



Trust Programs Committee Agenda

Date: Friday, January 22, 2021
Time: 10:00 am - 12:00 pm
Location: Electronic Zoom Meeting

Pages

1. CALL TO ORDER
2. APPROVAL OF AGENDA
 - 2.1. New Items and Re-Ordering of the Agenda
 - 2.2. Approval of Agenda
3. TOWN HALL AND DELEGATIONS
4. ADOPTION OF MINUTES/COORDINATION
 - 4.1. Minutes of Meeting
 - 4.1.1. Trust Programs Committee Minutes of November 5, 2020 3 - 9
 - 4.2. Resolutions Without Meeting
 - 4.2.1. TPC RWM-2020-05 10 - 10
 - 4.3. Follow Up Action List
Will be provided at the next meeting
5. TRUST COUNCIL BUSINESS
 - 5.1. Questions for trustees regarding themes that have been emerging during discussion of the Policy Statement Amendment Project - RFD 11 - 17
6. BUSINESS
None
7. NEW BUSINESS
8. CORRESPONDENCE
None
9. WORK PROGRAM
 - 9.1. Trust Programs Committee Work Program
Will be provided at the next meeting

10. NEXT MEETING

Friday, February 5, from 9:00 am to 2:00 pm

11. ADJOURNMENT

*Approximate time is provided for the convenience of the public only and is subject to change without notice.



Trust Programs Committee Minutes of a Regular Meeting

Date: November 5, 2020
Location: Electronic Meeting

Members Present: Deb Morrison, North Pender Island Local Trustee (Chair)
Scott Colbourne, Gabriola Island Local Trustee (Vice Chair)
Paul Brent, Saturna Island Local Trustee
David Critchley, Denman Island Local Trustee
Doug Fenton, Thetis Island Local Trustee
Michael Kaile, Bowen Island Municipal Trustee
Kees Langereis, Gabriola Island Local Trustee
Benjamin McConchie, North Pender Island Local Trustee
Timothy Peterson, Lasqueti Island Local Trustee
Dan Rogers, Gambier Island Local Trustee (EC Representative)
Peter Luckham, Islands Trust Council Chair (Ex Officio)

Staff Present: Clare Frater, Director, Trust Area Services
Dilani Hippola, Senior Policy Advisor
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Gillian Nicol, Program Coordinator
Robert Barlow, Legislative Services Clerk/Recorder

Members of the Public None

1. CALL TO ORDER

The meeting was called to order at 10:00 a.m. Chair Morrison acknowledged with respect that attendees of the meeting are able to gather in locations across the Coast Salish First Nations traditional and treaty territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

The following additions were presented for consideration:

- Item 8.1 – Correspondence from Rural Islands Economic Partnership Board to Islands Trust re: Salish Sea Forum
- Item 8.2 – Correspondence from Capital Regional District to Trust Programs Committee re: Southern Gulf Islands Forum – CRD Participation
- Item 8.3 – Correspondence from Trustee Steve Wright to Trust Programs Committee re: Use of the Word “Amenity”
- Item 8.4 – Correspondence from Wayne Quinn to Trustees Paul Brent and Lee Middleton re: Islands Trust Core Object Amendment and Community Stewardship Awards Program

2.2 Approval of Agenda

By general consent the agenda was approved as amended.

3. TOWN HALL AND DELEGATIONS

None

4. ADOPTION OF MINUTES/COORDINATION

4.1 Minutes of Meeting

4.1.1 Trust Programs Committee Minutes of October 20, 2020

By general consent the Trust Programs Committee Minutes of October 20, 2020, were adopted as presented.

4.2 Resolutions Without Meeting

None

4.3 Follow Up Action List

Director Frater provided an update about the items that are currently in progress.

4.4 Trust Programs Committee 2021 Meeting Schedule

TPC-2020-061

It was **MOVED** and **SECONDED**,

that Trust Programs Committee request the Gabriola Island Local Trust Committee amend their tentative schedule by moving their April 8, 2021 meeting date to avoid a conflict with the Trust Programs Committee adopted meeting of the same date.

CARRIED

5. ECOSYSTEM-BASED MANAGEMENT TRAINING SESSION

Committee members, along with other Trustees, participated in a training session on the topic of Ecosystem-Based Management led by Tine Rossing of Ecolibrio Consulting.

