

ADOPTED

**MINUTES OF THE GALIANO ISLAND
LOCAL TRUST COMMITTEE SPECIAL MEETING
HELD WEDNESDAY, FEBRUARY 29, 2012 AT 2:00 PM.
AT THE SOUTH COMMUNITY HALL
141 STURDIES BAY ROAD, GALIANO ISLAND, B.C**

PRESENT:

Ken Hancock	Chair
Louise Decario	Local Trustee
Sandy Pottle	Local Trustee
Robert Kojima	Regional Planning Manager
Kaitlin Kazmierowski	Island Planner
Patricia Joyce	Minute Taker

GUESTS:

Garth Webber Atkins	Ministry of Forests, Lands and Natural Resource Operations
Laura Coward	Ministry of Forests, Lands and Natural Resource Operations

There were approximately one hundred (100) members of the public present.

1. **CALL TO ORDER**

The Meeting was called to Order at 2.15pm

Chair Hancock introduced the Meeting, noting that the meeting is being held for the purpose of meeting with staff from the Ministry of Forest Lands and Natural Resources Operations to discuss the *Privately Managed Forest Lands Act (PMFL)* on Galiano and in British Columbia.

2. **APPROVAL OF AGENDA**

The Chair suggested that the agenda be amended to allow time for a Town Hall , following the Questions and Answers period in agenda item 5.

The Trustees agreed that the Agenda be so amended.

3. **INTRODUCTIONS & COMMENTS**

The Chair introduced participants in the meeting, and outlined the meeting goals, emphasising that this is an information meeting and knowledge gathering meeting, and that civil behaviour and mutual respect would be expected, and that there be no personal attacks.

4. **MINISTRY OF FOREST LANDS AND NATURAL RESOURCE OPERATIONS STAFF COMMENTS**

Ms. Garth Webber Atkins addressed the meeting, describing the *PMFL Act* and items restricted by the Act, Ms. Webber Atkins referred to ongoing interaction between the PMFL and other ministries and jurisdictions (e.g. Union of BC Municipalities).

Regarding residences on lands in the PMFL, Webber Atkins explained that the provincial government may consider amendments to the legislation that would permit local governments to regulate but not prohibit residences on PMFL lands. It is possible that a compromise may be offered which may help find a resolution to the current situation.

5. Private Managed Forest Land Act - Questions and Answer Period.

The Chair invited questions from the Trustees.

Trustee Decario asked for more clarification on "regulate but not prohibit" and wondered whether Development Permit Areas would be included.

Trustee Pottle asked the same, and also how much accountability would be given to the Road Network Plan.

A question was asked regarding expectations of property owners.

Ms. Webber Atkins noted that the Islands being under the *Islands Trust Act* does make a difference.

Regional Planning Manager (RPM) Kojima commented that this meeting flows from the Official Community Plan Review process with regard to Forest Lands.

Trustee Decario commented that there are hopes that the Galiano Road Network Plan can be worked into the ongoing process.

Chair Hancock added that this is a conceptual idea at present with possible resolution being in the future.

The Chair opened the meeting to questions from the Public.

Michael Sharp asked 2 questions:

- 1) Whether or not the Local Trust Committee can issue a Development Permit on a property already registered in the PMFL.
- 2) Could a Bylaw be passed now to allow a dwelling on such a property?

The answer given was no and yes to the second.

Gary Coward asked whether "regulate" means "apply conditions".

Ms. Webber Atkins indicated that a concern was that applying the current zoning regulation could lead to prohibition.

A member of the public spoke of the current OCP regulation which allows a house on an F1 Lot only if a portion of the land is "given up".

Chair Hancock commented that it is not known at this time what recognition the B.C. government may give to local government at the time of application.

Ms Webber Atkins commented in response to the question of rezoning: If a Landowner asks for rezoning for more than 1 house or another use, this is not the concern of the PMFL.

Roy Smith raised the issue of boundaries & the Ministry of Forests perimeters. He asked if the Local Trust Committee had a Development Permit Area regarding Groundwater, with conditions for an owner constructing a house, would this interfere with the PMFL?

