

LETTER OF UNDERSTANDING
between
BC ASSETS AND LAND CORPORATION
and
ISLANDS TRUST
concerning
**THE USE AND PROTECTION OF CROWN LAND RESOURCES THROUGH BALANCING
LOCAL AND PROVINCIAL INTERESTS**

This Letter of Understanding develops an ongoing consultative process between Islands Trust and the BC Assets and Land Corporation offices to co-ordinate respective roles related to Crown lands within the Islands Trust Area.

1.0 PURPOSES

- 1.1 Develop processes for decision-making that are based on principles of administrative fairness, accountability, and effectiveness that treat all parties equally and fairly.
- 1.2 Share land use and resource information and mapping resources in a co-ordinated and mutually supportive manner.
- 1.3 Establish a process for communication between agencies at each level of review and/or decision-making.
- 1.4 Define a process of early consultation of each agency's policy initiatives or review including: a) the Islands Trust Policy Statement; Official Community Plans and Land Use Bylaws; and b) Guidelines and Regulations under the *Land Act, Ministry of Lands, Parks and Housing Act*, and the delegation agreement between BC Assets and Land Corporation and Ministry of Environment, Lands and Parks.

2.0 PRINCIPLES

Both parties acknowledge the respective legislative mandate of the other party and agree to the following:

- 2.1 "The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." (sec.3 *Islands Trust Act*). In order to accomplish the object, Trust Council may make recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition of Crown land situated within the Trust Area.
- 2.2 The BC Assets and Land Corporation is a Crown corporation responsible for managing and allocating provincial Crown land and assets in the interest of the province for industrial, commercial, settlement, recreation and conservation uses. Through delegation by the Minister of Environment, Lands and Parks, BC Assets and Land Corporation manages tenure applications, renewals and the sale of Crown land, and considers a broad range of interests to determine the best possible use of the land.

3.0 OBJECTIVES Specific objectives of this agreement are to:

- 3.1 Provide an effective communication process that is reasonable and fair to all parties.
- 3.2 Coordinate the inter-agency processes by which information is communicated and decisions are made.
- 3.3 Standardize the process for communications and decision-making within each agency.
- 3.4 Endorse a process for resolving disagreements on decisions.

4.0 COMMUNICATION

The following guidelines are endorsed for routine consultation between BC Assets and Land Corporation and Islands Trust on matters of mutual concern.

- 4.1 An annual meeting of senior officials, called by either the Executive Director of Islands Trust or the Chief Executive Officer of the BC Assets and Land Corporation, shall be held at the beginning of the fiscal year to discuss initiatives, agency directions and items of mutual concern.
- 4.2 When BC Assets and Land Corporation or when Islands Trust propose a planning program, the initiating agency shall refer the terms of reference and invite early consultation.
- 4.3 The agencies may enter into joint planning studies.
- 4.4 BC Assets and Land Corporation agrees to refer any proposed changes to the status of an Islands Trust map reserve to the Islands Trust for comment within 30 working days of any decision on a change.
- 4.5 Islands Trust planning staff shall consult with the Trust Fund Board and respond to BC Assets and Land Corporation referrals concerning a proposed use of Crown land within 30 days of receipt of the referral unless more time is needed and agreed to.

5.0 CO-ORDINATION OF ISLANDS TRUST PROCESSES

5.1 Major Review of Official Community Plans (OCP)

There are three stages of referrals:

- 1. **Notice stage** that a planning process is to begin;
- 2. **Draft stage** of the documents to be reviewed; and
- 3. **Bylaw stage** for final recommendation. For all the referral timelines suggested below, it is recognized that this agreement represents best effort for meeting deadlines and that in specific cases, there may be good reason to agree to modify the process.

5.1.1 Notice stage

- a. When an OCP is proposed, the terms of reference and boundary will be referred to the appropriate Regional Manager of BC Assets and Land

Corporation at least 30 working days before the public meeting to launch the OCP program.

