



News Release

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Salt Spring Island Local Trust Committee to Get Expanded Role in Water Protection

VICTORIA — On June 11th at its quarterly meeting on Mayne Island, the Islands Trust Council voted to delegate some of its coordinating and advocacy powers to the Salt Spring Island Local Trust Committee (SSILTC). Three readings were given to a delegation bylaw and formal adoption is scheduled for consideration later in June. The bylaw supplements the committee's existing powers for land use regulation by enabling it to take on a formal coordinating role with other agencies to preserve and protect water resources in the Salt Spring Island Local Trust Area.

This is the first time that the Islands Trust Council has delegated additional powers to a local trust committee. The initiative came at the request of the Salt Spring Island Local Trust Committee, which has made watershed management a top priority on its work program, particularly to address water quality issues facing St. Mary Lake, the largest drinking water supply on the island. The move is supported by the Capital Regional District, the North Salt Spring Waterworks District, and the Fernwood, Highland and Highland-Maliview water districts. The agencies are all members of the St. Mary Lake Watershed Working Group, formed last year to address concerns regarding water quality in the lake.

"Due to the complexity of watershed management and overlapping jurisdictions, we need to collaborate and take a long-term approach if we want to improve water quality and do so in an effective manner," said Salt Spring Island Trustee George Grams, who also chairs the St. Mary Lake Watershed Working Group. "The agencies involved in water protection on Salt Spring recognize the need for more coordination and support the local trust committee in taking on a stronger role. What this bylaw means is that the local trust committee can coordinate the work of the many organizations involved in protecting watersheds, monitoring implementation and evaluating the results."

"This is just a first step, but we hope over the long term it will lead to effective solutions for water issues on Salt Spring Island," said Peter Grove, also a Salt Spring Island trustee. "Community volunteers have done some wonderful work in developing watershed management plans, but without a coordinated approach by government agencies, it is difficult for those plans to gain traction. Eventually, I think this will go a long way towards prioritizing activities, consulting with the public, implementing meaningful solutions and keeping everyone informed."

While the SSILTC is already participating in the St. Mary Lake Watershed Working Group, its role in that group has been somewhat limited to work related to its land use planning responsibilities under the *Islands Trust Act*. The committee was also limited in the way it could use staff resources for broader coordination work.

"I'm pleased that the *Islands Trust Act* allows us to develop this innovative approach to a local issue" said Islands Trust Council Chair Sheila Malcolmson, who also chairs the Salt Spring Island Local Trust Committee. "The bylaw makes fairly subtle changes in the local trust committee's powers, but they are important. They allow us to move forward with the collaborative approach that communities have found is so necessary for effective watershed management."

The quality of drinking water in some of Salt Spring Island's lakes has been a longstanding issue of concern for islanders, with environmental, health and economic implications. The Salt Spring Island Local Trust Committee has allocated \$12,550 of its annual funding to the project this fiscal year, which may be supplemented by contributions from other agencies and grant revenues. In future years, the bylaw indicates any new activities requiring more than \$5000 within Trust Council's budget and solely related to the SSILTC's new role would be funded by a special tax levy within the Salt Spring Island Local Trust Area.

The Islands Trust Council is a federation of local government bodies representing 25,000 people living within the Islands Trust Area. The Islands Trust is responsible for preserving and protecting the unique environment of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia

Preserving **Island** communities, culture and environment

Bowen, Denman, Hornby, Gabriola, Galiano, Gambier, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5200 square kilometres.

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Notes:

1. More detailed information is available in Questions and Answers attached.
2. Trust Council's delegation Bylaw 154 can be viewed on Page 60 of the Islands Trust Council's meeting agenda package – see the Islands Trust website at <http://www.islandstrust.bc.ca/uploads/meetings/2013/6/92/package/June%202013%20Trust%20Council%20Decision%20and%20Information%20Items%20Agenda%20Package.pdf>

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Islands Trust

Questions and Answers

Trust Council Bylaw No. 154

(Delegation of powers to assist in the preservation and protection of water resources in the Salt Spring Island Local Trust Area)

June, 2013

What is a “Delegation Bylaw”?

