



Islands Trust

Protecting the Coastal Douglas-fir Zone & Associated Ecosystems

An Islands Trust Toolkit

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Executive Summary

Across the Islands Trust Area, the Coastal Douglas-fir (CDF) zone and associated ecosystems make up much of the forested landscape; these lush and magnificent forests are the most visual indicator of the Islands Trust's success in achieving its mandate to protect the Islands Trust Area.

The CDF Zone encompasses the entire Islands Trust Area and is found nowhere else in Canada. 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 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.

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.



Many special places on the islands are still special because of the care with which islanders take to preserving the land.

Essential Steps for Islands Trust to Protect the CDF Zone:

1. Trust Council Strategic Plan

Prioritise CDF protection in the Trust Council strategic plan to ensure resources support work plans that advance CDF protection.

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2. Implement the Regional Conservation Plan (RCP)

Adopt the RCP into OCPs with special emphasis on protecting contiguous forest and old growth within the Coastal Douglas-fir zone and associated ecosystems.

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3. Mapping

Map contiguous tracks of the Coastal Douglas-fir zone and associated ecosystems.

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4. LTC Top Priority

Local trust committees should make protection of Coastal Douglas-fir zone and associated ecosystems a top priority in their work plans. This will ensure staff and other resources are put to the task.

5. Education and Communications

Educate the public about the importance of CDF protection by incorporating a strong communications program into ITC conservation initiatives and into the land use planning process, especially when considering DPAs for CDF protection.

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6. Official Community Plan Updates

Review OCPs for strong language that prioritises protection of the CDF zone in land use planning.

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7. Development Permit Areas

Create DPAs to protect the Coastal Douglas-fir zone and associated ecosystems.

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8. Land Use Bylaws/Zoning

Create density bonus zones in exchange for CDF protection by way of a conservation covenant; identify protection of the CDF zone as an amenity to be voluntarily offered at time of rezoning; designate zones for CDF protection.

9. Park dedication

Amend OCPs to include language directing the provision of land rather than cash in lieu at time of park dedication in the subdivision process. Include language guiding LTCs to request land where there are priority areas in the CDF zone. Advocate for other levels of government to protect more of the CDF zone as park land.

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10. Tax Incentives

Tailor the NAPTEP program to highlight and prioritise the CDF zone in ITC conservation goals.

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11. Partnerships

Continue to participate and be an active member of the Coastal Douglas-fir Conservation Partnership.

Summary of the Islands Trust toolkit:

TOOL	LEVEL OF PROTECTION	JURISDICTION	TYPE OF TOOL	IMPLEMENTED BY
1. Islands Trust Policy Statement	Indirect	TC	Policy	OCPs and zoning
2. Regional Conservation Plan	Indirect	ITC	Policy	OCPs, zoning, conservation tools
3. Land Acquisition	High	TC, ITC, Others*	Legal	Islands Trust Conservancy policies
4. Conservation Covenant	High	ITC; LTC; Others	Legal	Registration on land title
5. Amenity Zoning/Density Bonus	High	ITC; LTC; Others	Policy	Zoning combined with conservation tool (covenants or park dedication)
6. Park Dedication	High	LTC; Others	Legal/Regulatory	Land acquisition
7. OCPs	Indirect	LTCs	Policy	Zoning
8. DPA	Medium–High	LTCs	Regulatory	Permit approvals
9. Zoning/Land Use Bylaws	Medium	LTCs	Regulatory	Land use and density
10. Tree Cutting Bylaw	Medium	BIM	Regulatory	Permit approvals
11. Tax Incentives	High	ITC/Others	Economic	Conservation tools
12. Voluntary Stewardship	High	Private	Voluntary	Conservation tools
13. Ministerial Order	High	Province	Legislative	Crown Land Management
14. Water Sustainability Act	Indirect	Province	Regulatory	Area Based Regulations or Water Sustainability Plan

* Others in this instance refers to First Nations, community groups, land conservancies, other levels of government, or private property owners.

Coast Salish Stewardship of the Coastal Douglas-fir Zone

Douglas-fir is translated as ts'sey' in the Hul'q'umi'num' language, as JSÁ,łĆ in the Saanich (SENĆOŦEN) language, and as ch'shay in the Squamish (Skwxwú7mesh) language.

The Islands Trust Area overlaps with the traditional territory of the Coast Salish people. Islands Trust acknowledges the 10,000 years of knowing and stewardship practices of the Coast Salish people — evident in the lushness of the forests and the biodiversity of the CDF zone. The Coast Salish have celebrated the life cycles of these forests since time immemorial. The languages and ceremonies of the Coast Salish people reflect the natural rhythms of the forests and shores of the Salish Sea. An ancient Douglas-fir tree is honoured as witness to the cycle of transformation and self nourishment of the forest's ecology. There exists a wealth of traditional ecological knowledge (TEK) in Coast Salish traditions. Douglas-fir and associated ecosystems provide food and medicine for health and well being. The wood of the Douglas-fir is used in the fire ceremonies of the long house. Western red cedars are also very important to the Coast Salish people. All parts of the cedar are used — the logs for longhouses, canoes, and masks, and the bark for clothing, mats, and baskets. The active management of the Garry Oak meadows favoured the annual cultivation of Camas, known as a staple food source for the Coast Salish people.¹

This report is not inclusive of the gathering, harvesting, or stewardship knowledge of First Nations within the Trust Area. This toolkit should be considered a living document that can be improved over time through meaningful consultation and engagement with First Nations.



*Cedar bark harvests represent the ongoing cultural use of Coastal Douglas-fir forests.
Photo: Tsawout Reserve (IR5), Salt Spring Island.*

Coastal Douglas-fir and Associated Ecosystems

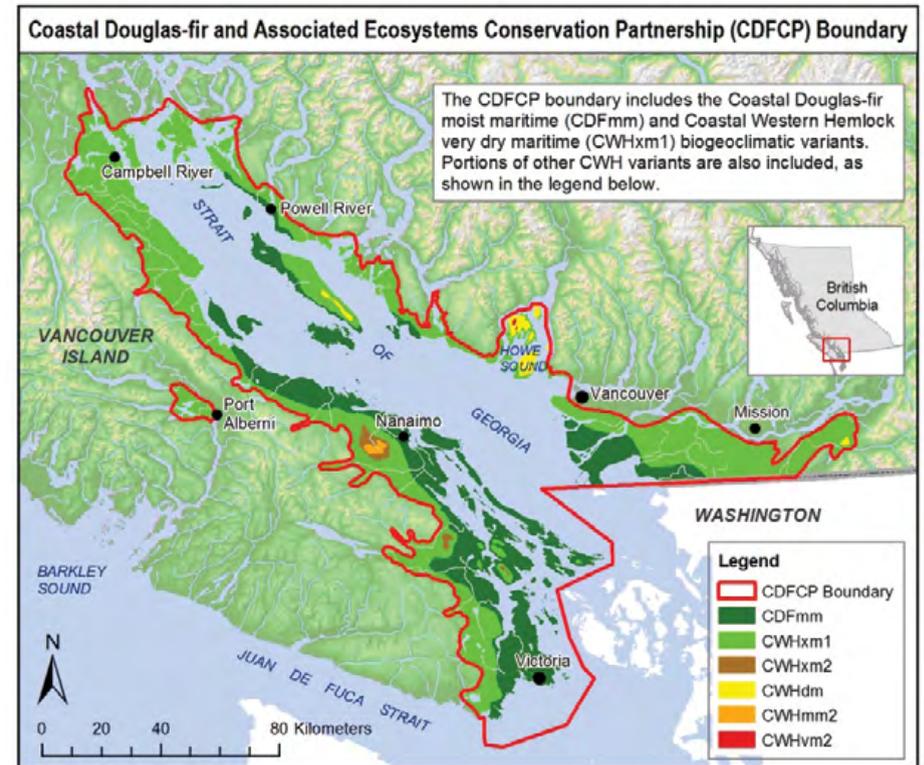
The Coastal Douglas-fir (CDF) Biogeoclimatic Zoneⁱⁱ is found nowhere else in Canada. It includes a unique set of ecosystems that occur along the edge of south-east Vancouver Island, across the Gulf Islands, and the along the southwest coast of Vancouver Island. The Islands Trust Area is entirely within the CDF zone. There are 16 biogeoclimatic zones in British Columbia – of these, the CDF is the smallest and most at risk. The CDF zone has many rare ecosystems and includes more than just Douglas-fir forests. Associated ecosystems include Garry Oak ecosystems, rocky outcrops, wetlands, and shorelines. The Coastal Western Hemlock (CWH) zone is considered an important associated ecosystem that exists within the area of interest of the CDF zone.

The CDF zone needs active stewardship by land owners: 80% of land in the whole CDF is privately owned but only 11% is protected in some way, making it the least-protected biogeoclimatic zone in BC.²

Importance of Coastal Douglas-fir Ecosystems

There is significant concern for the conservation of the CDF zone. The [Coastal Douglas-fir Conservation Partnership](#) has emphasized the importance of the CDF zone as being biologically rich and containing globally imperiled and provincially identified species at risk, as well as containing ecosystems at risk. CDF ecosystems clean our air and water, absorb carbon from the atmosphere, provide climate change mitigation and adaptation, and contribute to food resilience by providing habitat for pollinators and

ii A "biogeoclimatic zone" is an area with a relatively uniform climate, and with a mix of vegetation and soils that reflect that climate. A more detailed description of the Coastal Douglas-fir Biogeoclimatic Zone can be found in the [Ecosystems of British Columbia: Chapter 5 Coastal Douglas-fir Zone](#).



insectivores. CDF forests are important for people's mental health and wellbeing, and provide recreational and educational opportunities for people to learn about the significance, ecology, and cultural importance of these special coastal rainforests. The CDF zone can also add to property values. Individual properties that are in the vicinity of natural areas and parkland can increase property values by 3–6% (or more).³

