



“An epoch... is drawing to a close—the epoch of reckless devastation of the natural resources with which we, the people of this fair young Province, have been endowed by Providence—those magnificent resources of which the members of this Government and this Assembly are but the temporary trustees. That rugged rudimentary phase of pioneer activity is doomed to end. The writing is on the wall; the writing—to put the simple fact—is in this Forest Bill. Armed with that weapon... the Government of British Columbia will undertake the work: of forest conservation... We glance down the vista of the years to come, and, turning from that vision of the future, we call the world to witness what we legislate today... not only for ourselves... but also, and no less, for our children’s children... that we may hand down to them their vast heritage of forest wealth, unexhausted and unimpaired”

-William Roderick Ross, BC Minister of Lands, 1912

“[The] CDF [is] by most standards the most threatened and endangered ecosystem type in Canada. [It] is certainly, in British Columbia, the most endangered [zone] with the least amount of old forest left; the highest percentage of private land; one of the lowest percentages of protected areas; the highest percentage, by far, of agricultural [land conversion] and urbanization... Globally, this is what we’ve got for Coastal Douglas-fir”

-Andy MacKinnon, BC Forest Ecologist, 2019

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The Trust Federation has been charged with preservation and protection but has not been provided the tools to fulfill this obligation. It is time the Islands Trust called upon the Province to recognize and honor the distinction between the Trust Area and regional districts/municipalities.

The Trust's "preserve and protect" mandate is "not a mere piety". It has court-recognized legal effects.

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## Recommendations to Council

### #1: Establish Development Permit Areas to protect forest ecosystems and regulate forest practices on private lands

#### Steps:

- Seek to reverse Denman decision (*Denman Island Trust Committee v. 4064 Investments Ltd*, 2001)
- Make a formal request that the Province amend s.29 of the *Islands Trust Act* to give the Islands Trust the authority to establish forest protection and regulate forest practices on private lands through DPAs

### #2: Seek enforceability of Development Permits

#### Steps:

- Support the Union of BC Municipalities in their resolutions that the Province provide local governments with the tools (e.g. tickets, bylaw notices, etc.) to enforce DPAs
- Request that the Province enhance and clarify the powers of local governments to enforce DPA requirements and conditions

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## Recommendations to Council Cont'd

### #3: Pursue the implementation of tree cutting permits and forest management regulations

#### Steps:

- Tree cutting permits can be implemented in hazard areas. Given the Climate Emergency Declaration made in March 2019, the role of trees and soils in mitigating climate impacts, and endangered status of Coastal Douglas-fir forests and associated ecosystems, the Islands Trust Area could be considered a hazard area
- Add a tree cutting standard (e.g. ANSI A300 Pruning Standard) to be followed by all arboriculture operators in the Islands Trust Area to clarify acceptable practices
- Request that the Province to amend s. 8 of the *Community Charter* to enhance Islands Trust's jurisdiction over tree cutting bylaws (i.e. equal power to BC municipalities)
- Request that the province amend s. 21 of *Private Managed Forest Land Act* "to allow an exemption for the Islands Trust – to allow Local Trust Committees to adopt bylaws and issue permits to regulate forest management activities on private managed forest lands

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## Recommendations to Council Cont'd

### #4: Use zoning (i.e. "Conservation Zoning") as a way to regulate tree removal and retention on private lands

#### Steps:

- Rezone to decrease the density or intensity of uses in the interests of environmental protection in environmentally sensitive areas

### #5: Continue to pursue and support other tools available for "protecting and preserving the islands' unique amenities and environment"

#### Steps:

- Consider ways to strategically increase and incentivize forest protection through conservation covenants
- Amend the Trust Policy Statement to place an equal obligation on the role of the both LTCs and the Trust federation to fulfill the Object of the Trust (i.e. environmental protection)

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## Summary of Provincial Law Reform Recommendations

- Islands Trust Act (ITA)
  - Any modification or expansion of Islands Trust powers must be done through an amendment of the *ITA* (or by amending provisions of other acts, for example the *Local Government Act*, that are incorporated into the *ITA*).
  - **Section 19**: unduly lumps the Islands Trust in with regional districts (reinforced by the Denman Island decision in 2001)—this section needs to be carefully reconsidered to reflect the unique mandate of the Trust and recognize the Trust Area as being unique from other local governments
- Community Charter (CC)
  - Amendment to **Section 8**: give the Islands Trust the same authority to implement tree bylaws as has been granted to municipalities
- Private Managed Forest Land (PMFL) Act
  - Amendment to **Section 21**: allowing Local Trust Committees to adopt bylaws and issue permits to regulate forest management activities on private managed forest lands
- Local Government Act (LGA)
  - Problematic that DPAs (i.e. the best legislative tool available for protecting and conserving natural amenities) are generally unenforceable. The Islands Trust **must** lobby the Province to amend **Division 7** of the LGA to “to ensure that DPA requirements and Development Permit conditions are enforceable by way of prosecution, ticketing and issuance of bylaw enforcement notices.”
- Trust Policy Statement (the Statement)
  - Amend the Trust Policy Statement to place an equal duty between the obligation of Local Trust Committees and the Island Trust Federation to fulfill the object of the Trust (i.e. environmental protection)



This is it.  
The time is now.  
Let's work together to ensure biodiversity, climate change resiliency, and long-term stability in one of the rarest and most unique associations of ecosystems on the planet.





Thank you