- b. BC Assets and Land Corporation, Regional Manager or designate will return comments within 30 working days from the referral unless more time is needed and agreed to. Comments will include a listing of special interests, concerns, information, or research conducted by BC Assets and Land Corporation that may assist the OCP process.

5.1.2 Draft stage

- a. Whenever possible, should a major community concern develop over an issue involving Crown land BC Assets and Land Corporation Regional Manager will designate a staff person to work with Trust staff on the issues.
- b. First draft plan with maps; and subsequently the final draft plan, maps, special projects, and appendices will be sent to BC Assets and Land Corporation Regional Manager or designate for comments pertaining to its mandate. At each stage, comments are requested within 30 working days and, where useful, a meeting to review the draft will be arranged between agency staff.

5.1.3 Bylaw stage

- a. The bylaw for an Official Community Plan together with a description of changes made from the last draft shall be referred to BC Assets and Land Corporation Regional Manager or designate at least ten working days prior to advertising a Public Hearing. At this point there should not be outstanding items and the final review should be accomplished easily within the 10 working days.
- b. Where there are outstanding concerns not satisfactorily addressed by the final OCP, BC Assets and Land Corporation Regional Manager or designate will request a meeting as provided for in Section 7.0 of this agreement to be held within 20 days.
- c. A certified copy of the adopted bylaw will be sent to the BC Assets and Land Corporation Regional Manager if the bylaw involves Crown land.

5.2 Amendments to Regulating Bylaws

- a. After first reading and at least 30 working days prior to advertising for public hearing, bylaws affecting Crown lands will be referred to BC Assets and Land Corporation Regional Manager, or designate for comment.
- b. When BC Assets and Land Corporation Regional Manager, or designate, has a major concern over a proposed bylaw amendment, staff will consult directly to determine how concerns may be addressed.
- c. Comments received from BC Assets and Land Corporation related to its mandate will be made available to the public at the public hearing.

- d. A certified copy of the adopted bylaw will be sent to the BC Assets and Land Corporation Regional Manager.

5.3 Policy Statement Amendments

- a. When changes are proposed for the Islands Trust Policy Statement that may affect Crown lands, a letter of intent with a description of the topic areas will be referred to BC Assets and Land Corporation, Director of Land Program Services.
- b. Drafts of the bylaw amendments will be referred to BC Assets and Land Corporation, Director of Land Program Services or designate, for comment at least 20 working days before consideration by the Executive Committee of Islands Trust Council.
- c. When the BC Assets and Land Corporation, Director of Land Program Services, or designate, has a major concern over a proposed bylaw amendment, the Executive Director, or designate, will consult directly to determine how concerns may be addressed.
- d. After first reading of the bylaw amending the Trust Policy Statement, it will be referred to the BC Assets and Land Corporation, Director of Land Program Services for comment.
- e. A certified copy of the adopted bylaw will be sent to the to BC Assets and Land Corporation, Director of Land Program Services.

6.0 CO-ORDINATION OF BC ASSETS AND LAND CORPORATION PROCESSES

6.1 Crown Land Applications and Sales

This category includes Crown land referrals for new applications and sales as well as any applications to change the use of existing tenures.

- a. BC Assets and Land Corporation shall provide a referral, including a sketch of the proposed use, dimensions of the tenure and any structures and proposed working plans, to the Islands Trust for referral to the appropriate local trust committee for comment. Where Islands Trust staff identify a concern relating to the mandate, and agency comments are relevant to that concern, a list of referral agencies will be provided upon request.
- b. The Islands Trust will consult with the Trust Fund Board and send, within 30 working days unless otherwise agreed upon, to the designated BC Assets and Land Corporation staff, comments regarding zoning, land use, compliance with existing bylaws, and any others related to the mandate of the Islands Trust.
- c. Where a local concern has been identified, and upon request of Islands Trust staff, BC Assets and Land Corporation may make available to the Islands Trust specific agency responses or public comments related to that concern. BC Assets and Land Corporation staff may ensure the initiator of the response

or comment consents to have their comments released. The Islands Trust will have 10 days upon receipt of these comments to respond if desired.