The meeting recessed at 12:00 noon and resumed at 12:31 p.m. Trustee McConchie did not return to the meeting.

6. TRUST COUNCIL BUSINESS

6.1 Policy Statement Amendment Project Charter Version 3 - RFD

Senior Policy Advisor Hippola introduced the Request For Decision. The revised project charter includes an updated timeline.

TPC-2020-062

It was MOVED and SECONDED,

that Trust Programs Committee recommend that Executive Committee approve the Policy Statement Amendment Project Charter Version 3.

CARRIED

6.2 Policy Statement Amendment Project Update - Briefing

Senior Policy Advisor Hippola introduced the Briefing that has identified questions for the Committee in regards how best to frame a discussion regarding the Policy Statement Amendment Project at the December Trust Council meeting. .

Discussion included:

- What does the Committee wish Trust Council to discuss or decide?
- Should it be simply to invite open discussion?
- What does “unique amenities” mean in the context of the Policy Statement Amendment Project?
- What does “unique amenities” not include?
- Framing a specific question may limit discussion and it may focus the discussion.
- What does “sustain island character and healthy communities” mean?
- Should Climate Change, Housing and Reconciliation be the focus of the discussion?
- Trust Council will likely find any recommendations from the Committee to be helpful.
- Next step is to provide to the public the What We Learned report.
- A draft bylaw will be presented at a Committee meeting early next year.

6.3 Incorporating Missing and Murdered Indigenous Women and Girls Calls for Justice (MMIWGCFJ) into Policy Statement Amendments - Briefing

Senior Intergovernmental Policy Advisor Wilcox introduced the Briefing that has been provided to the Executive Committee. This initiative stems from the Union of BC Municipalities asking local government to review the MMIWGCFJ. The Executive Committee adopted six recommendations in this regard on October 21, 2020. These recommendations could be used as values and guiding principles in work on housing, advocacy, infrastructure, transportation and communication. The Reconciliation working group will be addressing the referred Calls For Justice.

By general consent the order of business was changed to address item #7.3 before #7.1.

7. BUSINESS

7.3 Secretariat Services to Regional Forums - RFD

This agenda item is continued from the October 20, 2020 meeting, to review previously considered opportunities for secretariat support for regional forums in the Islands Trust Area. Discussion involved the following points:

- The request for support for the Southern Gulf Islands initiative and the Coastal Douglas-fir Conservation Partnership.
- Should secretariat support be for forums that cover all of the Trust Area?
- Do these forums have other sources of support?
- Should secretariat support be for forums that are well established and/or initially forming?
- Can secretariat support be for only one meeting?

Chair Morrison left at 1:32 p.m. and Vice Chair Colbourne assumed the Chair.

TPC-2020-063

It was MOVED and SECONDED,

that Trust Programs Committee allocate \$3,000 to initiate the Southern Gulf Islands Regional Forum.

CARRIED

TPC-2020-064

It was MOVED and SECONDED,

that Trust Programs Committee allocate \$800 to support the coordination of the Coastal Douglas-fir Conservation Project.

CARRIED

Director Marlor joined the meeting at 1:54 p.m.

7.1 Ministry of Transportation and Infrastructure (MOTI) Road Standards - Briefing

Director Marlor spoke to the briefing, noting that the current Letter of Understanding with MOTI limits various planning features that local trust committees (LTCs) would like to see in their communities such as road calming, options for alternative transportation, and heritage protection concerns. Any change to the agreement will require support from the Ministry of Municipal Affairs and Housing. Issues related to road size, jurisdiction, public guidelines, and ability for Islands Trust to enter into a Licence of occupation agreement were discussed. Road standards are province-wide and may not be suitable for the Islands Trust Area.

TPC-2020-065

It was MOVED and SECONDED,

that Trust Programs Committee request staff to investigate options for a joint review with the Ministry of Transportation and Infrastructure of road standards, incorporating the Climate Change Declaration and the Reconciliation Declaration, and report back to Trust Programs Committee.

CARRIED

7.2 Climate Change Stewardship Education Program - RFD

Director Frater presented the RFD, indicating that the recommendations would further efforts to advance stewardship education in the Trust Area. It was noted that there were numerous land transactions in the Trust Area in the current year that has resulted in many new landowners who may not be aware of Islands Trust. Director Frater suggested that the annual property tax assessment notices will also be a means to send information to property owners in the future.