Answer: Yes, if the DPA is connected to the dwelling or if groundwater could be affected by taking down trees.

Andrew Loveridge expressed concern that the exercise of "regulate" and "prohibit" could result in one becoming the other.

RPM Kojima advised that the legal definition of "regulate" and "prohibit" would prevent that.

Walter Forstbauer referring to rezoning at discretion of the Local Trustees asked whether there is a difference between the *PMFL Act* and the *Forest Land Reserve Act*.

Trustee Decario responded that there is a difference; The Forest Land Reserve was a true reserve with one of its objects being protection of forests from urban development. Applications for inclusion in or exclusion from the FLR were always referred to the Local Government for comment. This does not happen with the PMFL. The PMFL Act is merely a tax classification.

Bernie Boshier re regulation for PMFL lots: Will there be some provision to put an end to disallowance of a dwelling. He understands that a dwelling may be allowed but the Local Trust Committee can regulate the dwelling's siting.

Ms Webber Atkins said, the Ministry's proposal could put an end to the issue

Glenna Mattin with regard to Section 21 of the PMFL: asked, has exemption from this section been requested so that the Local Trust Committee will have ability to "regulate" or "prohibit".

Ms. Webber Atkins advised that the Local Trust Committee has authority to regulate some issues around development such as minimum lot size and density.

Jim Trueit expressed concern that the Trustees can pass a bylaw that rules that buildings can be built, but that it can have a roof but no walls. This seems unfair to him.

Sandy Martin commented that the land which made up the MacMillan Bloedel Tree Farms was regulated in a satisfactory manner.

Gary Moore attempted to read a Delegation document

The Chair ruled Mr. Moore out of order.

Gary Moore asked whether or not the Ministry of Forests recognises the unique character of Galiano Island and whether she was aware of the signed disclosure statements.

Ms. Webber Atkins indicated that she is very aware of the uniqueness and that she is also aware of the MacMillan Bloedel disclosure statement.

Cathy Stephenson indicated that the process of resolving differences takes an inordinate amount of time and can the Ministry of Forests give an indication of when a resolution might come about.

Ms. Webber Atkins suggested by 2014.

Richard Dewinetz asked whether the regulations of the PMFL are consistent throughout the province or by specific areas or zones.

Ms. Webber Atkins indicated that she is not sure; but she recognized that different geographical locations have different needs. .

Geoff Gaylor explained that the Forest Advisory Committee for the Official Community Plan Review had advised the Local Trust Committee not to make changes to the existing Forest section of the Galiano bylaws because of concerns with the PMFL forest management practices which could interfere with our watersheds. Allowing houses to be built was not the problem. In his opinion all stakeholders, including the PMFL need to get beyond houses being the only issue.

Ms. Webber Atkins said she was here today because of the dwelling issue. She would be happy to discuss forest practices with Mr. Gaylor at another time.

Linda Knesevic asked a question regarding the request for exemption from Section 21 of the *Private Managed Forest Lands Act*.

Trustee Pottle responded that Galiano bylaws predate the PMFL Act. Galiano has so much land in Forestry and under the existing bylaws these lands have greater protection than they would have under the Private Managed Forest Lands (PMFL). She added the concern of the Local Trust Committee resulted in Islands Trust Council being asked to request this exemption. 39% of Galiano forest lands are now registered in the PMFL and rising. The reality of the PMFL prevents the Local Trust Committee from proceeding with necessary work, e.g. Road Network Plan.

Sandy Martin asked why the government of B.C. has not stopped Galiano from asking for exemption.

Ms. Webber Atkins indicated that the government has been reluctant to interfere as it is a Local Government matter to resolve.

Debbie Holmes presented her concerns about ground water resources; the Local Trust Committee looks to the Ministry of Forests. Does the ministry have the legal obligation to protect water under the land, whether that land is under the PMFL or not?

Chair Hancock indicated that the answer to the above question depends on what amendments may yet be made to the *Water Sustainability Act*.

Ms. Webber Atkins hears the many concerns about groundwater and believes that there is enough scope in the *Water Sustainability Act* to take all resources and needs into account. The PMFL Act does require reforestation

Trustee Decario commented that completion of the *Water Sustainability Act* is still two or three years away.

