by providing for public access to, and enjoyment of, the shoreline and foreshore in ways that avoid negative impacts to natural systems and processes. (4) To ensure that coastal shoreline development does not alter sediment supply to the coastal environment or sediment transport within the coastal environment. (5) To reduce lighting impacts on species and ecosystems within the coastal area.

*Coastal areas - policies*

70. The following policies apply to the lands designated as “coastal areas” Rural Comox Valley Official Community Plan 2014 Bylaw No. 337 – Schedule ‘A’ (1) Permit industrial marine and aquaculture uses in the coastal area designation, except for areas within the K’ómoks Estuary where they are prohibited. (2) Notwithstanding above sub-section (1) sustainability and productivity of the K’ómoks Estuary is recognized as being critical for harvesting of aquaculture to K’ómoks First Nation, and it is recognized that the KFN may choose to proceed with aquaculture activities within the estuary at any time. (3) Protect coastal areas per the provisions stated in the natural environment sections of this OCP. (4) Respect the Islands Trust area of jurisdiction that includes the ocean area to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point and ensure development within the buffer

extending from the high-water mark to the 30-metre bathymetric contour considers the Islands Trust policy statement. (5) Support dock-side sales and limited on-site sales of aquaculture products that meet legislative requirements to promote economic activities. (6) Work with aquaculture industry stakeholders and small-scale aquaculture operations to support water flow into fish-bearing river systems of the Comox Valley. (7) Apply environmental best practices to all uses within the coastal designation (8) Recognize and support the need of the aquaculture industry to effectively grow seed to replenish existing oyster beds and support in principle the use of power supplies from wharfs for the growing of seed for the aquaculture industry, providing legislative requirements are met. (9) Generally, prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. If a qualified professional has submitted development approval information that concludes that shoreline hardening is required to protect life or a principal building on the property and that the impacts of the proposed hardening can be mitigated, the board may consider issuance of a shoreline protection device development permit. (10) Require preparation of a shore access plan by a qualified environmental professional for development proposals that include shore access and require rezoning or a development permit process to protect against sensitive environmental features and processes being disturbed. (11) Regulate by the development permit process to reduce light trespass (i.e., light that crosses property lines including the present natural boundary) and light glare (i.e., excessive illumination applied to a single area) within the coastal area to avoid disruption of natural activity patterns of coastal and marine species. (12) Assess proposed land uses or development within the K'ómoks Estuary in accordance with a completed and finalized K'ómoks Estuary management plan that has been endorsed by all affected jurisdictions.

### ***Shoreline protection devices***

Guidelines where an applicant proposes the installation, replacement, or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g., "Green shore") principles:

- Conserve or restore natural coastal or riparian processes (e.g., sediment transfer).
- Maintain habitat function and diversity.
- Prevent pollutants from entering the aquatic or riparian environment.
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes. All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e., based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.



- Campbell River Sustainable OCP n/a
- Sydney OCP – n/a
- Ucluelet OCP (2011)

#### 3.4 Small Craft Harbour, Marine

The water areas of Ucluelet are generally designated as either: Small Craft Harbour (three water lots); Water Lot (majority of water lots); or Managed Water (remaining water areas not in registered water lots) In addition to these three designations, several water lots are designated in conjunction with the adjacent land-based designation (e.g. Village Square or Residential) Each registered water lot is inextricably linked to various adjacent land uses; hence the relationship between land and water requires careful consideration, which could include parking needs, water and sewer servicing and visual impacts. In conjunction with the sustainability objectives noted in the OCP, the District should consider protecting environmentally sensitive areas and shoreline habitat.

The District shall work with the Department of Fisheries and Oceans to: i. Identify environmentally sensitive areas; ii. Support marine ecology and marine education facilities within the Harbour; iii. Consider alternate long-term uses, such as residential, including a private marina, for the former BC Packers Plant; iv. Consider enhancing public access to the District owned water lot at the foot of Alder Street; v. Support transient boat moorage provided adequate sanitation facilities are located nearby; vi. Require all water lot uses to properly treat and dispose sanitary sewer waste and connect into the District’s sewer collection system and access District potable water; vii. Require all structures to apply for and obtain a Building Permit, which addresses health and safety regulations; and viii. Explore ways and means of generating revenue to fund Harbour infrastructure.

2. iii. Managed Water All water areas located between the shoreline and the District boundaries, excluding all registered water lots, are designated as “Managed Water”. Managed Water Policies: A comprehensive review of the area within the Managed Water designation will be carried out by the District. Until this time, no uses are permitted within the area, including boat or houseboat moorage.

+ Policies for Development Permit Areas

- Victoria OCP –

SHORELINE ECOSYSTEMS 10.9 Protect and enhance shoreline and marine habitat by: 10.9.1 Considering the establishment of Development Permit Area guidelines that consider best practices such as appropriate building setbacks, guidance for enhancing habitat values and the integration of climate change adaptation planning; 10.9.2 Establishing a Development Permit Area for the east side of the Upper Selkirk Waters to protect the unique natural features of this area; 10.9.3 Investigating the acquisition and designation of shoreline ecosystems through a Parks Acquisition Strategy; 10.9.4 Integrating restoration of natural shoreline features into the development of the Harbour Pathway, where appropriate; 10.9.5 Enhancing the Dallas Road Bluffs through the development of management zones and restoration targets; and, 10.9.6 Developing management strategies and initiatives for shoreline parklands that maintain and enhance coastal sediment processes. 10.10 Work in partnership with the Capital Regional District, the Township

of Esquimalt, the Town of View Royal, the District of Saanich, and other partners to increase coordination in the protection and restoration of Victoria Harbour and the Gorge Waterway. 10.11 Work with partners to assess the projected impacts of sea level rise on marine and shoreline ecosystems and respond to changing conditions through management strategies and development of a Climate and Energy Resiliency Plan [SEE ALSO SECTION 12 – CLIMATE CHANGE AND ENERGY].