- d. When projects are subject to rezoning the Crown land applicant will be directed to the Islands Trust office for the proper rezoning process.
- e. BC Assets and Land Corporation will notify the relevant Islands Trust planner when an offer for private sale of Crown land is made or when staff is consulted by an agency on an intended transfer.
- f. Where the Islands Trust has a concern, the Trust staff will meet with the designated BC Assets and Land Corporation staff to address the concern.
- g. If a matter cannot be resolved at this stage, staff may implement Section 7 of this Agreement.
- h. Upon cancellation of a map reserve in favour of another Provincial agency, the BC Assets and Land Corporation staff will advise the appropriate Islands Trust staff. In the event that the map reserve is for UREP or environmental protection, the Islands Trust Corporate Secretary will be notified prior to cancellation.

6.2 Replacement Tenures

- a. BC Assets and Land Corporation will identify for the Islands Trust by the annual consultation meeting referred to in Clause 4.0, all *Land Act* tenures (including commencement dates, terms, and terminations) existing within the Trust Area. This material will be provided in digital format suitable for Islands Trust's and Ministry of Environment, Lands and Parks' GIS platforms, if available.
- b. Where Islands Trust land use processes have identified a concern or conflict over a Crown land tenure, the staff will notify the BC Assets and Land Corporation staff of its specific concern about one year prior to the expiration of the tenure.
- c. BC Assets and Land Corporation will refer renewals of existing tenures where there is a proposal to change the use of the tenure to the Islands Trust.

6.3 Trespass Concerns

- a. BC Assets and Land Corporation will consider investigation of trespass upon written request of the Islands Trust expressing specific concerns.
- b. BC Assets and Land Corporation and Islands Trust may agree to proceed jointly on an enforcement matter.
- d. If a matter cannot be resolved at this stage, either the Executive Director, or designate, of Islands Trust, or the Chief Executive Officer of the BC Assets and Land Corporation, or designate, may implement Section 7 of this Agreement.

7.0 RESOLUTION OF DISAGREEMENTS

- 7.1 Either BC Assets and Land Corporation or Islands Trust may request a meeting to discuss concerns not satisfactorily addressed prior to a decision being made.
- 7.2 A mutually agreed to meeting may be held within 21 working days of the request, if possible, prior to a final decision being made.
- 7.3 The meeting will be arranged with the planning staff where possible, or with BC Assets and Land Corporation management and Islands Trust management if necessary.
- 7.4 Where the above process is not successful, both the BC Assets and Land Corporation and Islands Trust shall demonstrate that all efforts have been made to resolve the issue. The decision under contention will be postponed for an additional 21 working days to provide either party the option of initiating Ministerial discussion of the issue.

8.0 TERMS OF AGREEMENT

- 8.1 From time to time the Executive Director of the Islands Trust and the Director, Land Program Services, BC Assets and Land Corporation, may amend this agreement upon mutual agreement.
- 8.2 This agreement may be reviewed by both parties at the annual meeting.
- 8.3 This agreement may be terminated within 30 days upon written notice of either party.
- 8.4 It is recognized that both parties will provide reasonable effort within the limits of their resources to implement this agreement on the basis that:
 - upon proper notification and follow-up, by the initiating agency, either agency may assume that no response is an indication that the other agency does not have an objection to the proposed matter; and
 - neither party may assign responsibilities to the other.

SIGNED THIS 2 DAY OF Nov. 1999

SIGNED THIS 16 DAY OF Nov. 1999



Gordon McIntosh
Executive Director
Islands Trust



Cassie Doyle
Chair, President and Chief Executive Officer
BC Assets and Land Corporation