Coast Douglas-fir Zone in the Islands Trust Area

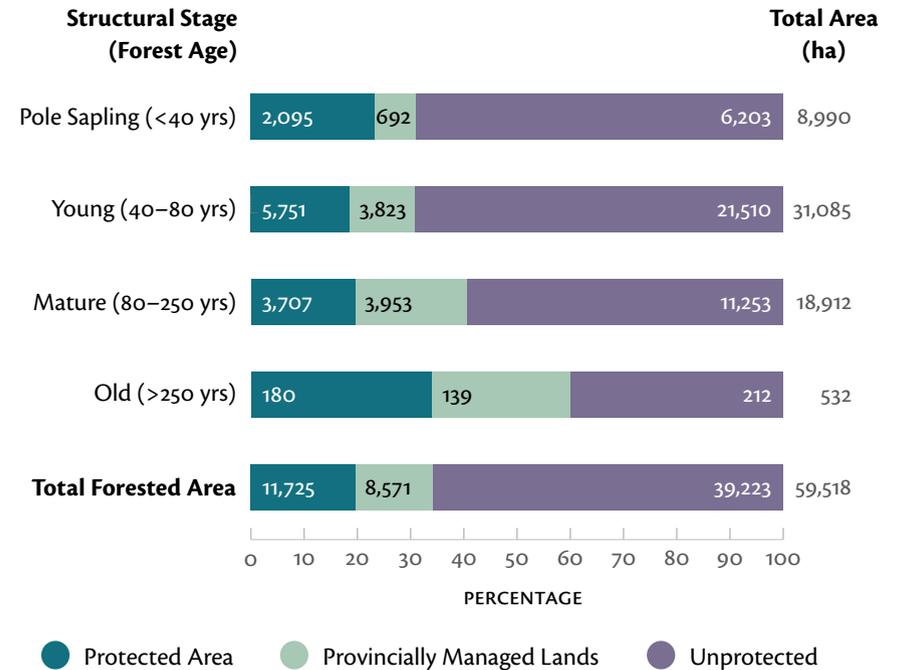
The Islands Trust Conservancy has identified healthy forests as a biodiversity priority in its Regional Conservation Plan for 2018–2027. Healthy forests are multi-aged forests with a diverse canopy cover and a variety of tree and understory species. The understory is also characterized as having large woody debris, including fallen trees and nurse logs, and lots of snags⁴.

Most of the Trust Area was logged at one time. Across the region, much of the forests are classified as young forest ranging from 40–80 years old. Mature forests (80–250 years old) cover approximately 24% of the Islands Trust Area, while less than one percent remains in old growth (forest that is more than 250 years old). Remaining old and mature forests are very important, providing high quality habitat and many more species than younger forests.⁵

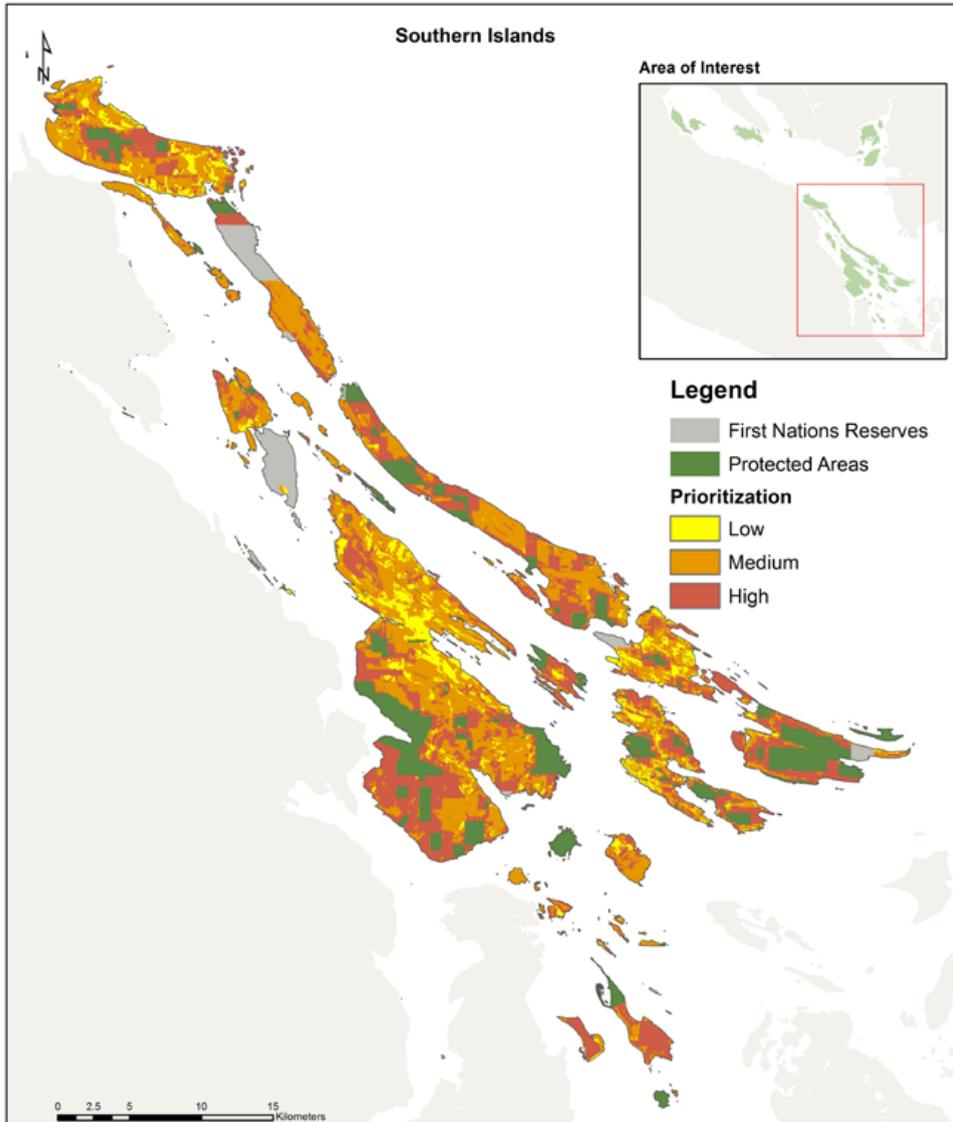
Across the Islands Trust Area, 19.7% of forests are in protected areas, including all parks, ecological reserves, watershed lands, heritage forest lands, nature reserves, and Old Growth Management Areas.⁶ Protection varies significantly by islands trust area/island municipality with Thetis having less than 5% and Saturna and South Pender having over 35% of forested ecosystems in protected areas.⁷ Private land in the Islands Trust Area represents about 68.6% of the landscape.⁸

Using a decision matrix, the Islands Trust Conservancy has identified priority lands for conservation across the Islands Trust Area. While there are lands with high conservation values on all the islands, the Islands Trust Conservancy will focus upcoming outreach programs primarily on Lasqueti Island, and in the 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.

Structural stage (age) of forests in the Islands Trust Area by area and percent.



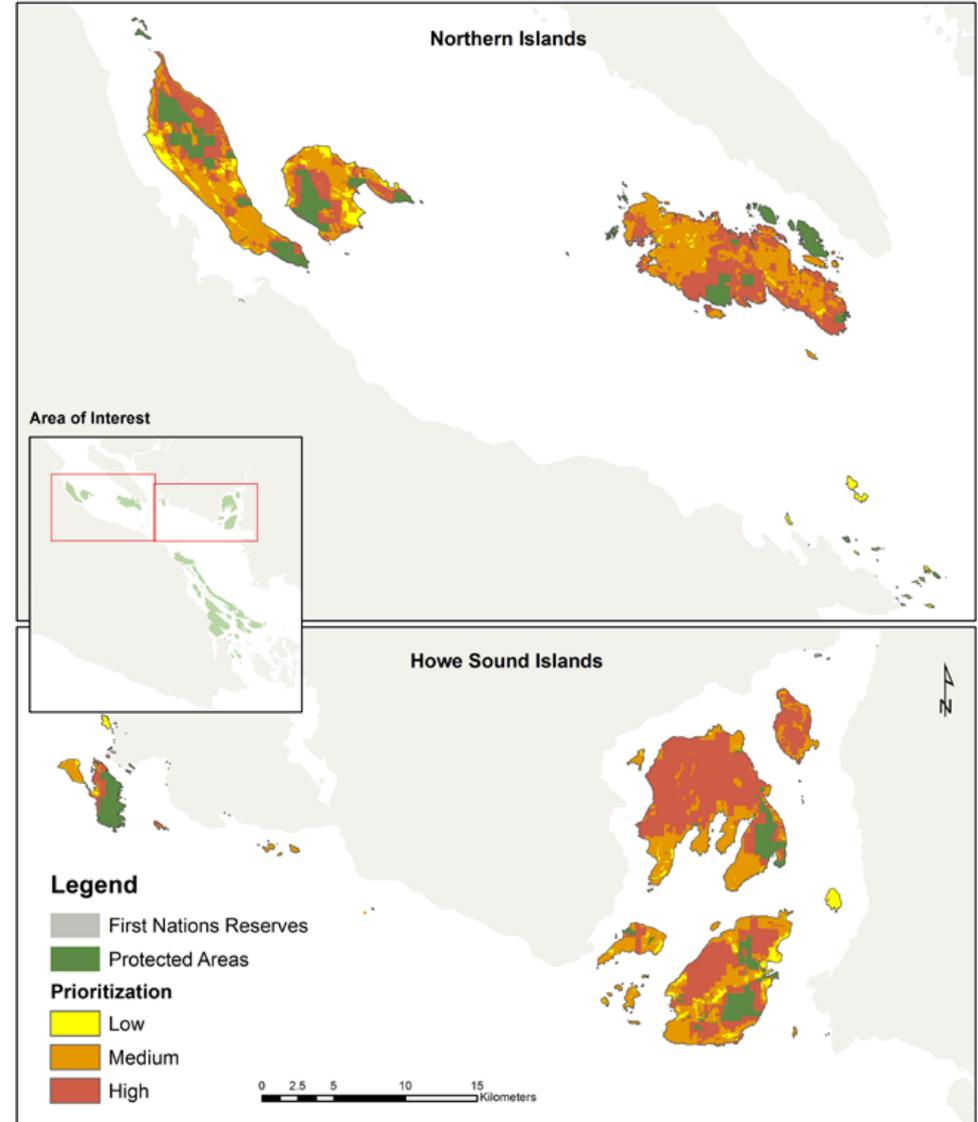
Priority Lands for Conservation in the Islands Trust Area



Source: Islands Trust Fund Spatial Decision Support System, last updated January, 2018

Priority Lands for Conservation in the Islands Trust Area

Biodiversity on small islands and islets may be of higher value than indicated due to challenges with connectivity and contiguity analyses where no protected areas exist. When considering conservation value of smaller islands and islets, please refer to Islands Trust Fund Biodiversity Composition analysis from the Islands Trust Fund Spatial Decision Support System.