- Powell River OCP 2014

5.5 Tidal / Saltwater Riparian Areas. The City is bounded on the west and south by Malaspina Strait. Due to exposure, topography, and historic private/industry ownership of much of the waterfront, direct community interaction, enjoyment, and exposure to the tidal water edge is limited. Increased public access to the waterfront and protection of the environmental quality of that waterfront is a priority for Powell River residents. Upland improvements to support expansion of harbour or any waterfront development must include environmentally sustainable measures.

5.5.1 Tidal/Saltwater Riparian Areas Objectives (a) Protect the shoreline along Malaspina Strait through the use of measures that take natural processes into consideration and do not detrimentally impact adjacent properties. (b) Plan for long-term climate change including sea level rise and associated storm impacts.

5.5.2 Tidal/Saltwater Riparian Areas Policies

(a) All development along the shoreline of Malaspina Strait must plan for a sea level rise of 1.0 metre and associated storm surge and coastal erosion.

(b) Except for shoreline protection measures and marine based structures such as ferry terminals, aquaculture facilities, breakwaters and moorage facilities, new buildings must be located a minimum of 15 metres from the natural boundary.

(c) Minimize the degradation of natural systems through steps such as protecting the foreshore from erosion, by retaining embankment vegetation and through construction that does not require vertical sea walls.

(d) All shoreline protection measures should include environmentally sustainable practices such as the retention and restoration of natural shoreline vegetation, and landscaping strategies that require little or no revetment and minimize erosion but augment bank stabilization, in conformance with the guidelines contained in the 2003 Federal/Provincial publication entitled Coastal Shore Stewardship: A Guide for Planners, Builders and Developers.

(e) Parking lots at or near the water's edge should consider permeable surfaces (e.g., grass, gravel, or open interlocking paving systems) to ensure bio-filtration of hydrocarbons and heavy metals from the undercarriage of vehicles from surface water drainage.

(f) It is recognized that the coastal shoreline undergoes a natural progression of accretion and erosion gradually over the long term or suddenly in severe storm events. The City shall endeavour to map and track this process as it relates to the shoreline for the purposes of land use planning.

(g) The City supports ensuring that storm water runoff from buildings and land is managed through a stormwater management system or other natural bio-filtration system where possible.

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## Policy Compliance Checklist

### Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>3.1</b>	<b>Ecosystems</b>
	<b>3.1.3</b>	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.
	<b>3.1.4</b>	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.
	<b>3.1.5</b>	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.
	<b>3.2</b>	<b>Forest Ecosystems</b>
	<b>3.2.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
	<b>3.3.2</b>	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.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
	<b>3.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

	<b>3.4.5</b>	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.
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PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	<b>Agricultural Land</b>
	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 affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
	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.
	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.
	4.2	<b>Forests</b>
	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, 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.
4.3	<b>Wildlife and Vegetation</b>
4.4	<b>Freshwater Resources</b>
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 uses
4.5	<b>Coastal Areas and Marine Shorelands</b>
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, 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 access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
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	<b>Soils and Other Resources</b>



	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.
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**PART V: Policies for Sustainable Communities**

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>5.1</b>	<b>Aesthetic Qualities</b>
	<b>5.1.3</b>	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.
	<b>5.2</b>	<b>Growth and Development</b>
	<b>5.2.3</b>	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.
	<b>5.2.4</b>	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.
	<b>5.2.5</b>	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.
	<b>5.2.6</b>	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.
	<b>5.3</b>	<b>Transportation and Utilities</b>
	<b>5.3.4</b>	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.

	<b>5.3.5</b>	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.
	<b>5.3.6</b>	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.
	<b>5.3.7</b>	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.
	<b>5.4</b>	<b>Disposal of Waste</b>
	<b>5.4.4</b>	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.

CONSISTENT		NO.	DIRECTIVE POLICY
	<b>5.5</b>	<b>Recreation</b>	
	<b>5.5.3</b>	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.	
	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, 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.	
	<b>5.5.5</b>	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.	

	<b>5.5.6</b>	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.
	<b>5.5.7</b>	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.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
	<b>5.7.2</b>	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.
	<b>5.8</b>	<b>Health and Well-being</b>
	<b>5.8.6</b>	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.

