

ISLANDS TRUST COUNCIL
BYLAW NO. 45

A bylaw to adopt a Protocol with the Forest Land Commission

WHEREAS pursuant to Section 9(1) of the *Islands Trust Act* the Trust Council may, for the purpose of carrying out the object of the Trust, on its own behalf or on behalf of one or more local trust committees, enter into agreements with one or more of the government of British Columbia; the government of Canada, an agent of the government of British Columbia or Canada; or a municipality, regional district or board of school trustees, respecting the coordination of activities within the Trust Area;

NOW THEREFORE the Islands Trust Council, in open meeting assembled, enacts as follows:

Citation

1. This bylaw may be cited for all purposes as "Islands Trust Council Forest Land Commission Protocol Bylaw No. 45, 1997."

Protocol

2. The protocol agreement attached as Schedule "A" and entitled "Forest Land Commission Protocol" is approved pursuant to Section 9(1) of the *Islands Trust Act*.

Severability

3. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

READ A FIRST TIME this 7th day of March, 1997
READ A SECOND TIME this 7th day of June, 1997
READ A THIRD TIME this 7th day of June, 1997
READ A THIRD TIME AS AMENDED this 19th day of September, 1997
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING this
10th day of December, 1997
ADOPTED this 6th day of February, 1998


Chairperson


Secretary

ISLANDS TRUST COUNCIL BYLAW NO. 45

SCHEDULE "A"

PROTOCOL AGREEMENT

ON

FOREST LAND USES IN THE ISLANDS TRUST AREA

BETWEEN:

PROVINCIAL FOREST LAND COMMISSION

AND:

ISLANDS TRUST

WHEREAS:

Pursuant to Section 3 of the *Islands Trust Act*, the legislated 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 the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations, and the government of the Province;

Pursuant to Section 9(1) of the *Islands Trust Act*, for the purpose of carrying out the object of the Trust, the Islands Trust Council may, subject to the approval by the Minister of Municipal Affairs and Housing, enter into agreements with the Province and agents of the Province respecting the coordination of administrative activities within the Trust Area;

The ISLANDS TRUST, through the following corporate entities is responsible for:

Trust Council - making recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the Crown in right of the Province of land situated within the Trust Area, establishing general policies to carry out the object of the Trust, ensuring proposed local planning activities comply with the Trust object and Policy Statement;

Trust Fund Board - acquiring and holding land in perpetuity to protect significant environmental sites and features; and

Local Trust Committees - providing local land use planning and regulation in accordance with the object of the Trust and responding to the concerns of island residents and property owners;

The Forest Land Commission (the Commission) has a legislated mandate to minimize the impact of urban development and rural area settlement on forest reserve land, and to protect a commercial forest land base for the growing and harvesting of trees and other forest values. The Commission administers applications under the *Forest Land Reserve Act* for removal, addition, subdivision and special use of land within the reserve. Forest Land Reserves form part of the unique amenities of the Trust Area.

Both the Commission and the Islands Trust share responsibility for the protection of the forest land base and the continuance of forestry activities in the Trust Area.

Both the Commission and the Islands Trust recognize that land use planning issues related to forestry uses are complex, often transcending political boundaries, and thus require coordinated responses from the parties;

AND WHEREAS:

Both parties recognize the need to clarify:

1. the Commission's responsibility for land within or proposed for the Forest Land Reserve in the Trust Area;
2. local trust committee responsibility for land use planning and regulations in the Trust Area; and
3. the Islands Trust's responsibility to preserve and protect unique amenities and the environment of the Islands Trust Area.

THEREFORE:

In order to enhance their respective abilities to achieve their mandates within the Trust Area in a manner which is respectful of each agency's jurisdiction, the Commission and the Islands Trust are committed to enter into an administrative Letter of Understanding between the Chief Officer of the Forest Land Commission and the Executive Director of the Islands Trust that will:

1. develop procedures to promote a consultative process on issues of common interest;
2. set out a process by which consultation will take place; and
3. identify those issues that should be the subject of consultation;

ADMINISTRATION OF PROTOCOL

The key contacts for administering this Protocol are the:

2. set out a process by which consultation will take place; and
3. identify those issues that should be the subject of consultation;

ADMINISTRATION OF PROTOCOL

The key contacts for administering this Protocol are the:

Executive Director - Islands Trust
Chief Officer - Forest Land Commission

TERMS OF PROTOCOL

The parties may agree to amend or terminate this Protocol at any time.

1. ASSENTED TO THIS 9 DAY OF October 1997 BY:



Alan Chambers
Chairperson, Forest Land Commission



David Essig
Chairperson, Islands Trust

2. APPROVED, PURSUANT TO SECTION 9(1) OF THE *ISLANDS TRUST ACT*,

THIS 10TH DAY OF DECEMBER 1997 BY:



The Honourable Michael Farnworth
Minister of Municipal Affairs and Housing

APPROVAL NO. 970408