

**From:** Executive Admin  
**Sent:** Thursday, June 24, 2021 3:58 PM  
**To:** Islands2050  
**Subject:** FW: policy amendment 1st draft reading July 8, 2021

**From:** ALIX HODSON [REDACTED]  
**Sent:** Tuesday, June 22, 2021 4:47 PM  
**To:** Executive Admin <[execadmin@islandstrust.bc.ca](mailto:execadmin@islandstrust.bc.ca)>  
**Subject:** policy amendment 1st draft reading July 8, 2021

Trust Programs Committee Meeting:

For June 8, 2021 meeting  
Draft Policy Statement Amendment Project: Draft Bylaw no. 183

### Amendment 2.0

In 45 pages of content there is no policy clarity for the word “environment”  
Given that the Act was written in response to the threat of a built environment overwhelming the natural environment, then “built” and “natural are necessary components of policies to preserve and protect the environment \*<sup>[1][1]</sup>

The Islands Trust is claiming control of areas such as forestry and agriculture with absolutely no knowledge, professional expertise or even authority within their resources. Conversely, they also appear to be involving themselves in technical issues that are not in their jurisdiction and for which they have no mandate (such as, thermal qualities of buildings, size of houses or the building codes, and so on).

Then, there is the inadequate practice of Professional Reliance. The LTC’s are making important land-use decisions, for example increasing densities in water stressed and groundwater recharge areas and they are relying upon developer centric reports to help them. PR is a system whose services are paid for by applicants and this for profit system promotes the interest of the developer. In turn this has led to neglect, disregard and an ongoing reduction of the quality and quantity of potable water for groundwater dependent residents.

A Lack of Scientific data is driving the Trust policies. While a few Trustees may have some understanding of housing the fewest still have scientific environmental training. Many are simply not qualified and do not have the skill-set or knowledge to make the land–use decisions required. Yet, Trustees are being asked to do so while under enormous pressure from developers and special interest groups. These decision makers simply do not have the

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<sup>[1][1]</sup>On adoption of the Islands Trust Act, a small scale, predominantly rural, built environment was held by some to be a unique amenity of the trust area and worthy of preservation and protection.

necessary knowledge or understanding of complex interdependent relationships and in the process fragile ecosystems, forest, water recharge areas are being destroyed. Unfortunately, such decisions are contributing to a rapid decline in the natural environment and the unique natural amenities. With the islands becoming an ever increasingly popular place to live and the escalating pressure from developers this is currently a huge problem and one that 2.0 policies must address, but fails to do so.

The Precautionary Principle in a Duty of Care wholly supported and encouraged by the Trust Act to date has been entirely ignored. When making decisions regarding the natural environment and in a “Duty of Care” this principle must be the first rule.

### **Problems with policy 2.0**

*Clarification needed:*

1. “Unique amenities” (The Governance Challenge pg. 25) must be clearly defined. In spite of repeated requests for clarification the Trust to date has been unable to give a concise and logical definition as to what unique amenities are. **Does this include man-made amenities or only those of the natural environment that are unique to the islands?**
2. “Environment” must be defined as either **natural** or built and must be **given priority** when making land-use decisions. **When, the entire planet and the survival of mankind stands at risk to do otherwise is simply irresponsible and immoral.**
3. “Carrying Capacity” (DH 21](page 25) has been taken out without any definitive replacement or measurable framework. Instead, the wording: “advancing the Islands Trust Object is the preeminent duty of the Trust Council...preserving and protecting of the unique amenities and environment in the Trust Area” is now in its stead. ***It is a mistake to omit carrying capacity from the policy.***
  - a. Referring back to my last comment, the amended policy still has not defined unique amenities and environment must be specified as “natural environment”.
  - b. “Carrying Capacity” has to be regulated and tailored to every single island and its capacity and resources to sustain a given permanent population as well as visitors and tourists. Unless those resources can be augmented in some ways then the carrying capacity has to be limited
  - c. “Carrying Capacity” has to be a determined by a team of environmental scientists, hydrologists, foresters, etc.
  - d. It must be understood that those Islands already determined to be at the cusp of environmental health” are already at or close to maximum “Carrying Capacity”. Until such time as an independent team of environmental scientists can assess the situation and design a framework or plan that further protects the threatened ecosystems, a moratorium on density increase must be enforced (increase in density for any reason)
  - e. “Carrying Capacity” is especially important in water stressed areas and “no density or intensity of land use must be increased where the quality or quantity of groundwater or freshwater will be impacted. An independent team of environmental scientists must be consulted to review and would have the final word on developments, rezoning, density increases in recharge zones, water stressed, environmentally, culturally and archaeologically sensitive areas.

f. The rural aspects and nature, that is a unique aspect of the Gulf Islands and is at risk of being lost, must be preserved.

### **Recommendations:**

1. When it comes down to protecting fragile ecosystems, all rezoning decisions, and increases in density must be guided by the “environment first” policies.
2. All decision regarding land-use must be supported and guided by a team of “environmental scientists” whose advice is binding unless there is new and pertinent scientifically proven information. The effects of climate change, current and projected, must feature strongly in the policy making process. The team would be directed by policies that ensure that the protection of the “natural environment” is a priority. If a natural environment checklist or framework is insufficient in providing enough fact base data to ensure that the environment and water recharge areas are protected, then the “Cautionary Principle” and a “Duty of Care” must be applied.
3. The team of environmental scientists: biologists, bio-engineers protection officers, and so on, will be independent of the Trust and will have the final say on whether any density increase or development may proceed.
4. Currently, Trustees are making important decisions based on the Professional Reliance model. However the reports purchased by the applicant frequently contain outdated, erroneous, fuzzy data that is used to support the interest of the applicant rather than giving the Trust an unbiased picture. A team of independent qualified scientific consultants will have the right to decide against the Professional Reliance system if in the Team’s estimation the project poses an environmental risk.
5. Frequently, policies are being altogether ignored and circumvented. Many members are unaware or do not understand the Trust’s policies and so ignore or do not follow the directives. In general, Islands Trust policies are inadequately defined and too ambiguous to be effective. Developer driven practices create developer centric reports; and even when framed by scientific concepts are skewed to support the interest of the applicant. Unfortunately any criticism by professional colleagues is blocked. Instead, Trustees should be involving specialists, whose reports are based on and guided by “feet on the ground”, measurable and current scientific data.

In summary, the IT appears to have no jurisdiction to override senior legislation unless given written permission. The problem with the policy statements is that they are not being followed by LTC’s, not enforced by the Trust; and, it even appears that the Trust Council is complicit in subverting them. Trustees continue to make uneducated and emotional mistakes and to rezone even when the natural environment is adversely affected. The fact is that the Trust only has the authority to create density increases and regulate land-use; and therefore, continues to use this power, even when its not in the best environmental interest. The ambiguous language and lack

of definitive, measurable frameworks requiring accountability and scientific input when land use decisions are being made, is destroying the islands rural character and fragile ecosystems.

We highly recommend that the Trust adopt Michael Sketch's Draft rewrite of the Trust Policy Statement, version 2.1 submitted Tuesday, 8 of June, 2021. In this submission please pay particular attention to Implementation Policies for Directive Policies of the Trust Policy Statement.

Thankyou

Alix Hodson Deggan and Andrew Deggan

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