POLICY STATEMENT COMPLIANCE	
	<b>COMPLIANCE WITH TRUST POLICY</b>
	<b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b>



Gambier Island Local Trust Committee

Gambier Island Official Community Plan and Land  
Use Bylaw Targeted Review Project

FOREST ECOSYSTEM PROTECTION DISCUSSION  
PAPER - DRAFT

July 2022



## Contents

List of Figures .....	2
Summary.....	3
1. Introduction .....	3
2. Background: .....	3
3. Gambier Island’s Forest Ecosystems .....	5
3.1. Heritage and cultural values.....	5
3.2. Natural assets .....	6
4. Policy and Regulatory Framework for Forest Management.....	6
4.1. First Nation role .....	6
4.2. Provincial authority over harvesting Crown and private timber .....	6
4.3. Islands Trust/LTC authority & limitations.....	8
5. Guidelines for Forest Ecosystem Protection Strategies.....	9
5.1. Coastal Douglas-fir & Associated Ecosystems Conservation Strategy 2021 .....	9
5.2. Conservation Planning in Coastal Douglas-fir Ecosystems: A Quick Guide for Local Government 10	10
6. Islands Trust Policy, Initiatives & Plans.....	11
6.1. Islands Trust Policy Statement.....	11
6.2. Strategic Plan 2018 – 2022 .....	11
6.3. Islands Trust Conservancy Regional Conservation Plan 2018 – 2027 .....	12
6.4. Protecting the Coastal Douglas-fir and Associated Ecosystems: Islands Trust Toolkit .....	12
6.5. Trust Wide Stewardship Education & Advocacy.....	12
7. Local Trust Committee Policies, Regulation & Stewardship Education.....	13
7.1. Gambier Island Official Community Plan, Bylaw No. 73, 2001.....	13
7.2. Gambier Island Land Use Bylaw.....	14
7.3. Gambier Local Trust Committee Stewardship Education & Advocacy .....	15
7.4. Other Local Trust Area work.....	15
8. Options for Forest Ecosystem Protection Strategies.....	15
8.1. Development Permit Area.....	15
8.2. Enhancing Policy and/or Land Use Bylaw Regulations.....	15
8.3. Stewardship Education, Advocacy, Partnerships.....	15
9. Conclusion.....	15
10. Appendix 1 – Islands Trust Policy Statement Policies.....	16
11. Appendix 2 – Gambier Island OCP Policies .....	16
12. Appendix 3 – Gambier Island LUB Regulations .....	16

13. Appendix 4 – etc. .... 16

**List of Figures**

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## Summary

The Gambier Island Local Trust Committee (LTC) is engaged in a targeted review of the Official Community Plan and Land Use Bylaw in the Gambier Island Local Trust Area. As a mechanism for providing background and context, staff have prepared a discussion paper on forestry policies and regulations on Gambier Island. The purpose of this discussion paper is to provide analysis, technical information and recommend options to the Gambier LTC that will inform discussion and deliberation for forest ecosystem protection.

### 1.

#### Introduction

The Gambier Island Local Trust Committee is embarking on a review of Gambier Island's land use policies and regulations, with a specific focus on four topic areas:

- forest ecosystem protection,
- shoreline protection,
- archaeological and cultural site protection, and
- access to public docks.

The purpose of these discussion papers is to inform discussion and deliberations for the Gambier Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Targeted Review. The focus of this discussion paper is forest ecosystem protection.

The overall objectives of the Project are to amend the Gambier OCP and LUB with regards to:

- First Nations Perspectives;
- Archaeological and cultural site protection;
- Forest Ecosystem Protection;
- Shoreline Protection;
- Public docks;
- Technical amendments; and
- Develop the style and structure of the OCP document as an Islands Trust model.

### 2. Background:

The Coastal Western Hemlock (CWH) forest ecosystem types that occur in the Howe Sound islands are at risk, particularly from unsustainable logging, but also from rural development. These forest ecosystems support some of the greatest diversity and abundance of wildlife habitat in BC, such as providing critical habitat for species-at-risk like the Marbled Murrelet and Northern Goshawk. The CWH forests also benefit our communities.

#### Top Priority in 2015



A review of Gambier's OCP was identified as Top Priority project in 2015. At that time, there was a desire by the LTC to pursue a comprehensive plan for the area that would holistically address cross-jurisdictional issues such as forest tenure on Crown land. In particular, the Gambier Island Conservancy requested the LTC to pursue a review of the permitted uses for both the Wilderness Conservation land use designation in the OCP and for the Wilderness Conservation zoning in the LUB. A feasibility report on such a review was requested of staff as a part of the project.

### **Woodlot licences**

During this time, concern was heightened as a result of a newly created Woodlot Licence, on Gambier Island. The advertisement of two community woodlots on Gambier in late 2013 triggered an extended effort by planning staff and the LTC throughout 2014 to implement the advocacy policies in the OCP regarding the Wilderness Conservation land use designation. During this time concerns about the outdated protocol agreements between the Islands Trust and the Ministry of Forests, Lands and Natural Resource Operations (currently MFLNRORD) as well as concerns about the current land use designation policies for Wilderness Conservation were raised by the LTC and the community.

The issue of woodlot use in the Gambier Crown land involves both FLNRO (now MFLNRORD) and the Squamish Nation as key stakeholders; as such, any OCP bylaw amendment will require a robust level of consultation and collaboration with both in order to meet the requirements of the Ministry. The land on Gambier designated as Wilderness Conservation is comprised of what is commonly referred to as Crown land. As such, engagement on policies around Wilderness Conservation land use also requires the interests and comments from Provincial agencies and the First Nations that assert their rights and title over that land.

### **Summer 2016 Community Survey**

The community survey asked respondents which uses they would like to see in the Wilderness Conservation (Crown) land in the centre of the island, and whether they believed they needed more information about certain options. The majority responded favourably for the following options: Conservation of Ecosystems and Biodiversity; Recreation; and Network of Green Space. Hunting was also noted highly with about one-third of respondents replying favourably.

The options receiving higher requests for more information were: Community Forest Initiatives; Protected Park; and Open Space for Water Recharge.

