



Trust Programs Committee Revised Agenda

Date: February 5, 2021
Time: 9:00 am - 2:00 pm
Location: Electronic Zoom Meeting

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1. New Items and Re-Ordering of the Agenda	
2.1.1. <i>The following addition to the agenda was presented for consideration:</i>	3 - 6
6.1 Islands 2050 Questions for Trustees: Summary of Responses – additional responses received late	
2.2. Approval of Agenda	
3. ELECTION OF VICE-CHAIR	7 - 7
Trustee Colbourne resigned as Vice-Chair effective December 4, 2020.	
4. TOWN HALL AND DELEGATIONS	
5. ADOPTION OF MINUTES/COORDINATION	
5.1. Minutes of Meeting	
5.1.1. Trust Programs Committee minutes of January 22, 2021	8 - 11
5.2. Resolutions Without Meeting	
None	
5.3. Follow Up Action List	12 - 15
6. TRUST COUNCIL BUSINESS	
6.1. Islands 2050 Questions for Trustees: Summary of Responses – Briefing	16 - 46
6.2. Islands 2050 (Policy Statement Amendment Project) Discussion Paper - RFD	47 - 91
That Trust Programs Committee forward the “Islands Trust Object: Past, Present, and Future” Policy Statement Amendment Project Discussion Paper to Trust Council.	
7. BUSINESS	
7.1. Proposed Islands 2050 Virtual Open House - Briefing	92 - 112

7.2. Living in the Trust Area Mailing Program Project Charter - RFD

113 - 116

1. That Trust Programs Committee endorse the Living in the Trust Area Mailing Program Project Charter, dated February 5, 2021.
2. That Trust Programs Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$24,000 for Strategic Plan Item No. 21 - Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area (increased from \$15,000), in recognition of the fact that the Committee intends to underspend its Stewardship Education Program budget in 2020/21 by \$9,000.

7.3. Community Benefit Land Trust Concept - Briefing

117 - 120

8. NEW BUSINESS

9. CORRESPONDENCE

None

10. WORK PROGRAM

10.1. Trust Programs Committee Work Program

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11. CLOSED MEETING

12. RISE AND REPORT

13. NEXT MEETING

Thursday, April 8, 2021 from 9:00 a.m. to 2:00 p.m.

14. ADJOURNMENT

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

Policy Statement Amendment Project (PSAP)

Additional Feedback from Trustees

January 2021 (Late Additions)

The following late additions were received from trustees in response to a Trust Programs Committee (TPC) request for feedback on three questions pertaining to the Policy Statement Amendment Project. These additional responses will be consolidated with previously-received responses from other trustees, for inclusion in the March 2021 Trust Council agenda package.

Q1. How would you define the “unique amenities” that are to be preserved and protected in the Islands Trust Area?

<u>TRUSTEE & LTC/IM</u>	<u>FEEDBACK</u>
Jeanine Dodds, Mayne Island Local Trustee	The unique amenities are the waters that surround us and isolate us, the mild climate that creates a lifestyle without harsh hardships, a pioneer spirit that the isolation and natural landscapes enhance. I believe our unique amenities are the human spirit that thrives within this area as it has since the first peoples arrived some 3000 years ago. An independent spirit and need for community cooperation in a location that is not readily accessible to all thereby creating many challenges, that defines the unique amenities that existed in 1974 and long before the Islands Trust.
Lee Middleton, Saturna Island Local Trustee	Firstly the integrity and diversity of the ecosystem on the Islands, which includes the waters of the Local Trust Areas. Secondly, the pattern of historic human habitation in concert with the ecology of the area. This has archaeological aspects as well as aspects of current settlement. Settlement that strikes to live in harmony with the ecosystem which includes aspects of infrastructure, less paving, narrower roads and even hedgerows that have survived highway maintenance. Further small scale agriculture is a unique amenity that creates the landscape associated with the preserve and protect mandate however the preservation of remaining forest core is an important value that will need to be balanced with any future agricultural expansion.
Peter Luckham, Thetis Island Local Trustee	First Nations Cultural Heritage, Viewsapes, Seascapes, the Natural environment, Silence, Fresh Air, The rain. Trees, flowers and animals. Lakes, ponds streams and rivers.

Q2. How do you feel that Islands Trust ecosystem preservation and protection policies relate to policies primarily about community need? Please explain.

<u>TRUSTEE & LTC/IM</u>	<u>FEEDBACK</u>
Jeanine Dodds, Mayne Island Local Trustee	In general all actions by the Trust are reactions to applications. When community or individuals want change we balance the potential to cause environmental harm in relation to benefits of change. In most cases harm is mitigated through DPA's etc. I believe this approach works, It is best to remember all our Islands had a significant amount of development long before the Islands Trust was put in place. I sometimes wonder if Trustees are aware of how much development was in place prior to the OCP's LUB's etc being adopted.
Lee Middleton, Saturna Island Local Trustee	What first comes to mind is that the majority of the Trust's preservation measures are triggered through development applications (as in DPA's) or other human activity that is centred around a subdivided small lot. There are no planning goals related to ecosystem preservation regionally that I'm aware of due to planning legislation not really supporting ecosystem goals that span lot boundaries. Hence the Trust has paid a lot of attention to educating private landowners in the past about natural stewardship of the land. This may inevitably be an ongoing tension between regional ecosystem preservation and law driven by subdivided lots. However this is where each Island has somewhat different needs in terms of supporting community needs. Saturna is now hovering around the 50% mark in terms of preservation of land as parkland (in some cases wilderness designation although the wilderness has been modified with some old growth pocket exceptions in the past century by logging and ranching although is now healthy second growth). So policies affecting local land owners can be quite targeted as broad preservation goals are well on the way to being met by parkland acquisition. We expect that another 190 hectares will be added to the park reserve over the next three years and with the addition of the watershed park newly created as well as the transfer of 600 acres from Environment Canada to Parks Canada the Island will be around 55% fully protected. At this point supporting the viability of a unique way of life on the Island becomes a policy goal - good internet, effective ferry travel, green building and effective interface with the parklands by humans to nurture both (guiding, invasive species restoration etc.). Not all islands need these policies - I imagine that Gambier would as possibly would Lasqueti but certainly not Slat Spring which has genuine housing affordability needs that while certainly the case on Saturna are the result of different market forces. The policy approach to each island can certainly be informed by

	regional conservation goals but the application of these goals may need to be different across different islands as they apply to communities.
Peter Luckham, Thetis Island Local Trustee	This is difficult because of the phrase "Community need", needs have not been specified however in respect of human habitation the preserve and protect policies accommodate the necessity of environmental impacts that must by their nature compromise ecosystem integrity. I think that the preservation protection policies could be more stringent in requiring evidence of the impacts with limits set to acceptable levels of impact based on science not on political pressures.

Q3. 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?

<u>TRUSTEE & LTC/IM</u>	<u>FEEDBACK</u>
Jeanine Dodds, Mayne Island Local Trustee	I do not see the need for more directive policies. I am speaking for my Island which is almost at build out but which has less density today than it had in 1974 due to good planning without a heavy hammer. Pressures to develop our Islands beyond current zoning are inevitable in the future. If the Trust choses to close the door on change we will become home to only the rich and famous, be careful what you ask for.
Lee Middleton, Saturna Island Local Trustee	I don't really think mandatory policies on Saturna would be as effective given the portion of the Island that is Parkland. They'd have to be carefully chosen or would be seen as a token effort in comparison to what has been achieved through spearheading conservation by Islanders. This is a problem because the Policy Statement applies Trust Area wide and so policies must be applied across all Islands - unless there is some other arrangement possible of course to be island specific in 'must' statement application. 'Must' regulations applied from afar is a situation currently in effect on the Southern Gulf Islands through CRD regulation of building codes which are currently stifling innovation in green building to some degree on the SGI's. Now if the Island's Trust were to assume authority over the building code in the SGI's then I think we'd really have a vehicle to support climate change goals in the SGI and by extension the other Islands through a voluntary code.

	Regulation in partnership with senior levels of government would be very effective in restricting vessel speed in the waters of the Trust Area - this in support of SRKW recovery. Port Metro Van, San Juan County, Transport Canada and Fisheries and Oceans have all shown appetite for such collaboration. Further the National Marine Conservation Areas (NMCA) should be more prominently profiled in the policy statement as an aspirational goal with a concrete and measurable framework working toward, supportively, the NMCA designation.
Peter Luckham, Thetis Island Local Trustee	Yes. First Nations Consultation, water protection beyond human needs, retaining forest land, community amenities (see above) for development that is above absolute minimum requirements to support human habitation. No encroachment on foreshore, water bodies, sensitive habitat. Agriculture land must be retained and used for it's most optimal use unless left wild for natural ecosystem function. Shared community use of lands for those necessities that create environmental impacts, docks, sources of potable water, water ways, agricultural lands. Any and all explicit direction that protects "unique amenities".

Election of Vice-Chair of Trust Programs Committee

ELECTION OF VICE-CHAIR

► A few points to note about this election:

- 1) nominations must be made and seconded by someone other than the nominee;
- 2) each nominee will be asked to indicate their willingness to stand as a candidate once nominated;
- 3) voting is by secret ballot (vote) and proxy voting is not permitted;
- 4) in the event of Trustees attending electronically, they are asked to **email** the candidate's **surname** of their choice to the email address cfrater@islandstrust.bc.ca (the person conducting the election). The aforementioned email address will also be sent to those attending electronically - before nominations are called;
- 5) following the count of votes the name of the successful candidate will be announced, **but vote counts won't be announced**;
- 6) in the case of a tie vote on the first ballot, a further vote will be held with only the names of the tied candidates on the ballot;
- 7) if the second ballot results in a further tie, staff will select a candidate by lot;

- **Acclamation:** if there is only one nomination the Vice-Chair is elected by acclamation;
- **Election:** if there is more than one nomination, trustees are asked to email the surname of their choice to the presiding officer at the email address that is provided i.e. cfrater@islandstrust.bc.ca. The votes will be counted by staff and the result will be announced by the presiding officer.



Trust Programs Committee Minutes of a Regular Meeting

Date: January 22, 2021
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
Timothy Peterson, Lasqueti Island Local Trustee
Dan Rogers, Gambier Island Local Trustee (EC Representative)

Members Absent: Benjamin McConchie, North Pender Island Local Trustee
Peter Luckham, Islands Trust Council Chair (Ex Officio)

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
Clare Frater, Director, Trust Area Services
Dilani Hippola, Senior Policy Advisor
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Robert Barlow, Legislative Services Clerk/Recorder

Members of the Public Steve Wright, South Pender Island Local Trustee

1. CALL TO ORDER

The meeting was called to order at 10:02 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 and Re-Ordering of the Agenda

None

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 November 5, 2020

By general consent the Trust Programs Committee Minutes of November 5, 2020, were adopted as presented.

4.2 Resolutions Without Meeting

4.2.1 TPC RWM-2020-05

Received for information

4.3 Follow Up Action List

The List will be provided at the next meeting.

5.1 TRUST COUNCIL BUSINESS

5.1 Questions for trustees regarding themes that have been emerging during discussion of the Policy Statement Amendment Project

Senior Policy Advisor Hippola introduced the Request For Decision, noting that it is to provide the Committee with a draft memorandum and questions to send via email to trustees soliciting feedback that can inform the Policy Statement amendment drafting process.

It was MOVED and SECONDED,
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.

TPC-2021-001

It was MOVED and SECONDED,
that Trust Programs Committee postpone the motion “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” until after other motions are considered.

CARRIED

TPC-2021-002

It was MOVED and SECONDED,
that Trust Programs Committee add the following text to the memorandum:
“That Trust Council affirm its understanding that the mandate of the Trust contained in s. 3 of the *Islands Trust Act* includes the concept of and protection

of healthy and inclusive communities including (but not limited to) housing, transportation, and economic justice and well being.”

DEFEATED

TPC-2021-003

It was MOVED and SECONDED,

that Trust Programs Committee amend the memorandum by removing the attached document from Trustee Steve Wright.

CARRIED

TPC-2021-004

It was MOVED and SECONDED,

that Trust Programs Committee amend the second question of the memorandum by removing the text “(e.g. affordable housing)”.

CARRIED

TPC-2021-005

It was MOVED and SECONDED,

that Trust Programs Committee amend the memorandum by editing the text “(e.g. water constraints for affordable housing)” on page three of the draft memorandum to read “(e.g. water constraints for affordable housing, subdivisions or areas of increased density)”.

CARRIED

By general consent the postponed motion was amended to replace the text “as drafted” with the text “as amended”.

The question on the following motion, as amended, was then called:

TPC-2021-006

It was MOVED and SECONDED,

that Trust Programs Committee request the Chair of Trust Programs Committee to send the memorandum with questions to trustees, as amended, requesting responses by January 31, 2021.

CARRIED

6. BUSINESS

None

7. NEW BUSINESS

None

8. CORRESPONDENCE

None

9. WORK PROGRAM

9.1 Trust Programs Committee Work Program

The Work Program will be presented at the next meeting.

10. NEXT MEETING

The next scheduled meeting will take place on Friday, February 5, 2021 from 9:00 a.m. to 2:00 p.m.

11. ADJOURNMENT

By general consent the meeting was adjourned at 11:13 a.m.

Deb Morrison, Chair

Certified Correct:

Robert Barlow, Legislative Services Clerk/Recorder



Follow Up Action Report

Trust Programs Committee

29-Feb-2016

Activity	Responsibility	Dates	Status
1 Implement Crown Land Protocol project charter V2, circulate past RFD to TPC members, keep charter on future agendas until project is complete and consider inventory of current referrals, if it helps demonstrate the need for updating the letter of understanding.	Clare Frater	Target: 31-Mar-2020	In Progress

06-Nov-2019

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee request that staff work with the Fraser Basin Council to identify opportunities for coordination in the delivery of secretariat services in the Islands Trust Area.	Clare Frater	Target: 31-Mar-2020	In Progress

23-Jun-2020

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee allocate \$3,500 to support the coordination of the Baynes Sound/Lambert Channel Ecosystem Forum.	Clare Frater	Target: 31-Mar-2020	In Progress

13-Aug-2020

Activity	Responsibility	Dates	Status
1 Trust Programs Committee endorse the Climate Change Stewardship Education Program project charter, dated August 13, 2020	Clare Frater Gillian Nicol	Target: 31-Dec-2020	Completed



Follow Up Action Report

Trust Programs Committee

13-Aug-2020

Activity	Responsibility	Dates	Status
2 Trust Programs Committee direct staff to provide options for stewardship education programming for Climate Change Stewardship Education.	Clare Frater Gillian Nicol	Target: 05-Nov-2020	Completed

20-Oct-2020

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee endorse a potential commitment by Islands Trust Council to participate as a pilot region for the Climate Action Report Card Tool that is being developed by My Sea to Sky Society and partners.	Clare Frater Lori Foster	Target: 31-Mar-2020	In Progress
2 Thank you letters to authors of correspondence re 2050 engagement.	Clare Frater	Target: 31-Dec-2020	Completed

05-Nov-2020

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee recommend that Executive Committee approve the Policy Statement Amendment Project Charter Version 3.	Clare Frater	Target: 18-Nov-2020	Completed
2 that Trust Programs Committee allocate \$3,000 to initiate the Southern Gulf Islands Regional Forum.	Clare Frater	Target: 31-Mar-2020	In Progress

Follow Up Action Report

Trust Programs Committee

05-Nov-2020

Activity	Responsibility	Dates	Status
3 that Trust Programs Committee allocate \$800 to support the coordination of the Coastal Douglas-fir Conservation Project.	Clare Frater	Target: 31-Dec-2021	In Progress
4 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.	Clare Frater David Marlor	Target: 05-Feb-2021	In Progress
5 that Trust Programs Committee direct staff to develop a project charter for a "Living in the Islands Trust Area" program.	Clare Frater Gillian Nicol	Target: 05-Feb-2021	Completed
6 that Trust Programs Committee recommend to Executive Committee that they undertake an extension to the climate change speaker series with an Indigenous perspective.	Clare Frater	Target: 05-Feb-2021	Completed
7 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.	Clare Frater Dilani Hippola	Target: 05-Feb-2021	In Progress

02-Dec-2020

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Trust Programs Committee

02-Dec-2020

Activity	Responsibility	Dates	Status
1 Trust Council requested Trust Programs Committee (TPC) prepare questions for trustees regarding themes that have been emerging during discussion of the PSAP, and the responses be provided to TPC by the end of January 2021.	Clare Frater Dilani Hippola	Target: 31-Jan-2021	Completed
2 The Community Benefit Land Trust briefing from Dec Trust Council, was referred to TPC for consideration in the context of the Trust Policy Statement Project.	Clare Frater	Target: 11-Mar-2021	Completed

22-Jan-2021

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee request the Chair of Trust Programs Committee to send the memorandum with questions to trustees, as amended, requesting responses by January 31, 2021.	Clare Frater Dilani Hippola	Target: 05-Feb-2021	Completed

To:	Executive Committee	For the Meeting of:	February 5, 2021
From:	Trust Area Services	Date Prepared:	February 1, 2021
SUBJECT:	Islands 2050 Questions for Trustees (Policy Statement Amendment Project): Summary of Responses		

PURPOSE: To provide Trust Programs Committee (TPC) with consolidated feedback received from trustees in response to TPC's three key questions pertaining to the Policy Statement review.

BACKGROUND:

At its 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)

In January 2021, Trust Programs Committee (TPC) sent the following questions to all trustees, requesting responses by January 31, 2021.

Questions for Early Written Feedback from Trustees (January 2021)

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".

Q1. How would you define the "unique amenities" that are to be preserved and protected in the Islands Trust Area?

Q2. How do you feel that Islands Trust ecosystem preservation and protection policies relate to policies primarily about community need? Please explain.

Q3. 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?

All written responses received by the January 31, 2021 deadline have been consolidated in Attachment 1, for the consideration of Trust Programs Committee at its February 5, 2021 meeting.

ATTACHMENT(S):

1. Consolidated Feedback from Trustees – Policy Statement Questions (as of February 1, 2021)

FOLLOW-UP: Following TPC's review on February 5th, staff will add in any further feedback received from trustees (after the January 31 deadline) and include all responses in the March 2021 Trust Council agenda package for further reflection and discussion amongst all Trust Council members during the full-day discussion on the Policy Statement Amendment Project.

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

Reviewed By/Date: Clare Frater, Director, Trust Area Services / Feb 1, 2021

Policy Statement Amendment Project (PSAP)

Consolidated Feedback from Trustees

January 2021

The following feedback was received from trustees in response to a Trust Programs Committee (TPC) request for feedback on three questions pertaining to the Policy Statement Amendment Project.

Q1. How would you define the “unique amenities” that are to be preserved and protected in the Islands Trust Area?

<u>TRUSTEE & LTC/IM</u>	<u>FEEDBACK</u>
Alex Allen, Hornby Island Local Trustee	To me, “amenities” was a polite term for working hot water, decent plumbing, and maybe room service. In <i>The Concise Oxford English Dictionary</i>, amenities is defined as “pleasantness (of places, persons, etc.); (pl) pleasant ways.” Personally, the word “pleasant” has as much cachet as the word “interesting.” Neither instill confidence or enthusiasm. So I went back and leafed through the history and reality of Islands Trust. From the preface of the book, <i>Islands in Trust</i>: <i>“The beauty and tranquility, small rural communities, and unique natural environment make the islands of Georgia Strait* and Howe Sound an area of national significance.”</i> [* Ever thought that in actual fact it’s not Gulf Islanders, but Strait Islanders?] From the foreword: <i>“...how [can] we...effectively spread the word about the islands, their fragile beauty, their recreational potential, and their susceptibility to over development and resource extraction...”</i> <i>“...fragile ecosystems and places of rare beauty...afford a level of protection that will assure their natural values remain intact for future generations to enjoy. There is also a growing awareness that ecosystems and non-human life forms have a right to survival.”</i>

	<i>"...retreats of breathtaking beauty and rural serenity...scattered in the protected waters of an inland sea...The sea isolates and insulates; it makes us what we are."</i> So, there you have it, all of the above. Poetic, indeed. If I had to put it into three words or less, I'd be challenged even as a closet wordsmith. Here's a go, "our fragile ecosystems and hippies." Like the goats on the roof in Coombs. We all moved to the islands, I would think for very similar reasons. As Sharon Ann Weaver wrote in her 2013 Doctor of Philosophy in History Thesis, <i>Making Place on the Canadian Periphery: Back-to-the-Land on the Gulf Islands and Cape Breton</i>: "The growing disquietude over the pace and direction of urban society, where unchecked growth reigned over the environment, caused many who had grown up in North American cities to question this fundamental disregard for the quality of air, water and land." "However, although people revered the tree, they also wanted light, which required a choice and a recognition that they were of necessity actively involved in shaping their environment."
Benjamin McConchie, North Pender Island Local Trustee	Nature. First Nations Historical Sites
Cameron Thorn, South Pender Island Local Trustee	My approach to defining "unique amenities" is to reflect upon the intentions of the drafters of the Islands Trust Act when this legislation was created in 1974. As correctly noted on the Islands Trust website under legislative history, the intent of the Act was to control unbridled development. Specifically in 1974 "The Province recognizes the Gulf Islands as a unique area threatened by over-development and establishes the Island Trust. The Islands Trust Act solidified the Province's mandate to preserve and protect the environment and unique nature of the islands." The above statement in my view, succinctly summarizes the "unique amenities" - that is, the environment and unique nature of the islands - that are to be preserved and protected. With the greatest of respect to my fellow trustees who have taken an expansionist view of "unique amenities" I don't believe unique amenities includes the preservations and protection of a "socially diverse local population" or communities or subsets thereof.

Dan Rogers, Gambier Island Local Trustee (Keats Island)	I find the focus on the phrase “unique amenities” unfortunate and frankly, it leads to a misinterpretation of section 3 of the Act. I am of the view that any understanding of the breadth of s. 3 of the Act must consider the complete phrase to “preserve and protect the Trust Area and its unique amenities and environment...” Having said that, unique amenities refers to something other than the environment as that is mentioned separately. It is the <i>characteristics</i> of the Trust Area. The people, the culture, the heritage and the communities. It is how they have developed because they are surrounded by water and thus accessible only by water.
David Critchley, Denman Island Local Trustee	In my view “unique amenities” in the context of the Islands Trust Act means special features or attributes of the trust area that have value such that they merit protection and preservation. An amenity is generally something of use or benefit to human beings. The use could be aesthetic, recreational, historical or practical. Examples would be: a view-scape, a lake, a herring spawning area, an old growth forest, pictographs, ancient burial sites, a gravel pit, an historic building. The word unique suggests that the amenities should be of a kind that is not found outside the trust area. However, I do not favour a strict interpretation of that or else the protective mandate would be unduly restricted. For example, St. Mary Lake on Salt Spring Island is undoubtedly an amenity to be protected. It could be said that there are many lakes outside the trust area and therefore lakes are generally not unique. However, the nature of the lake, it’s location on an island and its relationship to the local ecosystem all contribute to establishing uniqueness. Most islanders appear to strongly value peace and quiet and this aspect of the trust area environment could rightly be considered an amenity as could the night sky. These qualities are becoming increasingly rare in urban life and therefore take on an aspect of uniqueness in the trust area.
David Maude, Mayne Island Local Trustee	How would I define the “unique amenities”? I believe the historic point in time dates to the inception of the Trust in the 1970’s, so the “unique amenities” referred to date to that point in time. At that time the islands were rural in nature, pushing back on the pressures of development. I would define those amenities as rural, self sufficient communities that worked in a careful, sustainable balance with the natural environment. I recognize there are many interpretations on this question and it perhaps would be nice if the Province was to provide a proper definition of the “unique amenities” so broadly spoken of.

Deb Morrison, North Pender Island Local Trustee	- environment and natural resources - sustainable cultural histories in the islands - not colonial history (not unique) though it may include some settler colonial peoples activities who have learned how to live sustainably in the region eg. Conservancies
Doug Fenton, Thetis Island Local Trustee	Land, air, water and marine environments, <i>Inextricable connected</i>...i.e., literally for humanity to survive, it must learn to live within the constraints of nature. I would argue going forward; this is not an option; it's an imperative. • Love and respect for animate and inanimate objects; • Ecological communities all around us: - o e.g. Arbutus, Coastal Douglas fir, salal, Oregon grape, mosses; - o All of the species of the terrestrial and marine wildlife that live among these communities; - o We must find a way to slow down and see, hear and smell not the roses from a flower shop, but the Baldhip and Nootka roses along our coastlines; What I would like to cherish is the unique opportunity to live & share among our First Nations people as they steward the Trust Area's land and seas. Instead, I am almost panicked to think that this may be a missed opportunity for my generation.
Grant Scott, Hornby Island Local Trustee	No response received.
Jane Wolverton, Galiano Island Local Trustee	<i>Submitted jointly with Tahirih Rockafella</i> We both felt that the “unique amenities” to be preserved and protected fall into three areas. - The Indigenous Cultural Heritage that includes: - Former village and food gathering sites – Unlike in other communities where most human remains are confined to cemeteries, we live where the remains of the people who have been here from time immemorial are located throughout the environment. This requires a very special and sensitive approach to preserving and protecting. It also requires of Trustees to help island residents understand this responsibility that we all carry. - Opportunities to learn from Community Knowledge Holders especially about protection of the environment - The Natural Environment that includes: - The physical environment of plants, trees, birds and animals – both land and marine

	▪ The darkness on moonless nights – the absence of light pollution - seeing the Milky Way ▪ The bright moon on moonlit nights ▪ The quiet ▪ Lands for growing and foraging ▪ The approximately 20% of public and/or protected lands on Galiano to walk and hike in c. The Community ▪ The sense of belonging – especially for marginalised people – being noticed and seen ▪ The interdependence, cohesiveness and resilience - the sharing of skills and money ▪ Freedom and safety - to be able to walk and be anywhere on the island without fear ▪ The large percentage of volunteers among islanders ▪ The sharing of food ▪ The way islanders mobilised during the pandemic to deliver food, check on people, pick up medicines in Sidney, etc. ▪ The sharing economy as represented by Galiano Buy, Sell and Share Facebook page ▪ A diverse population- the way in which the eccentric and quirky are accepted ▪ The contributions of iNaturalist citizen science May Sartor's poem "On Sark" contains lines that describe islanders: <i>"The isle is for islanders, some born - They like being surrounded by And anchored in the ever-changing sea, For it is just this being enclosed In a small space within a huge space That makes them feel both safe and free..."</i> <i>Islands are for people who are islands, Who have always been detached from the main For a purpose, or because they crave The free within the framed as poets do, The solitary for whom being alone Is not a loneliness but fertile good...."</i>
Jeanine Dodds, Mayne Island Local Trustee	No response received.