Delegation is the sharing of specific powers by one organization with another -- in this case, from the Islands Trust Council to the Salt Spring Island Local Trust Committee (SSILTC). The *Islands Trust Act* gives specific powers to the Islands Trust Council and indicates that it can delegate some of those powers, by adopting a delegation bylaw. A delegation bylaw must specify the particular powers being delegated. It can also place various restrictions and conditions on the powers that are delegated.

What is the benefit of delegating Trust Council powers to the SSILTC?

All actions that a local government body undertakes must relate to the specific powers given to it by provincial legislation. Local government bodies confine their work and use of resources (including staff time, contractors and expenditures) to those things that are within their jurisdiction. In the case of a local trust committee, the *Islands Trust Act* gives it specific powers that are primarily related to land use planning and regulation within its local trust area. The *Islands Trust Act* also enables a local trust committee to enter into cooperative agreements with other bodies to coordinate actions related to land use planning and regulation.

The Islands Trust Council has broader powers to undertake other types of actions that are not limited only to land use planning and regulation. For example, it can enter into coordination agreements with a wider range of agencies for a wider range of purposes related to the preservation and protection of the Islands Trust Area, and its unique amenities and environment. Trust Council can coordinate the work of other agencies, and assist them in the determining what their policies should be. It can even assist other agencies in implementing and carrying out their policies, where they are related to the preservation and protection of the Islands Trust Area and its unique amenities and environment. Because such ‘coordination and assistance’ is dependent upon the agreement of other agencies, Trust Council can also enter into coordination agreements with a broader range of parties than a local trust committee can.

What Trust Council powers would Bylaw 154 delegate to the SSILTC?

Diagram 1 illustrates the broader jurisdiction of Trust Council and shows how it compares to the powers that would be delegated to the SSILTC by Bylaw 154. As currently written, the draft Bylaw 154 is focused on delegating a small subset of Trust Council’s broad powers to the SSILTC for one purpose only – ‘to preserve and protect the quality and quantity of water resources within the Salt Spring Island Local Trust Area’. For that purpose, the bylaw would delegate the following powers to the SSILTC:

- the power to *coordinate and assist in determining the policies* of regional, improvement district and government of British Columbia agencies.
- the power to *coordinate* regional, improvement district and government of British Columbia agencies in *implementing and carrying out their policies*.
- the power to make recommendations to the provincial cabinet about the acquisition, use and disposition of provincial government land within the Salt Spring Island Local Trust Area.
- the power to make recommendations to the provincial cabinet about provincial policies.

- the power to enter into formal coordination agreements with a variety of agencies (e.g. the CRD, provincial and federal agencies).

What is not being delegated?

Trust Council can only delegate powers that it holds, so it cannot delegate the authority of other agencies, including any of their current regulations, legislation, functions or responsibilities.

Some of the powers that Trust Council holds cannot be delegated to other bodies, so the draft bylaw does not delegate any such powers. For example, Trust Council cannot delegate its authority for taxation.

The draft bylaw does not delegate all of the powers that Trust Council could potentially delegate to other bodies. The following powers are in that category and would NOT be delegated by the draft bylaw:

- The power to hold acquire and dispose of land
- The power to assist in implementing and carrying out of the policies of other agencies.