### **Coastal Douglas-fir Conservation Partnership**

The Gambier Island LTC collaborated with the Coastal Douglas-fir Conservation Partnership (CDFCP) to secure a contract for an ecological mapping project which identified priority conservation areas on Gambier. The project has now been completed and the Project Coordinator (Ecosystem Protection Specialist, Kate Emmings) presented findings at the April 27, 2017 LTC meeting

### **First Nations Engagement**

Both the Squamish Nation and Tsleil-Waututh Nation have asserted Aboriginal Rights in the Gambier Island Plan area. The Squamish Nation has participated in two key consultation activities with the Islands Trust: a Community to Community Forum on March 31, 2016, and a special meeting with Gambier Islanders on

February 2, 2017. Key areas for collaboration with the Squamish were discussed at each of these events, and include: the Wilderness Conservation land use designation, parks and trails, protecting shorelines, protecting cultural sites, and the New Brighton dock. The project was put on hold in 2018 and recommenced in 2021.

#### **Current**

In 2021, the LTC included forest ecosystem protection into the scope of the review project, which is anticipated to include exploration of forest protection on crown lands and private lands.

The scope of the project includes:

- Amendments to the OCP and LUB that include:
  - Language and policies that reflect First Nations perspectives;
  - Policy and schedule updates regarding land and marine use designations, including new or amended use designations;
  - Development Permit Areas to protect forests and shorelines;
  - Heritage Conservation Areas to protect archaeological and cultural sites;
  - Advocacy policies;
  - Technical amendments;
  - Developing a pilot model OCP bylaw in terms of style and structure.

This discussion paper has been prepared for the Working Group and the Gambier Island LTC, to present an overview of existing Gambier Island regulations and policies, provide a comparison of other Local Trust Area's regulations, and present potential regulatory options for proceeding.

### **3. Gambier Island's Forest Ecosystems**

#### **3.1. Heritage and cultural values**

##### **Islands Trust Reconciliation Declaration**

Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.

Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.

Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea. (March 14, 2019, on Gabriola Island, Islands Trust Council adopted the Reconciliation Declaration.)

Squamish, Musqueam and Tsleil-Waututh Nations all hold an important perspective and have a vested interest in the forest ecosystem of Gambier. Their stewardship of the land is deeply ingrained in their culture.

### 3.2. Natural assets

The Coastal Douglas-fir (CDF) Biogeoclimatic Zone is found nowhere else in Canada. It includes a unique set of ecosystems that occur along the edge of south-east Vancouver Island, across the Gulf Islands, and along the southwest coast of Vancouver Island. The Islands Trust Area is entirely within the CDF zone. There are 16 biogeoclimatic zones in British Columbia — of these, the CDF is the smallest and most at risk.

Coastal Douglas-fir ecosystems are biologically, culturally, and physically important. These forested landscapes maintain our local climates, the sustainability of our freshwater systems, and the biodiversity of our islands. They are home to many endangered plant communities and are ranked as a high priority for preservation, globally and Islands Trust Staff Report 2 provincially. With the majority (68%) of CDF land across the Trust Area privately held, it is the residents and landowners who have the most responsibility and ability to carefully steward the CDF zone. Many special places on the islands are still special because of the care with which islanders take to preserving the land.

## 4. Policy and Regulatory Framework for Forest Management

### 4.1. First Nation role

- Declaration on the Rights of Indigenous Peoples Act
  - Article 15.2 - States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
  - Section 7 - enables the Province and Indigenous governing bodies to enter into agreements that recognize Indigenous decision-making with the provincial statutory decision-making framework. The intent of these agreements is to provide certainty and stability in statutory decision-making and to recognize and implement Indigenous jurisdiction as part of B.C.'s decision-making process.
- Forest consultation and revenue sharing agreements
  - These agreements help formalize how government to government engagement will take place for different decision types, and recognizes that licensee-led information sharing can be a beneficial form of engagement
  - Of critical importance is the fact that these agreements provide Indigenous communities with a portion of stumpage revenue based on a formula that accounts for the timber harvested from within their territories. Consequently, First Nations communities now receive direct economic benefits from forest operations that take place in their traditional territory.

### 4.2. Provincial authority over harvesting Crown and private timber

#### Private Managed Forest Land (PMFL)

The Private Managed Forest Land Program was established in 2003 under the Private Managed Forest Land Act, under which landowners commit to manage their property for long-term forest production,

including meeting legislated objectives for key public environmental values. PMFL is governed by the Private Managed Forest Licence Act and Managed Forest Council. The object of the council is to encourage forest management practices on private managed forest land, taking into account the social, environmental and economic benefits of those practices (s. 5 – Private Managed Forest Land Act)

LTCs are not involved in the inclusion or exclusion of land from the PMFL. If land is classified or declassified as managed forest land, the PMFL Council is to give written notice to the affected local Government. Under Section 21 of the Act, a “local government must not do any of the following in respect of land that is private managed forest land if doing so would have the effect of restricting, directly or indirectly, a forest management activity”:

- a) adopt a bylaw under any enactment;
- b) issue a permit under section 8 (3) (l) of the Community Charter or Division 1 of Part 9 of the Local Government Act; and
- c) issue a permit under Part 14 of the Local Government Act

There are three PMFLs located on Gambier Island (FINAL COPY WILL INCLUDE MAP):

- one on west side of Gambier Island, zoned Forestry
- three separate lots on west side of Port Graves Bay, zoned RR
- one lot on east side of Port Graves Bay, zoned RR