Kate-Louise Stamford, Gambier Island Local Trustee	To me “Unique Amenities” means what informs the island way of life whether it be the specific history, ecological structure, or community make-up, and what is required to maintain that vision within the confines of a specific landmass bounded by the marine. For instance, on this island, the lack of a vehicle ferry defines the community but also requires more focus on the impacts of private and community docks both on the environment and the culture of the island.
Kees Langereis, Gabriola Island Local Trustee	I believe the phrase “unique amenities” refers to the characteristics of the Trust Area such as its geographical, ecological and environmental aspects, cultural aspects and location all of which individually, and in combination with each other, create an overall atmosphere people find pleasing, attractive and feel drawn to. <u>Rationale:</u> The phrase is used in legislation and as such each word used is intended to bring meaning¹ to the purpose of the legislation. Therefore, if the modifier “unique” had not been added, the catchment of the word “amenities” would be broader. Consider when we refer to a “car” or a “red car”. A “car” is a broad term capturing, in the usual sense of the word, all vehicles, including a “red car”, but a “red car” captures only a particular subset of “cars”. To understand what the phrase “unique amenities” refers to we need to consider the import of the word “unique” to the meaning of amenities. The term “amenity”, as found on the internet, can refer to: a desirable or useful feature of a building or place, something that provides comfort, convenience, or enjoyment, the quality of being pleasing or agreeable in situation, pleasantness or an atmosphere. Atmosphere is used here in the sense of an experience or feeling experienced by people. Amenities may include human made amenities such as community centres, internet service, garbage collection, housing, etc. It could also include an area with an attractive or pleasing setting or atmosphere. The adjective “unique” refers to concepts of “being the only one”, “being without a like or equal”, “distinctively characteristic”, or “unusual”. Combining the adjective “unique” with the noun “amenity”, the phrase refers to something pleasing or attractive arising from it being distinctively characteristic, rare and/or unusual. The Trust Area has a number of characteristics such as its landforms (islands), ecology, First Nations historical connection and archaeological/cultural artifacts, ruralness (low human population), quietness, natural landscape less impacted by human development than urban areas, large tracts of forests

¹ “...every word and provision found in a statute is supposed to have a meaning and function.” Source: Ruth Sullivan, “Sullivan on the Construction of Statutes”, Canada: Lexis Nexis Canada Inc, 6th edition 2014, page 211

	including the rare and endangered CDF ecosystem, farms, seascapes, seashores, land and marine wildlife, dark nights, lack of extensive industrial activities, clean air, sense of “open space” and small closely knit communities. Individually, these characteristics are not necessarily “unique” as they may found elsewhere. With respect to the Trust Area, the presence of the Coastal Douglas Fir ecosystem may be the exception as that ecosystem is small, rare and endangered. So, if not any one characteristic of the Trust Area is “unique”, I believe the phrase is referring to the combination of these characteristics creating an area of characteristics both distinct and unusual generating an overall atmosphere people find pleasing, attractive and are drawn to. The Trust Area is surrounded by large urban/suburban settings and its location may also contribute to it being a “unique amenity”. In many ways, an oasis. People come here for many reasons including as a respite from city life, much like they are drawn to their urban parks. A park is a place to experience a healthier relatively unchanged ecological setting, a place to escape from hurry, noise, crowds, traffic, high density of housing and a steel/concrete dominated landscape. Urban parks are a means to retain some measure of what existed prior to human disturbances of the natural environment. A reminder of what once was. The Trust Area is similar but with the capacity to have humans live within the area. The goal of the Trust Object (preserve and protect) with respect to amenities is to retain that which people find pleasing about the Trust Area and why they may want to visit or live here. It’s about protecting and preserving those characteristics that contribute to and comprise the overall attraction of the Trust Area. This objective is a subjective perspective of the area but one that includes undertaking ecological protection measures to protect that perspective. The Trust Object also refers to preserving and protecting the “environment”, the physical setting of the area such as forests, marine and freshwater areas, topography, air etc. The environment is the land, air and water, soil, external factors etc surrounding and supporting (or not) the ecological health of the area. The purpose of the ITA, as indicated in Hansard debates on its introduction and government reports in the 1970s, was to respond to overdevelopment and population growth potentially damaging the Trust Area’s inherent beauty and ecosystem. Consistent with this purpose, one of the principles in the Islands Trust Policy Statement states that the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation. The Policy Statement also describes the Islands Trust as having a special conservation-oriented responsibility.
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	The current policies of the Islands Trust direct us to limit the impacts of human activity on the Trust Area's ecology and environment. Human habitation is part of the Trust Area, but the focus is the degree to which human activity negatively impacts the Area's ecosystem and environment. It is about people living in the area in such a way that the health of the ecosystem is sustained and the area's inherent draw for people is retained. The Trust Area is seen as worthy of special protection from excessive human disturbance.
Laura Busheikin, Denman Island Local Trustee	1. Incredible and relatively unspoiled* natural beauty that provides us humans with a powerful sense of (re)connection to the natural world. Out of respect for this, and their place in it, residents develop, build, and live in harmony with natural systems and processes, in ways that support these. The natural splendour allows visitors to have meaningful, rejuvenating, healing and transformations experiences of nature. "Natural beauty" means, in particular, the forests, shorelines and viewsapes, but also, the smells, the tree frog song, the moss, the slugs, and above all, the relationships between all of these. (*Unspoiled here means still in a natural state—unpaved, quiet, muddy, dark at night, full of places with few visual reminders of settler human habitation—and intact, although I think really that applies only to special places in the Islands) 2. Rare and special ecosystems, including species at risk and the CDF forests—the Islands Trust Conservancy can describe this better than me. (#1 is the spiritual, cultural, psychological and poetic power of nature, as valued by humans; #2 is the actual physicality of it, as valuable to itself.) 3. A rich history of Indigenous occupation and stewardship, currently being rediscovered. There is , huge potential for preserving and celebrating that history, and for letting what we learn from it reshape human activity and culture on the islands, in ways that we perhaps can't yet fully envision. This potential is an amenity. 4. Diverse and unique communities, with lots of: • artists, writers, crafters, musicians and other creative people; • people with rural living skills; farmers and people practicing various types of self-sufficiency; • community engagement (politically, culturally, and socially; mutual aid; volunteerism) • support for alternative lifestyles of many kinds • environmental awareness, initiatives and actions.

	The community is welcoming of visitors but in a low-key way (with limits on visitor services and entertainment facilities; modest accommodation that may often involve a level of “roughing it”; and less convenience than other popular places. These islands do <i>not</i> offer your average tourist experience. 5. Nurture and support for innovative, sustainable ways for humans to live on the earth (alternative building and resource technology; innovative green planning approaches; alternative political, justice and social structures; intentional communities; low-impact living; slow everything; circular economies, and more).
Laura Patrick, Salt Spring Island Local Trustee	Hearkening back to that stormy September 2019 day on Bowen Island, I ask you to recall the incredible rich conversation that was held about unique amenities. If I could sum up that conversation, I believe it discovered that the term “Unique Amenities” was indeed an important term and the definition is dependent on the audience, place and time – an important feature of a legislative object that allows it to remain relevant with the times. A dive into the various, and I dare say somewhat dated, agreements with other agencies, we can find various references to “unique amenities”, such as agricultural land, crown land, forest land reserves and even roads. Those references to unique amenities are found in various provincial agency agreements which can be found at: http://www.islandstrust.bc.ca/trust-council/cooperation-agreements/provincial/ This is not an exhaustive search of all the agreements, but here are a few examples: • “The Agricultural Land Reserve forms part of the unique amenities of the Trust area;” • “Aquatic Crown Lands in the Trust Area form part of the unique amenities of the Trust Area and require special attention to maintain their unique character” • “Forest Land Reserves form part of the unique amenities of the Trust Area” • “Roads in the Trust Area form part of the unique amenities of the Trust Area” The Young Anderson legal opinion is consistent with my understanding, and reminds us that the Islands Trust object must be considered in its totality, not by individual words. However, as you have only asked about two words, here is my understanding: The term “unique amenities” refers to unique values whereas the term “environment” is the complex of physical, chemical, and biotic factors (such as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determine its form and survival. Why would the

	authors of the Object say the same thing twice? Preserve and protect the unique environments and environment? Unique amenities can be translated into a more cultural, societal, recreational, spiritual, or other value of the Islands Trust area. It also means that defining unique amenities is dependent on the audience, place and time.
Lee Middleton, Saturna Island Local Trustee	Response forthcoming.
Michael Kaile, Bowen Island Local Trustee	"Unique amenities" represent a number of characteristics found within the Trust Area. These include ecological and environmental elements, plus a life with culture and community readily available. However this term ends up in being described, boils down to the "reasons we moved here" and while there will be much found to be in common also just a little different in each case.
Paul Brent, Saturna Island Local Trustee	Unique is defined as "one of a kind" so a simplistic view would identify a single thing or attribute. But in my view there is no single thing unique about the Trust areas - there are lots of islands with similar environmental characteristics on the Pacific coast. And there are lots of small communities where rural character and community engagement are in abundance. So I and many on the island I represent and on those adjacent islands where I have involvement believe the unique amenities are those things that bind and support a community. Things like it's resilience and it's passion to protect its inhabitants and the environment they occupy. So it can be a community hall, a playground, affordable housing, bike & walking trails, a ritual like a lamb barbecue fundraiser for a local medical centre, an array of hydrophones to support the science to protect marine mammals and many other things that make an island unique.
Peter Grove, Salt Spring Island Local Trustee	What makes the area special including: location, environment, nature, communities, population density
Peter Johnston, Lasqueti Island Local Trustee	I would include in "unique amenities" all characteristics of our islands that contribute to making them the way they are. This starts with the fact that they are islands, surrounded by the Salish Sea, and that access to them is by boat or ferry, usually vehicle ferry for most major islands, but passenger-only ferry for others, and no public access service for many islands. Each island has its individual pre- and historical settlement and development history, and its own current community makeup and circumstance.

Peter Luckham, Thetis Island Local Trustee	No response received.
Scott Colbourne, Gabriola Island Local Trustee	No response received.
Steve Wright, South Pender Island Local Trustee	“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.
Sue Ellen Fast, Bowen Island Local Trustee	I would define unique amenities broadly, as Bill Buholzer described them. Certainly not restricted to environment, or the Object would not include the words “and environment”. To me “unique amenities” answers the question, “What is special about this place?”.
Tahirih Rockafella, Galiano Island Local Trustee	<i>Submitted jointly with Jane Wolverton (listed under Jane’s name)</i>
Timothy Peterson, Lasqueti Island Local Trustee	I think the key to “unique amenities” is the word unique. From my perspective, this essentially excludes the built environment. Schools, community centers, art galleries, etc., certainly have much value within our communities, but I would argue that such structures do not constitute anything unique. Certain natural features of our islands, on the other hand, can be considered unique, in the sense that many cannot be replicated. Rock formations, waterfalls, bays, streams...these are what I think of as being unique amenities.

Q2. How do you feel that Islands Trust ecosystem preservation and protection policies relate to policies primarily about community need? Please explain.

<u>TRUSTEE & LTC/IM</u>	<u>FEEDBACK</u>
Alex Allen, Hornby Island Local Trustee	I had to read this question four times. I'm still not sure I know what the ask is. Here's my take: As Island Trustees "preserve and protect" is our mantra. Everything we do is within that lens for the reasons noted above. But, of course, many in our communities have a different mantra. Those who remember how their islands used to be are the lucky ones. As Peter Murray wrote back in 1991, "...as the ferry drops another load of automobiles on our doorstep, how do you maintain that way of life when more and more people want to share it?" How could you not want to come and enjoy the most beautiful scenery and salubrious weather in Canada? And then tell 10 of your friends. On our island, we need year-round housing (rental not affordable). We also need to look at visitor capacity on our resources and illegal STVRs. I'd rather see an illegal dwelling than an STVR advertising year-round rentals like a hotel. So we have the STVRers on one side and others on the other side. An analogy would be at a campsite. There are those in a tent and those in a RV. The tenters don't have anything against RVs, but if there are too many then it's too much (especially the diesel fumes). I ask members of our community, What is our vision statement? Profit is life, tourists bring profit, therefore let us sacrifice everything to tourism? A life of untrammelled pleasure-seeking? Are we a provincial park or a national recreational area? Economic development over preserve and protect? Every year the schism gets wider. New folks with lots of money buy an acreage and two weeks later the construction is starting. Or the funky rural cabin demolished and a million dollar home is built on a tiny piece of land. Each becoming another summer rental. It goes on. Progress, apparently. I ramble, sorry. Policies on community need? Economics versus ecology. Evidence shows it is just not sustainable. The term "economic development" was not popular on Hornby so the group changed their name to ... "economic enhancement." Hornby does not have an issue with marketing, we have an issue of being loved to death. And this group has just come up with a "brand" for Hornby!

Benjamin McConchie, North Pender Island Local Trustee	The community's needs should come secondary to the preservation of ecosystems.
Cameron Thorn, South Pender Island Local Trustee	There is a balance to be had here. In the purist sense of the word, 'preserve and protect' could be taken to mean the islands are off-limit to human habitation or presence. That would not be a realistic interpretation the intentions of the Act. However, there is a limit to the carrying capacity of the natural resources on the islands and "community need" and community growth must be respectful of the islands' natural carrying capacity. There is a limit to the populations and consumption of natural resources on the islands. Ultimately, our mandate is to preserve and protection the environment and unique nature of the islands, not the expectation that we can or should permit and build housing for everyone for wants to be here.
Dan Rogers, Gambier Island Local Trustee (Keats Island)	They need to be compatible. I believe that what makes Islands Trust unique as compared to other local governments is that we have obligations to four sets of constituents – the people who vote for us, the indigenous peoples for whom this is their traditional territory, the people of British Columbia generally and the environment. The latter two don't vote for us but we are mandated to provide for them by s. 3. We must respect all of those obligations in making decisions. Ordinary local governments may have obligations to the first two of the four but no legal obligation to the latter two. As a result community needs policies cannot be ignored to ensure ecosystem protection. To use an extreme example we would not evict people from their homes to protect a specific endangered species. To the contrary we would have to take steps to preserve ecosystems (for example a forest) to provide for a new community centre or housing complex i.e. to facilitate a community need. Ironically, the Trust often places far higher "protection" requirements on "community" projects than it does on individuals who want to build a personal home.
David Critchley, Denman Island Local Trustee	This question raises the issue of whether the needs of the human community are within the mandate of the Islands Trust to protect. These "needs" can also be termed social needs or human needs. In order for such needs to be within our purview they must be either part of "the environment" or "unique amenities" of the trust area. It is obvious that in a biological sense humans are part of the environment but often they are destructive of the other components of the environment and threaten it even to the point of extinction.

	I wonder if the Act intended that the Trust directly preserve and protect humans? I cannot think so. The legislative history, the wording of the Act and its judicial interpretation all indicate an intention to stop, or at least diminish, the depredations of humans against the environment of the trust area. Regulating human development activity in the trust area is the very essence of the Trust. Some people have suggested that either the environment or the unique amenities wording encompasses such concepts as the “character” or “culture” of island communities. These expressions refer to the fact that as a percentage of population there has been a relatively higher number of residents who are artists, philosophers, free-thinkers, eccentrics, back-to-the-landers, hippies and devotees of mystic religions. This wonderful mix is being diluted by the influx of retirees and more wealthy people, a process described as gentrification. The supply and demand forces of the property market will inevitably shape the composition of all our island communities. The pressures are growing, and realistically they cannot be stopped. Our destiny is to become, in essence, a monoculture of the rich (timeframe to be determined). Against these forces the Trust is more or less helpless. We could tinker around the edges by encouraging affordable housing projects and approving those that are suitable, but inevitably the effect will be small. Having said this, I think it is quite proper for the Trust as the planning agency/ custodian of the area to plan for housing that will accommodate some of the community members who otherwise could not afford to live here. I do not see this as being part of a mandate but rather something that is permissible. Therefore, I do think that it is appropriate to include provisions about affordable housing in the Policy Statement. To me it is not necessary to finesse the meaning of “unique amenities”. The Trust, for example, could approve a golf course which admittedly would be regarded as an amenity. It could do so because such approval is within its ostensible planning authority, not because it is mandated to preserve and protect golf courses.
David Maude, Mayne Island Local Trustee	Ecosystem Perseveration and Protection Polices. I feel that on our island they are weak. DP’s are ‘Permits to Develop’, offering little in the way of ongoing preservation. I believe tree cutting bylaws to protect specific species (ie: Arbutus) need to be considered, but as we don’t have large logging being undertaken and little appetite for it the broader reaching bylaws do not appear to be needed. I do feel that aquifer protection / preservation needs to be something that needs to be focussed on. Our land use bylaw only speaks of utilization of wells as a water source, we require 24 hour pump tests that

	stress aquifers and risk irreversible salt water intrusion issues. We remain in the dark ages in regard to rainwater use (appreciating the Province is lagging behind in permitting such uses), but as the Province allows rainwater use for single family dwellings surely we should be doing the same when considering subdivisions?
Deb Morrison, North Pender Island Local Trustee	I think the way in which people live in ways that are sustainable is important. E.g. The way that any housing is sitting in and with the land and water needs of the surrounding ecosystem with minimal negative impacts I think community needs that are related to reducing greenhouse gas emissions e.g. Composting, local foods, etc. are important I do think there needs to be a focus on environment over people, so peoples' needs should come second where there is a conflicting issue.
Doug Fenton, Thetis Island Local Trustee	Community need: • Currently, the policy focuses unilaterally on humans and human activities that benefit humans. This policy shift in the mid to late 1990s has led to ecological/environmental devastation through the TA and Salish Sea (SS). • The evidence shows that the baseline ecological status (biodiversity) has plummeted over the past 2 decades, let alone the base line was 150++ yrs ago before contact. • Another omission of the past policy, but a critical element or arm of the policy was the existing Indigenous Peoples (Coast Salish Peoples (CSP)) who had existed here for millennia. • The CSP had cared for the TA (Trust Area) for millennia. • The colonial government forced them off their traditional territories into colonial encampments without considering their way of life, sustenance (land, sea/coastal highway, and air), and cultural practices. That stated, it is evident that merely starting with policy using the existing baseline as a starting point would ignore these facts and only cement these colonial actions of the extermination of a current people. We need to openly acknowledge this wrong and create a policy framework/s that allows for dynamic change over a short time (literally years, not decades). • The currently devastating ecological biodiversity status further exemplifies this. • The opportunity here is to enact policy framework Community Needs/Development by reestablish the CSP throughout the TA via policy that supports Indigenous-led Restoration, Protect and Preservation of the ecological communities through policies that support collaborative actions, multiple knowledge systems (TK, TEK, Western Science), and 7+ generation

	visioning. This policy revision should reflect the indigenous respect for Animate and inanimate objects that exist with the TA. - o This policy framework must command respectful dialogue, and seek to understand from multiple sides of the conversation. • Further to that, there needs to be policies support recognition of the culturally sensitive areas and <i>immediate and overarching protection</i> of these areas. There are existing issues with colonial development and will be more in the future. Still, regardless of landowners' situation, we must seek the policy that protects/mitigates current sites we are aware of and seeks a pathway to identify and prevent similar wrongdoing in the future. • Again, a dynamic framework opens the door to talks and negotiation with settler residents, Indigenous & Colonial Governments. An inspirational message from Senator (Rtr) Murray Sinclair, who stated recently on a CBC interview (the Current), and I am paraphrasing, that he has <i>hope</i> for change. He expressed the need for <i>patience</i> for the colonials (as a whole), as they too need to learn from the lessons of the past 150+ years (TRC, UNDRIP, MMIWG, and BC DRIPA). Their background, worldviews and cultural influences won't change overnight; it will most likely take decades before the masses have shifted their worldviews.
Grant Scott, Hornby Island Local Trustee	No response received.
Jane Wolverton, Galiano Island Local Trustee	<i>Submitted jointly with Tahirih Rockafella</i> We weren't sure what this question was about. Part III of the Islands Trust Policy Statement seems very clear?
Jeanine Dodds, Mayne Island Local Trustee	No response received.
Kate-Louise Stamford, Gambier Island Local Trustee	As the Trust was created in recognition of the extreme development pressure the urban centres posed on fragile island ecosystems, I consider that the environmental aspect has priority over community growth. Even so, I cannot ignore the existence of human settlement which requires basic structural support to sustain itself in a rural setting. Providing some social planning initiatives (ie housing option)s to maintain a viable community is important, but not to the extent that it attracts a bigger population than the island can support ecologically.

Kees Langereis, Gabriola Island Local Trustee	Human developed community amenities such as housing, internet services, or community centres may well contribute to the draw of the area, but the authority to provide these amenities falls under the Local Government Act (LGA) and its purpose of meeting community need. The Trust Object is focused on how human developed amenities impact the Trust Area's ecosystem and environment (unique amenities). It is not whether human developed amenities are necessary or desired by local residents- that is determined under the LGA mandate. I believe the history of the ITA supports this contention. Prior to the 1974, government had two concerns: overdevelopment and population growth in the Trust Area. These factors were seen as threatening the Islands' peaceful rural area atmosphere and its inherent beauty. The lack of community amenities was not at issue. In response, the 1974 ITA established the Trust Object for the benefit of all BC residents, including local residents. At this time, Regional Districts provided local services, established community amenities and regulated land use (planning services) in the Trust Area under authority of the Municipal Act (now the Local Government Act). Trust committees did not determine whether human developed amenities were necessary. They were limited to determining whether bylaws proposed by a Regional Districts were consistent with the Trust Object. In other words, that what the bylaw proposed would not negatively impact the area's unique amenities such as the health of the ecosystem, the health of the Coastal Douglas Fir forests and/or rural community character. Trust committees essentially applied a second lens (Trust Object consistency) to the Regional District's proposed bylaw. Then in 1977, the ITA was amended (actually repealed and replaced) with the changes essentially establishing the basic framework of today's ITA. The trust retained its original purpose (Trust Object) but several administrative changes were made to the Islands Trust's operation. Trust committees now had two tasks: regulate land use to enable the provision of community amenities under the Municipal Act (now the LGA) and concurrently ensure proposed land use bylaws they themselves developed were consistent with the Trust Object. In 1989, further administrative changes were made to the ITA, including the requirement that Islands Trust policies on how the Trust Object was to be carried out would now be set out in a bylaw (ie Islands Trust Policy Statement).
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	There was no change to what the Trust Object intended. The LGA continued to authorize the provision of community amenities and services. Local trust committees continued to (a) regulate under the LGA land use that included enabling the provision of community amenities, and (b) under the ITA determine whether the bylaw enabling a community amenity was consistent with the Trust Object, as set out in the Islands Trust Policy Statement. If the Islands Trust Policy Statement incorporated policies authorizing or mandating the provision of community amenities it would be duplicating provisions already authorized under the LGA.
Laura Busheikin, Denman Island Local Trustee	Reconsider the term “community need” “Community need” as a term leaves things really open. Any community group can identify needs and push to have them met. We as regulators need to look at what a community need serves in the short run and the long run. Does a community need more entertainment venues so people stay connected? More paved areas to make transportation easier? Brighter lights to make it safer? A golf course to draw visitors and make the community world class? Skateboard parks? Maybe. But what are the long-term impacts of this. We need to ask: will policies and zoning to support that serve the overall vision and goals for the community and the Trust Area? Also, it’s important for all of us, and all islanders, to recognize that land use planning is <i>not</i> a way to directly meet community needs. It can encourage or discourage various types of development, which can create conditions in which some community needs can more easily be met, or not. Instead of using this term, let’s define what our goals and values are for communities in the Trust Area. Policies and actions should strive to support a sustainable, vibrant, diverse, unique, rurally-oriented, culturally-rich community that lives in environmentally-sound ways. That could mean buildings that are modest in size, developments that use renewable resources, lots that retain significant tree cover, affordable housing built into upzoning proposals, parks and protected areas created via amenity zoning, being leaders in rainwater catchment and use, and much more. Find Balance There needs to be guidelines for how to support a sustainable level of human use—having a vibrant diverse well-functioning full-time and part-time community and allowing people to visit—while also protecting the environment. To get to this we need clear, rational, objective criteria for determining what is sustainable, and this will vary somewhat Island by Island. Those criteria could include overall density; amount of protected land; amount of disturbed land