Source: Islands Trust Fund Spatial Decision Support System, last updated January, 2018

Priority Lands for Conservation in the Islands Trust Area

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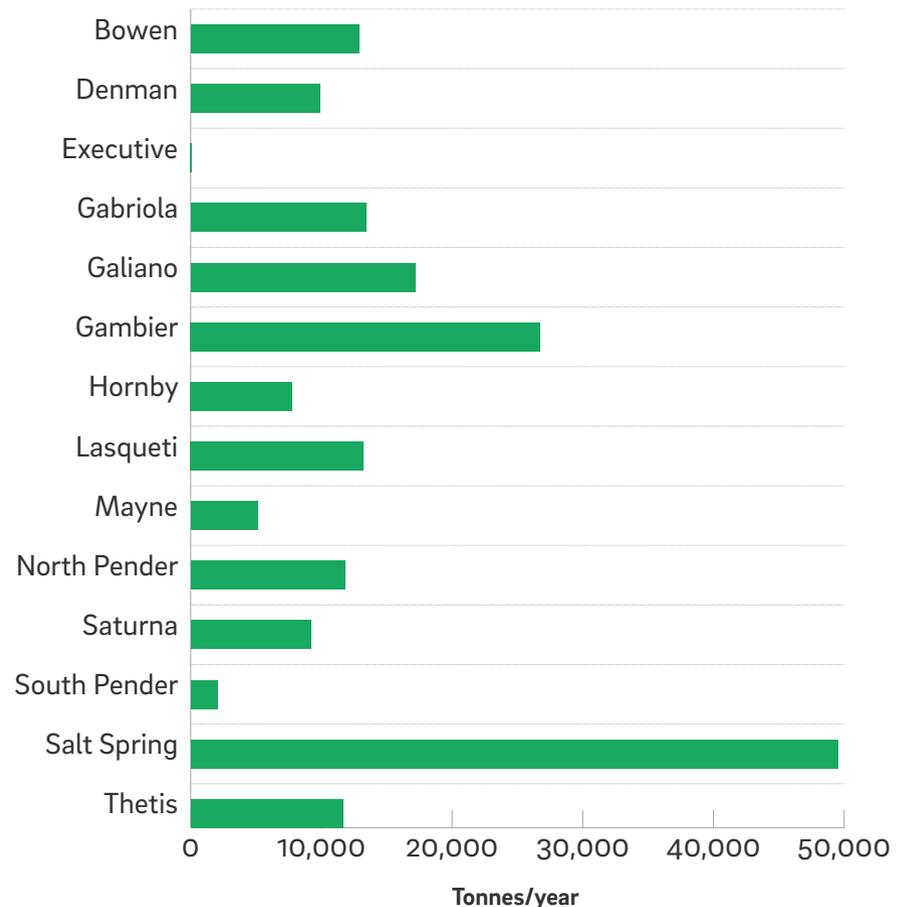
The Islands Trust Area Mitigates Impacts of Climate Change

The Islands Trust Area's forests are unique and globally important. The significant role these forests play in mitigating the impacts of climate change is not always recognized. Forests provide biomass and soils as "living carbon," using natural processes to remove and store carbon dioxide from the atmosphere in a dynamic process of growth, decay, disturbance and renewal. At a global scale, forests help maintain Earth's carbon balance.⁹ The carbon cycling of forests provide essential life support services that protect us from the impacts of climate change.

British Columbia ecosystems have some of the highest carbon stores in Canada and play an important global role in carbon cycling and storage. As of 2008, the total carbon stored by BC's forests was 88 times Canada's annual greenhouse gas emissions.¹⁰ However, Coastal Douglas-fir forests within the Islands Trust Area store and sequester more carbon per hectare than the rest of British Columbia. This carbon sequestration is likely due to a higher density of maturing forests, which store and take in more carbon to support their growth.¹¹ Islands Trust has an important role and responsibility for "carbon stewardship"¹² by protecting its intact Coastal Douglas-fir forests.

- As a whole, the Trust Area sequesters 190,506 tonnes of carbon per year, which equates to about 40,241 passenger vehicles per year.
- On average, forests in the Islands Trust Area store 82% more carbon per hectare than forests in the rest of the Coastal Douglas-fir zone.
- On average, forests in the Islands Trust Area have the potential to absorb 43% more carbon per hectare over the next 20 years than forests in the rest of the Coastal Douglas-fir zone.¹³

Carbon sequestration per Local Trust Area



- When ranked for sensitivity to climate change, carbon storage capability, biodiversity habitat, and the degree of human impacts, the Coastal Douglas-fir zone is the most important BC ecosystem.¹⁴

Threats to the CDF Zone

The Coastal Douglas-fir Conservation Partnership's 2018 *Quick Guide for Local Governments* has an expanded section on threats to the CDF zone. The following has been summarized for the purpose of this toolkit.

Human Pressures and Deforestation

Coastal Douglas-fir ecosystems are under threat from human pressures. Of all the zones in the province, the CDF has been most altered by human activities:

- Almost half of the CDF lands have been converted for human use (urban, roads, agriculture, mining, industrial, etc.).
- 75% of the human population of BC lives in the CDF, including the major centres of Vancouver, Victoria, and Nanaimo where population growth is expected to continue.
- The CDF has the highest road density of any biogeoclimatic zone in BC.¹⁵

The trend of deforestation and residential sprawl continues. Even in the Islands Trust Area, many local trust committees have not reduced the subdivision potential inherited by the zoning that was already in place when the Islands Trust was created in 1974. The continued parcelization and subdivision of land causes fragmentation and perpetuates the incremental loss of contiguous forest cover, threatening the remaining natural systems.

The Islands Trust Conservancy estimates that between 2004–2014, approximately 1,070 ha of land was disturbed or lost through deforestation, vegetation clearing, creation of rural development and roads, wetland loss and disturbance to soils.¹⁶ See Appendix II of the Islands Trust Conservancy [2018–2027 Regional Conservation Plan](#) for a breakdown of disturbance type by local trust area or island municipality.

“ The extent of disturbance, combined with the low level of protection, places the ecological integrity of the CDF zone at high risk... Deforestation in a land base that was once predominantly forested has consequences for the small patch ecosystems, specialized habitats and at-risk species that were previously buffered and supported by the ecological processes of the surrounding forests... These changes affect hydrological patterns and the ability to filter and store water; destabilizes forest soils and reduces capacity to regenerate soils; alters the resistance to the invasion of alien species; alters prey-predator relationships; alters carbon and nutrient cycles, including the release of carbon to the atmosphere; and removes specialized habitat features for wildlife foraging, shelter and breeding (Coastal Douglas-fir Conservation Partnership (CDFCP), 2015).

Climate Change

The impacts and costs of climate change vary regionally; the northern hemisphere is projected to have higher rates of warming than other regions. Canada and British Columbia have many of the high-risk landscapes such as mountainous regions, sub-boreal and alpine regions, coastal and other low-lying areas, and forests with high fire and insect risk.¹⁷ The changing climate impacts the Coastal Douglas-fir forests as well by reducing water availability, stressing native ecosystems and species, and introducing new pests and diseases.¹⁸

Forests can act as both carbon sources and carbon sinks. Forests are *carbon sources* when they release more carbon than they absorb, for example when trees burn or when they decay after dying. A forest is considered to be a *carbon sink* if it absorbs more carbon from the atmosphere than it releases. Carbon is absorbed (sequestered) from the atmosphere through photosynthesis. As noted, the forests of Islands Trust Area are carbon sinks for the region.

As the climate changes, there will be more and more fires, in combination with longer, more frequent droughts and a greater incidence of insect outbreaks. The Government of Canada notes that, “the outcome of all these interconnected events is likely to be further acceleration of the feedback loop: more emissions will lead to accelerated climate change, which in turn will enhance the conditions that create more carbon-releasing disturbances in Canada’s forests.”¹⁹

Water Availability

The relationship between trees and water is inherent in healthy forests. Water availability directly influences watershed ecological function and sustains healthy forests as a whole. Forests are a mosaic landscape of ecology and geology that maintains water storage and contributes to water quality by filtering through forest soils and biomass. Through capillary processes, nutrient rich water moves from the soil, through roots of trees, and is carried up the tree’s trunk to the leaves to contribute to the process of photosynthesis.²⁰ Tree canopies collect rainfall, releasing it slowly into forest floor that contributes to the health of the forest ecosystems and contribute significantly to sustained groundwater recharge.²¹

Unfortunately, these processes are also threatened by climate change.²² Longer summer droughts may be causing decline in the health of the Coastal Douglas-fir ecosystems, particularly on drier sites.²³ Islanders have observed this anecdotally by noting the visual decline of individual trees and seeing the overall stress on the forests — especially evident in the thirsty western red cedars and broad leaf maples.

Wildfire

Fire is an important part of the natural CDF ecological cycle. Natural fire cycles create diversity in the types, ages, and densities of trees, which in turn help limit soil damage and maintain watershed functioning.²⁴ Historically, wild fires and deliberate burning by First Nations played an



important role in shaping CDF ecosystems by clearing the understory of less fire-resistant species, creating openings in the canopy, and favouring the dominance of large, thick-barked Douglas-fir, Maple, and Garry Oaks.

Since colonization, forest fires have been suppressed and wild fires have been increasing in frequency and intensity across British Columbia, especially in recent years. Severe fires can disrupt the ecological balance of forests; they alter watershed functioning and create erosion and sediment damage in streams.²⁵ The accumulation of deadfall and the absence of controlled burns in the forests has increased the risk of fire across the Trust Area. In 2006, a fire burned 61 hectares of forests on Galiano Island and 120 residents were evacuated.²⁶ While the Islands Trust Area has been fortunate to not have had a more catastrophic wild fire burn on one of our islands in recent times, the risk of fire threatens Coastal Douglas-fir forests as well as the communities of the Islands Trust Area.