#### **Crown Lands**

According to the Forest Act, Crown land is defined as “land, whether or not it is covered by water, or an interest in land, vested in the government”. Crown lands are governed by the Forest Act & Regulations, Forest & Range Practices Act and Regulations and do not fall under the authority of the local municipality, LTC, or First Nation(s). The Crown Forest Management Land Base (CFMLB) consists of provincial Crown land with forest cover that is managed by the Ministry of Forests for timber supply and/or other forest management objectives that impact timber supply within the Sunshine Coast Timber Supply Area (SCTSA), which Gambier Island is located in. The CFMLB excludes:

- Non-provincial lands that are not within the decision land base, such as:
  - Private lands; and
  - Lands under federal jurisdiction
- Provincial lands managed under another Decision Area (non-SCTSA), such as:
  - Pacific TSA lands;
  - community forests (CFs);
  - tree farm licences (TFLs);
  - controlled recreation areas;
  - woodlot licences (WLs);
  - Land Claim Settlement Areas; and,
  - First Nations woodland licences (FNWLs).
- Non-forested and unproductive lands with no impact on forest management objectives

#### **Woodlot Licences**

A woodlot licence grants licence holders exclusive rights to manage and harvest Crown timber within the woodlot licence area. Woodlot licences are awarded either through an advertised, competitive application process or a direct award. About 3.5 million cubic metres of timber is currently allocated for small tenures such as community forest agreement and woodlot licences.

The maximum term for a woodlot licence may not exceed 20 years and the maximum amount of Crown land that can be included in a woodlot licence is 800 hectares on the coast (Forest Act s. 45(1)). A woodlot licence management plan is also required.

There are currently two on woodlots on Gambier Island (FINAL COPY WILL INCLUDE MAP)

- Two adjoining woodlots ([WL 2068 and 2069](#)) on the NE side of the Island, zoned Wilderness Conservation – FLNRORD has indicated neither of the licenses are allocated and there are no plans to change their status at this time.
- One on the SW side of the Island (includes Whispering Creek area), zoned Forestry

#### 4.3. Islands Trust/LTC authority & limitations

Land Tenure	Authority – What Islands Trust/LTC can do	Limitations – What Islands Trust/LTC cannot do
Private Managed Forest Lands	<ul style="list-style-type: none"> <li>- include advocacy policies: e.g. encourage retention of old growth forest stands, harvesting not exceed rate of re-growth of trees, sustainable forest management, encourage the Council/land owners to work with the LTC in addressing issues on PMFL and/or include a public review process in development/review of management plans, adopt legislation that allows the LTC to regulate private land forestry.</li> <li>- include subdivision policy and regulations to support long-term viability of forestry use.</li> <li>- include policy and regulation to allow forestry use and limited residential use as allowed in PMFL Act.</li> <li>- include policy and regulation to encourage low impact recreation.</li> </ul>	<ul style="list-style-type: none"> <li>- adopt a bylaw or issue a permit that directly/indirectly restricts forest management activities (e.g. not permit forestry activities).</li> </ul>
Woodlot Licences	<ul style="list-style-type: none"> <li>- include advocacy and other policies as above: e.g. request Ministry of Forests to only create new woodlot licences on limited lands (e.g. designated Forestry) and on a site-specific basis.</li> </ul>	<ul style="list-style-type: none"> <li>- Regulations that restrict forestry activities may have no force and effect (may need a legal opinion to clarify assertion of authority)</li> </ul>
Other Crown Land	<ul style="list-style-type: none"> <li>- include advocacy and other policies as above.</li> </ul>	<ul style="list-style-type: none"> <li>- Regulations that restrict forestry activities may have no force and effect (may need a legal opinion to clarify assertion of authority)</li> </ul>

Private lands (non PMFLs)	<ul style="list-style-type: none"> <li>- See the <a href="#">Coastal Douglas-fir and Associated Ecosystems Protection Toolkit (Link)</a>.</li> <li>- enact a Development Permit Area for the purposes of protection of the natural environment.</li> <li>- Include policy and regulation to limit subdivision, cluster development, etc.</li> </ul>	<ul style="list-style-type: none"> <li>- Other than Development Permit Areas, regulate tree cutting.</li> </ul>
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## 5. Guidelines for Forest Ecosystem Protection Strategies

### 5.1. Coastal Douglas-fir & Associated Ecosystems Conservation Strategy 2021

Coastal Douglas-fir and associated ecosystems (CDFAE) are found across the landscape. Large areas are set aside for ecosystem protection, forestry and agriculture, while small patches of natural habitat exist in community parks and backyards. The mosaic of protection and stewardship recognizes that this place is home to a diversity of native plants and animals, as well as home to many people. Some areas will be protected and set aside with a primary purpose of supporting ecological integrity; the primary use of other areas may be for economic, recreational or other uses. Stewardship of the CDFAE lands must balance these sometimes competing, sometimes complementary, roles.

The Coastal Douglas Fir & Associated Ecosystems Conservation Strategy ([Link](#)) sets a 30-year vision and goals for the Coastal Douglas-fir Conservation Partnership (CDFCP); with objectives and actions identified until 2025. The intent is to review and update the strategy every 5 years. The strategy indicates that the greatest threats to the integrity of the CDFAE are:

- Land Conversion
- Ecosystem Degradation and Biodiversity Loss
- Loss of Natural Processes
- Species Disturbances
- Invasive Species
- Climate Change; and
- Environmental Contaminants

The CDFCP have set three core goals for working towards a vision of ecological integrity for Coastal Douglas-fir and associated ecosystems (CDFAE). Three strategies reflect the broad approaches the CDFCP will use in achieving these goals.