	compared to undisturbed (and how much of this is contiguous); aquifer health; the health of wildlife and plants (not sure how to measure this but someone must know); and standards and metrics for defining and measuring rural community character, diversity and sustainability (for instance, for housing issues, this could be a target number of dedicated affordable housing units per population, or per the overall number of dwellings) (a measurement tool could be created that would look at metrics like that one and others, such as numbers of arts events, measures of support services like food banks, free stores and hamper programs, diversity of income, the degree to which people shop locally and/or grow their own food, signs of food security such as how many farms, farm gate stands, and if there's a farmers market, etc; It could be reviewed every five years.) Provide Clear Guidance Suggestions by some trustees and community members that the ITPS should not deal with community issues at all leave a free-for-all where any LTC can approach these issues as it wants. This increases the likelihood of rampant overdevelopment and/or inappropriate development. This is not supportable. The Trust is tasked with land use planning, and that means setting policy and creating regulations for human use of land.
Laura Patrick, Salt Spring Island Local Trustee	I do not look at our role as a question of do we preserve and protect ecosystems or community. I fundamentally believe in the concept of "Ecosystem-Based management". Use of this concept is based on Coast Fund's definition: "Ecosystem-Based management is an environmental management approach that recognizes the full array of interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation" (source: coastfund.ca). Please refer to the 2001 Principles and Goals of Ecosystem-Based management from the Central Coast Land and Resource Management Planning Table for further information. PLEASE READ THESE PRINCIPLES AND GOALS OF ECOSYSTEM-BASED MANAGEMENT as they are directly relevant to the policy statement work. People living in the Islands Trust area are the protectors and the stewards of the environment. The second principle of ecosystem based management from the referenced document above says: "Empowered and healthy communities play a leadership role in sustaining healthy eco-systems, cultures and economies." Salt Spring Island's Official Community Plan (OCP) contains the vision of a diverse community that lives in harmony with the environment. If our local trust committees are making ecosystem-based land use decisions, our residents would be the ones doing the preserving and protecting. The following are a set of principles that I apply to the role of the local trust committee (please note that I would love to adopt the 2001 principles and goals of ecosystem based management): • The LTC believes the Islands Trust "preserve and protect" mandate, as set out in s.3 of the Islands Trust Act, is interpreted to not only

	preserve and protect the environment, but to also preserve and protect a socially diverse local population. • The LTC is part of a federation and this means that we can learn from, share with, and work collaboratively with other LTCs. • The LTC decisions should be balanced and be acutely aware of social, environmental and economic elements and are rooted in Reconciliation, sustainability and justice. Good solutions are integrated solutions that will also address other challenges and crises we face on our islands (e.g., forest health and biodiversity, watersheds, changing climate, land use, community spirit, and resilient small businesses.) • The LTC will facilitate, early and throughout each and every planning process, regular open dialogue with the full spectrum of the community and First Nations. The LTC understands that this dialogue will not make differences disappear or that everyone is brought to consensus. Through dialogue we can search for common understanding. • LTC is enabled and entrusted with the responsibility, through the Local Government Act, to direct the location, density and form of all housing, and to offer land use incentives for the development of housing on private, non-profit and public lands. Zoning, subdivision and other land use bylaws are powerful and foundational tools our community can use proactively to achieve a diverse and sustainable supply of housing and to curtail residential development that is out-of-step with our community's climate action and equity needs.
Lee Middleton, Saturna Island Local Trustee	Response forthcoming.
Michael Kaile, Bowen Island Local Trustee	Preservation and Protection and Community Needs will frequently be in conflict. This cannot be avoided so invariably a judgement issue. To complicate the matter judgements will change over time as needs change. To negate / reduce conflict; in addition to the Community plan, defined ecosystems need to be specifically preserved, so removing them from the discussion and potential argument. (Oil and water can be separated but not easily).
Paul Brent, Saturna Island Local Trustee	Ecosystem is a broad term that can include many components and I was unaware that the Trust is now branding its preserve and protect mandate as ecosystem policies. There are amongst many ecosystems the human ecosystem, which is part of the broader ecosystem in totality. So when the object refers to preserving and protecting ... for the benefit of residents and all British Columbians, I'm certain that human ecosystem protection and

	preservation is included, and in particular for residents of the area, as they are specifically included. Land use planning can and does support many community needs, including a vital economy, social, physical and emotional health, a broad demographic, reasonable access to housing, supportive transportation & communication infrastructure and other attributes that would benefit residents as all part of the human ecosystem. So yes, I assume that the Trust's "ecosystem" preserve and protect policies should encompass these.
Peter Grove, Salt Spring Island Local Trustee	Ecosystem preservation must trump community needs
Peter Johnston, Lasqueti Island Local Trustee	"Community need" conflicts directly with preservation and protection of ecosystems in nearly all cases. Land use planning for anything other than strict preservation and protection dilutes and weakens or discounts protection and preservation. I think it would be good if Islands Trust bodies and processes recognized and acknowledged this whenever it considers community needs, which also need to be planned for.
Peter Luckham, Thetis Island Local Trustee	No response received.
Scott Colbourne, Gabriola Island Local Trustee	No response received.
Steve Wright, South Pender Island Local Trustee	The policies' relation to communities must be to ensure sustainability: the most important factor to any community's long term health and well being. Our communities will not survive if the ecology, environment, and natural resources are not viable to support them. I suggest the Trust's focus should be and in fact, is specifically mandated to do, is to do only that. Our responsibility is to regulate land use with the primary consideration that the uses do not negatively impact the environment, its resources, or its natural character.
Sue Ellen Fast, Bowen Island Local Trustee	I feel that ecosystem preservation and protection policies <u>support</u> the policies primarily about community need. It's about living sustainably, in harmony with nature and within island limits for drinking water and many other ecological goods and services. Also economic - on Bowen our green oasis of nature and peace and quiet have been identified as a business asset (let me know if you want links to the studies and reports.) Islands Trust is not unique, even in Canada, when it comes to areas where a preserve and protect mandate is legislated, and that have people living and/or working (especially farming) in them. I have been involved in some through my work in conservation and learning. Some examples:

	• Conservation Authorities in Ontario conservationontario.ca These began 70 years ago, started with just a few around Toronto etc, now there are many. They protect soil for farmers, biodiversity, and manage freshwater and runoff; based on watershed planning: https://www.guelphmercury.com/opinion-story/6400995-taking-action-on-climate-change-saves-us-money/ They are currently being constrained by amendments passed by the Ford government last month: https://www.cbc.ca/news/canada/toronto/david-crombie-ontario-environment-1.5830385 (Also see Globe and Mail if you are a subscriber, National Observer had a good one, and this one speaks specifically to the Niagara Peninsula Conservation Authority which I assume is the example in the governance and management review committee's terms of reference: https://www.thestar.com/news/canada/2020/12/08/a-matter-of-principle-niagara-mpps-npca-respond-to-greenbelt-council-resignations.html?rf) • Ottawa Greenbelt ncc-ccn.gc.ca/places/greenbelt This began 50 yrs ago, and is run by the National Capitol Commission. It's like a green necklace through the city with both ends on the Ottawa River. Farming, trails, forests and wetlands, bicycle camping, and a few federal research facilities. Was denigrated for not limiting development which had leapfrogged over, but recent public input was plentiful and positive and led to strong management plan • more Canadian examples: Toronto's Rouge National Urban Park, Calgary's Fish Creek District, Hull/Ottawa's Gatineau Park, Yellowstone to Yukon, Western Wildway and other wildlife corridors, some of which cross international borders • internationally there are plenty, including European National Parks, World Heritage Sites, Biosphere Reserves; and over many centuries before this one: http://www.alternativesjournal.ca/community/blogs/backstage-aj/14-centuries-greenbeltsm (I purchased the issue years ago but in hard copy I think - very interesting). Here's one of the articles, including Canadian examples: https://www.alternativesjournal.ca/sustainable-living/bigger-better-belts
Tahirih Rockafella, Galiano Island Local Trustee	<i>Submitted jointly with Jane Wolverton (listed under Jane's name)</i>
Timothy Peterson, Lasqueti Island Local Trustee	Although this question is perhaps a bit vague, here's my take. Protection of ecosystems is a one way street. Once damaged, even the most diligent restoration programs cannot fully restore what is lost or damaged through human intervention. Community needs, while very important, are much more

	of a moving target. I share the concerns of many that the maintaining of socio-economic diversity on our islands is very important, for example, and that policies in support of these goals are laudable, but must not be allowed to override environmental concerns.
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Q3. 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?

<u>TRUSTEE & LTC/IM</u>	<u>FEEDBACK</u>
Alex Allen, Hornby Island Local Trustee	Mandatory directive policies? No, I don't like mandatory anything. And I think I would be speaking for a mass majority on my island. "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." I don't like the footnote above. One, I do not think us LTCs are lacking in "definite policy direction." Two, "subjects addressed in a specific way..." sounds like we are creeping towards generic OCP/LUBs for all Islands Trust islands which I do not think that was the intent of the IT Act. We are all the same but different. We hardly have any power at all us Trustees or islanders on matters on our islands to start with, so I have major concerns with a homogenized version of bylaws for the islands in that is the direction we are going in. No, I do not support this broadly or narrowly speaking.
Benjamin McConchie, North Pender Island Local Trustee	I am unclear about this question.
Cameron Thorn, South Pender Island Local Trustee	Yes, I would like to see more mandatory directive policies in the Policy Statement. In particular, I believe decisions made by LTC's must be consistent with the following commitments: (1) proactive land use planning to protect our natural environment and its carrying capacity, (2) protection of the rural character, (3) protection of the Coastal Douglas Fir, (4) that the size and siting of housing be consistent with the preservation of agricultural land for current and future use, (5) that decisions on the density and intensity of land use be consistent with water stewardship and water supply
Dan Rogers, Gambier Island Local Trustee (Keats Island)	Yes but on a limited number of topics. Whether we like it or not, islands are different. It may have been easier to put more directive policies in place in

	1974 but over the past 47 years, various islands have evolved “culturally” in different ways. So I would limit the mandatory policies to: Reconciliation Forests Foreshores Water Housing development - and I say that with a bit of hesitancy as likely the policies would be different for big islands than for smaller islands. I could be convinced perhaps on a few other topics.
David Critchley, Denman Island Local Trustee	I would say yes. I support appropriately worded directive policies on affordable housing, on limiting the size of houses, on requiring energy efficient building, on rain water supply standards, on water conservation, on helping to protect indigenous sacred places, in acknowledging reconciliation as an objective etc. I would also welcome a discussion on ultimate build-out provisions for all islands; for example no density greater than X number of dwellings per Y hectares of island size. That would really be grasping the nettle! Generally, I support tightening the Policy Statement towards more directive policies rather than mere recommendations.
David Maude, Mayne Island Local Trustee	As each island is unique and independent in nature, I do not support mandatory directive policies.
Deb Morrison, North Pender Island Local Trustee	Yes Anything to do with marine area should be directive as these are shared seas. I would also like to see reconciliation issues as directive If we ever get forest control, that would also be great directive policies.
Doug Fenton, Thetis Island Local Trustee	Yes, I fully support the notion of more mandatory directive policies. Specifically: • Development capacity within the TA – currently questionable in numerous islands; • FN or Indigenous relate Policies should reflect a TA wide rollout/adoption; • Water and watershed preservation; • Shoreline protection; • Aquaculture; • Subdivision, specifically DP that reflect the overarching interconnectedness (air, land, water, marine) and potential of archaeological sites thought the entire TA; • Farming – farming activity within the TA must/comply with the

	Environmental Farm Plan (acknowledging it is advocacy only) but still as part of the OCP development TA wide. • Education as a TA comprehensive initiative; • LTCs should be participating and supporting this kind of work.
Grant Scott, Hornby Island Local Trustee	I think we need more “directive policy” on how LTCs may deal with First Nations’ issues and applications. I think it would be very useful having suggested wording that we may include in our OCP and LUBs regarding what we actually do when we get an application that we expect may have a direct impact on aboriginal rights. Like when an application may impact on a midden or potential burial ground.
Jane Wolverton, Galiano Island Local Trustee	<i>Submitted jointly with Tahirih Rockafella</i> We believe that there should be more directive language in the area: ▪ of engaging and partnering in meaningful ways with First Nations ▪ in protecting the environment - having Development Permit Areas are a means of protection
Jeanine Dodds, Mayne Island Local Trustee	No response received.
Kate-Louise Stamford, Gambier Island Local Trustee	Our directive policies around no external water intake or no fixed links are an important part of ensuring there are limits to human community growth on most of the islands. I’m not sure of what other directive policies would be as defining. I think it is important that LTC’s be given the widest possible leeway to determine their particular community vision within the confines of maintaining their island ecology. It would also require determining to what extent the ecology/ of an island is a closed system and therefore how much human impact can occur before the basic natural systems unique to each island falls apart. This would also have to include accounting for the impact of climate change
Kees Langereis, Gabriola Island Local Trustee	I favour more mandatory policy directives related to: (a) preservation and protection of the land and marine ecosystems (ie Parts III and IV), and (b) preservation and protection of FN’s cultural artifacts and heritage sites.
Laura Busheikin, Denman Island Local Trustee	Cautiously, I’d say yes, to a degree, because this can strengthen the fulfillment of the mandate, and make it easier for LTCs to say no to things they should be

	saying no to. But cautiously, because the islands are very different in so many ways (partly because of physical geographic qualities, partly because of where they are situated geographically, partly because of historical development patterns and cultural differences). I would want this approached with caution. I really need more specifics to comment further, and maybe a list of topics where this is being considered.
Laura Patrick, Salt Spring Island Local Trustee	I want to share the following quote that is found on page 35 of an Urban Systems report titled “Final Report – Islands Trust Impact Analysis”. I believe this text as accurate: <i>“To enhance the strength of the Islands Trust ..., one possibility (raised for discussion purposes only) may be to enhance the relationship between the Islands Trust Policy Statement and Official Community Plans for Island Municipalities and Local Trust Areas. Currently, adopted Official Community Plans must be consistent with the Islands Trust Policy Statement. Potentially, an enhanced Trust Policy Statement could effectively function as a high-level land use plan for the entire Trust Area. The Trust Policy Statement could stipulate content to be included in all Official Community Plans in the Trust Area, and Official Community Plans could be required to include Context Statements to demonstrate how they conform to the Trust Policy Statement. This approach would be similar to the approach undertaken in many regional districts today (i.e. regional context statements consistent with a Regional Growth Strategy). It is noted that this approach is within the purview of the Islands Trust, and no legislative changes would be required.”</i> While I fundamentally believe that the Islands Trust would be best served if the Policy Statement stipulated content of all OCPs, this cannot occur without political will. That said, I think the current policy statement review process should look at opportunities to take explicit action. For example, shoreline protection should be identical throughout the Trust Area, just like it is in the San Juan Islands.
Lee Middleton, Saturna Island Local Trustee	Response forthcoming.
Michael Kaile, Bowen Island Local Trustee	No I would not, I support the present language which avoids “mandatory and directive” policies. Mandatory policies imposed on Bowen Island being a Municipality for twenty years, would prove extremely divisive.
Paul Brent, Saturna Island Local Trustee	Broadly speaking I believe the majority of my local trust area would be opposed to more mandatory directive policies in the Policy Statement. Our LTA is passionate about its community and the environment we live in. This is evidenced by the immense volunteer efforts to preserve and protect

	our community and environment, in a way that has and continues to be successful. Those who don't live on these small islands don't understand how 10% of an island's population volunteer for ambulance and fire fighting duty, where (many) meals are cooked and delivered to elderly or immobile neighbours and where we visit those in need of visits during Covid times. It just happens. The same with environment. Without directive policies our residents continue to strive to expand conservation area, notwithstanding almost 1/2 our island in that category. Initiatives last year added 70 acres, and a further 85 acres should be conserved in 2021 with a similar amount on the books thereafter. Shoreline cleanups happen spontaneously. The same can be said for reconciliation efforts, whose success has not been by dictate or fiat from above but from the bottom up, with residents who do so at a pace that corresponds to what the other parties believe is appropriate. Fundraising efforts to support those initiatives are community-driven. Frankly, the Trust's participation to date in such initiatives has not been viewed positively. So it goes without saying that directive policies will not be well received, particularly if perceived to come from those who aren't involved in this community and may not have a full appreciation of what actually happens on the ground. The bottom up approach works very well, and the experience with top down directive policies has not been as positive.
Peter Grove, Salt Spring Island Local Trustee	I think it best not to be any more specific or directive....
Peter Johnston, Lasqueti Island Local Trustee	I would not like to see more mandatory directive policies in the Policy Statement. I think it is best to leave as much discretion and decision-making power to Local Trust Committees and Island Municipalities as possible. One way to achieve this would be to include in the Policy Statement a list of topics that each LTC/IM must consider and address in their OCP and LUBs, and leaving them as much discretion as possible in how they do so.
Peter Luckham, Thetis Island Local Trustee	No response received.
Scott Colbourne, Gabriola Island Local Trustee	No response received.

Steve Wright, South Pender Island Local Trustee	This presents the conundrum of whether the Trust Area is to be considered a single entity or a conglomeration of separate islands in carrying out the mandate. If it is to be a group of independent and autonomous island communities, then directive policies are not of any real consequence because there are no means (other than not providing funding to LTCs), to ensure LTCs to adopt them in their OCPs. There is another problem in that policies by themselves are simply an encouragement for people to follow, and as such can not be enforced. It is our regulatory bylaws that carry weight in the Courts and those bylaws are written not for the vast majority of people who comply, but for those who do not. Unenforceable policies by themselves are not an effective means of advancing the mandate on the ground. I believe all the necessary topics are already included in policies. What is missing is the authority to create the bylaws to reflect them and the enforcement to ensure they are adhered to.
Sue Ellen Fast, Bowen Island Local Trustee	Yes I would like to see more mandatory directive policies in the Policy Statement. Also I would like the existing ones to be more clearly defined or explicit and specific. Eg 4.4.2 which is hard to defend re “density” and “intensity” will change or affect water availability or quality. Wording like “development must ...” might be helpful. Also what happens when a LTC or Island Municipality does not follow these? Eg 3.4.4 which BIM does not do.
Tahirih Rockafella, Galiano Island Local Trustee	<i>Submitted jointly with Jane Wolverson (listed under Jane’s name)</i>
Timothy Peterson, Lasqueti Island Local Trustee	Mandatory Directive Policies are essentially the one way in which Trust Council can act with any effectiveness throughout the Trust Area. In my opinion, if we as elected officials seek to carry out our preserve and protect mandate with any effectiveness, we must enact Mandatory Policies with regard to minimum lots size at subdivision immediately. Trust Council has declared a Climate Change Emergency, but I see very little that has changed on the ground. While restricting further subdivision would undoubtedly be unpopular with many, it is essentially the only tool we have to limit development, and thereby further environmental damages to the ecosystems on our fragile islands. Without policies that have meaningful consequences on the ground, we risk being a hollow and toothless witness to further destruction.

REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** February 6, 2021
From: Trust Area Services **Date Prepared:** February 1, 2021
SUBJECT: Islands 2050 (Policy Statement Amendment Project) Discussion Paper

RECOMMENDATION: That Trust Programs Committee forward the “Islands Trust Object: Past, Present, and Future” Policy Statement Amendment Project Discussion Paper to Trust Council.

DIRECTOR COMMENTS: The discussion paper aims to support a comprehensive March 2021 Trust Council discussion on key questions pertaining to the Policy Statement Amendment Project. It intends to provide relevant historical context and current analysis to support an informed and fulsome Trust Council discussion on key questions relating to Trust Object interpretations, the regional/local balance of policy directives, preliminary recommendations from the TPC working groups, and a summation of engagement with First Nations governments to date.

1 **PURPOSE:** To seek Trust Programs Committee (TPC)’s review of a draft discussion paper titled: *Islands Trust Object: Past, Present, and Future*

2 **BACKGROUND:**

Trust Council’s Policy Statement Amendment Policy (1.2.i) states that each term, Trust Council will identify Policy Statement review and/or amendment tasks.

The Islands Trust Council has assigned the Executive Committee, with involvement from Trust Programs Committee as appropriate, to co-ordinate a review of the Policy Statement addressing the following in the Strategic Plan:.

Objective 10.i: Amend the Islands Trust Policy Statement to add climate change mitigation, adaptation and resiliency policies.

Objective 16.i: Review the Islands Trust Policy Statement and give consideration to:
a) giving affordable housing a greater profile for its role in sustainable communities b) including a reference to affordable housing in its policy direction to LTCs and municipalities.

Objective 16.ii: Review the Islands Trust Policy statement to ensure that it: a) includes clear and well-thought out definition of ‘affordability’ b) includes clearly articulated vision, goal and objectives for affordable housing c) gives affordable housing a greater profile for its role in

sustainable communities d) includes a reference to affordable housing in its policy direction to LTCs and municipalities.

Objective 22: Amend the Policy Statement introductory and definitions sections.

Objective 23: Determine if additional changes to the Policy Statement are desired by Trust Council.

During the last half of 2020, the TPC Working Group on Reconciliation has been focused on understanding the government-to-government relationships that exist between First Nation governments and the Islands Trust. Engagement with First Nations continues and Islands Trust has provided capacity funding to First Nations in the Trust Area to assist with a review of the Policy Statement. The working group has investigated how the Policy Statement has changed over time, reviewed opportunities for advocacy, and examined ways to integrate the guiding principles of reconciliation into the Policy Statement. Throughout this work, working group members have looked to the guiding principles set out in the foundation documents listed below and to the words from First Nations Chiefs, council members, and community members:

- 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 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 human communities, but there is little agreement on how to most effectively address the conflicts and tradeoffs that can arise. As such, TPC members have been engaged in some existential contemplations of what it means to govern the Islands Trust Area. They’ve been deeply questioning their understandings of the Trust Object and their unique political role as “trustees”. They’ve been examining knowledge gaps around the carrying capacity of the islands and investigating ecosystem-based approaches. And, they’ve been pondering what it means to be joined together as a regional governance body with a regional mandate, while still valuing local autonomy and acknowledging locally specific needs. These big questions have proven critical to key decisions on how to take the Policy Statement Amendment Project forward.

Following discussions at Trust Council and amongst Trust Program Committee members regarding the interpretation of the Trust Object and other matters related to amendment of the Policy Statement, the Islands Trust Council voted in December to request the Executive Committee to allocate up to a full day of discussion around the Trust Policy Statement at the March 2021 Trust Council meeting.

Staff have developed a discussion paper to provide historical information and analysis that would assist these conversations.

3 IMPLICATIONS OF RECOMMENDATIONS:

ORGANIZATIONAL: None.

FINANCIAL: None

POLICY: This project will result in proposed amendments to the Policy Statement.

IMPLEMENTATION/COMMUNICATIONS: Staff will provide the discussion paper to Trust Council and will advise Executive Committee accordingly for their consideration during review of the Policy Statement session at March Trust Council.

FIRST NATIONS: Early and meaningful consultation with First Nations on amendments to the Policy Statement is essential.

OTHER: N/A

4 RELEVANT POLICY(S):

Section 15 of the *Islands Trust Act* requires Trust Council to adopt a statement of Trust Council policies to carry out the object of the Trust. It is Trust Council's policy to subject the Policy Statement to a regular review. A 2001 review resulted in few changes, so the current Policy Statement, adopted in 1994, is long overdue for a full review.

Islands Trust Act s.8: "For the purpose of carrying out the object of the trust, the trust council must (b) adopt a trust policy statement in accordance with section 15;"

5 ATTACHMENT(S):

1. DRAFT Islands Trust Object: Past, Present, and Future Policy Statement Amendment Project Discussion Paper .
2. DRAFT Session Outline for Object and Policy Statement Amendment Discussion for March 2021 Trust Council

RESPONSE OPTIONS

Recommendation: That Trust Programs Committee forward the Islands Trust Object: Past, Present, and Future Policy Statement Amendment Project Discussion Paper to Trust Council.

Alternative:

1. That Trust Programs Committee forward the Islands Trust Object: Past, Present, and Future Policy Statement Amendment Project Discussion Paper to Trust Council, as amended.
2. That Trust Programs Committee not forward the Islands Trust Object: Past, Present, and Future Policy Statement Amendment Project Discussion Paper to Trust Council

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Dilani Hippola, Senior Policy Advisor/Feb 1, 2021
Lisa Wilcox, Senior Intergovernmental Policy Advisor/Feb 1, 2021



The Islands Trust Object: Past, Present, and Future

Policy Statement Amendment Project Discussion Paper

March 2021 Trust Council Meeting

ACKNOWLEDGMENT

The Islands Trust acknowledges that the Islands Trust Area is located within the treaty and territorial lands and waters of the BOKÉĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək' ʷəŋən (SXIMEŁEŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXEŁ, Penelakut, Qualicum, Scia'new, səłilwətaʔt, SEMYOME, shíshálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SḶÁUTW, Stz'uminus, Tla'amin, scəwáθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, WJOŁEŁP, WSIKEM, and xʷməθkʷəy̓əm.

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EXECUTIVE SUMMARY

This discussion paper aims to support a comprehensive March 2021 Trust Council discussion on key questions pertaining to the Policy Statement Amendment Project. Trust Programs Committee (TPC) has identified a list of questions where feedback from all trustees is desired to support the amendment drafting process. This discussion paper intends to provide relevant historical context and current analysis to support an informed and fulsome Trust Council discussion on key questions relating to Trust Object interpretations, the regional/local balance of policy directives, preliminary recommendations from the TPC working groups, and a summation of engagement with First Nations governments to date.

The questions to be discussed at the March 2021 Trust Council meeting are as follows:

Discussion Session 1:

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”.

Q.1: How would you define the “unique amenities” that are to be preserved and protected “for the benefit of the residents of the Trust Area and of British Columbia generally”?

Q.2: How do you feel that Islands Trust ecosystem preservation and protection policies relate to policies primarily about community need? Should guidance be provided for cases where they may conflict?

Q.3: 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?

Discussion Session 2:

Q.4: Based on the policy directions outlined in Section 2.1 (Reconciliation), please share your ideas.

Q.5: Based on the policy directions outlined in Section 2.2 (Climate Change), please share your ideas.

Q.6: Based on the policy directions outlined in Section 2.3 (Affordable Housing), please share your ideas.

Part 1 of this Discussion Paper provides context relevant to the Session 1 discussion:

Section 1.1 of the paper touches on a small portion of the history and legacy of colonization and oppressive legislation as it relates to First Nations people who lived in the Islands Trust Area since time immemorial. Reconciliation is a fundamental objective of the Policy Statement Amendment Project; at no time during the formation of the Islands Trust was the history and legacy considered or the treaty and territorial lands and waters acknowledged. Understanding the truth of what happened in the Islands Trust Area provides perspective as legislation is aligned with the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), and Trust Council continues its commitment to the Islands Trust Reconciliation Declaration.