Trustee Pottle indicated that the PMFL Act review of 2007 removed community watersheds from the wording in the Act and replaced it with licensed water intake. On Galiano the only water resource is groundwater.

Ursula Deshields expressed concern regarding pesticides and herbicides in surface water, which she understands are not controlled or prohibited by the *Private Managed Forest Lands Act*.

Elizabeth Latta noted that the *Private Managed Forest Lands Act* is concerned with the whole province, and asked how individual owners can get access to advocacy.

Ms. Webber Atkins indicated that issues regarding dwellings on Forest Lands come under the jurisdiction of the Local Trust Committee. Other uses of Forest Lands are under the jurisdiction of the PMFL Act and are regulated by their staff, who respond to complaints; audits are done on a rotation.

Ms. Laura Coward confirmed that audits of all properties are carried out once in every 5 years, and more frequently when complaints are investigated. Independent Foresters are hired to carry out audits. Dwelling aspects would be looked after by the LTC.

Sandy Pottle questioned how many folios exist in B.C. and on Galiano Island.

Brian Morgenstern had questions concerning "regulate" and "prohibit" and uniformity in the Province. Is uniformity a goal regarding comparable Forest Areas? And if so, how is this arrived at?

Ms. Webber Atkins indicated that uniformity may be the initial goal, but that there may be a need for regional variation. This will depend on the feedback received from local governments.

Ken Millard asked whether Forest Lots registered under the PMFL receive managed tax classification.

Ms. Webber Atkins answered yes.

Mr. Millard then suggested that if the footprint of a house on Forest Land is residential, that portion of the land is no longer in the PMFL.

Ms. Webber Atkins answered that she was unsure if this was so.

Mr. Millard asked that the Ministry find an answer to the question and forward it to the Local Trust Committee.

Dora Fitzgerald commented on threatened ecosystems that are unique on Galiano and are very small compared with very large areas elsewhere in the province. What is the likelihood of having a regulation that can apply to all threatened areas?

Ms. Webber Atkins commented that she is not sure how to reconcile these differences and that the work of the *Private Managed Forest Lands Act* is oriented toward managing forest practices.

Bruce Jordan asked about the average size of Forest Lot in B.C and on Galiano.

Ms. Webber Atkins indicated that there is a large range of sizes and is unable to be specific at this moment.

Maureen Preston asked for confirmation that all the Forest Lots on Galiano have been audited.

Answer: Yes.

Trustee Pottle commented that the Attorney General had recently made scathing comments about Forestry and asked the Ministry to comment.

Ms. Laura Coward responded that the PMFL staff is doing a good job of regulating in B.C.

It was noted that at a Forest Practices Board Workshop, it had been suggested that the Coastal Douglas-fir zones be a high priority and that local governments be given more authority to do this.

Ms. Webber Atkins commented that education of landowners is ongoing.

Trustee Pottle indicated that conservation is a high priority for the Islands Trust and asked if this is so for the PMFL.

Ms. Webber Atkins indicated that conservation is not their mandate, and suggested that this concern be addressed to the Ministry of Environment.

Olaf Knesevic read a letter that he had written to the Ministry of Forests, regarding the "no walls" regulation, public road access, and his expectation for equity with other owners. He went on to say that forest lands should have the same regulations as any other lots.

Ms. Webber Atkins agreed that these expectations should be met.

Margaret Chegwidden explained the situation of the Forest lot owned by herself and her husband. It is an F2 lot of 30 acres; they have practiced Forestry for 20 years, which has been very difficult without a home on the property. They are not allowed to build a home, because they have an easement into the property but no public road.

The Chair called for a break at 3:55 pm.

The Chair reconvened the meeting at 4:10 pm.

Richard Dewenitz commented and confirmed information re the Tax Base on Forest Lands.

Michael Sharp asked, if there is a house on PMFL land, when the PMFL is finally enacted, would it take precedence over local government authority?