- Goals
  - CDFAE values (including species and ecosystems at risk), are incorporated into local and regional policy and planning processes, and integrated into nature-based solutions for climate change mitigation and adaptation.
    - **OBJECTIVE 1.1:** Collaborate with governments, First Nations and ENGOs to develop plans, policies, bylaws and incentives that recognize and enhance CDFAE values, and to integrate these values into nature-based solutions for mitigating climate change and climate change risk, with a focus on private and First Nations lands.

- **OBJECTIVE 1.2:** Provide education and outreach support to local governments and First Nations working to incorporate CDFAE values and nature-based climate solutions into their planning processes.
    - **OBJECTIVE 1.3:** Keep up-to-date with mapping and modelling initiatives relevant to the CDFCP area and capitalize on opportunities to share, collaborate and improve/extend decision-support tools.
  - Additional protection and stewardship of CDFAE is secured.
    - **OBJECTIVE 2.1:** Support local governments in establishing local conservation funds.
    - **OBJECTIVE 2.2:** Assist local governments, conservation groups and First Nations in identifying priority areas for securement and stewardship in their jurisdictions.
  - CDFCP capacity to deliver the above goals is enhanced and sustained.
    - **OBJECTIVE 3.1:** Secure adequate and ongoing funding and support for CDFCP staffing and programs.
    - **OBJECTIVE 3.2:** Monitor and report on the status CDFAE and related natural capital assets.
- Strategies
  - Encourage incorporation of science and traditional ecological knowledge into land-use planning, securement and stewardship.
  - Build effective partnerships among conservation groups, government, First Nations, universities and funders.
  - Increase awareness and support for CDFAE conservation and nature-based climate solutions.

## 5.2. Conservation Planning in Coastal Douglas-fir Ecosystems: A Quick Guide for Local Government

The Coastal Douglas Fur Conservation Partnership (CDFCP) arose from the recognition of a need for a more strategic and collaborative approach among those involved and interested in conservation efforts in Coastal Douglas-fir ecosystems, and was developed through levels of engagement with governments, non-government conservation organizations, and community to achieve shared conservation goals. The CDFCP promotes shared stewardship and will identify conservation priorities, reduce duplication of effort, share resources and information, and provide support to its participants.

The Quick Guide ([Link](#)) provides a snapshot of the tools available to achieve CDFCP's goals and objectives to conserve coastal Douglas-fur and other ecosystems. Tools include:

- Policy and Development Tools
  - Official Community Plans
    - Development Permit Areas
    - Development Approval Information Areas
    - Land Use Plans
  - Zoning Bylaws
    - Zoning of land
    - Amenity zoning/upzoning
    - Density bonus

- Clustering
  - Density transfer
- Asset Management Plans - Asset management is a systematic business process for making strategic and operational decisions about municipal assets over their entire lifecycle. Since asset management frameworks are an important tool for local government budgeting and priority setting, they can be used to raise the awareness of ecosystem services provided by CDF ecosystems.
- Strategic Plans – Examples include: conservation strategies, watershed plans and urban forest plans.
- Incentives for Landowners – Incentives—such as density bonusing—can help to ‘sweeten the pot’ in discussions with developers. There are also financial incentives for landholders to donate all or part of their land to a land trust, or to place a conservation covenant on their land.
- Land Acquisition and Conservation Funds –In some areas of BC, Regional Conservation Funds have been established to support land acquisition and conservation projects.
- Partnerships with Conservation Organizations – Conservation organizations play a significant role in educating the public about ecosystem values. Many local governments have partnerships with these organizations to fulfill mutual goals.

## **6. Islands Trust Policy, Initiatives & Plans**

### **6.1. Islands Trust Policy Statement**

Trust Council is required under the Islands Trust Act to adopt a policy statement that applies to the entire Trust Area. The Islands Trust Policy Statement could be considered a regulatory tool. It is intended as a general statement of the policies of Trust Council for the purpose of carrying out the object of the Islands Trust, and is the legal mechanism by which Trust Council ensures that LTC bylaws are consistent with those policies. It provides a framework for land use planning in the Trust Area, and is a mechanism for compatibility between plans for the various local areas. All local trust committee bylaws and all official community plans and amendments must comply with the Policy Statement. Prior to adopting a bylaw, an LTC must forward the bylaw and checklist to the Executive Committee (EC) for approval and EC may only approve the bylaw if it is not contrary to or at variance with the Policy Statement.

Section 4.2 of the Islands Trust Policy Statement outlines commitments, directive policies, and recommendations in regards to forests on the islands. The major themes include sustainable forestry and protection of the forests throughout the islands. Recommendations include encouraging the Provincial Government to adopt mechanisms and policies to ensure meaningful community participation, promote sustainable forestry, protect forest ecosystems, and promote preservation (s. 4.2.9 – 4.2.16)

### **6.2. Strategic Plan 2018 – 2022**

Trust Council uses its strategic plan to guide its work. The strategic plan is a policy tool developed as the work program for Trust Council, and by extension, local trust committees, over the course of each political term. The strategic plan represents the political direction to undertake work; it is the organizational tool that can direct staff to develop policy and make recommendations for the protection



of the coastal Douglas-fir zone and its associated ecosystems. If protection of the CDF zone is not identified as a work program item in the Strategic Plan, it will not be resourced and advanced throughout the organization.