Section 1.2 provides some brief history of the developments that led to the creation of the Islands Trust in 1974, particularly focusing on a 1973 *Report of the Select Standing Committee on Municipal Affairs* which outlined the provincial vision for this special purpose government. While today's Trust Council is empowered to interpret the Trust Object according to its own particular insight and current collective values, some trustees have expressed a desire to better understand the original intent of the provincial legislation that led to the creation of the Islands Trust in 1974 in order to inform current day questions pertaining to the Policy Statement amendments.

Section 1.3 considers the regional/local balance of decision making in relation to the Trust Object and Policy Statement. An examination of the pros and cons of decentralization, the value of regional / area-based approaches, and the pre-eminence of the Trust Object aims to inform the discussion on how explicit or directive Trust Council should be in its Policy Statement guidance to Local Trust Committees and Island Municipalities.

Section 1.4 is centred on a 1986 Islands Trust Position Paper which provided explicit, detailed interpretations of the Islands Trust Object. While the Trust has evolved significantly since 1986, this set of detailed interpretations offer a useful basis for reflection and discussion to determine which interpretations may still hold true today and which may not. As the Policy Statement is a statement of policies to fulfil the Trust Object, Trust Council's current interpretations of the Trust Object are needed to guide current amendment recommendations.

Part 2 of this Discussion Paper provides context relevant to the Session 2 discussion:

Section 2.1 (Reconciliation), **Section 2.2** (Climate Change), and **Section 2.3** (Affordable Housing) offer details on the policy directions emerging in each of these three priority areas.

After reading the preliminary policy directions outlined in these sections, Trust Council will have an opportunity to provide preliminary feedback on each theme that will guide the amendment drafting process leading up to First Reading.

INTRODUCTION

Project Scope

Trust Council's Policy Statement Amendment Policy ([1.2.i](#)) states that, each term, Trust Council will identify Policy Statement review and/or amendment tasks. This term's Trust Council has assigned the Executive Committee (EC), with involvement from Trust Programs Committee (TPC) as appropriate, to coordinate an update of the Policy Statement. Council has directed that this update includes the following:

- General update of the following sections: Introduction, Part 1, Part 2 and 'Schedule 1 – Definitions';
- Update of the whole document through the lens of Reconciliation;
- Update of the whole document through the lens of Climate Change;
- Update regarding Affordable Housing to ensure that the document:
 - gives affordable housing a greater profile for its role in sustainable communities;
 - includes a reference to affordable housing in its policy direction to Local Trust Committees (LTCs) and Island Municipalities (IMs);
 - includes a clear and well thought-out definition of 'affordability';
 - includes a clearly articulated vision, goals and objectives for affordable housing.

Project Timeline

The first three stages of the Policy Statement Amendment Project (PSAP) have been focused on ongoing First Nations engagement and relationship building, two phases of public engagement, regular meetings of three TPC working groups, a number of special TPC meetings, and ongoing staff research and analysis. The TPC working groups and staff have been leading the policy analysis process on the three priority themes of reconciliation, climate change and affordable housing. The working groups were each comprised of three to four trustees and each met approximately seven to ten times between July–December 2020. The project is now entering Stage Four of its timeline, which is dedicated to the important task of amendment drafting and further review with First Nations and treaty councils and associations. Staff are now working to synthesize, analyze and integrate input from the First Nations and public engagement processes, TPC working groups, and broader trustee feedback, aiming to provide draft amendment recommendations to Trust Programs Committee in April 2021 and to Trust Council in May 2021 (First Reading). The project timeline aspires to reach Fourth Reading by the end of the term.

March 2021 Trust Council Discussion Background

At the December 2020 Trust Council meeting, TPC highlighted some key questions relating to interpretations of the Trust Object that the Committee has been grappling with over the past six months. Specific questions were identified where TPC would like to have more feedback from Trust Council members prior to making specific amendment recommendations this Spring. Trust Council resolved to dedicate a full day's worth of discussion to these topics at its March 2021 Trust Council meeting. In January 2021, three questions were sent to all trustees for early written feedback. The consolidated early feedback is attached to the March Trust Council package.

Purpose of Discussion Paper

The Islands Trust Policy Statement is meant to be a general statement of the policies of Trust Council to carry out the Trust Object. However, Trust Council members have different interpretations of the Trust Object and the nature of the Trust's special purpose mandate which are directly impacting TPC's ability to recommend specific amendments relating to the priority areas of reconciliation, climate change and affordable housing. This discussion paper therefore intends to provide relevant historical context and current analysis to support an informed and fulsome Trust Council discussion on key questions relating to Trust Object interpretations, the regional/local balance of policy directives, and preliminary recommendations from the TPC working groups.

PART 1: Understanding the Foundations of the Islands Trust

1.1 TRUTH PRECEDES RECONCILIATION

We all have to recognize that we are part of a heritage and ongoing reality of colonialism. Whether we have benefited from it or whether we have been victimized by it, we have to understand how we have been impacted by this dominant system. Oftentimes, we have been influenced to such an extent that we often don't even know that we're discriminating or being discriminated against. We must question what we've been taught and explore the possibilities of how things should be in the future.¹

- Senator Murray Sinclair, Chief Commissioner of the Truth and Reconciliation Commission of Canada (TRC)

No Acknowledgment of Place

When contemplating Policy Statement amendments through the lens of Reconciliation, it is important to acknowledge that First Nations have been excluded from legislative debates, policy and planning dialogues and cooperative partnerships throughout most of the history of the Islands Trust. The area in which the Islands Trust has existed as a jurisdictional body since 1974 is located within the treaty and territorial areas of the BOKÉĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək ʷəŋən (SXIMEŁŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXEŁ, Penelakut, Qualicum, Scia'new, səłilwətaʔt, SEMYOME, shishálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, S7ÁUTW, Stz'uminus, Tla'amin, scəwəθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, WJOLEŁP, WSIKEM, and xʷməθkʷəy̓əm (the First Nations). Yet, there is no evidence in Hansard Reports, policy papers, or academic reviews that First Nations were ever part of the dialogue on the formation or boundaries of the Islands Trust Area.

Missing from the Trust Object

The Object of the Trust has never specifically named Indigenous Peoples or First Nations as agencies to cooperate or coordinate with, despite the fact that the Trust makes land use decisions within First Nations' treaty and territorial lands and waters:

It is the object of the trust to preserve and protect, in co-operation with municipalities and the Government of the Province, the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally. (Islands Trust Act, 1974)

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. (Islands Trust Act, 2018)

Objectives of the Islands Trust Council would be to request First Nations be added to the object of the Trust after the words "for the benefit of the residents of the Trust Area, Indigenous Peoples, and of British Columbia generally, in cooperation with First Nations governments, municipalities..." .

Missing from History

The history of the Islands Trust Area and the colonization of the Gulf Islands is one of violence and erasure. It is important to understand that the history of the Islands Trust Area did not begin at the time of colonization in the 1880s; neither did it begin at the formation of the Islands Trust in 1974. The historical legislative policies and conceptualization of the Gulf Islands never acknowledged or recognized that the area had been home to

¹ Globe and Mail: *For Senator Murray Sinclair, leadership is defined by humility*, Jan 24, 2021

Indigenous Peoples since time immemorial. The beauty and “unique amenities” of the Gulf Islands are the very reasons why the area was home to Indigenous Peoples for thousands of years, and are reflected in the telling of First Nations’ creation stories, relationship to the lands and waters, and stewardship of those lands and waters for future generations.

It should be underscored that the Islands Trust Area was and is the location of permanent village sites with homes, longhouses, cultivated gathering areas for harvesting, clam gardens, and cultural sites. This occupation, over thousands of years, lay the foundations for the unique environment and amenities of the islands as we know them today. The Salish Sea Basin had one of the highest pre-contact population densities in North America, and has the earliest physical evidence of human seafaring and island occupation in the Americas. At this time there are approximately 28,000 Coast Salish peoples living in and around the Islands Trust Area and 56,000 in the Coast Salish transboundary region. The climate and resources located in the Islands Trust Area were ideal for large village sites, evidenced by extensive scientific reviews of middens and archaeological sites in the area and oral history told by Cultural Knowledge Holders and Elders.

In a recent First Nations engagement meeting with Islands Trust staff, an Elder mentioned how longhouses on islands were burned to the ground and how the posts in the ground were cut to erase all evidence that the longhouse had even existed. The concept that these lands and waters had not been occupied and were free for the taking arose as residential schools were being built and the reserve system was enacted to segregate First Nations peoples away from their homelands so that they could be settled by non-Indigenous populations. From 1974 to current day times, there has been very little historical reference or acknowledgement of the longstanding presence of First Nations in the lands and waters of the Islands Trust Area.

Terra Nullius

For the settler communities who were colonizing the Islands Trust Area, the mentality of the day was one of “taming” the lands, and claiming lands through philosophical frameworks of Doctrine of Discovery² and terra nullius³. Beginning in 1875, the area was subject to *The Gradual Civilization Act*. The *Act* supported the concepts of private land ownership through the forced removal of First Peoples from the islands to reserves, away from locations deemed desirable for European settlement. As well, the *Act* ensured Indigenous Peoples did not have voting rights or citizenship rights to their own lands and waters. Further oppressive legislation restricted Indigenous Peoples to the reserve, did not allow them to gather in groups larger than three people, and denied them the ability to buy or hold land or hire legal representation. *The Gradual Civilization Act* was just one of the many oppressive legislative tools that facilitated the genocide of Indigenous Peoples, their homelands, their language, culture, and governance and family structures in the formation of Canada and the Islands Trust Area.

Residential Schools

The Islands Trust Area was the location of the Kuper Island Indian Residential School from 1889 to 1975, a place where cultural genocide occurred with the forced removal of children as young as five years old from the surrounding communities of Beecher Bay, Burrard, Chehalis, Chemainus / Chemainus Bay, Chilliwack, Clemclem / Clemclemluts, Cole Bay, Comeaken / Comiaken, Comox, Cowichan, Equimalt, Galiano, Khenipsen / Ghenipsen, Halelt / Halalt, Katzie, Koksilah, Kuleets, Kwaw Kwaw A Plit, Ladysmith, Langley, Lyackson, Malahat, Musqueam, Nanoose, Patricia Bay, Pauquachin, Penelakut, Qualicum, Quamichan, Saanich, Siccamen, Skawahlook / Skawollock, Skwah, Somenos, Songhees, Sooke, Squamish, Tsartlip, and Tsawout⁴.

² UNDRIP para. 4: all doctrines, policies and practices based on advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences

³ Oxford Reference: land that is unoccupied or uninhabited for legal purposes. The application of English law to overseas possessions distinguished between settled colonies

⁴ National Centre for Truth and Reconciliation

The school earned the name “Alcatraz” for its remote location on the small island. Right from its founding by the Catholic Church, the scale of suffering at Kuper Island was beyond the pale . . . Even school officials described Kuper Island as “ruinous” and “insanitary (sic),” with the school’s notoriously poor conditions exacerbating outbreaks of typhus, smallpox and tuberculosis.

- National Centre for Truth and Reconciliation

10,000 Years of Knowing

At the time of the formation of the Islands Trust in 1974, the government of the day recognized the importance of the unique “amenities” of the lands and waters. There was understanding that the environment of the area was fragile and could be greatly impacted by development and resource extraction or overuse. However, it was not acknowledged or understood that this unique environment was the result of thousands of years of active cultivation and stewardship by Indigenous Peoples. Hence, the government failed to consider Indigenous Knowledge of the lands and waters of the Salish Sea, the “10,000 years of knowing” (a term stated by Chief Leah George-Wilson of the Tsleil-waututh Nation), in the formation of policies and legislation that directly impacted First Peoples’ homelands in the Islands Trust Area.

Throughout its 47 years of preserving and protecting the Trust Area the Islands Trust has consistently failed to recognize or acknowledge resource gathering areas, spiritual places, medicinal plant areas, and culturally significant species. The Islands Trust has managed the Islands Trust Area with a disconnected, single-species view of the ecological landscape versus a relational, interconnected acknowledgement of what truly makes the Islands Trust Area unique. Indigenous ways of knowing are not only important to reconciliation efforts, but also to the effective stewardship of these lands and waters.

Double Standards

Despite the fact that, in the formation of the Islands Trust, it was recognized that rapid population growth and development could greatly impact the communities that had established themselves on the islands and that quality of life should be sustainable and minimize negative effects⁵; it was never considered that the areas in question had been subject to the forced removal of Indigenous children to the horrors of residential school and the forced removal of their parents to reserves far from the growing populations of settlers. Efforts to protect the well-being of constituents in Trust Area communities were not equally exerted to protect the well-being of the First Peoples who were no longer residents of the islands due to their forced removal.

Failure to Protect Cultural Heritage

Cultural heritage sites and features, and ancestral loved ones, remain throughout these islands from which First Nations have been forcibly removed. This cultural heritage, and the ancestral loved ones, have been desecrated, destroyed, and impacted as settler communities built on top of First Nation village sites, and extracted resources from culturally significant areas. With the enactment of the *Islands Trust Act* in 1974, the Islands Trust became the planning body that determined the impacts to cultural heritage sites and ancestral loved ones via its land and water use decisions. From its earliest version the *Islands Trust Act* acknowledged the importance of preserving and protecting cultural heritage. In 1974, it stated under s. 3(2)(d) that the Islands Trust was to “locate and identify archaeological and historical sites within the trust area” and under s. 3(2)(a) “make recommendations . . . for the preservation and protection of the trust area and its unique amenities and environment”. The Gabriola Island Community plan of 1978 acknowledged the “fragile nature of the environment” and the “special natural and archaeological areas” of the island.

⁵ BC Round Table on Environmental and Economy, and the Commission on Resources and Environment 1990-1994

It is therefore surprising to find no evidence to suggest that Islands Trust Council, or local trust committees, ever undertook to locate and identify the archaeological areas, or to preserve and protect the ancestral loved ones' resting places and cultural heritage such as fish weirs, clam gardens, artifacts, burial cairns, petroglyphs, or middens that exist extensively on all islands within the Islands Trust Area. However, in 1984, the Islands Trust did document and identify the settler heritage buildings in the Islands Trust Area in an extensive publication.⁶

In 1992, the Islands Trust encapsulated the views of the public in a *Summary Report on the Islands Trust Public Forums: These Islands of Ours . . . Framing Our Common Future*. At the public forums, people listed "history and archaeological heritage" and "archaeological record" as key attributes they valued about the Trust Area. In 1994, the Islands Trust received more opportunities to cooperate and enter into new relationships with First Nations with treaty and territorial rights and title in the Islands Trust Area. Amendments were made to the *Islands Trust Act* that allowed the Islands Trust to enter into agreements with First Nations governments. In the 1994 legislative debates⁷, legislators sought to clarify section 20(1)(b): the opportunity for the Islands Trust to enter into agreements with First Nations. Debate included the ability for the Islands Trust to enter into "a separate or bilateral set of negotiations" with First Nations to build "a very good working relationship" related to "conflicts over aspects that are considered to be heritage" and statements that "this is not just a question of the preservation of site-specific artifacts" but to provide the Trust with "a significant amount of empowerment". Debate further centred around the importance of First Nations heritage for the future, and how the preservation of sites in Haida Gwaii was an example of successful agreements. Unfortunately, despite this growing public consciousness and increased authority to preserve and protect First Nations' cultural heritage and establish stronger, more collaborative relationships with First Nations in the Trust Area, the Trust continued its pattern of inaction.

In 1994, the Islands Trust was also granted new legislative authority through amendments to *Bill 21 Heritage Conservation Statutes Amendment Act*, 1994, changes to the *Islands Trust Act*, and changes to the *Municipal Act*. Amendments to the *Islands Trust Act* included new powers to engage in "activities to gain knowledge about the history and heritage of the trust area and to increase public awareness, understanding and appreciation of the history and heritage" and to "conserve heritage property". Heritage property under the *Municipal Act* was defined as "property that in the opinion of a body or person authorized to exercise a power under this Act in relation to the property has sufficient heritage value or heritage character to justify its conservation, or is a protected heritage property". Protected heritage property is defined as "protected under section 6(2) of the *Heritage Conservation Act*".

The *Heritage Conservation Act* states that heritage property is protected and it is illegal to "damage, excavate, dig in or alter, or remove any heritage object from, a site that contains artifacts, features, materials or other physical evidence of human habitation or use before 1846". The Islands Trust Area is within a historically rich and culturally abundant place of significant heritage value and properties. As noted above, the role and responsibility of the Trust was to recognize and protect the cultural heritage and historical significance of the area, which included the heritage of Indigenous Peoples. Land use decisions, bylaws, and official community plans should have been reflective of these new legislative powers to ensure the preservation and protection of significant sites such as Poets Cove, Grace Islet, and Harbour House to name just a few. The devastating impacts of the removal of ancestral loved ones from their resting places to institutions such as the Royal BC Museum, Simon Fraser University, University of British Columbia, and the Museum of Civilization contributed to cultural genocide within the Islands Trust Area.

⁶ Islands Heritage Buildings: A Selection of Heritage Buildings in the Islands Trust Area 1984

⁷ Legislative Session: 3rd Session, 35th Parliament, Volume 17, No. 2 June 29, 1994

Continued Legacy of Inaction

The history of the Islands Trust has unfortunately been one of complacent disregard for the history of Indigenous Peoples in the Trust Area and a lack of will to protect the collective heritage of the area for Indigenous Peoples, British Columbians, and Canada as a whole. Throughout the entire Trust Area, the destruction of archaeological sites, gravesites, cultural areas, and villages continues to this day. The history of cumulative impacts and destruction to the culture and historical understanding of area has been devastating to First Nations communities and their well-being, and has contributed to a general lack of trust in the role of Islands Trust. Despite the clear mandate to preserve and protect against development pressures in this fragile area, the Islands Trust has facilitated development on village sites that had existed for thousands of years, leading to the destruction of those areas and the unearthing of ancestral loved ones. This is especially tragic given that Indigenous Peoples were forcibly removed from the area and stripped of their ability to preserve and protect their own heritage through land use decision-making.

The formation of the Islands Trust in 1974 made it uniquely positioned to ensure the preservation and conservation of historical sites and archaeological areas for future generations of Indigenous Peoples and all British Columbians. As noted in legislative debates from 1974 to 1994, this had always been part of the rationale for the formation of the Islands Trust. Nonetheless, the Islands Trust has generally seemed to lack the will to compel other ministries and government agencies to prioritize the heritage of Indigenous Peoples, despite having the authority to do so, and despite being granted additional powers to work cooperatively with First Nations in 1994 and in 1994 through amendments to the *Heritage Conservation Act*.

The Islands Trust did enter into protocol agreements with some First Nations after 1994; however, those agreements did not lead to additional protections or land use decision policies to protect the heritage of Nations or create collaborative relationships at a government-to-government level. The looting of ancestral remains and cultural artifacts has long been a known practice in the area, outlined in media articles in local newspapers, in meetings held with island communities, and in community conversations going back before the formation of the Islands Trust. Unfortunately, Islands Trust enforcement policies were not coordinated with other ministries or First Nations to address the looting of cultural artifacts or sites, and advocacy efforts have not been successful at curbing these unlawful activities that lead to the erasure of cultural heritage and desecration.

We end this section on the history and legacy of the Islands Trust Area with a quote from Chief Roland Wilson, West Moberly First Nation:

You can show Canada and the world that the only way to escape our colonial history of neglect and betrayal is to act boldly and honourably in the decisions that lie before us today.

1.2 CREATION OF THE ISLANDS TRUST

Many of the important questions facing Islands Trust Council today are not new. Indeed, an examination of the Trust's history reveals recurring questions, doubts, experiments and lessons learned over the last fifty years. While today's Trust Council is empowered to interpret the Trust Object according to its own particular insight⁸, some trustees have expressed a desire to better understand the original intent of the provincial legislation that led to the creation of the Islands Trust back in 1974. Although it is out of the scope of this discussion paper to provide a complete history of the Trust, excellent chronologies can be found in *The Islands Trust Story* written by Salt Spring Islander and former Islands Trust trustee, Peter Lamb ([Lamb, 2009](#)) as well as the 1994 thesis entitled, *British Columbia's Islands Trust on the Local Government Continuum: Administrative Agency or Local Self-Government* ([Jones, 1994](#)). Some highlights, including excerpts from the September 25, 1973 *Report of the Select Standing Committee on Municipal Matters* ([Hansard, 1973](#)), are offered below.

1960s – Growing Concerns, Lack of Representation

In the early 1960s, there was no meaningful form of local government outside the boundaries of municipalities in British Columbia. This meant that residents of the Gulf Islands were largely left to fend for themselves in dealing with local issues and soliciting public services, mostly through locally-developed organizations. In 1965, regional districts were created to provide public services more economically and efficiently to non-incorporated areas. However, the minimal representation of the islands on regional district boards meant that the unique needs of islanders were still largely neglected. Meanwhile, land developers were increasingly creating large subdivisions on the islands to position the area as a recreational destination for residents of nearby urban areas such as Vancouver, Victoria, Nanaimo and Seattle. This growing pressure for development prompted Gulf Island residents to express widespread concern that the unique character of the islands was under threat.

1970s - Ten-Acre Freeze & New NDP Government

This widespread public concern prompted the Province to institute a minimum ten-acre lot size freeze on subdivisions in the Gulf Islands as a temporary fix in 1969. However, in the five months it took to bring the freeze into effect, over 2500 new lots were created through subdivisions in the Gulf Islands. Local residents vocalized the need for more input into land use planning in the area, a power which regional districts of the day did not hold. In 1972, a provincial election ended twenty years of Social Credit Party rule and brought to power the New Democratic Party (NDP) under Premier David Barrett, who had campaigned on the promise that he would not tolerate unrestricted development of the Gulf Islands. The new government quickly brought forward some radical environmental and land reform policies, including the creation of the Agricultural Land Commission in 1973.

1973 - [Report of the Select Standing Committee on Municipal Matters](#)

In 1973, the Minister of Municipal Affairs, James Lorimer, directed the Select Standing Committee on Municipal Matters to inquire into the future of development on the Gulf Islands, including the development of community plans. The Committee presented its [report](#) on September 25, 1973, on “the matters affecting islands in the Strait of Georgia and the adjacent waters” and reported on its engagement visits to North Pender, South Pender, Salt Spring, Galiano, Mayne, Saturna, Bowen, Gambier, Keats, Denman, Hornby, Lasqueti, Gabriola, Kuper, and Thetis.

⁸ 2020 Publicly Released Legal Opinion: Policy Statement Amendment Project (see Appendix A)

The **Select Standing Committee on Municipal Matters (The Committee)** observed:

It is apparent to the Committee that the islands are of extreme importance to the Province of British Columbia; they are fragile; their location is crucial, between the two largest cities in the Province; it is felt that people are entitled to use them and enjoy them to the capacity which they are able to serve.
(Hansard, 1973)

The report went on to list a number of observations about the unique **“special interests”** of the region...

- Local residents, many of whom are retired, and others who have to make their living locally;
- Large numbers of summer residents and/or visitors
- Large landowners, usually absentee, often corporate and foreign
- A larger or “provincial” interest of the general public
- Land developers and speculators
- Tree-farm license holders (TFL)

...along with **unique challenges**:

- Large subdivisions and over-development
- Ineffective representation / communication with seven different regional districts

A Call to Preserve and Protect

The Committee foresaw that the ten-acre freeze would not be sufficient over the long term and felt that more sophisticated and imaginative planning techniques such as clusters and green belts would be more effective. It highlighted a need for more supervised public spaces, beach access points, hiking trails, campgrounds, etc. on virtually every island, reflecting the Province’s view that the islands were to be of recreational benefit to all British Columbians and not just private landowners. Recognizing the need to ensure employment opportunities for island residents, the Committee gave a green light to strictly controlled limited commercial development, light industry, and agricultural activity that was compatible with the lifestyle of the islands. Nonetheless, it stressed that future development should emphasize recreation, moderate residential use, and the preservation of a rural atmosphere. Moreover, the Committee highlighted with alarm the hoarding of land by resident and absentee owners and condemned the subdivision trends of the past. It stated: “Our belief is that the islands are too important to the people of Canada to be left open to exploitation by real-estate developers and speculators.”

Primary Concerns

It is also interesting to note that, even back in 1973, the Committee flagged that “virtually without exception, shortage or potential shortage of potable water is of major concern to practically all islands and to this Committee”. The need for better control and coordination of water transportation was highlighted and the Committee also called for land use planning that would encourage pedestrian versus vehicle transit. Waste and garbage disposal were flagged as being of major concern. And, perhaps most surprisingly, the Committee underscored the potential to conserve many archaeological sites on the islands – a potential that has yet to be realized. Indeed, each of these priority themes remain critically relevant almost fifty years later.

A Call for Cooperative Leadership

It is also important to note the Committee’s vision that the Islands Trust assume the primary responsibility for all Gulf Island affairs within government jurisdiction and that it be fully representative of all interests. Its task was to bring together each group, agency, or department of government to act in the best interests of the islands and their residents with due regard for the broader and province-wide interest. This would signify not only a call for leadership of inter-agency cooperation to support the preserve and protect mandate, but also a call for more meaningful collaboration with First Nations in the Trust Area.

Call for a Special Purpose Government

The 1973 *Report of the Select Standing Committee on Municipal Affairs* culminated in a series of recommendations, including a review and adjustment of regional district boundaries, a precautionary approach to subdivisions and a continuation of the ten-acre freeze. Most notably, the Committee recommended that the Province **establish an “Islands Trust”** (or commission).