These objectives should be foundational and guide policy development at all levels.

Objectives for Coastal Douglas-fir Protection in the Islands Trust Area

Trust Council, the Islands Trust Conservancy, and local trust committees need to work together to harmonize policies and regulations and coordinate work programs to achieve greater protection of the Coastal Douglas-fir zone and associated ecosystems throughout the Islands Trust Area. In order to best support the strategic coordination of Islands Trust towards the protection of the Coastal Douglas-fir zone and associated ecosystems, the following overall objectives should be foundational and guide new policy development at all levels:

- **Maintain Contiguous Forest Cover**

The most obvious way to retain the ecological integrity of the Coastal Douglas-fir zone and associated ecosystems is to retain contiguous tracks of forest. Forest ecosystems function best when buffered from impacts of disturbance and fragmentation, which causes edge effects and makes forests vulnerable to invasive species, altered hydrological regimes, and disrupted ecological services. The land use and conservation tools available to Islands Trust can greatly benefit the maintenance of contiguous forest cover throughout the Islands Trust Area.

- **Protect and Restore Functioning Ecosystems**

Human impacts on the Coastal Douglas-fir zone throughout the Trust Area have caused a loss of ecosystem functioning. Much of our forests need individual assessments and restoration to ensure the integrity of the ecosystems is maintained. This objective highlights the need for active forest maintenance and would be best achieved through tools of coordination and collaboration with other levels of government, environmental stewardship groups, and programs for landowner outreach, education, and voluntary stewardship.

- **Protect Watershed Ecology**

Longer drought periods and altered hydrological processes are threatening CDF forest ecosystems. Islands Trust can use land use and conservation tools to protect the watersheds in the CDF zone. This would not only protect the forest, but also serve to protect the freshwater resources of our islands.

- **Honour the Cultural Heritage and Stewardship of the Coast Salish People**

The legacy of stewardship of the CDF zone can be acknowledged and extended with the protection of culturally important places, archaeological sites, knowledge sharing, cooperation, and First Nations relationship building.

The Islands Trust Tool Box

The different tools available to the bodies of Islands Trust include policy tools, regulatory tools, and legal tools – often used in combination – which carry with them varying degrees of strength in the level of protection they can offer for protection of the CDF zone. Policy tools enable regulations that in turn manage and limit development of the landscape. Legal tools

such as covenants are often voluntary or the results of negotiations related to development approvals, but offer a high level of environmental protection once they are registered. The following table summarizes the tools available and illustrates this point:

TOOL	LEVEL OF PROTECTION	JURISDICTION *	TYPE OF TOOL	IMPLEMENTED BY
1. Islands Trust Policy Statement	Indirect	TC	Policy	OCPS and zoning
2. Regional Conservation Plan	Indirect	ITC	Policy	OCPS, zoning, conservation tools
3. Land Acquisition	High	TC, ITC, Others	Legal	Islands Trust Conservancy policies
4. Conservation Covenant	High	ITC; LTC; Others	Legal	Registration on land title
5. Amenity Zoning/Density Bonus	High	ITC; LTC; Others	Policy	Zoning combined with conservation tool (covenants or park dedication)
6. Park Dedication	High	LTC; Others	Legal/Regulatory	Land acquisition
7. OCPs	Indirect	LTCs	Policy	Zoning
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13. Ministerial Order	High	Province	Legislative	Crown Land Management
14. Water Sustainability Act	Indirect	Province	Regulatory	Area Based Regulations or Water Sustainability Plan

* Others in this instance refers to community groups, land conservancies, First Nations, other levels of government, or private property owners.

The Islands Trust Mandate:

*The object of the Islands 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.*²⁷

The Islands Trust has a legislated mandate to protect the environment. However, the Islands Trust “Object” does not carry with it any special land use authority to do so. It is implemented through the same powers shared by regional districts and municipalities across BC, conferred on the corporate bodiesⁱⁱⁱ of Islands Trust by the Islands Trust Act, which in turn references the Local Government Act. Incorporated as a municipality, Bowen Island has additional tools available under the Local Government Act. Please see [Appendix 1](#) to review the legislative context and governance structure of Islands Trust.

Trust Council and Executive Committee Tools

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,

ⁱⁱⁱ The corporate bodies of the Islands Trust include Trust Council, Executive Committee, Local Trust Committees, and the Islands Trust Conservancy.

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.

Trust Council Strategic Plan

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.

Coordination

The Islands Trust Act Section 8.2(b) gives Trust Council the authority to coordinate and assist in the determination, implementation, and carrying out of regional, improvement district and government of British Columbia policies. This authority could be used in partnerships for the protection of the CDF zone. See the section on “Partnering for CDF Protection,” below.

Mapping of the Coastal Douglas-fir zone and associated ecosystems

Accurate mapping and data analysis is essential and provides the evidence that underpins policy, regulatory, and legal conservation tools. Mapping should identify both core areas for conservation and connectivity corridors that allow for wildlife movement.

The Coastal Douglas-fir Conservation Partnership (CDFCP) has developed a user-friendly mapping tool that incorporates CDF ecosystem values and identifies priority areas for conservation in the CDF zone. The Islands Trust uses a proprietary application referred to as TAPIS (Trust Area Property

Information System) which delivers both spatial (i.e. property boundaries and zoning features) and tabular (i.e. BC Assessment and LTO records) data to staff for reference, analysis and information management. The data are used to help make decisions such as where to apply development restrictions through the application of development permit areas, or who to notify in cases of rezoning applications. It is possible that Islands Trust could include the CDFCP mapping layer in its TAPIS mapping application.

Local Trust Committee Tools

Local trust committees (LTCs) are responsible for land use planning and regulation in each local trust area. LTC responsibilities include preparation and adoption of official community plans, land use bylaws, which include zoning and subdivision regulations, soil removal and deposit bylaws, and authorization of other permits, such as siting and use permits or development permits in development permit areas. The land use planning powers of local trust committees are underutilized; LTCs can be much more effective in using these tools to protect sensitive ecosystems such as the CDF Zone.

Our Work is Cut Out for Us: CDF Protection needs LTC Prioritization

As with other islands, on Salt Spring Island the Official Community Plan does not advance protection of contiguous forest cover or sensitive forest ecosystems. Salt Spring Island does not have Sensitive Ecosystem Development Permit Areas. The Salt Spring Island Official Community Plan would need to be amended to be effective in protecting the Coastal Douglas-fir ecosystem and/or contiguous forests. The forests would need to be considered "Environmentally Sensitive Ecosystems/ Areas" and/or "Areas of High Biodiversity" in order to get the protection afforded throughout the SSI OCP. Updated OCP mapping would help with this approach. Otherwise, the forests would need to be designated as either Park and Recreation lands, Conservation Lands (i.e. watersheds), or Ecological Reserves in order to have more protective policies.²⁸

Official Community Plans

The Official Community Plan (OCP) is a legal policy document intended to manage growth and guide future development. It represents the community's vision for how the island should change. The authority to adopt OCPs is found in the Local Government Act, which defines an OCP as "a statement of objectives and policies to guide decisions on planning and land use management." Islands Trust has a duty to consult First Nations on Official Community Plan amendments, which also require approval by the Minister (currently the Minister of Municipal Affairs and Housing).

An OCP typically contains broad goals, objectives for particular land uses, specific policies for each land use, general advocacy policies, maps and development permit areas.

- Goals are general statements of purpose.
- Objectives are strategies to achieve the goals
- Policies are specific statements, programs or restrictions that provide direction.

OCP policies guide LTC decision-making and are implemented by other tools, principally land use bylaws that prescribe zoning.

Policies are legally binding on the LTC, but the LTC is not required to implement particular policies in an OCP. Within Islands Trust, an OCP must be consistent with the Islands Trust Policy Statement.

An OCP is not a regulatory bylaw. With the exception of Development Permit Areas, OCPs have no direct effect or authority on private landowners or other governments or agencies (Land Use Bylaws regulate the use of land).

To advance protection of the Coastal Douglas-fir zone, official community plans should specifically set goals, objectives, and policies that support CDF retention and protection. Each OCP should also be amended to:

- Include strong language directing protection of the CDF zone.
- Implement the Islands Trust Conservancy Regional Conservation Plan.
- Include specific policies supporting park dedication that protects CDF forests (see the section on park dedication below).
- Include Development Permit Areas for the protection of the environment, specifically the Coastal Douglas-fir zone and associated ecosystems.
- Include “urban” containment boundaries achieved through Land designations and land use policies that preserve large lot areas outside of the villages, and that direct density to specific areas of the islands zoned for mixed use commercial/residential, smaller lots, and areas that can be serviced by adequate water supplies.
- Identify protection of the CDF zone as an amenity that can be provided at the time of rezoning. Establish the nexus between development impacts and ecological services.
- Include enabling policies for conservation subdivisions, amenity zoning, density transfers, and density bonusing.
- Include language and policies that reference and honour the cultural heritage of Coast Salish stewardship, including the protection of culturally important places, and archaeological sites.

“ This Plan supports the preservation and protection of Galiano’s ecosystems. Galiano is part of the vulnerable Coastal Douglas-fir biogeoclimatic zone. This is the smallest and rarest biogeoclimatic zone in British Columbia and it has the highest density of species that are of both provincial and global conservation concern of any B.C. biogeoclimatic zone. These ecosystems provide key services that sustain human health and wellbeing, including timber and nontimber resources, clean air and water, nutrient cycling, carbon dioxide absorption and carbon storage. The forested landscape is integral to Galiano’s character. Maintaining and restoring Galiano’s forest ecosystem is critical for ecosystem-based sustainable forest management (Galiano Island Official Community Plan (P.2)).