Chair Morrison returned at 2:40 p.m.

TPC-2020-066

It was MOVED and SECONDED,

that Trust Programs Committee direct staff to develop a project charter for a "Living in the Islands Trust Area" program.

CARRIED

Director Frater also noted that the webinar education program conducted this year was well received and that there is a desire for similar webinars with an indigenous perspective.

TPC-2020-067

It was MOVED and SECONDED,

that Trust Programs Committee recommend to Executive Committee that they undertake an extension to the climate change speaker series with an Indigenous perspective.

CARRIED

7.4 Amending the Policy Statement Amendment Policy 1.2.1 - RFD

Trustee Peterson presented his Trustee RFD, indicating that he would like to do further work on developing an RFD which he intends to bring forward to the March 2021 Trust Council meeting.

TPC-2020-068

It was MOVED and SECONDED,

that Trust Programs Committee request staff to work with Trustee Peterson to refine the Amending the Policy Statement Amendment Policy 1.2.1. RFD, and bring it back to Trust Programs Committee before the March, 2021 Trust Council meeting.

CARRIED

8. NEW BUSINESS

8.1 Rural Islands Economic Partnership re: Salish Sea Forum - letter dated November 2, 2020

Not presented. Received for information.

8.2 CRD re: Southern Gulf Islands Forum – CRD Participation - letter dated November 2, 2020

Not presented. Received for information.

8.3 Local Trustee Steve Wright re: Use of the Word “Amenity” - letter dated November 3, 2020

Not presented. Received for information.

8.4 Wayne Quinn re: Islands Trust Core Object Amendment and Community Stewardship Awards Program - letter dated November 4, 2020

TPC-2020-069

It was MOVED and SECONDED,

that Trust Programs Committee remove the correspondence from Wayne Quinn from the agenda.

CARRIED

9. CORRESPONDENCE

None

10. WORK PROGRAM

10.1 Trust Programs Committee Work Program

By general consent the Work Program is accepted as presented.

11. NEXT MEETING

The next scheduled meeting will take place on Friday, February 5, 2021 from 9:00 a.m. to 1:00 p.m.

12. ADJOURNMENT

By general consent the meeting was adjourned at 3:02 p.m.

Deb Morrison, Chair

Certified Correct:

Robert Barlow, Legislative Services Clerk/Recorder

TRUST PROGRAMS COMMITTEE
RESOLUTION WITHOUT MEETING

RESOLUTION WITHOUT MEETING NO. RWM-2020-05

The following matter is considered urgent and necessary in order to respond to Trust Council Resolution 2020-18: That Trust Council request the Trust Programs Committee to prepare questions for trustees regarding themes that have been emerging during discussion of the Policy Statement Amendment Project, with the responses to be provided to the Trust Programs Committee no later than the end of January, 2021.

**It was Moved by Trustee Langereis and Seconded by Trustee Rogers,
that Trust Programs Committee convene a special electronic meeting on Friday, January 22, 2021,
from 10:00 a.m. to noon.**

<u>TRUSTEES CONTACTED</u>	<u>DATE VOTE RECEIVED</u>	<u>VOTE</u>
Deb Morrison	December 18, 2020	In Favour
Paul Brent	December 18, 2020	In Favour
David Critchley	December 18, 2020	In Favour
Doug Fenton	December 18, 2020	In Favour
Michael Kaile	December 18, 2020	In Favour
Kees Langereis	December 18, 2020	In Favour
Timothy Peterson	December 18, 2020	In Favour
Dan Rogers	December 18, 2020	In Favour

TRUSTEES NOT CONTACTED
Scott Colbourne
Benjamin McConchie

FINAL VOTE COUNT	8	<u>IN FAVOUR</u>
	0	<u>OPPOSED</u>

THE CHAIR DECLARED THE ABOVE RESOLUTION CARRIED PURSUANT TO SECTION 13 OF THE *ISLANDS TRUST ACT* ON January 7, 2021.

CHAIR'S SIGNATURE

RECORDER'S SIGNATURE



REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** January 22, 2021
From: Trust Area Services **Date Prepared:** January 15, 2021
SUBJECT: Policy Statement Amendment Project – Early Questions for Trustees

RECOMMENDATION: That Trust Programs Committee request the Chair of Trust Programs Committee to send the memorandum with questions to trustees, as drafted, requesting responses by January 31, 2021.