Roy Smith made a suggestion for Government - that there be a broader view of dwelling use on Forest Lands. Also that attention be paid to landslip (on slopes) and consider exceptions to protect dwelling use. A comment on ground water usage was added.

5.1 DELEGATION

Misty McDuffee of Gulf Islands Alliance requests exemption from *Private Managed Forest Lands Act*, Section 21, for all areas where the coastal Douglas Fir is found (on the Gulf Islands and Southern Vancouver island) so that these areas can be successfully protected. Granting of this exemption would give Local Trust Committees clear authority to protect unique ecosystems. She added there is inconsistency between the PMFL Act and the unique Coastal Douglas Fir Zone. Therefore Ms. McDuffee emphasized that the Gulf Islands Alliance recommends exemption of the whole from Section 21 be granted.

Trustee Decario asked whether recognition of the concern for the Coastal Douglas Fir Zone by the Ministry of Forests could lead to protective legislation. The Ministry made four (4) recommendations a year ago, and have extended education opportunities to private landowners and NGOs. Trustee Pottle added that workshops are being held in response to concerns about ecological impacts of forestry processes, and that a recommendation was put forward to further empower local governments.

Fred King said we are not talking about protection. It's about allowing owners to live on their land without giving anything up. He wants to live on his Forest Lot land.

Joy Brown, a Forest Lot owner is a lover of the land and being part of the community of Galiano; thousands of trees have been planted on her land. Owners are the best stewards

Doug Latta commented on the length of driveways that would be allowed on Forest Lots from the road to the house site, indicating that trees will not grow back once cleared for a driveway.

Mary Eliot spoke positively of the history of ownership of her land, and the care of old growth trees.

Bowie Keefer echoed Joy Brown and encouraged us all to continue to demonstrate a strong environmental ethic. A proposal by the PMFL brings the "sides" together - no clear cutting will happen here again; we will "manage" our forests responsibly which will take care of ground water.

Walter Forstbauer indicated that roads are needed for forestry to be carried out; the safest place to build a home is in the centre of a Lot. Regulations are good but should be reasonable.

Sandy Martin commented that all owners want to protect their land and pleaded that one house per lot be allowed - that is all that is being asked for.

Debbie Holmes suggested that a sustainable cut level of forestry will protect both forest and water and that this concept is a bridge on which to make connections. Ms. Holmes offered thanks for this meeting.

Richard DeWenitz said that people who are denied the right to live on their land are more likely to clearcut.

Jim Trueit suggested that we are all environmental stewards and that the PMFL Act so far has been good and helpful to Land Owners.

Ursula Deshield pointed out that the "Preserve and Protect" legislation was put in place because the Gulf Islands is a unique environmental area. Owners say they are not able to live on their land; they can but there are regulations to be observed.

Nadia Krebs indicated that Galiano Trustees want to see a house on every Forest Lot without the encumbrance of the PMFL.

Elizabeth Latta asked: does the Trust require water catchment for new dwellings?

Robert Kojima: Yes for some water management areas.

Gary Coward indicated that salt water intrusion is common on Galiano on waterfront properties. The *Water Sustainability Act* must be enacted soon. Mr. Coward indicated copies of his letter to the Ministry of Forest, Lands and Natural Resource Operations on this topic.

Rose Longini emphasized that Galiano as a whole is an ecosystem - 16 miles long and 2 miles wide- protection of elevated groundwater catchment areas is needed.

Cathy Stephenson indicated that she has heard much in common between people during the meeting, and she believes the PMFL should be able to come up with good resolutions.

Rosemarie Umana asked why the Forest Lot Owners did not participate in the OCP Review meetings and other community opportunities.

It was stated that discussion meetings like this one are the way forward.
Panel Comments: Thanked the LTC for the opportunity, for the presence of the Forest Ministry staff, and all members of the public. The Trustees look forward to the forming of constructive solutions and working together while observing the Islands Trust Policy Statement.

Justin Stephenson attempted to give a vote of thanks to all concerned.

The Chair indicated copies of two documents (one explaining the PMFL) available for the taking.

6. The Chair adjourned the meeting at 5:05 pm.

RECORDER

CHAIR