Parkland Dedication

For subdivisions that create more than three lots that are under 5 acres (2ha) in area, Section 510 of the Local Government Act requires the developer provide a 5% park land dedication, or cash in lieu, at the discretion of the local government. While the Ministry of Transportation and Infrastructure is the approving authority for subdivisions within Islands Trust, local trust committees are the local government authority for deciding park dedication. Local trust committees have the discretion to determine whether land or cash is requested, and what the amount should be (up to 5% of the total area or land value)^{iv}. Each official community plan can include policies guiding local trust committees to prioritize a land request where the land in question contains some part of the Coastal Douglas-fir zone and associated ecosystems, either wholly on the property or as part of a larger forest system.

^{iv} In practice, local trust committees do not have a park function and some local trust committees partner with Regional Districts as the agency to receive the park dedication as cash or land.

Development Permit Areas

Authorized by the Local Government Act, Development Permit Areas (DPAs) are the best regulatory tool available to local trust committees for managing development on private land and mitigating impacts to the Coastal Douglas-fir zone. Development permit areas may be designated for a number of purposes; the following are most relevant to protection of the CDF Zone²⁹:

- Protection of the natural environment, its ecosystems and biological diversity.
- protection of development from hazardous conditions;
- establishment of objectives to promote energy conservation;
- establishment of objectives to promote water conservation;
- establishment of objectives to promote the reduction of greenhouse gas emissions.

DPAs established for protection of the natural environment are often referred to as Environmental Development Permit Areas (EDPAs). Development Permit Areas regulate development in pre-designated areas, according to specific guidelines that are usually found in official community plans. The LTC can require impact assessment information to inform whether the proposal meets the guidelines in the OCP. The OCP guidelines are the conditions under which the development can take place; these become permit conditions once the permit has been issued.

“ The Resort Municipality of Whistler has established sensitive ecosystem EDPAs across its entire landbase (except for the non-riparian aspects of the Village core). Whistler used terrestrial ecosystem mapping as the basis for EDPA maps. In the new OCP, if a feature on a property looks like part of a sensitive ecosystem, staff require the applicant to hire a QEP to determine if it is, and where the boundary of it is (Green Bylaws Toolkit, 2016).

Within the Islands Trust Area, 68% of the land base is privately owned. In this context, Development Permit Areas are ideal regulatory tools because they do not prohibit development, but rather “permit” it, while controlling how the development occurs. DPAs give certainty to the community and to developers; the LTC does not have discretion to refuse the permit if it considers the proposal to be substantially consistent with the specific OCP guidelines in the DPA. If the intent of the DPA is to protect old and contiguous CDF forests, the DPA guidelines would prescribe how the development can be compatible with the ecosystem values of the forest. DPAs also include exemptions to allow acceptable activity to be exempt from the requirement to apply for a development permit.

Galiano Island DPA 3: Tree Cutting and Removal

The entire Galiano Island local trust area is designated as a development permit area for the protection of the natural environment, its ecosystem and biological diversity, for the purpose of requiring development permits for the cutting and removal of trees.

– Galiano Island Official Community Plan (DPA 3)

While Development Permits Areas are the most flexible instrument for managing development on private land, their limitations weaken the extent of environmental protection they can achieve:

- DPAs are only applicable to residential, industrial, and commercial development.
- Commercial forestry, institutional development, and agriculture are exempt from DPAs.
- Bylaw infractions of DPAs can be hard to enforce.
- DPAs are not well understood and public acceptance of new DPAs can be difficult. Any new program to introduce DPAs should be resourced with a healthy communications plan.

Land Use Bylaws

For a Local Trust Committee, the land use bylaw (LUB) is the main tool for implementing OCP policies through land use regulations, particularly zoning. Land use bylaws designate the zoning and regulate land use within the area of covered by the bylaw. A LUB typically divides the local trust area into zones and regulates the use and density within the zones. Land use bylaws contain regulations on the size and siting of buildings and structures and define setbacks from lot lines and water courses. The LUB prescribes the number of new lots, and the shape, dimensions and area of new lots created by subdivision. In addition, the LUB incorporates into a single bylaw other planning powers delegated to LTCs: parking regulations, subdivision servicing requirements, sign regulations, screening and landscaping requirements, flood plain regulations, and run-off control regulations.

Local trust committees could consider amending their land use bylaw in the following ways to advance protection of the CDF zone:

- **Site Coverage:** Reduce site coverage density in land use bylaws. Across the Islands Trust, site coverage is usually the default 25%, inherited with the zoning when Islands Trust was created. This means that 25% of the land can be covered with impervious surfaces. Site coverage is often overlooked by local trust committees when updating land use bylaws but high site coverage allowances are likely inconsistent with the preservation of the CDF zone and also the Islands Trust mandate, especially on large properties.
- **Conservation subdivision:** Incorporate conservation subdivision principles into land use bylaw requirements for subdivision.
- **Downzone:** Increase the minimum average area of lots that can be created by subdivision to a minimum of 10 acres. This can be standardized across the Trust Area. Further remove subdivision potential from some large lots in areas targeted as important for CDF protection and hydrological connectivity.

- **Amenity zoning:** Negotiate land conservation at the time of rezoning. Make consideration of zoning approvals conditional on the voluntary provision of a covenant or land donation to protect the CDF forest as a public amenity.
- **Density Bonus:** Bylaws can pre-zone land to allow an increase in density in exchange for natural area protection. Unlike amenity zoning, density bonus bylaws offer developers and the community certainty; a rezoning process is not required, and the maximum potential density is known ahead of time.
- **Lot Averaging or Clustering:** During rezoning or at time of subdivision, residential lots or dwelling units can be clustered. LUB density requirements for subdivision should have minimum average lot area provisions that allow smaller individual lot areas while limiting the overall number of lots that can be created.
 - *When homes or lots are grouped in one part of the property, the rest can be left as natural area. Clustering reduces development costs as there are fewer trees to clear, less land to grade, and less road, water, hydro, and sewer infrastructure needed to service the development. Smaller lots with significant amounts (more than 50%) of protected open space targets the growing consumer market that is seeking homes in natural settings with less property to maintain.³⁰*

Conservation Subdivisions

Conservation subdivisions combine different tools (including amenity zoning or density bonuses at time of rezoning) to achieve multiple environmental and social benefits. Lot clustering is combined or traded off with protection of large natural areas (often by way of a covenant). The LUB provisions would allow lot averaging (this achieves the clustering), ecological design lot layout requirements instead of traditional lot depths:width ratios, landscape buffers, and would remove the potential for further subdivision.



- **Density transfer:** Use the rezoning process to transfer permitted density from one parcel with high CDF ecosystem values to another (less sensitive) property. The Islands Trust has used density transfer on several islands, and has prepared a discussion paper looking at the pros and cons of this tool for [Saturna Island](#).
- **Nature Protection Zones** Land Use Bylaws can designate zones to protect the ecosystem values of the Coastal Douglas-fir zone. For example, Galiano Island has Nature Protection Zones where the only permitted uses include ecological reserves and nature conservancies, research and educational activities, groundwater retention and recharge, ecological restoration, and passive recreation.

Galiano Island Amenity Zoning

A 2016 Galiano amenity rezoning application protected forest and shoreline by providing a 10.7-hectare waterfront community park, adding 10 ha to a BC Park, and also donated land for affordable housing. The rezoning resulted in five residential lots totalling 11 hectares and a 20-hectare lot for sustainable forest management practices. As a condition of rezoning, a covenant requiring sustainable forest management practices was granted to the Galiano Conservancy Association, the Land Conservancy, and the Galiano Island Local Trust Committee.

Tree Cutting Areas

Pursuant to Section 500 of the Local Government Act, a local trust committee could “designate areas of land that it considers may be subject to flooding, erosion, land slip or avalanche as tree cutting permit areas.”³¹ Within these areas, the local trust committee may require a permit before land owners remove trees. The focus of the bylaw must be to protect the land from danger due to flooding or erosion, and the LTC may require applicants to provide a report certified by a qualified professional confirming the proposed cutting will not create such a hazard. Although this authority is limited in scope, it nevertheless gives LTCs ability to regulate tree cutting in some areas of the CDF zone, particularly in steep-sloped terrain.³² This authority has yet to be utilized within the Islands Trust Area – consideration should be given to how a Tree Cutting Area would differ from a DPA established to protect environment from hazardous conditions.

Amenity Zoning on Gabriola Island

A recent application on Gabriola Island proposes to transfer and donate 155.3 hectares (383.74 acres) of land for parks in exchange for the creation of 25 residential lots at a different location on the island with those lots having an average lot area of 1.9 hectares (4.69 acres). The subsequent subdivision process required to create the lots will add park and trail connections on the ‘receiver lands’ between Cox Community Park and the village *core area*.