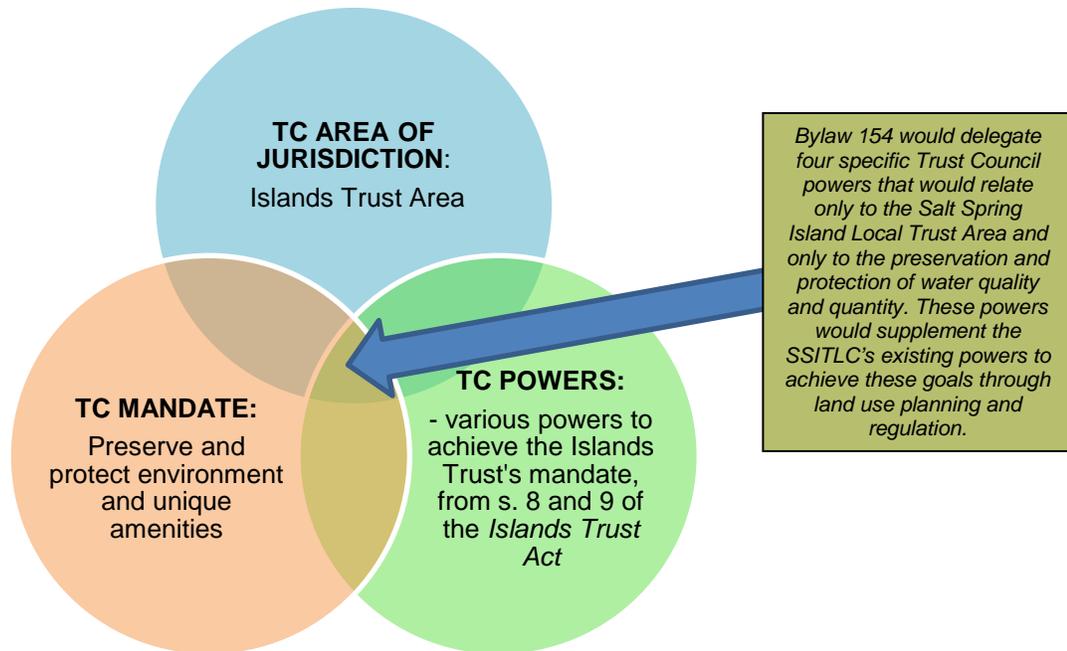


Diagram 1 – Trust Council’s powers vs. those that draft Bylaw 154 would delegate to the SSITLC

Do other agencies transfer their water management responsibility through this bylaw?

No. As noted above, the delegation bylaw only delegates powers that Trust Council currently holds. Those powers would primarily enable the Salt Spring Island Local Trust Committee to act as a coordinating body, assisting and coordinating other agencies as they develop and implement policies to preserve and protect water resources in the Salt Spring Island Local Trust Area. Other agencies are able to enter into inter-agency agreements, and through this bylaw, provincial ministries could make agreements directly with the Salt Spring Island Local Trust Committee (subject to the restrictions above). The Salt Spring Island Local Trust Committee would retain its powers for land use planning and regulation, so in some cases, coordination with other agencies would be related to coordinating other agency actions with the local trust committee's existing powers.

What are some actual examples of things the SSILTC could do if Trust Council adopts draft Bylaw 154?

Here are some things that the SSILTC could spend staff time and resources on if Trust Council adopts the delegation bylaw as currently written:

- Subject to agreements of other agencies, coordinate and assist in the development of policies of those agencies that currently play a role in the management of water resources and watersheds in the Salt Spring Island Local Trust Area.
- Coordinate the work of a group like the St. Mary Lake Watershed Working Group, assisting with meeting logistics (agendas, meeting rooms, minutes, public notices and website information), public consultation and the development of plans and actions that would work to protect watersheds, monitoring implementation and measuring success.

Isn't the SSILTC already involved with the St. Mary Lake Watershed Working Group in this way?

While the SSILTC already participates in the St. Mary Lake Watershed Working Group and has assisted with some of its coordination, this role is currently limited. For example, the SSILTC participation must be related in some way to its land use planning and regulatory function. It is limited in the way it can spend resources or staff time on broader coordination work that, while it could be very helpful to watershed management, is unrelated to the SSILTC's current role in land use planning and regulation.

Which agency currently has the jurisdiction to coordinate the St. Mary Lake Watershed Working Group?

Both the Capital Regional District Board and the Islands Trust Council currently have the power to coordinate the group. The SSILTC is interested in taking on this role because it is based on Salt Spring Island and is familiar with water protection issues specific to Salt Spring Island.

If Trust Council delegates additional powers to the SSILTC, how are new activities funded?

Draft Bylaw 154 indicates that new activities requested by the SSILTC that require expenditures of \$5000 or more and that are solely related to the delegated powers would be funded by a special tax levy that would apply to the Salt Spring Island Local Trust Area. Islands Trust policies indicate that the SSILTC would have to consult with the Salt Spring Island public before the Islands Trust Council would consider such a tax levy. Ultimately, the power to adopt the Islands Trust's annual budget would continue to rest with the Islands Trust Council, and it would take the SSILTC's requests into account.