A Vision Emerges

The text of this recommendation speaks to the vision of the Province that underpinned the creation of the Trust:

The Committee also recommends that the Provincial Government establish an “Islands Trust” (or commission), as the most appropriate body to be responsible for and to coordinate the future of each island within our terms of reference. It must be emphasized most strongly that the trust is to assume the primary responsibility for all Gulf Islands’ affairs within Government jurisdiction, including land use, future growth patterns, control of development, industrial, recreational and commercial activity, as well as parks and open space designations. It is essential that the Trust be fully representative of all interests, not only on the islands, but throughout the Province as a whole. While recognizing the rights of the islanders, the Committee suggests that this section of British Columbia is dramatically affected by private and public activity which does not have the same impact in other parts of the Province. The Committee again refers to the fragile nature of these coastal units. Because it is recognized that a variety of Government departments and agencies: Highways, Health, Ferries, Lands and Forests, Parks, etc, as well as regional districts and citizen groups on the islands, all have an important role to play in this respect, we emphasize that the proposed trust or commission must not be a separate and (or) remote agency, but rather a fully representative coordinating body, whose task it is to bring together each group, agency or department of Government and to act in the best interests of the islands and their residents with due regard for the broader and Province-wide interest. (Hansard, 1973)

A Trust is Born

The Committee’s Report was ultimately successful in paving the way for the first *Islands Trust Act* to be passed in 1974 which effectively brought the Islands Trust into being. At that time, the governance structure of the Trust was highly centralized, with three provincially appointed “general trustees” (acting as Executive Committee) and a separate set of twenty-six locally elected trustees. In the early days, the provincially-appointed trustees outnumbered the local trustees three to two within local trust committees, illustrating the Province’s strong centralized approach to this visionary mandate, as well as its cautious approach to this unprecedented governance system. But gradually over time, a trend towards more and more decentralization was witnessed, giving locally elected trustees far more responsibility and authority to make decisions on behalf of their islands. This meant eventually doing away with provincially-appointed trustees altogether and shifting the balance of power of local trust committees such that local trustees outnumbered general trustees two to one. (Jones, 1994)

RECOMMENDED FURTHER READING:

[*Report of the Select Standing Committee on Municipal Matters*](#) (Hansard Report – September 25, 1973)

[*British Columbia’s Islands Trust on the Local Government Continuum: Administrative Agency or Local Self-Government*](#) (David Keith Jones, Simon Fraser University, September 1994)

[*The Islands Trust Story*](#) (Peter Lamb, December 2009)

[*Review and Amendment of the Islands Trust Policy Statement – Final Report of the Islands Trust Policy Statement Amendment Task Force*](#) (Islands Trust, May 9, 2011)

1.3 THE REGIONAL / LOCAL BALANCE

Regional Governance Goals, Decentralized Governance Structures

Throughout the history of the Trust, one can observe a gradual transition towards decentralized governance and planning processes that are quite different from the centralized governance systems first instituted by the Province back in 1974. Underpinning this evolution was a strong recognition (by both the public and provincial government officials) that locally elected officials are the best placed to understand and represent the unique needs of their unique rural island communities and that a degree of local autonomy and flexibility is supportive of effective governance. However, this decentralization could also be seen to have compromised the core provincial vision and provincial interests that first gave rise to the creation of the Islands Trust and that extend beyond the interests of Trust Area residents alone. When addressing questions relating to the level of “prescriptiveness” to enact in Policy Statement directive policies, these questions of the effectiveness of regional/local decision making figure prominently.

Strategic Area-Based Management

Some trustees feel that a more regional and/or ecosystem-based approach (beyond the political boundaries of individual local trust areas and island municipalities) would best serve the needs of local residents in their particular area. When examining the issues facing Trust Area communities today, it becomes clear that the actions that individual islands take (or don’t take) impact other islands in the region and the province as a whole. Destruction of cultural heritage on one island, for example, greatly impacts regional efforts to build trust with First Nations in the Trust Area. Cumulative impacts resulting from density increases on one island impact the climate change mitigation potential of the whole region. Conversely, the protection of cultural heritage and natural carbon sinks on individual islands have positive effects on the whole region. When making commitments as a regional Trust Council to broad-ranging and complex issues such as reconciliation and climate change, it is becoming increasingly difficult to rely on siloed, site-specific or even island-specific planning to achieve regional and provincial objectives. Rather, to truly enact these commitments, it may be beneficial to employ a more interconnected, area-based, regional governance paradigm that acknowledges the highly interconnected and transboundary nature of ecosystems, watersheds, wildlife corridors, contiguous forests and the communities who live interdependently with them.

The Potential of Trust Council

The existence of a coordinating body such as the Islands Trust Council offers an opportunity for truly integrated regional planning, led by local trustees through the regional body of Trust Council. The Policy Statement is intended to act as a supportive bridge between the provincial mandate, regional vision and local official community plans (OCPs) and land use bylaws. Abstracting from individual island needs, it aims to take a bird’s eye view to determine what is needed for the region as a whole, in the context of the provincial preserve and protect mandate that governs all activities of the Trust. It translates the Trust Object into guiding policies for Local Trust Committees (LTCs)/Islands Municipalities (IM) to implement in ways that are appropriate for their communities and for the Trust Area as a whole.

Pre-eminence of the Trust Object

Local trustees have a pre-eminent duty to the Trust Object above all else⁹. Thus, Trust Area conceptions of “community” extend beyond local residents alone, to include the environment and unique amenities of the Trust Area and the Province, more generally. LTCs and IMs play the most critical role in enacting Trust policies at the local level, in congruence with the needs of their resident communities. However, what makes the Islands

⁹ 2020 Publicly Released Legal Opinion: Policy Statement Amendment Project (see Appendix A)

Trust model different than traditional local government models is the pre-eminence of the provincial preserve and protect mandate. Residents of the Trust Area abide in a region that has been specially designated by the province as being a protected area and thus may be seen to have a different relationship with their elected officials.

The Question of “Prescriptiveness”

It is for these reasons that the Executive Committee must review local bylaws from the vantage point of the Trust Object. This can put a stop to local decisions that may be out of sync with the provincial mandate. But what about the policy guidance that simply isn’t proactively taken up by LTCs/IMs? If the Policy Statement gives guidance to LTCs/IMs to enact regionally important policies (e.g. protection of shorelines and foreshore for regional reconciliation and climate policy goals), should LTCs/IMs be left to decide independently to what extent they should address these priorities? The *Islands Trust Act* supports a requirement that local trust committees not only address certain subjects in their plans and bylaws, but that they address those matters in a specific way or to a specific effect. This has led some to recommend that the Policy Statement be more explicit or directive in some of its policy guidance to LTCs/IMs, in thematic areas where Trust Council deems a coordinated regional approach to be necessary – most specifically regarding Trust Council’s commitments to Reconciliation and the Climate Emergency.

November 2000 Publicly Released Legal Opinion Excerpt

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. An excerpt from the November 2000 legal opinion (three paragraphs released to the public by Executive Committee on October 19, 2010) is attached as Appendix B.

1.4 INTERPRETATIONS OF THE TRUST OBJECT

The Islands Trust Policy Statement is meant to be a general statement of the policies of Trust Council to carry out the Trust Object:

“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”. (Islands Trust Act)

Interpretive Differences

Although the Trust Object sets out a clear mandate to preserve and protect the Trust Area, its finer details have long been subject to a wide range of different interpretations. Nonetheless, for a special purpose government like Islands Trust, it seems important that Trust Council members share some basic understanding of the special purpose they are working towards. In the past, the lack of this common understanding has been seen to have led to vague, unclear and highly interpretive policies. It therefore seems advisable that Trust Council come to some form of consensus or agreement around a commonly held, reasonable and rational interpretation of the Trust Object that could more effectively shape the development of policy guidance and decision-making in the Trust Area. Each time Trust Council amends the Policy Statement, it expresses its vision for the region and its values as a Council. Staff have reviewed prior attempts to explicitly define the Trust Object and found a 1986 position paper that offered a detailed interpretation which might be assistive to the March 2021 Trust Council discussions.

Elements of the Object ([Islands Trust Council, 1986](#))

1986 Interpretations

The provincial position paper, entitled [The Object of the Islands Trust: Renewing the Consensus](#) (Islands Trust, 1986), endorsed by the Islands Trust Council on September 5, 1986, noted:

From the experiences since the Trust has been in operation, the object appears to have been interpreted in a variety of ways. This divergence in perceptions has, in some instances, lessened the effectiveness of the Trust and other Provincial agencies in achieving the Provincial policy of sound management of the islands. To start to remedy this situation, in Summer, 1985, the Trust initiated a review and reinterpretation of its object. ([Islands Trust, 1986](#))

This 1986 review dissected the various components of the Trust Object and provided detailed interpretations of each element. It is important to note that subsequent Trust Councils have gone in different directions than the interpretations outlined below. However, it is hoped that the clarity and detail of this particular interpretative document may provide a helpful basis for discussion and/or revision to suit the current context.

<u>Text</u>	<u>Interpretation</u>
<i>“to preserve and protect...”</i>	To ensure the continued existence, either at current or enhanced levels of the ‘unique amenities and environment’ of the Trust area and to guide human activities on land and water accordingly. The Islands Trust program for management of the Trust area should focus on identifying the unique amenities and environment and protecting these. Appropriate developments can then be guided to areas which can best accommodate them with minimal erosion of unique amenities and environment. Plan and bylaw provisions such as setbacks and parcel size can be used as site specific protection measures where development is permitted.
<i>“...in cooperation with municipalities and the government of the Province...”</i>	A number of Provincial agencies, regional districts, and municipalities have statutory responsibilities and interests in the Trust area. The Trust is to assist in obtaining mutual recognition of these various interests, and achievement of the goals of these bodies. For this reason, all plan amendments and bylaws prepared by the Trust are referred to other affected government agencies before public hearings are held. The Trust recognizes that it does not have the powers to fulfill its mandate independently and must obtain the assistance of other jurisdictions.
<i>“...the Trust Area...”</i>	The Trust area is defined in Schedule A of the <i>Islands Trust Act</i> as being “all the land, except land situated within a reserve as defined in the <i>Indian Act</i> (Canada), on all the islands situated in the Strait of Georgia, Howe Sound and Haro Strait...” within the boundaries defined (see map attached to position paper). “Land” and “island” are defined in the Act to include private land, Crown land, and land covered by water.

<u>Text</u>	<u>Interpretation</u>
<i>"...and its unique amenities and environment..."</i>	The special amenities and environment of the Trust area derive from the combination of: • a mild climate; • approximately 500 islands and the extensive coastline and sheltered waters they provide; • diverse and unusual natural features, vegetation and wildlife; • almost a continuous tree cover and large undeveloped areas; • numerous areas of heritage or archaeological significance; • abundant and varied recreational opportunities accessible to adjacent major urban centres; • solitude, scenic beauty and a clean environment; • compact, marine-oriented settlements; • tranquil rural areas; • a range of lifestyles; • a unique water supply situation (i.e. small watersheds, shallow soils and heavy reliance on groundwater sources); • the self-sufficiency yet interdependence that island living entails; Defining the unique amenities and environment of the Trust area is the focus of the Trust's program. Special areas such as the most outstanding beaches, the most significant landscapes featuring unusual grassland and wildflower areas or attractive open stands of Garry Oak, Arbutus or Douglas Fir, and intertidal and subtidal zones especially rich in a variety of marine life may be of National or Provincial importance and may require special attention (perhaps through preservation as a park or ecological reserve). Areas such as smaller, attractive sand beaches, promontories providing superior views, and major bays providing protection for boats from open water are of regional or local significance and may warrant special zoning or regulation to avoid loss or disturbance. Residential, commercial or tourism development appropriate to the services and lifestyle of the islands can, in this way, be steered to the most suitable areas. (cont...)

<u>Text</u>	<u>Interpretation</u>
<i>“...for the benefit of the residents of the Trust are and of the Province generally.”</i>	A benefit must be sustained and long-term, and must not be at the expense of the amenities or environment of the islands. “residents of the Trust area” includes those living on the islands, part-time residents, and absentee land owners. Benefits to the residents derive from: • maintaining the amenities and environment which attracted them to the islands; and • compatible and sustainable economic development and an assured sustained yield of the forest, agriculture and marine resources. The Trust has recognized the importance of public support in achieving its mandate. To gain this support, the Trust involves the public to the greatest extent possible in the development and amendment of plans and bylaws. Benefits to the Province include: • development of a sustainable economic base, focused on retirement residence, crafts and creative endeavours, fisheries and mariculture, agriculture, forestry, and tourism, as well as other services; • continued availability of diverse and valuable recreational resources in close proximity to the majority of the residents of the Province; • preservation of a physically, ecologically, and socially diverse area for the continued enjoyment of future generations; • assistance in the implementation of policies of other government agencies aimed at sound management of the islands.

2021 Interpretations

The above-listed interpretations provide a basis for Trust Council to discuss whether these interpretations remain true today or whether they may need specific updates to align with the current interpretations of Trust Council. It is also worthwhile noting that the 1986 interpretation offers more clear guidance than the current Policy Statement with regard to the question of how different policies are to relate to each other and how they should be weighted in cases where they may conflict. For example:

- *“To ensure the continued existence, either at current or enhanced levels of the ‘unique amenities and environment’ of the Trust Area and to guide human activities on land and water accordingly.*
- *“Appropriate developments can then be guided to areas which can best accommodate them with minimal erosion of unique amenities and environment.”*
- *“A benefit (to residents/the Province) must be sustained and long-term, and must not be at the expense of the amenities or environment of the islands.”*
- *“Residential, commercial or tourism development appropriate to the services and lifestyle of the islands can, in this way, be steered to the most suitable areas.”*

2020 Publicly Released Legal Opinion

As part of the dialogue and engagement process, a legal opinion relating to interpretations of the Islands Trust Object was sought in late 2020. This legal opinion (public release version) is attached as Appendix A. The opinion helped to clarify that Trust Council is entrusted with the authority to interpret and work towards the fulfilment of the Trust Object according to its own particular insight and within a standard of “reasonableness”. However, 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 highlighted above and work towards defining a collectively held interpretation of the Trust Object.

PART 2: Preliminary Policy Directions

2.1 RECONCILIATION

Current Context:

The Islands Trust has committed to reconciliation and to the guiding principles of reconciliation. Trust Council undertook this work with the passing of Policy 6.1.1 First Nations Engagement Principles in 2016, the unanimous passing of the Islands Trust Reconciliation Declaration in March 2019, and the Islands Trust Reconciliation Action Plan 2018-2022. Local trust committees also committed to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples with the Reconciliation Standing Resolution to guide the respectful relationship with First Nations governments at the local island level. Local Trust Committees of Galiano, Denman, Hornby, Salt Spring, North Pender, South Pender, Mayne, Thetis, Gambier, Gabriola, Lasqueti, and Ballenas-Winchelsea all passed the Reconciliation Standing Resolution.

Reconciliation work undertaken by the Islands Trust is guided by the foundation documents of the Truth and Reconciliation (TRC) Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Declaration on the Rights of Indigenous Peoples (DRIPA), and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice (hereafter called the “foundation documents”). Staff as provincial employees are also guided by the Draft Principles that Guide the Province of BC’s Relationship with Indigenous Peoples (hereafter called “the principles”) and planning staff are also guided by the Canadian Institute of Planning policy statement “Planning Practice and Reconciliation” (“CIP planning principles”).

In 2018, the Islands Trust undertook to acknowledge the truth, history, and legacy of the Islands Trust Area and begin meaningful engagement with First Nation governments and First Nation treaty associations in this work. Through engagement with Cultural Knowledge Holders, and Elders, the Islands Trust began a comprehensive review of their policy documents, processes, and training of staff and elected officials. The Islands Trust sought to provide training to staff and elected officials based on the guiding principles of the foundation documents, the principles, and the CIP planning principles. The Islands Trust also sought guidance and review of their process from Hereditary Chief Bill Williams (Squamish), residential school survivors Bill Adsit (Tahltan) and Eugene Harry (Malahat), and Holocaust descendant Rima Wilkes (UBC Sociology).

From 2019 to 2021, the Islands Trust provided capacity funding to First Nation governments and First Nation treaty associations to review and engage on the Policy Statement amendment process. The Islands Trust also began dialogue with other ministries and agencies to collaboratively work together to fulfil the co-collaborative Object of the Trust and support the work of reconciliation in the Trust Area.

Trust Programs Committee (TPC) Working Group on Reconciliation:

Trust Programs Committee formed a Working Group on Reconciliation consisting of one Indigenous staff person and four non-Indigenous elected trustees. The Working Group reflected on the history and legacy of the Trust Area and how the Policy Statement could be reviewed and amended. The Working Group acknowledged that the Policy Statement contains offensive historical language that does acknowledge the treaty and territorial areas of First Nation governments. The Working Group reviewed the engagement process undertaken by the Trust in relation to the Policy Statement to ensure that it was meaningful and respectful of a government-to-government dialogue. Throughout this work, the Reconciliation working group members have looked to the guiding principles set out in the foundation documents (noted in section 1.2).

The working group advocates for amendments to be reflective of key concerns raised during engagement with First Nations including:

- acknowledgement of treaty and territorial lands and waters;
- preservation and protection of cultural heritage and sacred sites;
- information sharing and interagency cooperation;
- collaborative decision-making and engagement processes;
- ensuring the inherent right to harvesting and gathering;
- marine shoreline protection;
- protection of culturally significant species and ecosystems; and
- economic reconciliation.

First Nations Engagement on the Policy Statement Review

Islands Trust staff and elected trustees have engaged with First Nations Chiefs, councils, staff, Elders, and Cultural Knowledge Holders as part of the Policy Statement engagement process. To date Islands Trust has engaged with:

First Nations Governments:

BOĶĖĖEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
K'ómoks (Comox) First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
shíshálh (Sechelt) First Nation
Snuneymuxw (Nanaimo) First Nation
Sḵwxwú7mesh (Squamish) Nation
Tla'amin (Sliammon) Nation
səlilwətaʔ (Tsleil-waututh) Nation

Community Members:

Hereditary Chief Bill Williams (Sḵwxwú7mesh)
Harold Joe (Cowichan Tribes)
Elder August Sylvester (Penelakut)
Eugene Harry (MÁLEXEŁ)

Treaty and Tribal Alliances:

Cowichan Tribal Alliance
Cowichan Tribes
Stz'uminus (Chemainus) First Nation
Halalt First Nation
Penelakut Tribe
Lyackson First Nation
Naut'sa mawt Tribal Council (NmTC)
Halalt First Nation
Xwémalhkwa (Homalco) First Nation
Klahoose First Nation
K'ómoks (Comox) First Nation
MÁLEXEŁ (Malahat) Nation
Tla'amin (Sliammon) Nation
Snaw-naw-as (Nanoose) First Nation
Stz'uminus (Chemainus) First Nation
scəwəθən məsteyəxʷ (Tsawwassen)
səlilwətaʔ (Tsleil-waututh) Nation
T'Sou-ke Nation
W̱SÁNEĆ Leadership Council Society
W̱JOŁŁP (Tsartlip) First Nation
W̱ SIKEM (Tseycum) First Nation
S̱ÁUTW̱ (Tsawout) First Nation

First Nations engagement is ongoing and capacity-funding engagement will continue until the end of March 2021. On-going engagement will continue throughout the amendment period.

Engagement Recommendations and Principles provided by First Nations during the Policy Statement Engagement Process

Overarching Principles

- 1 Acknowledgement of First Nations treaty and territorial areas within the Islands Trust Area;
- 2 Respect and acknowledgement of Indigenous rights and title as it relates to inherent rights, access, and stewardship of resources;
- 3 Respect for the government-to-government relationship that exists between First Nations governments and the Islands Trust;
- 4 Acknowledge of First Nations vital, long-standing and future-looking interest in the environment of their territories and treaty lands;
- 5 Working together to collaboratively build relationships based on mutual respect and interagency cooperation;
- 6 Share information and align policies and processes to the foundation documents;
- 7 That the Policy Statement operates within the inherent jurisdiction and governance structures of First Nations within the Islands Trust Area;
- 8 Land and water use decisions that impact First Nations interests cannot be the sole jurisdiction of local trust committees, and should be reviewed within the broader scope of the Islands Trust governance structure;

Environmental Principles

- 9 Ensure that climate change is recognized as a threat to environment, amenities, and the fragile ecosystem;
- 10 That Islands Trust move away from language such as “maintain” due to concerns related to how that is interpreted in regard to preserve and protect;
- 11 That terms such as stewardship be reflective of the role Indigenous Peoples have to actively steward their territorial areas;
- 12 Recognition that limitations must be determined since incremental growth, even green incremental growth, erodes the functionality of fragile and limited ecosystems and resources;
- 13 Islands Trust prioritize Indigenous land management regimes over Western-based management ideas;
- 14 Recognize that regulatory frameworks do not recognize impacts to sensitive species or culturally significant species, their cultural use, and cumulative impacts due to pollution, emissions, and development;
- 15 Agricultural land areas must not impact culturally significant species, areas, wetlands, or habitat, including impacts to cultural heritage and/or spiritual use;
- 16 Forest areas require archaeological impact assessments to ensure preservation and protection of cultural values, culturally significant species, and use;
- 17 Culturally significant species of vegetation, flora, and fauna must be conserved and protected, understanding the interrelationship between protected and healthy ecosystems and inherent rights to gather for well-being;
- 18 Foreshore areas must be preserved and protected to maintain access for shellfish harvesting, access and foraging;
- 19 Freshwater must be preserved and protected to ensure aquifers can support streams and wetland ecosystems;
- 20 Ecosystems that have been heavily impacted by development or industry must be restored and protected;
- 21 Study the impacts and create policies to address pollution and sewage impacts;
- 22 Official community plans must address the cumulative impacts to marine habitat from docks, anchorages, and seawalls;

Social Principles

- 23 Promote the well-being of Indigenous Peoples and their interests within the Islands Trust Area;
- 24 Recognize that community includes Indigenous Peoples;
- 25 That the islands and waters of the Islands Trust Area are integral to the health and well-being of First Nations with treaty and territorial areas within the Salish Sea;
- 26 Indigenous Peoples have an inherent right to gather, utilize, and manage their treaty and territorial lands and waters;
- 27 Indigenous Peoples have a right to express their culture, language, and spirituality within the Islands Trust Area;
- 28 Indigenous Peoples have a right to access cultural areas, culturally significant species/flora and fauna, and to care for and access ancestral loved ones resting places;
- 29 Islands Trust should advocate for policies and initiatives that eliminate the socio-economic gap between islanders, British Columbians in general and Indigenous Peoples;
- 30 Share information and collaborative work with First Nations governments to ensure land and water use decisions are reflective of their concerns;
- 31 Educate islanders and British Columbians about the history and legacy of the Islands Trust Area as it relates to First Peoples;
- 32 Islands Trust create appropriate land use planning tools to address First Nations economic development interests;
- 33 Ensuring consistency between planning bylaws and policies and First Nations land use plans, treaty agreements, and land use agreements with the Islands Trust Area;

Heritage and Cultural Principles

- 34 Recognize that “unique amenities” includes cultural heritage and protected heritage sites;
- 35 Re-establish pre-1995 heritage and cultural heritage/archaeological principles from past Policy Statements;
- 36 Include Indigenous place names and historical understanding in local trust committee areas signage and wayfinding, ecology and habitat areas;
- 37 Educate islanders and the general public on the illegality of damaging, looting, and possessing Indigenous cultural heritage and artefacts;
- 38 Ensure all agencies and ministries conform to heritage protection and conservation policies and principles as outlined by the Islands Trust and First Nations governments;
- 39 Develop Trust wide heritage preservation overlays to ensure the preservation and protection of cultural heritage, heritage buildings, and cultural sites.

Implementation Principles Related to Overarching Legislation

Enter into protocol agreements and management plans that address matters of mutual interest and concern;

Ensure that First Nations projects related to First Nations economic reconciliation are prioritized within the Islands Trust Area;

Develop a First Nations Advisory Committee on environmental and heritage preservation;

Ensure companies and business conducting ground work, archaeological assessments and monitoring within the Islands Trust Area are approved by First Nations governments and communities and uphold the foundation document principles in their operations;

Questions

- 1 Should house size or construction be restricted to reduce impacts on heritage sites?
- 2 Should seawalls be prohibited to preserve heritage foreshore?
- 3 Should Islands Trust reconciliation policies be implemented regionally versus at the local island level?

2.2 CLIMATE CHANGE

Current Context:

In the [2018-2022 Islands Trust Strategic Plan](#), Trust Council committed to amend the Islands Trust Policy Statement to add climate change mitigation, adaptation and resiliency policies; (and to...) amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas-fir, foreshore and nearshore environments and groundwater.”

In March 2019, Islands Trust joined governments around the world in declaring a Climate Emergency and making a commitment to take urgent and equitable climate action. In Phase I of the Islands 2050 public engagement process, we asked the public: “In the context of a changing climate, what concerns do you have for the next 30 years?” The [“What We Heard” Report](#) highlighted several priority themes of concern. Ecosystem Change and Water were by far the top concerns expressed, followed in order of priority by the themes of: Land and Marine Use Decision-Making; Governance; Transportation; Community Resilience; Food Security; Fire Risks; Education; and Sea Level Rise.

Reflections from the Trust Programs Committee (TPC) Working Group on Climate Change:

“Place Protection”: Trustees in this working group generally agreed that bolder directive policies would be needed in order to properly address both climate change and reconciliation. In particular, it was felt that the existing language reflected an overly human-centric approach to land use planning which has evolved since the original drafting of the Policy Statement (both inside the Trust and globally). Examining the phrase “preserve and protect”, it was suggested that the Trust has a clear mandate to first preserve (via conservation) and then protect (via planning). In this way, the Trust Object is itself a climate action tool, safeguarding carbon sinks and biodiverse ecosystems, and limiting the rate and scale of emission-intensive growth and development. In the face of the projected impacts of climate change on the Trust Area, there is now a need for more targeted policy directives that can curb or adapt to the growing risks of biodiversity loss, shoreline erosion, wildfire risk, droughts, storm-surge flooding, salinity, acidification, temperature change, etc. Members of this working group generally agreed that, in the rich and unique bioclimatic zone of the Trust Area, conservation and protection of existing natural areas is the clearest pathway to climate resilience for ecosystems and communities alike.