Islands Trust Conservancy Tools

Islands Trust Conservancy

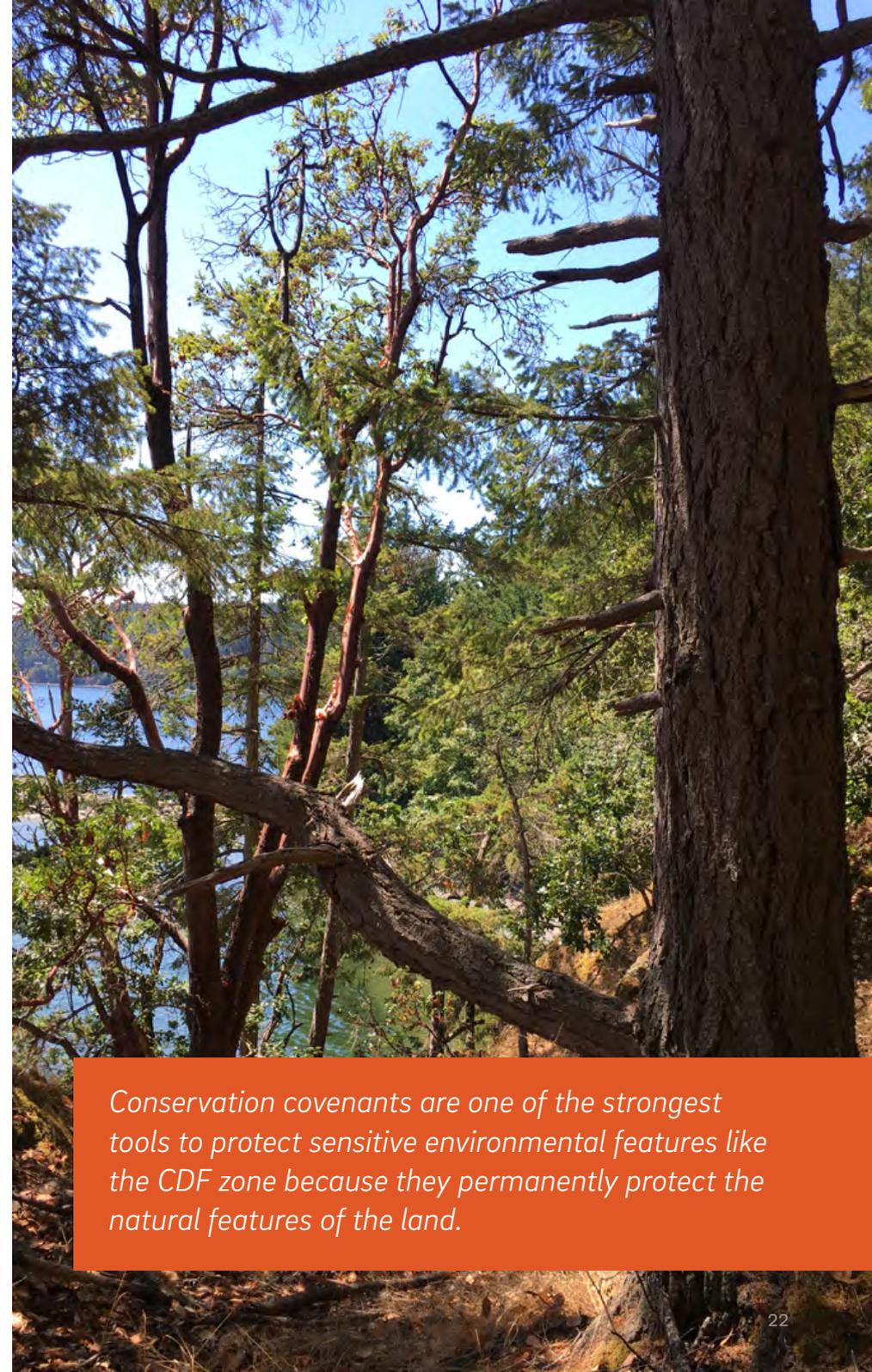
Governed by the Islands Trust Conservancy Board, the Islands Trust Conservancy (formerly the Islands Trust Fund) is a regional land trust and is legally independent from the Islands Trust. Its vision is to “create a network of protected areas in the islands so that Canada’s Salish Sea is a vibrant tapestry of culture and ecology, and where viable ecosystems flourish alongside healthy island communities.”

Regional Conservation Plan

The Islands Trust Conservancy’s work is guided by the Regional Conservation Plan (RCP), a science-based and community informed plan that identifies, prioritizes and plans for the protection of the best of the islands’ natural spaces. The conservation plan guides and focuses efforts and resources on what is most urgently in need of protection. The [2018–2027 Regional Conservation Plan](#) identifies healthy forests as a biodiversity priority and highlights the vulnerability of the Coastal Douglas-fir Biogeoclimatic Zone.³³ As a guiding document, the RCP needs to be implemented using land use planning and conservation tools and prioritized for implementation by local trust committees and other levels of government.

Conservation Covenants

Conservation covenants are one of the strongest tools to protect sensitive environmental features like the CDF zone because they permanently protect the natural features of the land. Conservation covenants are written legal agreements between a local government authority or conservation agency and a landowner, in which a landowner promises to protect all or part of the land in specified ways. The covenant runs with the land; it is registered on the land title under section 219 of the Land Title Act. This ensures the promise to protect the land binds future owners of the land and the conservation organization(s) who hold the covenant.



Conservation covenants are one of the strongest tools to protect sensitive environmental features like the CDF zone because they permanently protect the natural features of the land.

Only under special circumstances and with the agreement of all parties can the covenant be modified. For more information:

islandstrustconservancy.ca/media/9407/covenantbrochure.pdf.

Conservation covenants are voluntary and can be negotiated with developers or land owners as part of rezoning applications or through other development approvals through the land use planning process. Conservation covenants are also registered by land owners on their own accord, to ensure future protection of valued ecological features or in order to achieve a tax benefit.

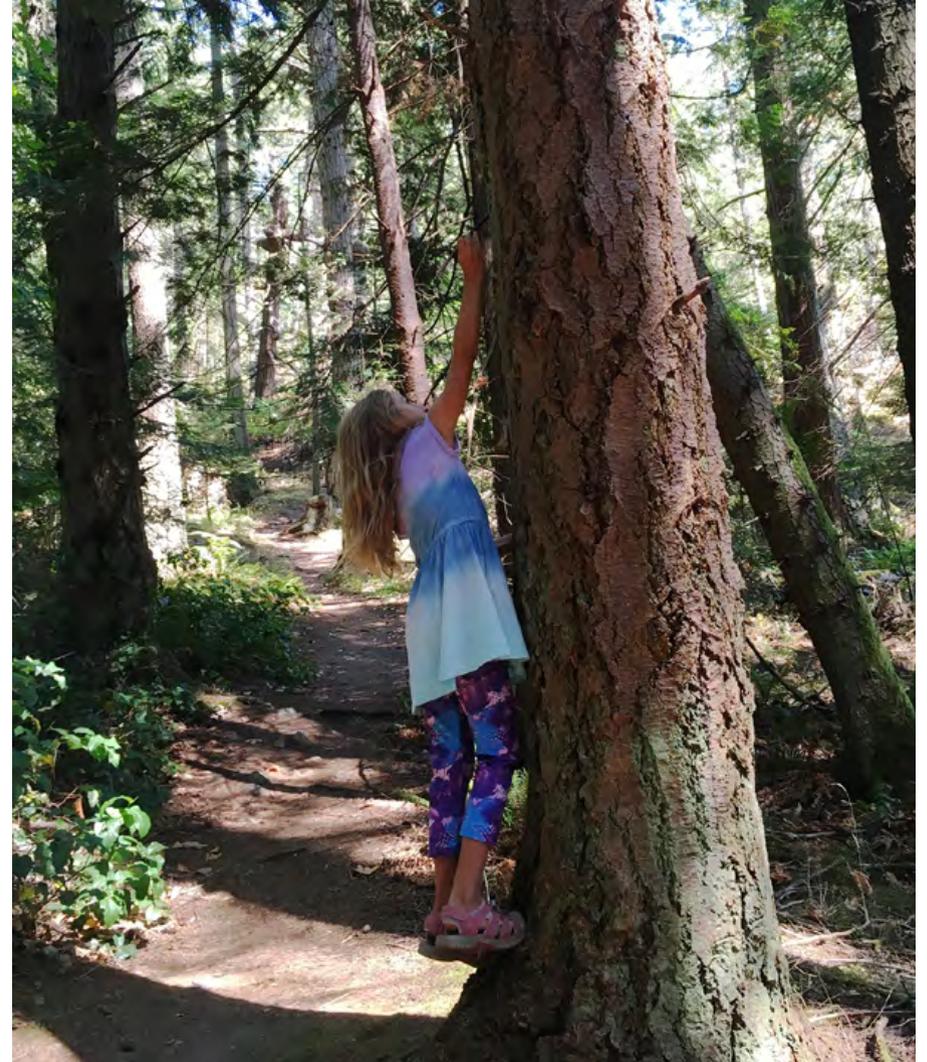
Land Acquisition for Conservation

As a regional land trust, the Islands Trust Conservancy is able to accept gifts of land, including land within the CDF zone. The ITC permanently protects land as nature reserves or sanctuaries. As a qualified donee under the Income Tax Act, the ITC can issue tax receipts for land donations. The ITC acquires land through partnerships, through land or financial donations, and through fundraising campaigns. See islandstrustconservancy.ca for more information.

Tax Exemptions

The Islands Trust Natural Areas Property Tax Exemption Program (NAPTEP) provides landowners with an annual 65% exemption on the property taxes for the portion of their property protected with a NAPTEP covenant. To qualify for NAPTEP, the property needs to have one (or more) of the following eligible features:

- Relatively undisturbed sensitive ecosystems
- Habitat for rare native plant species or plant communities
- Habitat critical to native animal species' breeding, rearing, feeding or staging
- Special geological features



The Islands Trust Conservancy could consider regulatory/policy change to create a special NAPTEP for the Coastal Douglas-fir zone and associated ecosystems. The program could be tailored using a targeted communications program and mapping that identifies contiguous forest cover, highlighting those properties that are adjacent to lands already protected.

The federal [Ecological Gifts Program](#) provides donors of eligible conservation covenants with a tax credit for land donations that can be applied to income and used for reduction in capital gains as part of estate planning.³⁴

Outside of the Box — Partnering for CDF Protection

Many of the success stories of ecosystem protection within Islands Trust are the result of partnerships and collaboration with other levels of government, community groups, the Islands Trust Conservancy and other land conservancies. The Islands Trust Act Section 8.2(b) gives Trust Council the authority to coordinate and assist in the determination, implementation, and carrying out of regional, improvement district and government of British Columbia policies. Not all tools that are outside of the Islands Trust tool box can be accessed through coordination, but in many cases coordinated collaboration could lead to better protection of the CDF zone.

Municipal and Regional District Tools

Within Islands Trust, only Bowen Island has incorporated as a municipality. Some of the following tools could be used by the Bowen Island Municipality or could be requested by Islands Trust as legislative amendments for Provincial consideration.

Parkland

One of the best ways to protect land is through the creation of parks and protected areas. While local trust committees can decide on parkland dedication during the subdivision process, the Islands Trust Act does not give the Islands Trust the ability to manage parkland. Across the Islands Trust Area there are National, Provincial, and Regional parks that area managed by these three levels of government. Some of these parks are contiguous with land owned by the Islands Trust Conservancy and/or land protected by conservation covenants.

The Bowen Island Municipality can manage parks and has a recently approved Parks Plan that includes a number of classifications, including Nature Parks and Environmental Areas for environmental protection, although it does not specifically address protection of the Coastal Douglas-fir and Associated Ecosystems.