How could the delegation bylaw help improve water quality on Salt Spring Island?

Due to complexity of water management and overlapping jurisdiction of water and watershed regulators, collaboration between agencies is needed if water quality improvements are to be achieved or maintained in the most effective manner. There is no simple fix that may be implemented by one organization acting in isolation.

Across BC, communities facing similar issues have successfully approached such problems, using a collaborative watershed management perspective that involves cooperation between all the agencies responsible for water quality and quantity. The Salt Spring Island Local Trust Committee is currently working with the Capital Regional District Electoral Area Director (Salt Spring Island) to create a cooperative working organization known as the “St. Mary Lake Watershed Working Group.” This group includes representation from agencies responsible for water management including North Salt Spring Island Water District, Vancouver Island Health Authority, and the ministries of Environment and Health.

The St. Mary Lake Watershed Working Group is in formative stages, modelling itself on examples such as:

- Cowichan Watershed Board
- Nanaimo River Watershed Roundtable
- Shuswap Lake Integrated Planning Process.

Are the activities of St. Mary Lake Watershed Working Group reliant on the Trust Council Delegation Bylaw?

No, the St. Mary Lake Watershed Working Group is comprised of agencies (including the Salt Spring Island Local Trust Committee) that currently have the authority to implement many of the watershed management strategies that may be supported by the Salt Spring Island community. However, the group is a loose organization of equal participants at this stage, and no one organization is coordinating the many actions that need to be taken. Without some coordination, there is the potential for the agencies to inadvertently work at cross-purposes. Or resources may not be focused on the most effective solution. While watershed management is a long-term project, members of the St. Mary Lake Watershed Working Group have no formal commitments to work together over the long term.

It is anticipated that, with the delegated powers, the SSILTC may play a larger role and participate in a broader range of coordination activities, provided the other agencies agree with this approach. This could make it easier for the St. Mary Lake Watershed Working Group to hold meetings, consult with the public, obtain grant funds for scientific studies, use the services of a coordinator, develop a watershed management strategy or contribute to education and incentives aimed at water management and conservation.

Are the other participants of the St. Mary Lake Watershed Working Group in agreement with this approach?

At its last meeting, members of the St. Mary Lake Watershed Working Group indicated an informal consensus that the SSILTC should play a coordinating role in the group’s activities. Several members of the group have provided letters confirming their support. If Trust Council delegates coordination powers to the SSILTC, a more formal written agreement by all St. Mary Lake Watershed Working Group participants about the role of the SSILTC would eventually be necessary.

If Trust Council adopts a delegation bylaw, what are the next steps for the SSILTC?

If Trust Council adopts a delegation bylaw, the SSILTC can then take steps to seek formal coordination agreements with the agencies that can influence water quality and quantity on Salt Spring Island. For example, in regards to St. Mary Lake, it could seek formal agreements and commitments from other agencies to work together to solve problems in the watershed, to contribute funds and to use their jurisdiction in a coordinated manner. The various agencies may wish to formalize their agreement about the terms of reference for the St. Mary Lake Watershed Working Group and assign the SSILTC a coordinating role. The agencies could formalize a long-term commitment to participate in and provide funding to the St. Mary Lake Watershed Working Group. They could adopt a strategy to undertake further research, to identify the best course of action to improve water quality, consult with the public, and undertake various actions to improve water quality. Diagram 2 illustrates some of the primary steps that are anticipated at this time, although Steps 2 and 3 may occur concurrently:

TC delegates coordination and other powers to the SSILTC related to preserving and protecting water resources on Salt Spring Island

SSILTC and other relevant agencies enter into formal coordination agreements, committing to work together over the long term for the preservation and protection of water resources on Salt Spring Island.

SSILTC and other relevant agencies work in a coordinated way to identify a strategy, adopt a work plan, identify funding sources, carry out activities, and measure their progress in preserving and protecting water resources. Initially, work would likely focus on the work of one group, such as the St. Mary Lake Watershed Working Group.

Diagram 2 – Overview of ‘Next Steps’ if Trust Council adopts draft Bylaw 154