“Unique Amenities”: Members of this working group tended to interpret “unique amenities” in the context of healthy coastal ecological communities, where human needs are just one element of community well-being. Working towards a definition, the group discussed what makes the Islands Trust Area unique and in need of special protection, which included some of the following defining elements: healthy coastal ecosystems; intricate web of biodiversity; rich ecological communities (e.g. Coastal Douglas-fir ecosystem); model of living lightly in a balanced, sustainable way; protection from overdevelopment, overpopulation, urbanization; First Nations cultural heritage; what was there vs. what settlers have created.

A Case for More Explicit/Prescriptive Directive Policies: Trustees in this working group felt that more prescriptive Policy Statement language would provide the policy backing needed for trustees to properly enact the Trust Object in their communities. Some have suggested that leaving too much room for interpretation also leaves room for politically-influenced “policy drift” away from the central Trust Object, which in turn compromises effective regional governance as set out in the Trust Object (“for the benefit of the residents of the Trust Area and of British Columbia generally...”).

Preliminary Policy Directions:

A high-level overview of the guiding principles and policy goals from the TPC Working Group on Climate Change is listed below. Specific amendment language will be presented closer to First Reading. These recommendations have not yet been endorsed by the wider TPC. All amendment recommendations will be reviewed through the lens of reconciliation principles and priorities (Ref: Sections 1.1 and 2.1 of this report).

The working group discussed preliminary guiding principles that should guide Policy Statement amendments:

- **Climate Emergency**
 - Climate Emergency Declaration needs to translate into bolder protective policies
 - climate change projections suggest we can't address climate change with business as usual
 - every day we continue business as usual, we push intensity of impact further into future
- **Place-Based Protection**
 - Trust Object is fundamentally about conservation-oriented, place-based protection model, not traditional human-centric land-use planning / development model
 - protecting the natural areas of the Trust Area protects the wider region (provincial interest)
 - need to protect those who can't speak for themselves (ecosystems and future generations)
- **Precautionary Principle**
 - define as a guiding principle for all policies contained in the Policy Statement
 - where there is scientific uncertainty, proceed cautiously to avoid harm
 - acknowledge limits of professional reliance model - site specific perspectives, little understanding of impacts to First Nations, paid by applicants = conflict of interest
- **Indigenous Knowledge**
 - prioritize Indigenous Ways of Knowing and Traditional Ecological Knowledge
 - learn from Cultural Knowledge Holders
 - understand and learn from First Nations' relationship with the land
- **Ecosystem-based Approaches**
 - look at broader impacts to ecosystem / watershed; not just site-specific or island-specific
 - acknowledge that human well-being is dependent on well-being of ecosystems
 - favour nature-based solutions over technological workarounds that are not fully understood
- **Climate Equity**
 - work to understand the impacts of climate change on vulnerable segments of communities
 - foster climate resilience for those most vulnerable
 - work with other agencies to ensure resources for those who are most vulnerable

The working group felt the Policy Statement should be amended to achieve the following policy goals:

- **Preserve, Protect and Restore Carbon Sinks**
 - Bolder policies to preserve mature forests, greenspace, soils, wetlands and eelgrass meadows that act as important carbon sinks for the Trust Area and wider province/country
- **Foster Low-Carbon, Compact and Connected Communities**
 - Facilitate smaller building footprints (square footage limitations), clustered development (close to hubs, as appropriate), active transportation, low carbon agriculture and low carbon buildings
- **Preserve, Protect and Restore Biodiversity**
 - Bolder policies for the protection of sensitive Coastal Douglas-fir and Coastal Western Hemlock ecosystems, wildlife corridors, culturally-significant species and species at risk, and marine food webs for Southern Resident Killer Whales (for the Trust Area and wider province/country)
- **Safeguard Freshwater Sustainability**
 - Bolder policies for the protection of finite water supplies; regulate alternative water supplies (including rainwater harvest, desalination plants, etc.)
- **Protect Shorelines and Foreshore**
 - Bolder protections of shorelines and foreshore habitats through setbacks and upslope protections; safeguard Indigenous shellfish harvesting areas and archeological sites
- **Mitigate Wildfire Risk**
 - Minimize fire risks through land use planning tools, advocacy and outreach

2.3 AFFORDABLE HOUSING

Current Context:

In the [2018-2022 Islands Trust Strategic Plan](#), Trust Council committed to strengthen housing affordability throughout the Islands Trust Area and listed a number of strategic actions to support that objective. These included the following actions pertaining to the Policy Statement Amendment Project:

- I. Review the Policy Statement to ensure that it:
 - a. gives affordable housing a greater profile for its role in sustainable communities
 - b. includes a reference to affordable housing in its policy direction to LTCs and IMs
 - c. includes a clear and well thought-out definition of ‘affordability’
 - d. includes a clearly articulated vision, goals and objectives for affordable housing

In the current version of the [Islands Trust Policy Statement \(2003\)](#), policy guidance and directives pertaining to affordable housing are notably sparse:

In the **opening preamble to Part V – Sustainable Communities**, it is stated:

*Communities within the Trust Area are predominantly rural in character and contrast markedly with surrounding urban areas. Each island community has developed somewhat independently of communities. Residents of all island communities value the safe and supportive nature of their island and their quality of life. Most feel strongly that **people of differing age groups and income levels should continue to have the opportunity to reside in island communities**. The health of a community is influenced by numerous factors such as economic security, education, social support systems, the cleanliness and safety of the environment, and **the availability of such necessities as educational and social services, transportation, affordable food and housing**. Public involvement in decisions that affect a community is also critical to the health of that community. Participation in the decision-making process influences whether an individual or group is able to realize aspirations, satisfy needs or cope with change.*

In addition, **Directive Policy 5.8.6** states:

*Local Trust Committees and Island Municipalities shall, in their Official Community Plans and Regulatory Bylaws, **address their community’s current and projected housing requirements** and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.*

In addition, **Section 473(2) of the Local Government Act** states:

An official community plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing.

Reflections from the Trust Programs Committee (TPC) Working Group on Affordable Housing:

Housing Needs: Many islands in the Trust Area are experiencing a shortage of safe, secure and affordable housing. Development patterns of the past that led to large single-family houses and rural sprawl have proven to be environmentally unsustainable and have led to social equity challenges. Trustees in this working group

generally agreed that the core issues at hand are broader than mere “affordability” and explored alternative terms such as “diversity of housing stock” and “accessible housing” that is “safe, secure, appropriate and affordable for low to medium income households”. It was noted that several Local Trust Committees (LTCs) and Island Municipalities (IMs) often face a tension between the ecosystem protection elements of the Policy Statement and community needs for densification to support affordable housing projects (e.g. constraints imposed by Directive Policy 4.4.2 – freshwater supply). This is exacerbated by the inability of vulnerable/low-income groups to find alternative (costly) pathways to address regulatory constraints. Looming crises such as pandemics and climate change are not experienced equally and can exacerbate inequalities and gentrification on the islands. Trustees also considered community needs for “aging in place” – i.e. facilitating safe, secure, appropriate and affordable housing for seniors as part of the housing mix. It was highlighted that different local trust areas and island municipalities will have different needs regarding affordable housing; thus, flexibility in policy options would be paramount. It was noted that the Official Community Plans (OCPs) of LTCs/IMs in the Trust Area currently have differing and outdated definitions of “affordable housing” or no mention at all. The *Local Government Act* has a requirement that OCPs include language around affordable housing, but is non-specific and leaves room for interpretation. Leaving it to each LTC/IM to proactively incorporate affordable housing considerations into their OCPs could be seen to compromise a strategic and regional approach. Including it in the Policy Statement may help LTCs/IMs to strike a more refined balance between ecosystem protection and community needs. The group felt that the role of Islands Trust would be to facilitate (not provide, nor restrict) affordable housing, largely through rezoning.

The Islands Trust Object and “Unique Amenities”: Members of this working group tend to favour an inclusive Policy Statement that balances community needs with environmental protection and acknowledges their points of intersection. In early discussions of the working group, it was felt that the differentiation of “unique amenities” and “environment” in the Trust Object itself clearly recognizes them as distinct, with “unique amenities” referring more to the unique social character of the islands. Trustees in this working group also highlighted that the approved inclusion of Part V in the last amendment of the Policy Statement suggests that the Province is in agreement with this broader interpretation. Furthermore, it was suggested that the use of the words “the Trust Area” and “for the benefit of...” in the Trust Object sets up a scenario where community values and community issues are clearly integral to the purpose clause.

Preliminary Policy Directions:

The following amendment recommendations have been suggested by the TPC Working Group on Affordable Housing. These recommendations have not yet been endorsed by the wider TPC. All amendment recommendations will be reviewed through the lens of reconciliation principles and priorities (Ref: Sections 1.1 and 2.1 of this report).

The working group discussed that affordable housing could be defined in the Policy Statement as:

- **Affordable Housing:** Safe, secure, appropriate and affordable housing for low to moderate income households. (The working group notes that further definitions may be needed for the terms “safe”, “secure”, “appropriate”, and “affordable”).

The working group discussed preliminary guiding principles that should guide Policy Statement amendments:

- The acute lack of diverse, affordable housing options on many islands is exacerbating challenges pertaining to social equity and homelessness in Trust Area communities.

- Development patterns of the past that led to large single-family dwellings and rural sprawl have proven to be environmentally unsustainable and emission-intensive.
- There are environmental benefits to multifamily, compact, clustered, and connected affordable housing; Low-carbon housing is an essential component of climate action planning.
- Illegal dwellings that are not in accordance with regulatory bylaws are compromising the safety and security of housing options within the Trust Area.
- Short-term vacation rentals (STVRs) are impacting the affordability of housing in both negative and positive ways, but seem to incur a net harm to the availability of affordable housing options.
- Freshwater scarcity and the need to protect First Nations cultural heritage and sensitive biodiverse ecosystems are significant constraints to increasing density for multifamily, affordable housing units. In order to address the needs for affordable housing within these constraints, downzoning of previously subdivided residential areas is needed.
- There is a need to work closely with local governments, non-profits and other agencies to facilitate the provision of affordable housing in the Trust Area (advocacy policies)
- Advocacy for safe and secure housing will be guided by the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice.
- The severity of affordable housing challenges varies amongst islands within the Trust Area – Should the Trust stipulate different policies for specific islands where the lack of affordable housing is particularly acute? (e.g. Salt Spring and Gabriola?)

The working suggested the following amendment language. This is the only theme where specific amendment language has been proposed to date. This is due to the fact that housing policies are much more limited in scope than the topics of reconciliation and climate change, which require review of the entire Policy Statement and a much broader set of amendment recommendations.

- **General:**
 - *...Where and when the housing needs report for a Local Trust Area / Island Municipality concludes that there is a deficit of safe, secure, appropriate housing options that are affordable, in perpetuity, for those groups identified as being in core need, those housing options shall be given priority over market housing.*
 - *...Where islands have an identifiable village core, OCPs shall prioritize clustered, compact and connected affordable housing*
 - *...where LTCs/IMs and bylaws permit short-term vacation rentals (STVRs), they shall be regulated and limited in number*
- **Downzoning / Density Transfer:**
 - *...LTCs/IMs shall address imbalances in housing options by downzoning residential areas that do not have adequate water and densifying areas suitable for low-carbon, clustered and connected affordable housing*
 - **AND/OR**
... LTCs/IMs shall consider reducing density in areas “where development is inappropriate” and increasing density in areas “where they could be community benefits”
 - **AND/OR**
... LTCs/IMs shall not increase density in areas where there is water scarcity or in areas requiring extra protection due to the presence of First Nations cultural heritage, species at risk and/or high levels of biodiversity (e.g. Coastal Douglas-fir ecosystems)

APPENDICES

APPENDIX A – 2020 Publicly Released Legal Opinion

APPENDIX B – 2000 Legal Opinion (3 Paras for Public Release)

REPLY TO: VANCOUVER OFFICE

VIA EMAIL: cfrater@islandstrust.bc.ca

October 27, 2020

Clare Frater
Director, Trust Area Services
Islands Trust
200 - 1627 Fort Street
Victoria, BC V8R 1H8

Dear Ms. Frater:

Re: Policy Statement Amendment Project
Our File No. 00002-0020

You have requested our opinion on the several questions pertaining to the amendment of the Trust Policy Statement, which we will address in order:

1. *Is s. 3 of the Islands Trust Act to be interpreted in such a way as to restrict the scope of the Policy Statement to environmental conservation and cultural heritage matters, or can the Policy Statement include policies in respect of matters like sustainable communities and affordable housing that appear to relate more directly to the exercise of bylaw-making powers by local trust committees under Part 14 of the Local Government Act?*

The general scheme of the *Islands Trust Act* includes the creation of governance bodies that exercise jurisdiction pursuant to both the Act and pre-existing local government legislation, principally what's now Part 14 of the *Local Government Act*. In enacting this legislation, the Province withdrew certain regulatory powers from regional district boards and conferred them on elected local trust committees. The result is that local governance of the trust area is shared between the regional districts and the Islands Trust. In conferring governmental powers on the Islands Trust entities the Legislature identified the statutory object that is in s. 3 of the *Islands Trust Act*. For the purpose of carrying out that object, the Trust Council established under the Act must adopt a policy statement, the scope of which is not prescribed; the Act merely states that the policy statement must be a general statement of the policies of the Trust Council to carry out the object of the trust. The Trust Council may, according to the Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov* 2019 SCC 65, interpret s. 3 of the *Islands Trust Act* "applying its particular insight", and a reviewing court will defer to that interpretation unless it can be shown to be unreasonable; the interpretation need not be legally "correct".

The *Vavilov* decision indicates that the scope of the policy statement should be determined according to its “text, context and purpose”. The context and purpose of s. 3 include providing the standard or benchmark for the bylaw approval function performed by the executive committee under s. 15 of the *Act* in respect of local trust committee and island municipality bylaws, and the broader but less binding purpose described in s. 39.1 of the *Act* which requires the council of an island municipality to have regard to the policy statement when enacting bylaws and issuing permits and licences. According to s. 15(4), the executive committee may not approve a bylaw if it is contrary to or at variance with the policy statement. The efficacy of the policy statement in preserving and protecting the trust area lies principally in the direction it gives to the enactment of Part 14 bylaws by the local trust committees and island municipalities. These are the core tools that the Legislature provided to the local trust committees to achieve the object of the trust.

The Trust Council has several options in respect of Part 14 bylaws. It may legitimately determine in respect of particular Part 14 bylaw-making powers that local trust committees and island municipalities can be left to exercise their Part 14 powers as they see fit, in which case the policy statement may be silent on that topic. In other cases, the Trust Council may see fit to state a policy favouring the enactment of a particular type of Part 14 bylaw without indicating in any detail what such a bylaw should achieve. In still other cases the Trust Council may wish to go further, by indicating substantive content for such a bylaw that is considered to be appropriate or necessary for achieving the trust object. Each of these could in our view be a legitimate policy choice for the Trust Council to make in relation to any particular Part 14 topic, and a reasonable interpretation of s. 3 of the *Act* and the provisions of the *Act* dealing with the policy statement. It is implicit in the foregoing opinion that we don’t consider that the policy statement must be restricted in its scope to environmental conservation and cultural heritage, since Part 14 powers extend well beyond those matters.

As to the meaning of the term “unique amenities” in the trust object, according to the Supreme Court’s reasoning in *Vavilov*, the B.C. Legislature is presumed to have intended local and municipal trustees sitting in Trust Council to determine what constitutes a “unique amenity” that falls within the scope of the “preserve and protect” object, subject only to judicial review on a standard of reasonableness. In leaving the term undefined in the statute, the Legislature can be taken to have intended that the Trust Council would determine what features of the trust area warrant preservation and protection as “unique amenities”, by addressing the matter in the policy statement. As regards the text of the statute as referenced in the foregoing citation from the *Vavilov* decision, dictionaries merely define “amenity” as “pleasant feature”. The interpretation of these words in s. 3 seems to us to be an exercise that a reviewing court would see as quintessentially engaging the principle in *Vavilov* that the Legislature’s delegate (Trust Council) may employ its “particular insight”, based on local knowledge, in determining what features of the trust area it will seek to preserve and protect. We don’t interpret the adjective “unique” as meaningfully limiting the scope of the term “amenities”; rather, we think that the term “unique” simply acknowledges the juxtaposition of the trust area’s landforms, plant and

animal communities and so forth with the geographic position of the islands on which they are found, which is by definition unique.

2. *If not, given that local trust committees and island municipalities are required by Section 473 (2) of the Local Government Act to include housing policies in their OCP respecting affordable housing, rental housing and special needs housing, should this topic be addressed in the Policy Statement?*

We indicated above that it's up to the Trust Council to determine whether any matter that is within the scope of Part 14 of the *Local Government Act* ought to be addressed in the policy statement, whether or not the matter is particularly described in s. 3. Addressing or not addressing a particular topic in the trust policy statement has important implications for the operation of the rule in s. 15 that a bylaw must not be approved by the executive committee if it's contrary to or at variance with the policy statement, and the rule in s. 39.1 that the council of an island municipality must have regard to the policy statement when enacting bylaws and issuing permits and licences. It may be that some Part 14 matters are considered so critical to the achievement of the trust object (the use of development permit area designations for the protection of the natural environment might be an example) that trust council considers that the policy statement must address them, while others are more peripheral and can be left to local trustees and municipal councils without policy guidance. It's not our view that the policy statement would be legally vulnerable if it were to omit any reference to housing. Part of the trust council's role is to determine whether such matters related to housing warrant treatment in the policy statement, in view of the fact that the *Local Government Act* requires local trust committees and island municipalities to include housing policies in their OCPs and that if the policy statement is silent on those matters, there may be less leverage to pursue the trust object as interpreted by the Trust Council by refusing to approve an OCP that's contrary to or at variance with the policy statement.

3. *Can the Islands Trust Object, set out in s.3 of the Islands Trust Act, be interpreted to include a mandate to preserve and protect affordable housing?*

As regards housing affordability in particular, it seems to us that the Trust Council might reasonably consider that socially diverse local populations are part of the unique amenities of the trust area. We note that s. 3 refers to the trust area being preserved and protected "for the benefit of the residents of the trust area and of British Columbia generally". Policies that are directed at the maintenance of an adequate supply of housing that is affordable by persons in the income brackets who have historically populated the trust area would seem clearly to be "for the benefit of the residents of the trust area". Further, one of the consequences of preservation and protection of the trust area "for the residents of British Columbia generally" could be that they may visit the trust area, such non-resident enjoyment of the trust area being more feasible given the availability of local services such as visitor accommodation, restaurants, travel services and so forth that rely on an adequate supply of

affordable housing for operators and employees. Overall, we consider that a Trust Council interpretation of the term “unique amenities” in s. 3 as including a supply of affordable housing would likely pass the reasonableness test.

4. *Given that local trust committees and island municipalities are entrusted with local government duties under Part 14 of the Local Government Act, are their roles as members of local Trust Committees and Island Municipalities different from their roles as members of the regional Trust Council which is governed solely by the Islands Trust Act?*

We must distinguish between members of the Trust Council who are members of the council of an island municipality (municipal trustees) and those who are not (local trustees), in responding to this question.

In our view it is incorrect to consider local trustees to be “wearing different hats” when they are sitting in Trust Council and when they are sitting in a local trust committee exercising Part 14 powers. According to s. 9 of the *Islands Trust Act*, the Trust Council must adopt a trust policy statement “for the purpose of carrying out the object of the trust”. Section 24 of the *Islands Trust Act* provides that “for the purpose of carrying out the object of the trust”, each local trust committee may regulate the development and use of land in its local trust area in accordance with sections 29 and 31 of the *Act*, and must submit its bylaws to the executive committee for approval. Section 29 is the source of the local trust committees’ Part 14 powers. Thus, local trustees wear the same hat whether they are sitting in Trust Council dealing with the trust policy statement or sitting in local trust committee dealing with Part 14 matters, and are meant to be pursuing the same purpose in each case: the purpose described in s. 3 of the *Islands Trust Act*.

The situation of municipal trustees is somewhat different. They acquire Part 14 powers directly via the *Local Government Act* and are not mandated to exercise those powers “for the purpose of carrying out the object of the trust”; rather, the object of the trust is secured via special provisions in Part 5 of the *Islands Trust Act*. Section 39.1 requires the councils of municipalities in the trust area to “have regard to the object of the trust” in adopting a bylaw or issuing a permit or licence, and to submit for executive committee approval only their official community plans and zoning bylaws, which approval must (as is also the case with local trust committee bylaws) be withheld if the bylaw is contrary to or at variance with the trust policy statement. It may be that municipal trustees can reasonably be described as “wearing different hats” when they are sitting in Trust Council and when they are sitting in a municipal council exercising Part 14 powers; such a conclusion might be reinforced by the fact that each of them must make separate oaths of office in respect of their municipal council and trust council roles. However, it seems clear to us that local trustees have but a single role and mandate in all their activities: to secure the object of the trust set out in s. 3 of the *Islands Trust Act*.

We trust that these opinions will be helpful to the Trust Council as it considers amendment of the Islands Trust Policy Statement.

Sincerely,

YOUNG ANDERSON



Bill Buholzer

buholzer@younganderson.ca

BB/smj

copy to: Mr. Robert Barlow, Islands Trust

APPENDIX B

Excerpt of Publicly Released Legal Opinion (2000)

Excerpt from November 23, 2000 legal opinion for the Islands Trust

Re: Policy Statement Directive Policies

from Bill Buholzer (formerly Lidstone, Young, Anderson)

(3 paragraphs released to public by EC Oct 19, 2010)

Directive Policies

The thrust of the changes that are proposed to the "directive policies" is to change requirements that local trust committees and island municipalities "address" certain matters in their plans and regulatory bylaws, to a requirement that they include those matters in their regulatory bylaws. Presumably the intent here is to provide more definite policy direction to the local trust committees.

In principle, we see no reason that the more mandatory language cannot be adopted in the Islands Trust Policy Statement. Indeed, it could be argued that the proposed language of the directive policies is more consistent with the Islands Trust Act than the current, more neutral language. The scheme of the Islands Trust Act is that the Islands Trust Policy Statement forms a substantive policy context for local bylaws. The Islands Trust Act certainly supports a requirement that local trust committees not only address certain subjects in their plans and bylaws, but that they address those matters 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 the Trust Council wishes to leave to local trust committees in implementing the Islands Trust Policy Statement and, indirectly, the object of the Islands Trust. That is a matter on which we think that a court would defer to the judgment of the Trust Council, should any party, including any local trust committee, challenge the authority of the Trust Council to constrain the bylaw making powers of local trust committees in this manner.

As for the authority of the Trust Council to enforce the adherence of local trust committees to directive policies, the Islands Trust Act provides a very simple bylaw approval procedure permitting the executive council or the Trust Council, as the case may be, to determine whether a particular bylaw is contrary to or at variance with the trust policy statement. There is no question that the Trust Council and the executive committee have the authority to refuse to approve a bylaw if, in its reasonable opinion, the bylaw does not comply with a "directive policy" in the trust policy statement.



March 9, 2021
Islands Trust Council

Islands Trust Object and Policy Statement Amendment Discussion

Background: Following discussions at Trust Council and amongst Trust Program. Committee members regarding the interpretation of the Trust Object and other matters related to amendment of the Policy Statement, the Islands Trust Council voted in December to request the Executive Committee to allocate up to a full day of discussion around the Trust Policy Statement at the March 2021 Trust Council meeting.

To support the dedicated discussion, Trust Council voted to request the Trust Programs Committee to prepare questions for trustees regarding themes that have been emerging during discussion of the Policy Statement Amendment Project. Trust Programs Committee did request trustees to answer three questions (see attached):

1. How would you define the “unique amenities” that are to be preserved and protected “for the benefit of the residents of the Trust Area and of British Columbia generally”?
2. How do you feel that Islands Trust ecosystem preservation and protection policies relate to policies primarily about community need?
3. 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?

Trust Programs Committee also prepared a discussion paper to inform the conversations (attached).

Purpose: **To provide an opportunity for trustees to discuss their interpretations of the Object of the Trust, the desired level of prescriptiveness for Policy Statement amendments and other matters related to the Policy Statement Amendment Project.**

Resources: Russ Hotsenpiller, CAO
Clare Frater, Director, Trust Area Services
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Dilani Hippola, Senior Policy Advisor

Islands Trust Object and Policy Statement Amendment Discussion Schedule:

TIME	TOPIC	FACILITATOR
9:30 a.m. – 9:45 a.m.	Introductory Remarks	Clare Frater, Director, Trust Area Services
9:45 a.m. – 11:00 a.m.	Discussion Session #1 : Roundtable Discussion on the Islands Trust Object & Written Feedback from Trustees (See three discussion questions listed on Page 4 and Pages 4-22 of Discussion Paper)	TPC Chair Deb Morrison
BREAK		
11:15 a.m. - 12:30 p.m.	Discussion Session #1 (cont...)	TPC Chair Deb Morrison
LUNCH BREAK		
1:00 p.m. – 3:30 p.m.	Discussion Session #2: Dialogue regarding Reconciliation and First Nation Engagement (See Discussion Paper Section 2.1 on Pages 24-27) Sharing of ideas about policy directions on Climate Change (See Discussion Paper Section 2.2 on Pages 28-30) Sharing of ideas about policy directions on Affordable Housing (See Discussion Paper Section 2.3) (Pages 31-33)	TPC Chair Deb Morrison with support from Lisa Wilcox, Senior Intergovernmental Policy Advisor and Trust Area Services Staff
BREAK		
3:45 p.m. – 5:00 p.m.	Discussion of Trustee-Sponsored RFDs pertaining to the Policy Statement Amendment Project	Chair Peter Luckham

BRIEFING

To:	Trust Programs Committee	For the Meeting of:	February 5, 2021
From:	Trust Area Services	Date Prepared:	January 28, 2021
SUBJECT	Proposed Islands 2050 Virtual Open House		

PURPOSE:

To provide Trust Programs Committee with information about a proposed Islands 2050 virtual open house. Staff have provided a Request for Decision to the Executive Committee's February 3, 2021 agenda regarding a proposed virtual open house and will provide a verbal update to Trust Programs Committee about the details of the Executive Committee decision.