Trust council recently amended its Strategic Plan to include a number of forestry related initiatives:

- Establishment of development permit areas for Coastal Douglas-fir ecosystems
- Enforcement of developments via municipal ticketing
- Advocacy to increase community input to the Private Managed Forest Land program
- The development of heritage overlay mapping for cultural heritage sites, which includes discussions with FLNRORD regarding Crown Lands
- Seeking a tree cutting authority under S 8 of the Community Charter, similar to municipal governments in BC

### **6.3. Islands Trust Conservancy Regional Conservation Plan 2018 – 2027**

To protect and restore these endangered species and ecosystems, the Islands Trust Conservancy has prepared a science-based Regional Conservation Plan that sets out strategies for the next ten years (2018-2027). The goals of the conservation plan include:

- Goal 1: Science-Based Conservation Planning;
- Goal 2: Collaboration with First Nations;
- Goal 3: Protection of Core Conservation Areas;
- Goal 4: A Strong Voice for Nature Conservation;

Because of limited resources, the Islands Trust Conservancy must conduct programs, including its outreach and fundraising, strategically. Based on the information available regarding ecosystem values, threats and current levels of conservation, the Islands Trust Conservancy will focus its outreach programs primarily on the Lasqueti Island, Salt Spring Island and Thetis Island local trust areas with a secondary focus on the Gabriola Island, Galiano Island and Gambier Island local trust areas.

### **6.4. Protecting the Coastal Douglas-fir and Associated Ecosystems: Islands Trust Toolkit**

This toolkit proposes that Islands Trust can better use its legislative scope to improve protection for the CDF zone. In doing so, Islands Trust policy development should be guided by the following objectives when advancing Coastal Douglas-fir protection throughout the Islands Trust Area:

- maintain contiguous forest cover;
- protect and Restore Functioning Ecosystems;
- protect watershed ecology;
- honour Coast Salish cultural heritage

These objectives will offer foundational direction for Islands Trust to consider in protecting its Coastal Douglas-fir forests. From the regional Trust Council (TC) and Islands Trust Conservancy (ITC), to local trust committees (LTCs) and community level actions, the Islands Trust has many tools to use in preserving and protecting the Coastal Douglas-fir zone across the Trust Area.

### **6.5. Trust Wide Stewardship Education & Advocacy**

At the Islands Trust, advocacy is the act of influencing and seeking cooperation with other agencies and decision-makers. A number of advocacy efforts respecting forest ecosystem protection have been undertaken (<https://islandstrust.bc.ca/whats-happening/advocacy-letters/>) including:

- Asking the Province to change the Private Managed Forest Land Act (PMFL) to allow Local Trust Committees to regulate, but not prohibit, forest activities on PMFL lands.
- Asking the Province to enhance Trust's jurisdiction over tree cutting to make its jurisdiction equal to that of municipalities.
- Asking the Province to work with Islands Trust to update agreements about provincially managed lands.

## 7. Local Trust Committee Policies, Regulation & Stewardship Education

### 7.1. Gambier Island Official Community Plan, Bylaw No. 73, 2001

The Gambier Island OCP has several policies that are relevant to Forestry. Forestry uses are permitted in two land use designations: Rural Residential and Resource Lands.

*Policy 4.21* states that the principle permitted use of Rural Residential should be single family residential. However, agricultural and forestry uses may also be permitted subject to compliance with the minimum parcel area requirements as specified in the zoning regulations.

*Advocacy Policy 6.17* states that Crown land areas of particular importance for park and conservation purposes may be protected as park for such purposes. Included in this list is i) all areas of old growth forest.

Section 7 of the OCP lays out policies and objectives in regards to Resource Lands. Uses included in Resource Lands are as follows:

- Agriculture;
- Forestry;
- Wilderness Conservation; and
- Marine and Foreshore Areas.

Forestry has its own specific objectives within the Resource Lands section:

- Objective 7.7 - to retain large contiguous areas of forested land;
- Objective 7.8 - to support forestry practices which are compatible with and complementary to the values of conservation and sustainability;
- Objective 7.9 to support limited small-scale timber production while retaining the environmental and recreational values of forested land;
- Objective 7.10 to encourage the use of forested land for recreation, wildlife habitat, biological diversity and cultural resource uses;
- Objective 7.11 to support access by area residents to the Gambier Island's crown land timber supply for community forest or woodlot purposes.

*Advocacy Policy 7.8* is particularly important since the majority of the Forestry lands are located on Crown Land. This indicates that there is a jurisdictional component, since the lands are owned by the Province of British Columbia and not Gambier Island. The policy states:

*While crown land in the Gambier Island Planning Area is recognized to be within the Sunshine Coast Timber Supply Area, the Ministry of Sustainable Resource Management is requested to examine means to remove Gambier Island from any annual allowable cut through the Land and Resource Management Plan process and provide that no licensing process for timber harvesting is provided, other than through woodlot tenures or a community forest. If Gambier Island cannot be removed from any annual allowable cut the Ministry of Forests is requested to treat Gambier Island as a sustainable forest management unit through the Forest Development Plan and allow only sustainable harvesting of trees through its licensing procedures and insure that such harvesting should not exceed the rate of re-growth of trees on Gambier Island.*

Polices 7.9 through 7.20 provide direction on how Forestry Land use objectives are to be met/exceeded. The section also provides other advocacy policies (7.21- 7.24).