- 1 PURPOSE:** To provide Trust Programs Committee (TPC) with a draft memorandum and questions to send via email to trustees, soliciting feedback that can inform the Policy Statement amendment drafting process beginning in February 2021, the February 5th TPC meeting, and the March Trust Council discussion on this topic.
- 2 BACKGROUND:** At the December 2020 Trust Council, Trustee Wright brought forward several motions related to the Policy Statement Amendment Project (Attachment 2). As trustees had not been given the motions or rationale ahead of time, it was felt that more time would be needed to provide informed and considered responses to the proposed motions. The motions were therefore deferred to the March 2021 Trust Council meeting, where a full day discussion around the Policy Statement Amendment Project will occur.

However, Trust Programs Committee (TPC) Chair Morrison highlighted that it would be useful for staff and TPC members to have earlier written feedback from trustees on some of the questions reflected in Trustee Wright's motions. These questions have been the subject of much discussion amongst TPC members and working groups engaged in the Policy Statement Amendment Project over the last six months. In discussions, trustees highlighted questions around "unique amenities", including its definition and scope. Further discussion on this topic would be helpful to understand how policies can ensure that priorities for community align with the preservation and protection of environmental values and cultural heritage. This feedback could assist staff in more accurately gauging the will of Trust Council on certain topics as they begin the amendment drafting process. In order for this feedback to inform the February 5th meeting of Trust Programs Committee and the March Trust Council agenda, a deadline of the end of January 2021 was proposed for this written feedback.

At the December 2020 meeting, Trust Council resolved:
"That Trust Council request the Trust Programs Committee to prepare questions for trustees regarding themes that have been emerging during discussion of the Policy Statement Amendment Project, with the responses to be provided to the Trust Programs Committee no later than the end of January, 2021." (TC-2020-108)

A draft memorandum from TPC to trustees, including background context and three questions for early written feedback, is attached for TPC's review (Attachment 1).

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Finalizing and sending the memorandum by email and collating the results will take three to five hours of staff time. This initiative fits within the assigned work program.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Following Trust Program Committee's approval of the draft memorandum, staff will work with the TPC Chair to send the final memorandum by email to members of Trust Council. Responses received by January 31 will be added as a late agenda item to the February 5 TPC agenda package.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY: Policy Statement Amendment Policy (1.2.1)

5 ATTACHMENTS:

1. Draft Memorandum with Questions for Trustees
2. Trustee Wright's December 2, 2020 Motions/Rationale Submission

RESPONSE OPTIONS

Recommendation: That Trust Programs Committee request the Chair of Trust Programs Committee to send the memorandum with questions to trustees, as drafted, requesting responses by January 31, 2021.

Alternative: That Trust Programs Committee request the Chair of Trust Programs Committee to send the memorandum with questions to trustees, as amended.

Prepared By: Dilani Hippola, Senior Policy Advisor

Reviewed By/Date: Lisa Wilcox, Senior Intergovernmental Policy Advisor / Jan 14, 2021
Clare Frater, Director, Trust Area Services / Jan 15, 2021

MEMORANDUM

To:	Trustees	For the Meeting of:	N/A
From:	Trust Programs Committee	Date Prepared:	January 22, 2021
SUBJECT:	Policy Statement Amendment Project – Early Questions for Trustees		

PURPOSE:

To solicit responses from all trustees on the following key questions pertaining to the Policy Statement Amendment Project. **Deadline: January 31, 2021 for responses via email to Dilani Hippola at dhippola@islandstrust.bc.ca**

The *Islands Trust Act* sets out that:

“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”.

- 1) How would you define the “unique amenities” that are to be preserved and protected in the Islands Trust Area?
- 2) How do you feel that Islands Trust ecosystem preservation and protection policies relate to policies primarily about community need (e.g. affordable housing)? Please explain.
- 3) Broadly speaking, would you like to see more mandatory directive policies in the Policy Statement? If so, are there particular topics where you would support more specific or explicit direction to local trust committees / island municipalities? ¹

BACKGROUND:

December Trust Council – A Request for Response via Email

At the December 2020 Trust Council, Trustee Wright brought forward several motions related to the Policy Statement Amendment Project (see Attachment 1). As trustees had not been given the motions or rationale ahead of time, it was felt that more time would be needed to provide informed and considered responses to the proposed motions. The motions were therefore deferred to the March 2021 Trust Council meeting, where a full day discussion around the Policy Statement Amendment Project will occur.