Asset Management Plans

Natural assets such as aquifers, forests, streams, riparian areas and foreshores can provide municipalities with vital services equivalent to those from many engineered assets.

Asset management frameworks are an important tool for local governments to account for the ecological services provided by the natural areas of their region. Such programs can account for and raise the awareness of Ecosystem services provide by CDF ecosystems. [Municipal Natural Assets Initiative](#) is a not-for-profit enterprise that supports and guides local governments to identify, value, and account for natural assets in their financial planning and asset management programs.³⁵ The Islands Trust could team up with its Regional District partners to develop Natural Asset Management Plans for the Trust Area that focuses on the relationship between CDF zone forests and freshwater sustainability. The Bowen Island Municipality could do this on its own.

“ *The **Town of Gibsons** was the first municipality in North America to pass a municipal asset management policy. The policy explicitly defines and recognizes natural assets as an asset class and creates specific obligations to operate, maintain and replace natural assets alongside traditional capital assets. These obligations include having well-defined natural asset management strategies in place, as well as the financial resources to maintain them (Town of Gibsons).* ”

Valuing Ecological Services

- The City of Nanaimo estimates it would cost \$4.7 million to \$8.3 million to engineer a system to replicate the water storage and flood control services provided by Buttertubs Marsh, a 40-hectare wetland in Nanaimo.
- Two mature trees provide enough oxygen for one person to breathe over the course of a year.
- One large tree can capture and filter nearly 140,000 litres of water per year, protecting watersheds and filtering drinking water, avoiding or reducing the need for costly water treatment.
- In one year, a hectare of forest can absorb four times the carbon dioxide produced by an average car's annual mileage.

Sources: waterbucket.ca/gi/2018/04/29
americanforests.org/explore-forests/forest-facts/

Tree Protection Bylaws

While local governments cannot regulate forestry under the Forest Range and Practices Act (FRPA) and Private Managed Forest Land Act (PMFL), municipalities can adopt tree protection bylaws and can regulate, prohibit, and impose requirements by bylaw in relation to trees.

Tree protection bylaws usually apply to individual trees according to their species and diameter and can be bounded in defined areas. They can also include³⁶:

- Prohibitions on cutting trees in riparian corridors, environmentally sensitive areas, on floodplains, or in steep-slope areas;
- Prohibitions on cutting down significant trees or wildlife trees, or undertaking tree-damaging activities;
- Establishing a maximum cleared or non-treed area during development;
- Tree replacement standards that may be based on a ratio of trees

removed to replanted (i.e. 1:5) depending on the size of the tree removed, the species of tree, and the percentage canopy cover (i.e. 25 percent) that is retained on site;

A tree protection bylaw does not apply in every circumstance. If a permitted use or density under the zoning bylaw would be prohibited as a result of the tree protection bylaw, the property can be exempted.³⁷

“ *This tree legislation addresses the concerns of municipalities and the public, who have been pressing for action as growth pressure in urban areas heightens the impact of tree removal on heritage, aesthetics, views and the environment. It was also developed in consultation with the Union of BC Municipalities, which has actively sought protection for trees in urban areas.*

This amendment is an urban tree-cutting measure. The rural tree-cutting issue involves a greater complexity of interests including commercial, forestry, private land, local government, environmental and aboriginal interests. Although I support the desire for more control over tree-cutting in rural areas, this must be addressed in a broader process and in a coordinated and comprehensive way which is beyond the scope of this legislation.

My colleague the Minister of Forests is currently looking into the broader issues and will be seeking input from the various stakeholders, including regional districts and the Islands Trust, on the complex issue of logging on private land.

— Robin Blencoe, Minister of Municipal Affairs, 1992 at second reading of the bill introducing tree cutting powers to municipalities.

At this point in time, Local trust committees and Regional Districts do not have the authority to adopt tree protection bylaws, although it was considered at the time of the bill's introduction. In the *Denman Island Local*

Trust Committee v 4064 Ltd. Supreme Court decision, the judge found that the legislature had specifically authorized the regulation of tree cutting on private land in urban areas, but deliberately limited the power of regional districts and local trust committees to regulate tree cutting on private land in rural areas. Consideration of granting this authority to rural areas was put off for another day by the legislature in 1992. Reasons stated were due to the complexities involved in granting local governments the right to regulate tree removal in rural areas.³⁸

Municipal Forests

Division 5 of the Local Government Act gives municipalities the power to set aside land for a municipal forest reserve; this land can be managed or leased for forestry purposes. This authority gives municipalities the ability to self-manage forest operations within their boundaries.³⁹

Partnerships with Local Organizations and First Nations

There are many examples of local community groups working on the islands to protect land in the Coastal Douglas-fir zone. Indeed, the Islands Trust Conservancy almost always relies on community partnerships to help fundraise and raise awareness of the importance of land conservation. The best success stories usually involve leadership from community groups as well as local and provincial government partnerships.

There is opportunity for expanded collaboration with First Nations, regional districts and other government agencies. For example, Islands Trust could:

- Encourage regional district to consider the Regional Conservation Plan and protection of the CDF zone in their services and planning for expansion of the regional park systems.
- Build relationships with First Nations to support initiatives that have mutually beneficial objectives for CDF protection. For example, within

Squamish territory, Gambier Island is a candidate site under the Land Resource Management Plan and the Strategic Land Use Agreement (2007).

- Work with local fire departments to advance CDF restoration through fire protection planning and community forest maintenance programs that reduce the threat of wildfires. Islands Trust could use its coordination authority to coordinate youth group employment programs for fire suppression and restoration, while at the same time providing advocacy and land owner education on the value of the CDF zone.
- Strengthen engagement with the Provincial and Federal Governments to find opportunities for protection of the CDF zone. An example is the role Islands Trust staff had in supporting the recent Ministerial Order that has protected the CDF zone on Crown Land across the Trust Area (see next page).

“ [On Salt Spring Island,] an incredible community effort led by The Land Conservancy of BC and other local conservation groups involved over 1,000 donors and volunteers, and helped raise over \$20 million (about half from the NDP government of the day) to acquire all of Burgoyne Bay, and lands around Mt. Bruce and in the Maxwell Lake primary and secondary watersheds. CRD Parks was a major funding partner, acquiring hundreds of acres of green space (Holman, 2018).

Land owner stewardship

Landowner stewardship is the most important way to achieve protection of the Coastal Douglas-fir zone. With the majority of CDF land across the Trust Area privately held (68%), it is the residents and land owners 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. The best examples are

those who voluntarily register covenants to ensure that their ecological stewardship is continued after they are gone. This culture of stewardship is cultivated by the local community groups and land conservancies, and by the Islands Trust Conservancy. As a tool for protection, voluntary land stewardship is already encouraged and needs to be supported by continued funding of outreach, education, and proactive communications. Contact programs for voluntary stewardship have been particularly effective, especially where there are partnerships with conservation groups.

Provincial Role

Crown Land

Across the Islands Trust Area, 14.19% of the land is considered Crown land. Some of this Crown land is leased under Tree Farm Licences to private companies for timber harvesting. Other crown land is held in reserve, or given protective status with land use orders. Recently, a number of Crown parcels in the CDF zone were protected by a Ministerial Order. The Islands Trust compiles [Crown Land Profiles](#) to record current knowledge regarding vacant Crown land parcels in the Islands Trust Area.

Forest Management

Relative to other regions in British Columbia, the Islands Trust Area has less crown lands subject to tree farm licences for commercial forestry, regulated by the [Forest & Range Practices Act \(FRPA\)](#). Crown Land represents only 14% of the Islands Trust Area, while private land extends over 68.6% of the landscape. Private land is not subject to FRPA; the Province does not have legislation that directly regulates forestry on private land. Forestry is exempt from local government regulation and there are few tools to use to protect the integrity of the forest from timber extraction.

Forestry cannot be regulated by local governments. A longstanding common law principle known as *profit à prendre* entrenches the rights of

people to extract profit from the natural resources of the land. Common law land ownership is typically characterized as a bundle of rights. These rights include the rights to use and occupy the land free from interference of non-owners, as well as the right to take or sever minerals, soil, trees and other resources from the land.

2018 Ministerial Order Protects CDF Zone on Crown Land

An additional 980.5 hectares of the Coastal Douglas-fir ecosystem has been protected in 19 land parcels near the communities of Bowser, Qualicum Beach, Nanoose Bay and Cedar on Vancouver Island, and on Galiano and Salt Spring islands. The final set of approved parcels was based on the results of public review and First Nations consultation. Some of the parcels are of interest to First Nations. The area of Coastal Douglas-fir ecosystem protected from logging now totals over 11,000 hectares. The protection has legal authority by way of amendment to the Coastal Douglas-fir Order under the Land Act. Under the Coastal Douglas-fir land-use order, the protected lands are managed for enhanced stewardship and conservation. ([Province of British Columbia](#), 2018).

This principle was referenced in the reasons for decisions in concluding the Denman Island Local Trust Committee reached beyond its authority in its attempt to regulate forest practices on private land using a development permit area. Both the BC Supreme Court and the Court of Appeal decided the development permit authority was not broad enough to allow the LTC to regulate forestry, in part because the enabling legislation did not indicate a clear intention to curtail or interfere with the common law right to extract timber.⁴⁰

As common law, the *profit à prendre* principle is not found in statute. It represents deeply held social constructs that favour the rights of individuals to exploit natural resources on private property. Even if societal attitudes towards the best use of land were to shift, it would likely take an act of the legislature rather than a court decision to overturn this principle.

Water Sustainability Act

The BC [Water Sustainability Act \(WSA\)](#) is provincial legislation that was brought into force in 2016. The WSA is the principal law for managing the diversion and use of water resources; its stated objective is “to ensure a sustainable supply of fresh, clean water that meets the needs of B.C. residents today and in the future.” The WSA includes a range of regulatory tools that are implemented by the Province, but also some that local governments can access to manage water resources within their jurisdictions. While this legislation does not provide specific tools and was not intended as a way to protect the forest ecosystems of the CDF zone, it does give Islands Trust tools to protect watersheds which in turn may result in greater CDF protection.