BACKGROUND:

Islands Trust launched the Islands 2050: The Future of the Trust Area engagement on September 6, 2019, with the intention to gather information and insight from community members about their concerns and vision for the next 30 years in the Trust Area.

The approach is one of openhearted engagement. The engagements offer a genuine opportunity to better understand the visions, including hopes and concerns, which individuals and communities have for the future of the Islands Trust Area. Discussions are framed through the "preserve and protect" Object of the Islands Trust with acknowledgement that the Islands Trust is within the traditional and treaty territories of Coast Salish Peoples, and that Policy Statement policies and principles need to uphold the Islands Trust Reconciliation Declaration.

In Fall 2019, staff conducted Phase I of the Islands 2050 public engagement process, soliciting feedback on priority values and concerns for the Trust Area over the next thirty years. Staff consolidated the online and in-person feedback into a final report on: "[What We Heard - Islands 2050: The Future of the Trust Area](#)", which was released in July 2020. Following the guidance of the International Association for Public Participation (IAP2), the What We Heard Report aimed to report on the results of Phase I of the public engagement process without showing any decision making. At the same time, staff committed to follow up with a "What We Learned Report", which would aim to build on the public feedback, along with early feedback from First Nations engagement, and outline some of the policy analysis by staff and Trust Programs Committee (TPC) working groups to date. It was further decided that the release of the second report would coincide with a second phase of public engagement through an online survey and online public forum in early 2021.

The [Islands 2050 Policy Directions Report](#) (previous draft titled What We Learned Report) was made public on Jan 18th 2021. The survey accompanying the report is open from Jan 18th to Feb 5th. In designing the second phase of public engagement and survey questions, staff have taken into account feedback received about the first round of public engagement along with research and comments made during trustee working group sessions. The report and survey provides an opportunity for the public to offer feedback on three new questions outlined at the end of the Policy Directions Report along with five demographic and communication questions. The survey is open for nineteen days.

On November 18, 2020, the Executive Committee endorsed a revised Islands 2050 Project Charter which included delivery of two online forums; one associated with the Policy Directions report and another associated with First Reading. Staff are proposing a Policy Directions virtual open house for a weeknight evening or a weekend daytime. The open house is proposed for the week before Trust Council (Monday, March 1st to Saturday, March 6th) or during the week of Trust Council (Monday, March 8th – Wednesday, March 10th) and is proposed to be 1.5 to two hours in length. The virtual open house could include:

- An opportunity for the public to ask questions prior to the virtual open house through social media, subscriber notices and email
- Co-hosting by staff and trustees
- An acknowledgment and welcome by a First Nations elder
- A short presentation outlining the Policy Statement engagement process to date and the upcoming drafting process (including playing the Islands 2050 video and showing slides of the key elements of the Policy Directions report)
- An opportunity for the public to ask questions during the virtual open house through the zoom webinar function

Staff will post a short summary of the virtual open house and a link to the recorded session on the Islands Trust website after the event.



ATTACHMENT(S):

1. Islands 2050 Virtual Open House Project Charter
2. Policy Directions Report and Survey
3. Policy Statement Amendment Project Charter Version 3

FOLLOW-UP: Subject to Executive Committee approval and Trust Programs Committee feedback, staff plan to use a similar approach to advertising as used for the Policy Directions report and survey by cross-promoting with Trust Council ads in publications. Staff will post on the Islands Trust website, social media, and share with email subscribers, Trust Council members, Islands Trust staff and First Nations who are working with Islands Trust on Policy Statement amendments. The virtual open house will be advertised in newspapers (Bowen Island Undercurrent, Gulf Islands Driftwood, Gabriola Sounder, Coast Reporter, Hornby Tribune, and Denman-Hornby Grapevine), in monthly publications (Active Page, Saturna Scribbler, Our Isle and Times, Mayneliner, Pender Post, The Flagstone), and a feature online ad on the Salt Spring Exchange website. In addition, staff will directly e-mail non-profit and other island organizations to encourage them to advise their members of the survey opportunity.

Staff will follow protocol and invite an elder to make a prayer at the beginning of the virtual open house. Staff will provide First Nations (who are working with Islands Trust on Policy Statement amendments) an invitation to the virtual open house along with the summary report afterwards.

Prepared By: Gillian Nicol, Program Coordinator

Reviewed By/Date: Dilani Hippola, Senior Policy Advisor/ Jan 28, 2021
Lisa Wilcox, Senior Intergovernmental Policy Advisor /Jan 28, 2021
Clare Frater, Director, Trust Area Services /Jan 31, 2021

Purpose: The purpose of the Islands 2050 virtual open house is to provide another option for the public to participate in the Islands 2050: The Future of the Trust Area process.

Background: Staff launched the Islands 2050: The Future of the Trust Area engagement on September 6, 2019, with the intention to gather information and insight from community members about their concerns and vision for the next 30 years in the Trust Area. Multiple approaches have been undertaken to seek input on this project which are outlined below, along with updates on key project components. The approach is one of openhearted engagement. The engagements offer a genuine opportunity to better understand the visions, including hopes and concerns, which individuals and communities have for the future of the Islands Trust Area. Discussions are framed through the “preserve and protect” Object of the Islands Trust with acknowledgement that the Islands Trust is within the traditional and treaty territories of Coast Salish Peoples, and that Policy Statement policies and principles need to uphold the Islands Trust Reconciliation Declaration. The Islands 2050 Policy Directions Report (previous draft title What We Learned Report) was made public on Jan 18, 2021. The survey accompanying the report is open from Jan 18 to Feb 5, 2021. In designing the second phase of public engagement and survey questions, staff have taken into account feedback received about the first round of public engagement along with research and comments made during trustee working group sessions. The report and survey provides an opportunity for the public to offer feedback on three new questions outlined at the end of the Policy Directions Report along with five demographic and communication questions. The survey is open for nineteen days. On November 18, 2020, the Executive Committee endorsed a revised Islands 2050 Project Charter which included delivery of an online forum associated with the Policy Directions report and another associated with First Reading. Staff are proposing a virtual open house for a weeknight evening or a weekend daytime. The open house is proposed for the week before Trust Council (Monday, March 1st to Saturday, March 6th) or during the week of Trust Council (Monday, March 8th – Wednesday, March 10th) and is proposed to be 1.5 to two hours in length. The virtual open house could include:

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- An opportunity for the public to ask questions during the virtual open house through the zoom webinar function
- Staff will post a short summary of the virtual open house and a link to the recorded session on the Islands Trust website after the event.

Objectives

- To improve communication, community engagement and participation on the Islands 2050 process
- To enhance the capacity of the public to review the Policy Statement and focus their attention on climate change, affordable housing, and reconciliation opportunities

In Scope

- Organize one virtual open house in March 2021
- Provide a summary report after the virtual open house
- Prepare a communications plan and advertise the event in existing meetings, newspapers, social media and through emails

Out of Scope

- Providing more than one virtual open house

Work plan Overview

Deliverable/Milestone	Date
Create and implement a communication plan to promote the virtual open house	February 2021
Organize and host a virtual open house	March 2021
Provide a summary report of the virtual open house	March 2021

Project Team	
Clare Frater	Project Manager
Gillian Nicol	Project Coordinator
Vicki Swan, Dilani Hippola, Lisa Wilcox	Project Advisors

Budget		
Budget Source: Trust Programs Committee		
Fiscal	Item	Cost
2020/2021	Advertisement	\$1250.00
2021/2021	Honorarium	\$250.00
	Total	\$1500.00

Approved by:

Clare Frater

Date: Jan 26, 2021

Endorsement:

EC resolution #:

Date:

Policy DiRectionS

Islands 2050: The Future of the Trust Area

Visual Policy Analysis
& Public Engagement Phase II

January 2021



Illustrations by:
Michelle Buchholz | CASSYEX
CONSULTING
cassyexconsulting.com

Acknowledgment

*We respectfully and
humbly acknowledge...*

The Islands Trust Area is located within the treaty and territorial lands and waters of the BOKÉĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək'wəŋən (SXIMEŁŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXEŁ, Penelakut, Qualicum, Scia'new, səlılwətaʔt, SEMYOME, shíshálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SṐÁUTW, Stz'uminus, Tla'amin, Tsawwassen, We Wai Kai, Wei Wai Kum, WJOŁŁP, WSIKEM, and xʷməθkʷəy̓əm.

*...these lands and waters
have been home to
Indigenous Peoples since
time immemorial*

*...we honor the rich
history, stewardship
and cultural heritage
of this place*

Islands 2050: The Future of the Trust Area

We are updating the [Islands Trust Policy Statement](#) to be current, to be resilient to new challenges, and to take advantage of new and evolving opportunities.

In the Fall of 2019, through online and in-person engagement processes, we asked the public the following questions:

What do you value about the Trust Area?

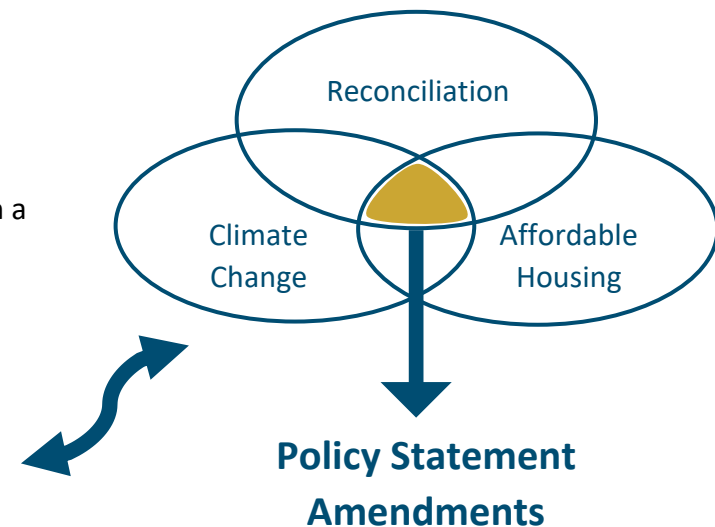
What opportunities do you see to protect and preserve the Trust Area?

In the context of a changing climate, what concerns do you have for the next 30 years?

At the same time, Islands Trust began a parallel process of engagement with First Nations governments on the Policy Statement for the first time in the history of Islands Trust. Meaningful engagement with First Nations is critical to Trust Council's commitment to reconciliation.

In July 2020, we summarized the first round of public feedback received in a [“What We Heard” Report](#).

Over the past six months, we have been considering the feedback received and examining how amendments to the Policy Statement could help preserve and protect what is most valued in the Islands Trust Area. We are now sharing some of our high-level policy directions in three priority areas and launching a new online survey for further public input.

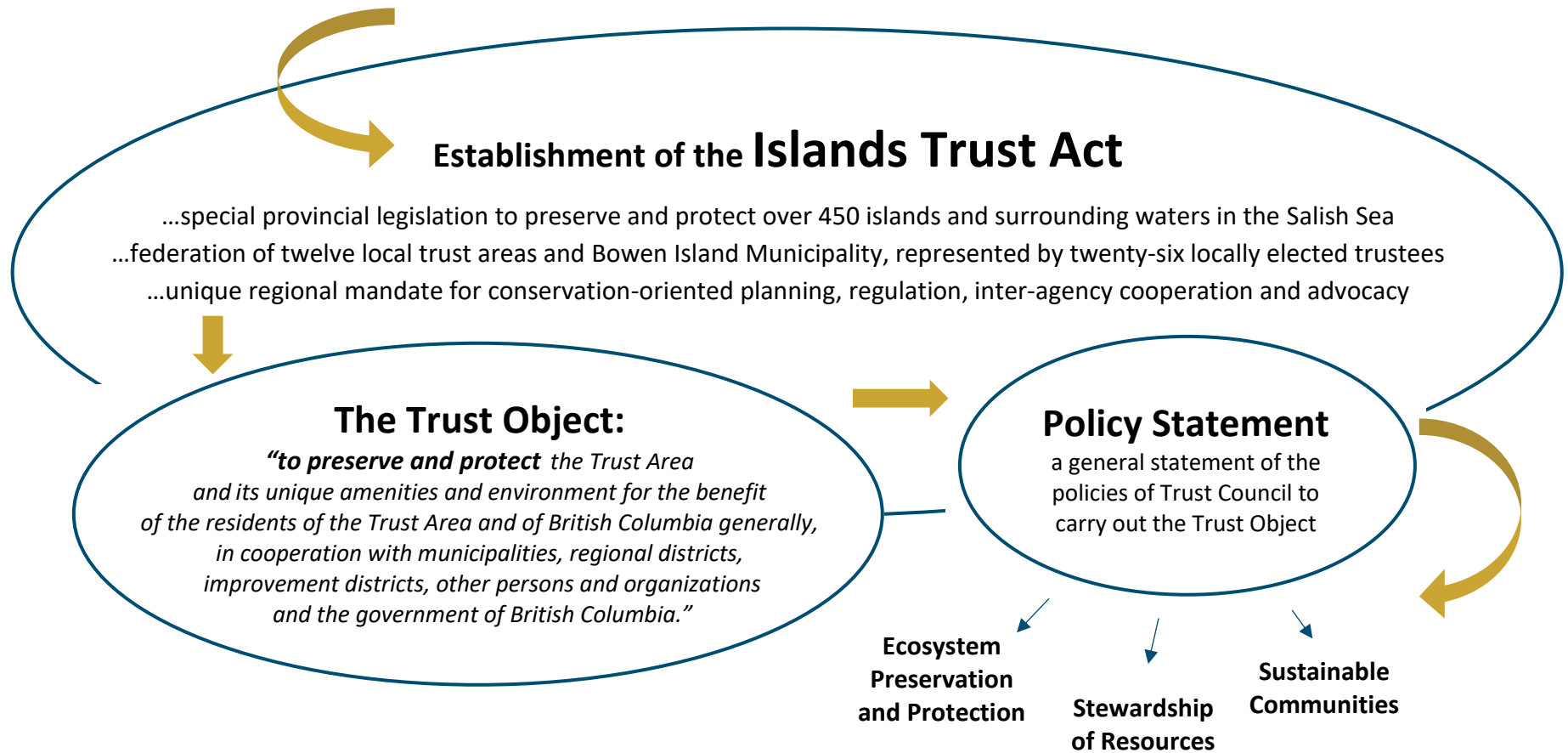


The ISLANDS TRUST Object

A Unique Mandate to Preserve & Protect

To understand the Policy Statement, it is important to understand its origins...

In **1974**, the Government of British Columbia acknowledged that unrestrained development arising from the Trust Area's proximity to major urban centres could irreversibly damage this uniquely biodiverse and ecologically sensitive region.



Preserving & Protecting

In Phase I of the Islands 2050 Public Engagement, we asked the public two questions related to the preserve and protect mandate. The [“What We Heard” Report](#) highlighted several priority themes:

What do you value about the Trust Area?

- **Connection to Nature**
- **Preserve & Protect Mandate**
- **Planning, Policy & Governance**
- **Rural Island Culture**
- **Community Resilience**
- **Infrastructure, Transportation & Services**
- **Biodiversity & Species Protection**
- **Food & Water Security**
- **Affordable Housing**
- **Cultural Heritage & Reconciliation**

“The Trust Area’s beautiful natural landscapes, its rural character, and its relatively clean environment are the values that are important to me and my family, but they are also linked to sustainability of the islands and their natural ecosystems.”
-Public Engagement Participant

“I value being near water and wooded areas; love the surrounding beauty and peacefulness this affords. Beauty influences how people think about home. People in beautiful places tend to love where they live and feel strongly about caring for it. They are then more likely to be active in its protection.”
-Public Engagement Participant

What opportunities do you see to protect and preserve the Trust Area?

- **Planning & Policy**
- **Economics & Employment**
- **Alternative Living & Community Resilience**
- **Partnerships & Programs**
- **Water System Infrastructure & Management**
- **Biodiversity & Species Protection**
- **Education & Communication**
- **Food Security**
- **Alternative Energy & Infrastructure**
- **Governance**

"It's important to always have a climate change lens on everything Islands Trust does. Policies and land use decision making should reflect these decisions."
-Public Engagement Participant

"What is the "carrying capacity" of each island? If these are not ascertained, continued and sustained, incremental growth and development (no matter how "green" the development may be), will continue to be allowed to erode the functionality of the very ecosystems and resources that the Islands Trust is mandated to protect."
-First Nations Engagement Participant

"I'm concerned most about running out of potable water. We've had an increase in dry winters, long droughts, and our water aquifers and lakes not filling. We need water to survive. Why aren't we making this a priority?"
-Public Engagement Participant

A Complex Policy Environment

Growing **development pressures** and a **climate emergency** are leading to an increasingly complex policy environment. The Islands Trust Council is updating the Policy Statement to better address these issues and more effectively uphold its commitments to **reconciliation** and the **preserve & protect mandate**.

Climate Change
Impacts

Freshwater
Scarcity

Biodiversity
Loss

Housing
Crisis

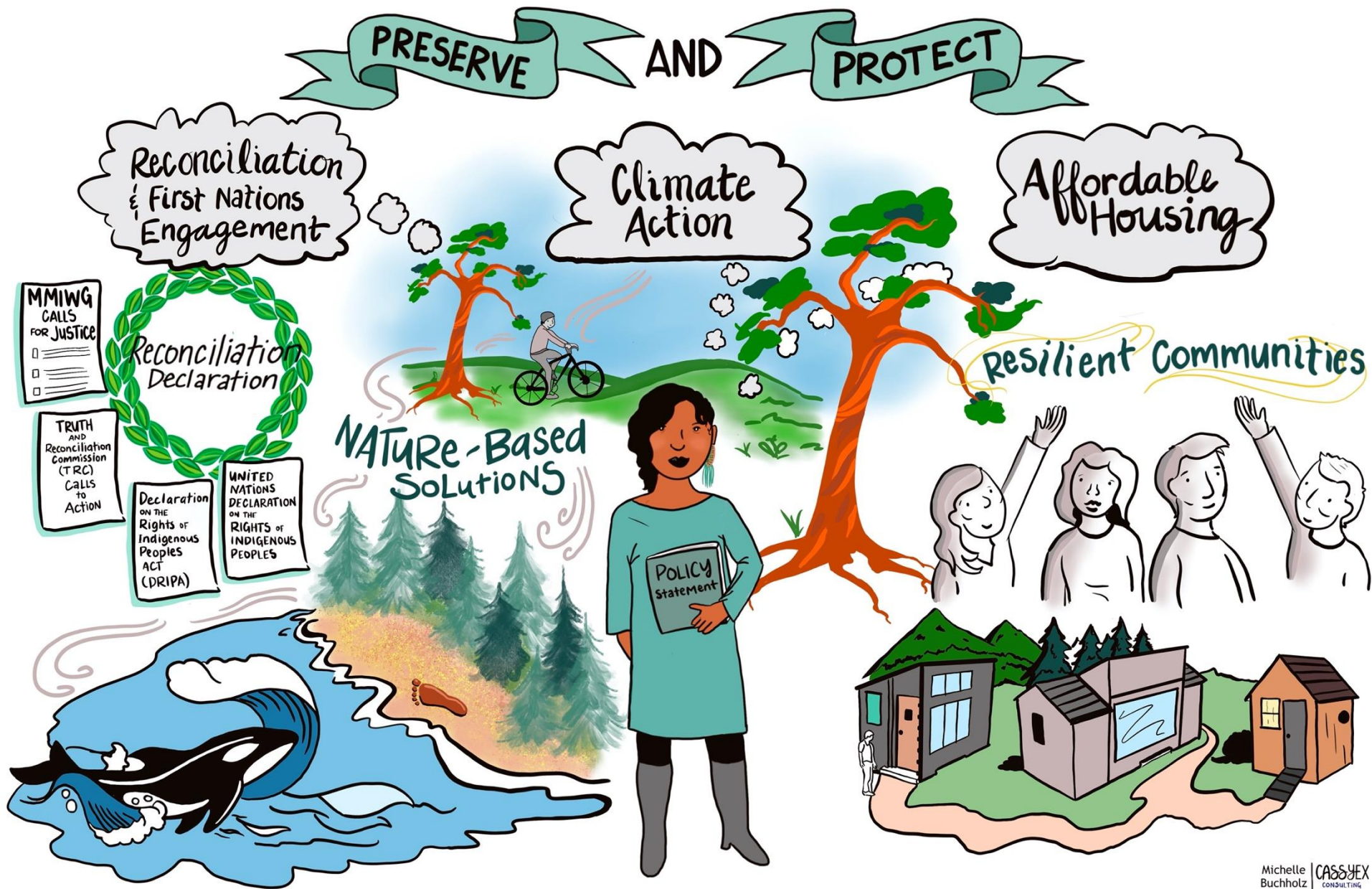
Destruction of
Cultural Heritage

Marine
Pollution

"We would like to see Islands Trust take a stronger stance on protection of marine resources like shellfish (...) Most of the bays are polluted and we have very few stretches of shoreline left to harvest in the Islands Trust jurisdictional area."
-First Nations Engagement Participant

"Low impact rural solutions to affordable housing like land sharing, co-op housing, tiny home villages, retirement communities can be accomplished. Creative and ecological small footprint solutions are out there and can be obtained when there is a will."
-Public Engagement Participant

"Many archaeological sites within the Gulf Islands have been damaged in the name of development."
-First Nations Engagement Participant



Islands Trust Council

Reconciliation Declaration

*“The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been **home to Indigenous Peoples since time immemorial** and honours the **rich history, stewardship, and cultural heritage** that embody this place we all call home.*

*The Islands Trust Council is committed to establishing and maintaining mutually **respectful relationships** between Indigenous and non-Indigenous peoples.*

*Islands Trust states a **commitment to reconciliation** with the understanding that this commitment is a **long-term relationship-building and healing process**.*

*The Islands Trust Council will strive to create opportunities for **knowledge sharing and understanding** as people come together to **preserve and protect** the special nature of the islands within the **Salish Sea**.”*

Adopted March 2019

Reconciliation Declaration

Reconciliation Action Plan

Commitment to the **Foundation Documents:**

United Nations
Declaration on the
Rights of Indigenous
Peoples ([UNDRIP](#))

Declaration on the
Rights of Indigenous
Peoples Act ([DRIPA](#))

Truth and
Reconciliation
Commission
Calls to Action
([TRC Calls to Action](#))

Missing and
Murdered Indigenous
Women and Girls
Calls for Justice
([MMIWG Calls
for Justice](#))

*"The road we travel is
equal in importance to the
destination we seek.
There are no shortcuts.
When it comes to truth and
reconciliation, we are all
forced to go the distance."*

- Justice Murray Sinclair,
Truth and Reconciliation
Commission



Policy Statement Review by First Nations for the first time in Islands Trust History

- Capacity Funding
- Cooperation Accords
- Long-term relationship building

• **Meaningful Engagement with First Nations in the Trust Area**

- Inter-agency collaboration with provincial and federal partner agencies
- Policies and overlay mapping for the protection of cultural heritage
- Recommendations to implement MMIWG Calls for Justice
- Standing Resolutions by 11 Local Trust Committees on relationship building and implementation of UNDRIP

Respectful
Relations

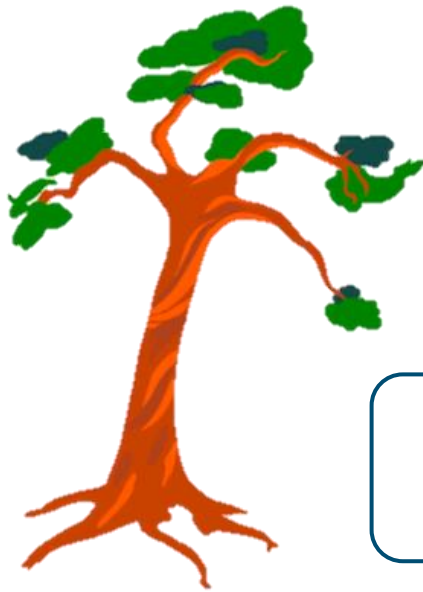
Building
Trust

Cultural
Heritage

Access to
Harvesting

Indigenous
Ways of Knowing

Cultural
Safety



Climate Change

In March 2019, Islands Trust joined governments around the world in declaring a **Climate Emergency** and making a commitment to take **urgent and equitable** climate action.

In Phase I of the Islands 2050 Public Engagement, we asked the following question about climate change:

In the context of a changing climate, what concerns do you have for the next 30 years?

The ["What We Heard" Report](#) highlighted several priority themes:

- **Ecosystem Change**
- **Water**
- **Land and Marine Use Decision-Making**
- **Governance**
- **Transportation**
- **Community Resilience**
- Food Security
- Fire Risks
- Education
- Sea Level Rise

"Should we as a community be able to invest in other means of collecting water, such as, rain barrels, roof water catchments and other types? Climate change is reducing the amount of rain in our area, which reduces the water in the aquifers."

-Public Engagement Participant

"We need to rethink our island transportation system. We need to move away from the auto-centric way of commuting. We need to encourage park and ride (limiting traffic on islands) and invest in electrified transportation."

-Public Engagement Participant

"I'm concerned about the loss of uninterrupted tracts of Coastal Douglas-fir forest and depreciating soil... because we can't preserve and protect what we don't have, and we are losing it rapidly."

-Public Engagement Participant

Islands Trust Climate Emergency Declaration

Indigenous Knowledge

ensure climate action policies and processes are inclusive of Traditional Ecological Knowledge, cultural knowledge holders, and First Nations' relationship with the land

Ecosystem-Based Approaches

look at the broader landscape;
acknowledge that everything is interconnected;
seek nature-based solutions

PRINCIPLES & PARADIGMS for Climate Action

As we strive to update the Islands Trust
Policy Statement with climate change in mind,
we've identified a few key principles and paradigms
to guide our policy making.