¹ A November 2000 legal opinion commented on the possibility of changing the language of current directive policies (that local trust committees and island municipalities shall “address” certain matters in their plans and regulatory bylaws) to a more mandatory requirement that they include those matters in their regulatory bylaws. The intent here would be to provide more definite policy direction to the local trust committees and island municipalities, such that particular subjects are addressed in a specific way or to a specific effect. Inherent in the choice of wording for policies of this nature is a choice as to how much leeway Trust Council wishes to leave to local trust committees and island municipalities in implementing the Islands Trust Policy Statement and, indirectly, the object of the Islands Trust. The full 2000 legal opinion is available to trustees upon request.

However, Trust Programs Committee (TPC) Chair Morrison highlighted that it would be useful for staff and TPC members to have earlier written feedback from trustees on some of the questions reflected in Trustee Wright's motions. These questions have been the subject of much discussion amongst TPC members and working groups engaged in the Policy Statement Amendment Project over the last six months. Chair Morrison specifically highlighted questions around the scope of "unique amenities" and how community-oriented policies balance with environmentally-oriented policies and preservation and protection of heritage as areas where feedback from trustees would be especially helpful. This response to questions and focused dialogue could assist staff in the drafting process ensuring amendments are reflective of Trust Council discussions and input received from constituents and First Nations. In order for responses to inform the February 5th meeting of Trust Programs Committee and the March Trust Council agenda, a deadline of the end of January, 2021 is proposed.

At the December 2020 meeting, Trust Council resolved:

"That Trust Council request the Trust Programs Committee to prepare questions for trustees regarding themes that have been emerging during discussion of the Policy Statement Amendment Project, with the responses to be provided to the Trust Programs Committee no later than the end of January, 2021." (TC-2020-108)

TPC has drafted three questions for early trustee feedback based on the discussion at the December Trust Council meeting and Trustee Wright's motions/submission. Early feedback on these three questions will assist staff in preparing for a more fulsome and productive discussion for the March 2021 Trust Council meeting. Some context on the discussions that have occurred within Trust Programs Committee and its working groups is provided below.

TPC Policy Statement Amendment Project (PSAP) Working Groups:

In May 2020, Trust Programs Committee (TPC) initiated an internal review of the [Islands Trust Policy Statement](#) by establishing three working groups on the priority lenses of Reconciliation, Climate Change and Housing.

In recent months, the TPC Working Group on Reconciliation has been focused on how the Policy Statement should be amended to acknowledge the treaty and territorial areas of First Nation governments. Key concerns that reflected the engagement with First Nations included: acknowledgement of treaty and territorial lands and waters; preservation and protection of cultural heritage and sacred sites; and collaborative decision making and engagement processes. Upon review of the Policy Statement, it was clear that the priorities related to the preservation of cultural heritage, ensuring inherent right through harvesting, marine shoreline protection, and protection of culturally significant species and ecosystems would need to be part of this amendment process. The engagement process with First Nations demonstrated that Islands Trust must ensure that documents that guide its decision making processes are reflective of reconciliation and recognition.

As well, the Reconciliation working group has investigated how the Policy Statement has changed over time, reviewed opportunities for advocacy, and examined ways to align the guiding principles of reconciliation into the Policy Statement. Throughout this work, the Reconciliation working group members have looked to the guiding principles set out in the foundation documents listed below:

- the UN Declaration on the Rights of Indigenous Peoples (UNDRIP);
- the BC *Declaration on the Rights of Indigenous Peoples Act* (DRIPA);
- the Truth and Reconciliation Commission (TRC) Calls to Action; and
- the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice.