Coastal Douglas-fir Conservation Partnership

The Coastal Douglas-fir Conservation Partnership (CDFCP) provides a forum for collaboration, communication and action to effectively protect and steward Coastal Douglas-fir and associated ecosystems. The mission of the CDFCP is:

To promote the conservation and stewardship of the Coastal Douglas-fir and associated ecosystems in south-western British Columbia through sound science, shared information, supportive policies, and community education.

The CDFCP is comprised of a collaboration of agencies, organizations and land managers who are interested in promoting and protecting healthy Coastal Douglas-fir forests into the future. Land trusts, governments (federal, provincial, regional, municipal, and First Nations), environmental stewardship groups, resource industry professionals, private landowners and academic institutions are encouraged to become CDFCP participants or supporters. The CDFCP is led by a steering committee and supported by a series of working groups focused on different aspects of the CDFCP goals. The Islands Trust has been an active partner in the CDFCP and should continue to be engaged as part of its contribution towards CDF protection.





The tools available to the Islands Trust can achieve much greater protection of the Coastal Douglas-fir zone and associated ecosystems across the Trust Area.

Conclusion

The biggest threat to the CDF zone in the Islands Trust is the incremental fragmentation of the forest through rural and residential development. Islands Trust bodies can mitigate this by working together to and ensuring policy development achieves the following overall objectives:

- Maintain Contiguous Forest Cover
- Protect and Restore Functioning Ecosystems
- Protect Watershed Ecology
- Honour the Cultural Heritage of Coast Salish Stewardship

The tools available to the Islands Trust can achieve much greater protection of the Coastal Douglas-fir zone and associated ecosystems across the Trust Area. The recommended tools are suggested from the position that the best tools are the ones that are easiest to use and are most squarely within the jurisdiction of Islands Trust. Islands Trust and the Islands Trust Conservancy together have the authority to regulate land use, act as a land conservancy, and coordinate with other levels of government. The land use planning powers of local trust committees can be much more effectively used to protect this vulnerable ecosystem from rural sprawl and over-development. Islands Trust can also work collaboratively with community groups, conservation groups, and individuals to advance a broader set of tools for protection of the CDF Zone.

The report suggests a path for Trust Council, the Islands Trust Conservancy, and local trust committees to protect the CDF zone:

Essential Steps for Islands Trust to Protect the CDF Zone:

1. Trust Council Strategic Plan

Prioritise CDF protection in the Trust Council strategic plan to ensure resources support work plans that advance CDF protection

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2. Implement the Regional Conservation Plan (RCP)

Adopt the RCP into OCPs with special emphasis on protecting contiguous forest and old growth within the Coastal Douglas-fir zone and associated ecosystems.

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3. Mapping

Map contiguous tracks of the Coastal Douglas-fir zone and associated ecosystems.

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4. LTC Top Priority

Local trust committees to make protection of Coastal Douglas-fir zone and associated ecosystems a top priority in their work plans. This will ensure staff and other resources are put to the task.

5. Education and Communications

Educate the public about the importance of CDF protection by incorporating a strong communications program into ITC conservation initiatives and into the land use planning process, especially when considering DPAs for CDF protection.

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6. Official Community Plan Updates

Review OCPs for strong language that prioritises protection of the CDF zone in land use planning and honours the cultural heritage of Coast Salish stewardship.

.....

7. Development Permit Areas

Create DPAs to protect the Coastal Douglas-fir zone and associated ecosystems.

.....

8. Density bonus and amenity zoning

Create density bonus zones in exchange for CDF protection by way of a conservation covenant; identify protection of the CDF zone as an amenity to be voluntarily offered at time of rezoning.

9. Park dedication

Amend OCPs to include language directing the provision of land rather than cash in lieu at time of park dedication in the subdivision process. Include language guiding LTCs to request land where there are priority areas in the CDF zone. Advocate for other levels of government to protect more of the CDF zone as park land.

.....

10. Tax Incentives

Tailor the NAPTEP program to highlight and prioritise the CDF zone in ITC conservation goals.

.....

11. Partnerships

Continue to participate and be an active member of the Coastal Douglas-fir Conservation Partnership.

Resources

There are a number of resources and other tool kits available designed to assist local governments in planning for conservation:

- The [Green Bylaws Toolkit](#) was updated in 2016. It provides a comprehensive resource and local government planning guide.
- The BC Ministry of Environment's [Develop with Care](#) and Best Management Practices (BMPs).
- The [Coastal Douglas-fir Conservation Partnership](#) has a number of resources including a more general tool kit on protection of the Coastal Douglas-fir Zone.
- The [South Coast Conservation Program \(SCCP\)](#) works towards the protection and restoration of species and ecosystems at risk and has developed many resources for local governments.



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Appendix 1: Legislative and Governance Context

The Islands Trust is governed by the [Islands Trust Act](#) (ITA) which:

- Establishes and confers responsibilities and powers on the corporate bodies of the Islands Trust:
 - *trust council*
 - *the executive committee*
 - *a local trust committee and the*
 - *Islands Trust Conservancy.*
- Identifies the Islands Trust Area and the "[object](#)" (mandate) of the Islands Trust
- Transfers land use planning powers from Regional Districts to Local Trust Committees
- Prohibits a Regional District from adopting bylaws, issuing permits or undertaking work contrary to a Local Trust Committee bylaw
- Establishes the relationship with Island Municipalities
- Guides some governance procedures
- Provides for budget and requisition of taxes

The Islands Trust 'Object'

The object is spelled out in the [Islands Trust Act](#) and provides the 'purpose' for all Islands Trust corporate bodies.

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.

Trust Council

The electors of each Local Trust Area elect two local trustees to form each local trust committee and to sit on Trust Council. Two municipal trustees are elected to represent Bowen Island Municipality. The 26 elected trustees of the Islands Trust Council are charged with conducting the financial management of Islands Trust (with the exception of the Islands Trust Conservancy) and with carrying out the provincial mandate to preserve and protect the Islands Trust Area. Section 8(2) of the ITA confers Trust Council with the powers to:

- a) acquire and dispose of land,
- b) coordinate and assist in the determination, implementation and carrying out of municipal, regional and improvement district and government of British Columbia policies for the preservation and protection of the trust area and its unique amenities and environment,
- c) make recommendations to the Islands Trust Conservancy respecting priorities for the acquisition, use and disposition of property by the Islands Trust Conservancy,
- d) make recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the government of land located in the trust area,
- e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its

unique amenities and environment,

- f) engage in activities to gain knowledge about the history and heritage of the trust area and to increase public awareness, understanding and appreciation of that history and heritage,
- g) conserve heritage property,
- h) support and give financial assistance to activities referred to in paragraphs (f) and (g) that are undertaken by others,
- i) recommend to a regional district board that it exercise its tax exemption authority under section 392 of the [Local Government Act](#) in relation to heritage property in the trust area, and
- j) assign duties to the executive committee and to the local trust committees.⁴¹

Executive Committee

The Executive Committee (EC) is comprised of the Trust Council chair and the vice chairs (who chair each local trust committee) and are elected by Trust Council at the beginning of each term. The duties of EC are to:

- a) consider land use bylaw amendments and official community plan amendments submitted to it for approval. Bylaw approval by EC involves consideration of whether the bylaws are consistent with the Islands Trust Policy Statement, as required under the ITA.
- b) act as a local trust committee for that part of the trust area that is not in a local trust area or a municipality (The [Ballenas-Winchelsea Islands Local Trust Area](#) is the only area of Islands Trust that falls into this category).
- c) carry out other duties that the trust council directs.⁴²

Local Trust Committees

Local trust committees (LTCs) are responsible for land use planning and regulation in each local trust area. The local trust committees' authority to enforce bylaws and regulate development and the use land comes from the *Islands Trust Act* and the [Local Government Act \(LGA\)](#). Part 14 of the LGA, "Planning and Land Use Management," establishes the land use planning tools and procedures available to local governments in BC. LTC responsibilities include preparation and adoption of official community plans, land use bylaws, which include zoning and subdivision regulations, soil removal and deposit bylaws, and authorization of other permits, such as siting and use permits or development permits in development permit areas.

Islands Trust Conservancy

Governed by the Islands Trust Conservancy Board, the Islands Trust Conservancy (formerly the Islands Trust Fund) is a regional land trust and is legally independent from the Islands Trust. Its vision is to create a network of protected areas in the islands so that Canada's Salish Sea is a vibrant tapestry of culture and ecology, and where viable ecosystems flourish alongside healthy island communities. The Islands Trust Conservancy is a qualified donee as defined by the Income Tax Act and can issue tax receipts for income tax purposes to individuals who donate land or cash to be used for conservation. The Islands Trust Conservancy achieves its mission by:

- Working with landowners to protect ecosystems on private property
- Building a strong conservation alliance in the islands by supporting local island conservancies, and
- Demonstrating the highest standards of land stewardship in its nature reserves.

Appendix 2: First Nations with Asserted Interests in the Trust Area

First Nations with Asserted Interests in the Trust Area: Listed Saanich Peninsula, south Vancouver Island, then northward on Vancouver Island. Then Mainland BC, north to south, then eastward.

WSÁNEĆ (Saanich) Peoples

- [Tsartlip First Nation](#)
- [Tsawout First Nation](#)
- [Tseycum First Nation](#)
- [Pauquachin First Nation](#)
- [Malahat Nation](#)

Lekwungen People

- [Songhees First Nation](#)
- [Esquimalt First Nation](#)
- [Beecher Bay \(Sc'ianew\) First Nation](#)
- [Sooke \(T'sou-ke\) First Nation](#)

[Squamish Nation](#)

[Musqueam Nation](#)

[Tsleil-waututh Nation](#)

[Hul'quimi'num Treaty Group](#)

- [Cowichan Tribes](#)
- [Halalt First Nation](#)
- [Penelakut Tribe](#)
- [Lyackson First Nation](#)
- [Lake Cowichan First Nation](#)
- [Chemainus \(Stz'uminus\) First Nation](#)

[Nanaimo \(Snuneymuxw\) First Nation](#)

[Nanoose \(Snaw-Naw-As\) First Nation](#)

[Qualicum First Nation](#)

[K'omoks First Nation](#)

[Campbell River \(Wei Wai Kum\) First Nation](#)

[Cape Mudge \(We Wai Kai\) Nation](#)