Precautionary Principle

where there is
scientific uncertainty,
proceed cautiously
to avoid harm

Climate Equity

support those most
vulnerable to adapt to
climate change;
foster resilient
communities

No More Business-as-Usual

it is time for bolder environmental protections
and new low-carbon ways of life

Policy Goals for Climate Action

Preserve, Protect, and Restore Carbon Sinks

Preserve mature forests, greenspace, soils, wetlands and eelgrass meadows

“carbon sink”: a forest, ocean, or other natural environment viewed in terms of its ability to absorb carbon dioxide from the atmosphere (Oxford)

Foster Low-Carbon, Compact, and Connected Communities

Plan for smaller footprints, clustered development, active transportation, low carbon agriculture, and low carbon buildings

Preserve, Protect, and Restore Biodiversity

Protect sensitive Coastal Douglas-fir and Coastal Western Hemlock ecosystems, wildlife corridors, culturally-significant species and species at risk, and marine food webs for Southern Resident Killer Whales

Safeguard Freshwater Sustainability

Protect finite water supply; regulate alternative water supplies

Mitigate Wildfire Risk

Minimize fire risks through land use planning tools, advocacy and outreach

Protect Shorelines and Foreshore

Protect shorelines and foreshore habitats through setbacks and upslope protections; safeguard Indigenous shellfish harvesting areas and archeological sites

Droughts

Biodiversity

Loss

Wildfires

Sea Level

Rise

Extreme Weather

Events

Ocean
Acidification

Affordable Housing



Many islands in the Trust Area are experiencing a shortage of **safe, secure and affordable** housing. Development patterns of the past that led to large single-family houses and rural sprawl have proven to be **environmentally unsustainable** and have led to **social equity** challenges.

To address these challenges, the Policy Statement could require the use of **rezoning** tools to facilitate housing that is **energy-efficient** and **located close to island services**. It could further require that housing density be moved from areas needing extra protection to areas that are less vulnerable and less biodiverse. We are also looking at the impacts of **short-term vacation rentals** on affordability for both home owners and renters, investigating where policy guidance may be needed.

Our advocacy for safe and secure housing will be guided by the Missing and Murdered Indigenous Women and Girls (**MMIWG**) **Calls for Justice**.

Throughout it all, we will aspire to keep a watchful eye on the protection of **freshwater sustainability, sensitive ecosystems, biodiversity** and **First Nations' cultural heritage**, striving for a balanced and equitable approach.

"We need attainable, creative housing solutions for diverse populations. Because we aren't adapting our development policies in line with changing demographics, and people are suffering as a result."
-Public Engagement Participant

"We need to direct new growth closer to villages, ferry terminals and transit. This includes smaller dwellings, shops and services. Reduce vehicle trips; enhance our sense of community and belonging; protect wild lands and forest from rural sprawl."
-Public Engagement Participant

"We need more compact, eco-friendly and affordable housing. Otherwise, our communities will fall apart and only wealthy retirees will be left."
-Public Engagement Participant



PuBLic EngagemEnt

Phase II



Now that you have a sense of our high-level policy directions, we welcome your thoughts and ideas:

Regarding the policy directions we've outlined on Climate Change, please share your ideas.

Regarding the policy directions we've outlined on Affordable Housing, please share your ideas.

What other advice do you have for Trust Council as it updates the Policy Statement?

Please provide your feedback online through the:

ONLINE SURVEY

Find the survey online at: <https://www.surveymonkey.com/r/Islands2050>

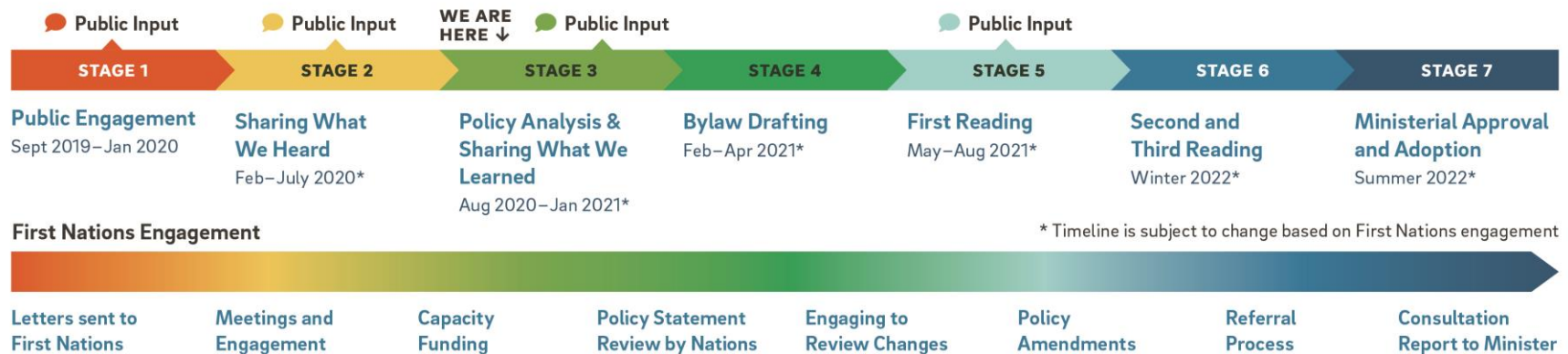
Islands 2050: The Path FORWARD

In the coming months, we will begin to draft amendments to the Policy Statement based on all the feedback we will have received from **First Nations**, the **public**, and Islands Trust **locally elected officials** and **staff**.

Trust Council will consider draft Policy Statement amendments in **Spring 2021**, at which time there will also be opportunities for **further public input** as well as further input from First Nations and referral agencies.

Any input that is out of scope for this project will be considered by Trust Council for future Policy Statement amendment projects.

We look forward to **ongoing, inclusive** and **meaningful engagement** on this **living document** that sets out a vision for **the future of the Trust Area**.



Stay INFORMED

Thank you for your interest and engagement in the
Islands 2050 Policy Statement Amendment Project.

Find this report online at: islandstrust.bc.ca/islands2050

Sign up for the [Islands 2050 Subscriber Notice](#) on our website to receive email updates about the project and future public engagement opportunities.

Public input is always welcome at Islands Trust. We encourage individuals, community groups and agencies to write to us directly at:

islands2050@islandstrust.bc.ca

200-1627 Fort Street, Victoria, BC V8R 1H8

Follow us on:

Facebook: [@IslandsTrust](#)

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Visit the Islands Trust website at:

islandstrust.bc.ca



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Michelle Buchholz | CASSYEX
CONSULTING
cassyexconsulting.com

Policy Statement Amendment Project - Project Charter v3

Purpose To support a Policy Statement Amendment process that encompasses First Nations and public engagement and that leads to a bylaw approved by Trust Council and the Minister.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, to coordinate a review of the Policy Statement, specifically the Introduction, Part I, Part II and Schedule 1 - Definitions sections, and climate and housing policies, and to undertake meaningful engagement with First Nations in the process. With the project in progress, the 2020/21 budget will be used for engagement with First Nations, public engagement, referrals to agencies/First Nations, and legal review.

Objectives

- Updated preamble and definitions
- Acknowledgement of First Nations treaty and traditional territory; and UNDRIP/ DRIPA / TRC / MMIWG
- Addition of climate and housing policies and other topics raised by First Nations
- Engagement with First Nations on policy amendments
- Re-familiarization of all parties and public with amendment processes

In Scope

- FN / community engagement / intergovernmental advisory group
- Policy analysis
- Drafting
- Legal review
- Referral process and public input
- First, Second, Third & Fourth Readings by Trust Council
- Refer to Minister
- Implementation plan

Out of Scope

- Treaty or territorial negotiations
- Consequential amendments to OCPs and LUBs

Workplan Overview

Major Deliverable/Milestone	Date
-FN Engagement; Public Engagement 1: Islands 2050 In-Person & Online Engagement -FN Engagement; What We Heard Report; Policy Analysis; TPC Working Group Review; -FN Engagement; Public Engagement 2: What We Learned Report & Online Survey/Forum -Staff Draft Amendments to Policy Statement Bylaw; TPC/RPC/EC Review; Inter-Agency Review; Legal Review; Consultative Area Database (FN Engagement) Report to Minister	June 2019 – January 2020 January – December 2020 January 2021 February – April 2021
- First Reading (Special Trust Council Meeting) -First Nations & Agency Referrals; Public Engagement 3 (Online Survey/Forum); Statutory Advertising -Trust Council Considers Input / Redrafts As Needed; Second Legal Review, Second Referral to First Nations; Second Consultative Area Database Report to Minister	May 2021 May – August 2021 September – November 2021
- Second Reading - Third Reading (Scenario 1) —minor changes made and passed to Third Reading at same meeting) - Third Reading (Scenario 2) —substantive changes needed before Third Reading) -Refer Proposed Bylaw to Minister with Final FN Engagement Report. Allow Six Months for Review.	December 2021 1) December 2021 or 2) March 2022 1) Jan 2022 or 2) April 2022
- Fourth Reading ; Post Policy Statement to Website; Draft Implementation Plan	1) June 2022 or 2) Sept 2022

Project Team

TPC/EXEC	Project Champions
Clare Frater	Project Manager
Dilani Hippola	Policy Analysis
Lisa Wilcox	FN Engagement
Gillian Nicol	Public / FN Engagement

Approved by:

Clare Frater, Director, TAS

Endorsement:

Date: Nov 18, 2020 (EC)

Budget 2019-2022 (19/20 est. \$45k, 20/21 \$45K)

Item	Cost
FN Engagement	\$30,000
Public Engagement	\$35,000
Graphic Design	\$5,000
Legal Review	\$10,000
Statutory Advertising	\$10,000
Total Activity Costs:	\$90,000



REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** February 5, 2021
From: Trust Area Services **Date Prepared:** January 31, 2021
SUBJECT **Living in the Trust Area Mailing Program Project Charter**

RECOMMENDATION:

That Trust Programs Committee endorse the Living in the Trust Area Mailing Program Project Charter, dated February 5, 2021.

That Trust Programs Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$24,000 for Strategic Plan Item No. 21 - Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area (increased from \$15,000), in recognition of the fact that the Committee intends to underspend its Stewardship Education Program budget in 2020/21 by \$9,000.

TRUST AREA SERVICES DIRECTOR COMMENTS: The recommendation advances implementation of the Stewardship Education Program and is compatible with the draft Communications Strategy.

PURPOSE: To seek approval of the proposed project charter regarding the Trust Area Mailing Program.

BACKGROUND: The 2018-2022 Strategic Plan included a strategy “to develop and implement a Stewardship Education Program directed towards the public, industry and/or stakeholders in the Trust Area”.

On November 6, 2019, TPC adopted the following resolution:

“that the Trust Programs Committee request that the Financial Planning Committee include in the Fiscal Year 2020/21 Budget \$15,000 for a climate change-focused stewardship education program.”

To date, the program has offered three webinars with a focus on climate change. The webinars provided an opportunity to educate community members on ways they can contribute to mitigating and adapting to climate change in the Trust Area.

During the November 2020 TPC meeting, staff presented the idea of a “Living in the Islands Trust Area” package that would be mailed to new residents/property owners in the Trust Area to be completed through the Stewardship Education Program.

At the November 2020, TPC adopted the following resolution:

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

Packages could include an introductory letter from the Islands Trust and existing and new documents, such as: Islands Trust and Islands Trust Conservancy brochures, a sensitive ecosystem guide for Islands Trust Area, bylaw compliance and enforcement brochure, ground water documents, acknowledgement of the Indigenous and First Nations peoples of the area and the information about what it means to live and work on a protected island.

Based on information in the BC Assessment data received by Islands Trust there are an average of 137 property purchases each month for approximately 1650 purchases a year. Staff understand property sales are higher in the spring and summer.

Staff believe that by creating a “newcomers” package it could:

- increase understanding of the history of the region and reconciliation,
- raise awareness of ecological, heritage, and freshwater issues,
- reduce bylaw infractions and misunderstandings,
- and answer questions about the different government services in the region.

Long term, by providing proactive information and a rationale for the preserve and protect mandate along with clear information about how to comply with zoning and permit requirements, the program could ultimately reduce bylaw contraventions.

Staff intend to update/develop a range of documents and publications with the text from the new website. This will provide consistency among the communication materials and continue to build the Islands Trust brand.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Drafting of the letter and associated materials is expected to take at least a month of Communications Specialists’ staff time, at least a week of the Intergovernmental Policy Advisor’s time and two weeks of the Program Coordinator’s time. Coordination of graphic design and printing of materials is likely to take a few days of the Program Coordinator’s and Communication Specialist’s time. Development of the mailing list is expected to take a day or two of the GIS Technician’s time. Staff cannot yet estimate the workload associated with the mailing itself –there may be an option to contract this out. There is not sufficient staff capacity to start this project until the new website is launched and the first draft of the Policy Statement amendment is complete.

FINANCIAL: There is \$9,000 remaining in Trust Programs Committee’s Stewardship Education Program 2020/21 budget which can be carried forward to 2021/22 Stewardship Education Program budget. Trust Programs Committee has requested \$15,000 in funding from Trust Council for the 2021/22 budget. Staff have requested that this figure be amended to \$24,000 to reflect the \$9,000 in program funding to be carried forward. After approval of the project charter there would be \$3,000 remaining for other opportunities for programming.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS: Staff will create an internal communications plan and implement the project per the project charter.

- February—March 2021: Assessment of existing materials, development of GIS code for regular mailing lists
- April—June 2021: Development of a draft letter and associated publications

- June 2021—March 2022: Send mailings on a regular interval (month or bi-monthly) and amend materials as required

FIRST NATIONS: The package will include information that meets the goals of and is reflective of TRC Calls to Action, UNDRIP, DRIPA, and the MMIWG Calls for Justice; cultural heritage preservation and protection, and will include information on conservation methodologies that reduce harm to cultural heritage or archaeological sites. All communications will acknowledge treaty and territory lands and waters within the Islands Trust Area.

OTHER: None.

RELEVANT POLICY(S): Communications Policy 6.10

ATTACHMENT(S): Living in the Trust Area Mailing Program - Project Charter

RESPONSE OPTIONS

Recommendation:

That Trust Programs Committee endorse the Living in the Trust Area Mailing Program Project Charter, dated February 5, 2021.

That Trust Programs Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$24,000 for Strategic Plan Item No. 21 - Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area (increased from \$15,000), in recognition of the fact that the Committee intends to underspend its Stewardship Education Program budget in 2020/21 by \$9,000.

Alternatives:

1. Endorse the project charter with amendments
2. Request that staff provide additional reporting at a future meeting.
3. Do not endorse the project charter
4. Do not request additional funds or request a different amount.

Prepared By: Gillian Nicol, Program Coordinator

Reviewed By/Date: Lisa Wilcox, Senior Intergovernmental Policy Advisor/ Feb 1, 2021
Clare Frater, Director, Trust Area Services/ Feb 1, 2021

Purpose To guide the development of an introductory letter and informational materials that will be mailed to new land purchasers in the Trust Area on a regular basis.

Background: In the [2018-2022 Strategic Plan](#), Trust Council established an objective to improve community engagement and participation in Islands Trust work and committed to develop a Stewardship Education Program that would be directed towards the public, industry and stakeholders in the Trust Area. Trust Programs Committee administers the Stewardship Education Program and has identified that a regular mailing to people who have bought properties in the Trust Area could assist them in becoming stewards of region. The materials in the package would include information on the history of the region and reconciliation efforts, Islands Trust and Islands Trust Conservancy, the Natural Area Protection Tax Exemption Program, Trust policies and bylaws and the rationale for them, contact information for local trustees, information on other government services in the Trust Area, and best practices for living lightly on an island, among others.

Objectives

- To improve awareness of the Islands Trust/Conservancy and the history and values of the region
- To provide new purchasers with information about preserving and protecting in Trust Area.
- To promote compliance with by-laws

In Scope

- Development of letter to new purchasers and associated publications
- Development of a method of producing a regular mailing list of new purchasers
- Postage costs

Out of Scope

- Materials targeted to purchasers based on the type or location of property purchased
- Mailing to landowners who purchased prior to 2021
- Mailings to renters and new purchasers in trailer parks, apartment buildings

Work plan Overview

Deliverable/Milestone	Date
Assessment of existing materials, development of GIS code for regular mailing lists,	February—March 2021
Development of a draft letter and associated publications	April—June 2021
Send mailings on a regular interval (month or bi-monthly) and amend materials as required	June 2021—March 2022

Project Team

Clare Frater	Project Manager
Gillian Nicol	Project Coordinator
Emily Kendy, Erin Coulson, Lisa Wilcox	Writers

Approved by:

Clare Frater

Date: Feb 1, 2021

Endorsement:

TPC resolution #:

Date:

Budget

Budget Source: TPC Stewardship Education Program

Fiscal	Item	Cost
2020/2021	Contract assessment of existing publications	\$1,000
2021/2022	Graphic design and printing	\$10,000
2021/2022	Letterhead, envelopes and postage	\$10,000
	Total (\$9,000 carried forward from 2020/21, \$12,000 from 2021/22)	\$21,000 116

To:	Trust Programs Committee	For the Meeting of:	February 5, 2021
From:	Trust Area Services	Date Prepared:	January 27, 2021
SUBJECT:	Community Benefit Land Trust Concept		

PURPOSE:

To forward a briefing received by Trust Council in December. The briefing was created to provide information to Trust Council on the community benefit land trust concept and options for the Islands Trust to hold land for community benefit.

BACKGROUND:

At its regular business meeting in December 2020, Trust Council passed the following motion after receiving the material in this briefing:

TC-2020-110

That Trust Council refer the Community Benefit Land Trust briefing to Trust Programs Committee for consideration in the context of the Trust Policy Statement Project.

At the meeting, Trust Council discussed the management of donated lands, the example of the school owned by Trust Council on Denman Island but independently managed; reservations about implications of holding land and possibly providing services; and that Trust Council can work in collaboration with Islands Trust Conservancy without taking on landlord responsibility.

At its regular business meeting in June 2020, Trust Council passed the following resolution in response to a delegation on this issue by a Trust Area resident:

TC-2020-063

That the Trust Council request a report from staff about the potential to have an Islands Trust structure to manage Community Benefit Land Trusts.

Community Land Trusts

A community land trust is usually defined as a non-profit organisation that holds land in trust for the community. On the website “community-wealth.org¹” defines a community land trust as:

“... nonprofit, community-based organizations designed to ensure community stewardship of land. Community land trusts can be used for many types of development (including commercial and retail), but are primarily used to ensure long-term housing affordability. To do so, the trust acquires land and maintains ownership of it permanently. With prospective homeowners, it enters into a long-term, renewable lease instead of a traditional sale. When the homeowner sells, the family earns only a portion of the increased property value. The remainder is kept by the trust, preserving the affordability for future low- to moderate-income families.”

¹ <https://community-wealth.org/strategies/panel/clts/index.html>

The Canadian Housing and Renewal Association² has a similar definition:

"A Community Land Trust (CLT) is a non-profit corporation that obtains and holds land and housing for the benefit of the community in which it exists. With the shared value of housing as a right, the goal is to remove land and housing from the real estate market through either purchase or donation, and perpetually hold it in a trust to preserve the affordability of that land and housing asset."

A community land trust can hold land for any purpose for the benefit of the community. An example of a housing land trust in British Columbia is Community Land Trust (<https://www.cltrust.ca/about/>) which accepts land and building transfers from the community housing sector and also expands housing options, through redevelopment and new projects.

Islands Trust Conservancy powers

The *Islands Trust Act* has a community land trust built into the Islands Trust Conservancy, under Section 41 of the *Islands Trust Act*. The Conservancy Board, for the purpose of carrying out the object of the trust, may "acquire, hold, and dispose of land and other property" so long as those actions are done in accordance with a five-year plan approved by the Minister of Municipal Affairs and Housing. The Board's policies and plans make clear that its priority is to acquire and hold properties for long-term ecological preservation. The Board has a policy that it will not accept or acquire any lands where there is an obligation to maintain buildings or structures.

Trust Council powers

The *Islands Trust Act* permits Trust Council to hold and dispose of land for the purpose of furthering the Object of the Islands Trust. The Object, as stated below (Section 3 of the *Islands Trust Act*) is further refined and implemented through the Islands Trust Policy Statement.

3. 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.

While the *Islands Trust Act* does not specify how land held by Trust Council is to be used, it would have to be for a purpose to further the Object in Section 3 of the *Islands Trust Act*. For example, assuming the holding of land for heritage protection or affordable or special needs housing is consistent with the Object, Trust Council could hold land for such a purpose. Trust Council already owns one building – the Marcus Isbister Old School Centre which is leased to the Denman Island Residents' Association. If Trust Council acquires land and provides an affordable housing project (however that is structured) for the benefit of trust area residents, Trust Council needs to be sure that the affordable housing actually provided does not negatively affect "the trust area and its unique amenities and environment."

Trust Council does not have authority in its legislation to build and manage housing; this would need to be undertaken by a non-profit organization, BC Housing or a regional district. Therefore, Trust Council would have to lease, or dispose of the land in some way, to such an organization for the purpose of providing housing.

The *Islands Trust Act* states that Sections 285 and 286 of the *Local Government Act* apply to disposition of land. Section 285 of the *Local Government Act* states that disposition of land must be made available to the public for acquisition; this does not apply to land that is being made available for the following reasons:

285 (1) *Subject to subsection (2), if a board intends to dispose of land or improvements, it must make the land or improvements available to the public for acquisition.*

(2) *The requirement under subsection (1) does not apply if the disposition is*

² <https://chra-achru.ca/perpetual-affordability-and-community-control-of-the-land-community-land-trusts-in-canada/>

- (a) to a not-for-profit corporation,*
- (b) to a public authority,*
- (c) to a person who, as part of the consideration for the disposition, will exchange land or an improvement with the regional district,*
- (d) to a person under a partnering agreement that has been the subject of a process involving the solicitation of competitive proposals, or*
- (e) a disposition of land to an owner of adjoining land for the purpose of consolidating the lands.*

When disposing of land, Islands Trust bodies would be guided by the principles outlined by the Provincial and Federal government in relation to Indigenous rights and title as they relate to First Nations governments with treaty and territorial lands and waters in the Islands Trust Area.

Delegation of Trust Council powers to local trust committees

Trust Council may, through a bylaw adopted by at least 2/3 of its members present at the meeting at which the vote on adoption takes place, delegate its powers to acquire and dispose of land to a local trust committee, subject to any restrictions or conditions specified in the bylaw. The local trust committee would need to use a special tax requisition to fund costs associated with acquiring, managing or disposing of land.

Potential to have an Islands Trust structure to manage Community Benefit Land Trusts

As previously stated, the *Islands Trust Act* already provides for a community benefit land trust within the Islands Trust – the Islands Trust Conservancy. If Trust Council desired that the Islands Trust Conservancy establish different priorities for its land securement program, it could make a recommendation to the Board. It is likely that the Board would require adequate and ongoing resources, both through staff and budget allocations, to consider holding land for this purpose.

Prior to acquiring land, staff suggest that Trust Council take the following steps:

1. **Amend the Islands Trust Policy Statement.** The Islands Trust Policy Statement should have clear policies in relation to the community benefit (e.g. affordable and special needs housing, community housing, heritage protection, farming) and how provision of such furthers the Object of the Islands Trust.
2. **Establish policies on how it would implement the Islands Trust Policy Statement in regard to the identified community amenity.** The policy would address: how appropriate land would be identified and prioritized; role of Trust Council in relation to regional districts and Provincial housing agencies; and how land would be managed, how land would be disposed for the purpose of the community benefit.
3. **Establish a budget, including allocation of funding for additional staff.** As this would be an expanded function of Trust Council, administrative and specialized land acquisition staff would need to be hired to administer acquisition, management, and disposal of properties in the Islands Trust Area for the identified community benefit. This would include liaison with regional districts and not-for-profit organizations in the Trust Area to identify appropriate locations for the community benefit. This would be a perpetual commitment for as long as Trust Council manages land.

Summary

The Islands Trust already has a community benefit land trust in the Islands Trust Conservancy. At this time, the Islands Trust Conservancy is limited to land acquisitions for conservation purposes based on a five-year plan approved by the Minister.

Trust Council has authority to purchase and dispose of land for any reason that furthers the Object of the Islands Trust. The Islands Trust Policy Statement should have clear policies in relation to the community benefit and Trust Council should establish a policy on how it would implement the Policy Statement in regard to the identified community benefit.

Regardless of the method used, acquiring, managing and disposing of land for non-conservation purposes would be a significant undertaking. If Trust Council wishes to proceed with further work on this topic, it should request a budget for Fiscal year 2021/22 to cover the cost of development of a Project Charter, a consultant to provide advice and develop options for Trust Council's consideration; and legal advice on the preferred option. Trust Council may wish to gauge the interest of the Islands Trust Conservancy in participating in this work should it decide to proceed.

ATTACHMENT(S):

1. No Attachments

FOLLOW-UP:

No further follow-up unless otherwise directed by Trust Council.

Prepared By: David Marlor, Director, Local Planning Services
Clare Frater, Director, Trust Area Services (updated version)

Reviewed By/Date: Kate Emmings, A/Manager, Islands Trust Conservancy, November 5, 2020
Lisa Wilcox, Senior Intergovernmental Policy Advisor, November 6, 2020
Russ Hotsenpiller, CAO, November 9, 2020

Top Priorities Report

Trust Programs Committee

1. Policy Statement Amendment Project

Implement Policy Statement engagement plan and project charter (in support of Strategic Plan strategies #10,16,22,23)

Responsible

Clare Frater
Dilani Hippola
Gillian Nicol
Lisa Wilcox

Dates

Rec'd: 21-Jun-2017
Target: 14-Sep-2022

2. Secretariat Role to Forums within the Trust Area

Administer Secretariat Services program

Responsible

Clare Frater
Gillian Nicol

Dates

Rec'd: 20-Jun-2018
Target: 31-Mar-2021

3. Stewardship Education Program

Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area. (Strategic Plan strategy #15).

Responsible

Clare Frater

Dates

Rec'd: 13-Aug-2020
Target: 31-Mar-2021

Projects Report

Trust Programs Committee

1. *Update Crown Land Agreements*

Engage Bowen Island Municipality and the Province of B.C. in updating and consolidating existing agreements into one.

Responsible

Clare Frater
Lisa Wilcox

Date Received

19-Jun-2014