Within the other two TPC Working Groups on Climate Change and Affordable Housing, a preliminary review of the Policy Statement has brought to light some fundamentally different interpretations of the Trust Object and the scope of "unique amenities", as noted in [Section 3 of the Islands Trust Act](#). Some

trustees have highlighted the need to move towards less human-centric development paradigms, prioritizing the protection and restoration of biodiverse ecosystems as the clearest pathway to climate resilience for all inhabitants of the Trust Area. Other trustees have highlighted an urgent need to prioritize the housing crisis, underscoring issues around equity and gentrification within Trust Area communities. All agree on the importance of protecting both the environment and communities, but there is little agreement on how to weigh and balance the different policy priorities and address the conflicts and tradeoffs that can arise between them (e.g. water constraints for affordable housing). As such, TPC members have been engaged in discussions that resulted from the concerns and input raised by community members, visitors, stakeholders, and First Nations who participated in the Policy Statement engagement process in communities, online, and in meetings. They have been examining knowledge gaps around the carrying capacity of the islands and investigating ecosystem-based approaches. They have been discussing how to ensure policies work for a regional governance body with a regional mandate, while still valuing local autonomy and addressing locally specific needs. These big questions have proven critical to key decisions on how to take the Policy Statement Amendment Project forward.

As part of the dialogue and engagement process, legal interpretations of the *Islands Trust Act* and the Islands Trust Object were sought. These legal interpretations provided insight into the role and jurisdiction of Trust Council and how Trust Council could fulfil commitments related to reconciliation. The authority of the Trust Council to fulfil its mandate rests within their own particular insight and within a standard of “reasonableness”. This authority comes with a responsibility to provide reasoning that is rational, logical, transparent and well-documented through staff reports and minutes of Trust Council. Hence, it is advisable that Trust Council explicitly address some of the more fundamental interpretive questions and work towards defining a collectively held interpretation of the Trust Object. It has proven difficult to define these questions in simple terms. However, feedback from trustees on the three questions outlined above will assist TPC and Executive Committee in furthering the amendment process.

ATTACHMENT:

1. Trustee Wright’s December 2, 2020 Trust Council Motions/Rationale

FOLLOW-UP: All written responses received by January 31, 2021 from trustees will be considered by Trust Programs Committee at its February 5, 2021 meeting. Staff will collate this feedback as part of the early stages of amendment drafting. All responses will also be included in the March 2021 Trust Council agenda package for information and further discussion amongst all Trust Council members.

Prepared By: Dilani Hippola, Senior Policy Advisor, Trust Area Services
Lisa Wilcox, Senior Intergovernmental Policy Advisor

Reviewed By: Clare Frater, Director, Trust Area Services / Jan 15, 2021
Trust Programs Committee /

In his answers to the questions referred to Young Anderson, Mr. Buholzer has based his opinion primarily on the Vavilov decision. He quotes para 121 and the importance of “the text, context, and purpose” in supporting his legal argument for Trust Council to interpret the Trust Act and its object. I’d like to dig a little deeper into those words and their relation to a previous Council’s decision to re-interpret the words “unique amenities” in the mandate and offer an alternative opinion. The **text** of the mandate is to “preserve and protect”. The definitions of those words define our **purpose**: protect - to *maintain over the long-term* by managing, or if necessary limiting, the type and intensity of development or activity to *ensure that valued attributes are not compromised or destroyed*. Preserve - to *maintain in a given condition*. The **context** of the legislation is temporal; 1974. That meant to preserve and protect from that time forward. We can’t assume that the legislature meant that trustees should preserve and protect these islands on some future date after we have developed them.

The Act must have recognized both the built and unbuilt environment and did not intend the region to be frozen in time because the Trust was given authority to regulate land use planning but specified that this authority was to be exercised to fulfill the object.

The desire for trustees to become involved in social issues that affect the well being of their communities is strong and heartfelt so it is understandable that successive Councils have gone along with the decision to include communities. But as Mr. Buholzer states, the governance of the Trust Area was split between the Trust and Regional Districts. To the Trust – land use planning, to the Regional Districts – services, community well being, and socioeconomic matters. The mandate states that the Trust must work cooperatively with other agencies and governments to resolve common issues but does not allow the Trust to overlap or overrule other jurisdictions. In the matter of housing, for example, the LGA states that a variety of housing needs shall be addressed in OCPs by the respective LTCs. The Policy Statement was never intended to be an OCP, although there may be good arguments that it should be. The inclusion of housing policies in the Policy Statement is unnecessary for several reasons. First, Trust Council has no direct or implied, responsibility for housing policies, LTCs do. Secondly, if directive policies for housing were to be included in the Policy Statement, Council has shown little willingness to force LTCs to include directive policies in their OCPs, and if it did so, it would contradict the sense of autonomy of LTCs. I’ll also suggest that the LTC “applying its particular insight” should be able to develop policies more reflective of their communities’ needs. More importantly, we are spending a large amount of staff time and resources duplicating the responsibility given to Regional Districts which have already addressed housing needs in their Regional Plans.