One of the primary goals of the OCP, when it comes to forestry, is to retain as much of the existing forested land on Gambier Island and mitigate loss through policies and objectives. However, because the majority of the forested land on the Island is Crown land, it makes it very difficult for the LTC since they do not have authority over much of the forested land on the Island. Through the Gambier OCP, the LTC and Islands Trust have advocated for the Province to take a conservation approach on Gambier Island to prevent unnecessary harm to the forests and associated ecosystems and species.

## **7.2. Gambier Island Land Use Bylaw**

The Gambier Island Land Use Bylaw (LUB) has several policies that are relevant to Forestry. The bylaw defines *Forestry* as being “all activities related to the development and care of forests, including harvesting of timber, seedling and tree nurseries, and including the regulated processing of timber harvested on the same lot”. The use of private managed forest land for a forest management activity related to or carried out for the production and harvesting of forest resources is permitted in all zones. This use is also exempted from obtaining a development permit for DPA #1. The following zones reference forestry uses:

*Rural Residential (RR) Zone* - The purpose of the RR zone is to provide regulations for the development of low density single family residential areas and agriculture and forestry on larger lots. Forestry is listed as one of the permitted uses for this zone. Buildings and structures accessory to agriculture use and forestry use are also permitted. The RR zone permits single family residential use on all RR zoned land; however, depending on the size of the parcel, an associated secondary dwelling is permitted in the case the parcel is 0.4 ha or greater unless the parcel complies to 3.14(1)(c), which states:

*In those instances where the lot is less than 0.4 hectare in area and a dwelling unit with an occupancy permit from the Sunshine Coast Regional District issued prior to November 15, 1996 has been constructed on the lot, an associated secondary dwelling with a maximum floor area of 60 square metres shall be permitted.*

*Forest (F) Zone* - The purpose of the F Zone is to provide regulations to support small-scale forestry such as community forestry and woodlot use, and coastal log storage and handling use in the marine area adjacent to upland Forest zoned lots. Forestry is listed as one of the permitted uses for this zone. Accessory uses to forestry are also permitted. The FF zone also permits one single family residential dwelling with buildings and structures accessory to the permitted uses with the maximum total lot coverage of all buildings and structures being 5%.

The Gambier Island LUB does not have extensive policies in regards to forestry, nor does it specify the extent to which land can be forested. It does, however, regulate how much land can be developed on parcels where the zones permit forestry uses.

### **7.3. Gambier Local Trust Committee Stewardship Education & Advocacy**

#### **7.4. Other Local Trust Area work**

- Riparian Areas Protection
  - The purpose of the provincial Riparian Areas Protection Regulation (RAPR) (formerly known as Riparian Areas Regulation (RAR)) is to provide protection for riparian areas from development that would damage fish habitat. Riparian areas broadly refer to streams, lakes, and wetlands, but, the main focus of this initiative is on watercourses that support fish habitat. Enacted in 2004, the RAPR requires local governments in the province to adopt bylaws to control development within 30 metres of streams that support fish habitat.
- Keats Island Shoreline Protection
  - This project has now entered Phase 3 which includes the establishment of a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions. Included in this phase are potential land use bylaw amendments to restrict the size and type of identified marine structures.

## **8. Options for Forest Ecosystem Protection Strategies**

### **8.1. Development Permit Area**

*Considerations: Contemplate creating DPAs to protect the Gambier Island Forests and associated ecosystems within jurisdiction.*

**Pros**

**Cons**

### **8.2. Enhancing Policy and/or Land Use Bylaw Regulations**

*Considerations: Review OCP and LUB for strong language that prioritizes protection of Gambier Island forests in land use planning within jurisdiction.*

**Pros**

**Cons**

### **8.3. Stewardship Education, Advocacy, Partnerships**

*Considerations: Strengthen engagement with the Provincial and Federal Governments to find opportunities for protection of the Gambier Island Forests.*

**Pros**

**Cons**

## **9. Conclusion**

Forestry on Gambier Island is an important issue in which the Province, LTC, First Nations, and public all have an interest in. The health and sustainability of these forests and associated ecosystems/species is

of utmost importance. The biggest threat to the Island's forests are fragmentation through logging/forestry and development.

Islands Trust has some tools available to achieve protection of forests and ecosystems, however, because the lands aren't squarely within Islands Trust jurisdiction they do not have authority to make any policy decisions. The majority of the forest lands on Gambier Island are Provincial Crown lands and thus Provincial authority. Islands Trust bodies can mitigate this by collaborating with the Provincial Government and advocate for sustainable forestry and protection of the forests and associated ecosystems. This would help to achieve the goal of ensuring policy development that achieves Trust Council goals and objectives by undertaking the following:

- Contemplate creating DPAs to protect the Gambier Island Forests and associated ecosystems within jurisdiction.
- Review OCP and LUB for strong language that prioritizes protection of Gambier Island forests in land use planning within jurisdiction.
- Strengthen engagement with the Provincial and Federal Governments to find opportunities for protection of the Gambier Island Forests.

#### **10. Appendix 1 – Islands Trust Policy Statement Policies**

#### **11. Appendix 2 – Gambier Island OCP Policies**

#### **12. Appendix 3 – Gambier Island LUB Regulations**

#### **13. Appendix 4 – etc.**

**Commented [AF1]:** To Be Updated



**Commented [AF2]:** Map created to show Crown forestry land vs municipal land