Mr. Buholzer goes on to say if Council is to interpret the wording of the mandate then it must do so with “*reasonableness*”. That, according to the Vavilov decision, is not just considering the text, context and purpose, but also by not interpreting it in a way it knows “to be inferior - albeit plausible – merely because it is expedient. The decision makers responsibility is to discern the meaning of legislative intent, not to “reverse engineer” a desired outcome”. It is my contention that Council did just that. The word amenities being used in reference to facilities and buildings, did not come into common use associated with land use planning until the 1990’s. But when public pressure mounted on the Trust during the review for the 1994 Policy Statement, to change the Trust’s focus from a conservation perspective to one of human needs, the Council of the day found it expedient to re-interpret the term ‘unique amenities’ to include sustainable communities. I don’t doubt it seemed a plausible interpretation but in doing so Council, did not adequately discern the legislative intent and engineered the re-interpretation to create a desired outcome for political reasons.

I don’t believe, as Mr. Buholzer suggests, that the words “unique amenities” can be separated without changing the original intent of the Act which can be verified by Hansard during the introduction of the

Act in the Legislature in 1974. “Unique amenities” accurately describes the peaceful enjoyment of a place that people experience while in relatively undeveloped natural areas as opposed to what is found in surrounding urban areas. It is exactly these “unique amenities” that were the “*valued attributes which were not to be compromised or destroyed*”, which the legislature clearly expected the Trust to protect and, by being a public trust, trustees have a duty of care on behalf of residents and for those of the Province generally.

You may be asking why this distinction is important? It matters because our colonist settler society has always placed their needs ahead of the needs of the environment, which is why we are now facing the dire consequences of climate change, why the Coastal Douglas Fir ecosystem is at risk, and why we are witnessing the continuing degradation of our finite natural resources. The object of the Trust Act was a visionary attempt to reverse that trend, to place the environment and the unique amenities of the Trust Area first. While we had a chance in 1974. Our job is to make that goal a reality; to regulate land use in a way that preserves and protects the environment, by insisting that residents live in harmony and sustainably within it. If we fail in that quest then we bring the relevance of the Trust into question because we begin to duplicate the role of a Regional District, a local government body that is better equipped structurally, financially, and legislatively, to carry out that role. We have to make a decision here, as Mr. Buholzer said he believes we have the right to do so. Which path are we going to chart with this Policy Statement?

I would like, with permission from the Chair, to present four motions to Council to begin what might be one of the most revealing discussions of this term.

Be it resolved that Trust Council defines the words “unique amenities” to be inclusive of the environment and the cultural heritage of Indigenous Peoples within the Islands Trust Areas, that these aspects are prioritized and protected.

Be it resolved, that as the Local Government Act instructs Local Trust Committees to include policies for a variety of housing needs in their Official Community Plans, that references to housing not be included in the Policy Statement of the Islands Trust.

Be it resolved that Trust Council remove from the Strategic Plan item 16, part i, ii, iii, iv, and v, associated with housing and that these items be referred to Local Trust Committees and their local planning staff for consideration to include these matters in their local planning projects.

Be it resolved that Trust Council remove Part V, Sustainable Communities, from the Policy Statement and replaced with a section that is reflective of protecting the Natural and Rural Character, and request the Trust Programs Committee to develop policies to ensure the natural and rural character of the Trust Area is recognized, maintained, and to ensure the restoration of biodiverse ecosystems.

****Post script:** I have been accused of not supporting “affordable housing”, even being uncaring towards those in need of housing. These comments are untrue and are used to discredit me. So to clarify, I fully agree that we need a variety of housing, including affordable units, in the Trust Area. It is not the objective of those policies that I disagree with, but how we achieve them. My other concern is that before we implement any additional housing policies, we must consider the cumulative impact of any increases in development and density, ie: how will it affect potable water supplies, the ecology and environment, and the rural character. That, for me, is one of the key elements of a trustee’s role in fulfilling the Trust mandate. Those questions I believe are best answered by local trustees with the support of the people who elected them.