

# Islands Trust

## New Draft Policy Statement

Comments by Dag Falck

Nov 28, 2021

I have heard much commenting on the Draft Policy Statement and read it in its entirety to make sure I understood the issues clearly as I do not want to make mis-informed comments. I probably still do not fully understand as I'll explain here. In general, I think the intent of the Draft appears to be very good, but I have concerns about some of the specific details.

Sections 1 to 4.2 are general and give a good guideline as to the areas the Trust shall be concerned with and giving general good direction. At about 4.2 suddenly very specific policies are inserted, seemingly at random. It moves from general e.g. "protect eco systems" to specific e.g. "logging of old growth trees is inappropriate anywhere in Trust Area". I do not disagree with this particular specific, but from a policy document structure point of view, it's not clearly logical why suddenly very specific mandates are inserted in an otherwise very general text. The flow of the document is interrupted and continues likewise with insertions of specific actions mandated more frequently for the rest of the document.

I suggest it should be structured with overview, intent and general areas of concern for protection, and only then move to specifics, and then stick with only specifics. This way the reader can follow the logic from background, to intended caretaking, to specific ways of achieving the protections. The way the draft reads currently it's blending general with specific in a random manner.

Some problems I see with the format and layout of the Policy Document:

1. New words, and concepts are introduced without definitions.
2. Concepts are bandied about without clarity and it's anyone's guess how it is to be interpreted, leaving it open to widely discrepant interpretations.
  - a. Phrases like: "Indigenous ways of knowing", "Indigenous Knowledge Holders" and "Nature-Based Solutions" need clear definitions in order to be meaningfully interpreted and not just cause confusion and conflicting interpretations.
3. It's both too vague and too specific at the same time, jumping from one to the other without any introduction or rationale.
4. Trust authority for the proposed responsibilities are not considered it seems, and some specific proposals are made where there is no authority present for any oversight or regulatory powers given to the Trust. This makes absolutely no sense and leads the reader to have to ignore these sections and begs the question if the Trustees are

confused about the mandate? If continuing to include mandates over issues that the Trust has no authority in the Policy, you need to clearly explain what the purpose is for including these statements.

- a. An example is the section on regulating anchorages for ships, or forbidding oil tankers in the waterways. (I could not find Schedule A, where Trust area is defined. It's unclear what ocean waters are included and there is no reference to authority given to the Trust to regulate ship anchorage or travel.)
5. The format is a wild hodgepodge of additions to an original framework. The format is outdated and makes the content more complicated than it needs to be and may be incomprehensible to most people.
  6. I suggest the document needs to be started over and ordered in a much more streamlined fashion. Repetitions need to be eliminated or structured in such a way that the issues do not need to be repeated for instance for both Trust Council and Trust committees, and Island Municipalities. We have the technology and expertise to structure this in a much more user-friendly manner. This is extremely important as currently there is very low stakeholder engagement on the proposal on the table, because most ordinary people cannot decipher what anything means. Few people have the time or inclination to pour through an archaic script. Especially as they would still not really know what it's actually saying. Restructuring is essential to facilitate consultation with the residents and owners in the trust.

Proposed draft changes that I do not agree with, and that I feel are misinterpretations of the earlier general mandates for protections:

#### 4.2.5

- It is Trust Council's policy that new desalination plants should not be permitted in the Trust Area due to their high energy demands and adverse impacts to coastal and marine ecosystems. (new) This seems to go counter to the earlier general mandates to protect our freshwater and to be self-sufficient. If we insist on not utilizing the safe methods to maintain freshwater for human survival, then how are we protecting the freshwater? We will be putting unnecessary strain on wells for instance, causing salt water intrusion, ruining wells for future use. Other residents on Pender have issued clear details on cost, safety, and feasibility of small desalination for freshwater. Please study up on this and do not reject a perfectly good option to protect our environment. I'm not opposed to restrictions on size of installations and mandates for types of effluent discharge to eliminate any harm to ocean life from any alteration

in salt levels. But as it can be done safely and cost effectively it should not be outright banned.

#### 4.6.3

- It is Trust Council's policy that development, activity, buildings, or structures should not result in a loss of marine or coastal habitat, restrict public access to, from or along the marine shoreline, or interfere with natural coastal processes. (4.5.3, 4.5.4) I agree with this policy as it protects our coastal environment. I have heard much discussion about an apparent proposal to ban staircases built for ocean access. I'd like to know if this is related to this policy or some other policy? I am opposed to a complete ban on access staircases, and believe it should only be regulated if it causes harm to any of the concerns mentioned in policy 4.6.3. As far as I am concerned the existing staircases near the shoreline on Pender adds character and encourages a deeper connection between islanders and our precious and unique ecosystem, which will have the effect of increasing awareness and desire to protect, which is the exact mission of the Trust. Rather than a complete ban, guidelines around not restricting shoreline wildlife movement should be given.

#### 4.6.7

- seawalls and other hard shoreline armouring should not be developed; (new) This is too black-and-white and will not always be true for the best protection. Leave it up to experts to make these determinations on a case by case.
- new private docks should be limited to boat access only properties; These are islands. The ocean is our transportation between islands and mainland. Restricting access to this transportation is unnatural for island communities. Access to escape in case of forest fires necessitates docks. No mention of what mandated protection would be provided by banning docks. Is it environmental, shoreline, protection, or other? How is a dock threatening? These things must be spelled out in order for a ban or even a restriction to be considered.
- freighter anchorage sites in the Trust Area should be eliminated; and (new) No Trust authority?
- oil tankers should not be permitted to transit through Trust Area waters. (new) No Trust authority?

#### 4.6.14

- Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit new private docks except where properties are boat-access only. (new) Same as above.
- Although I could not find any specifics on building set-backs in the Policy Draft, I have heard this discussed for South Pender. I feel that stricter building setbacks should not be mandated across the board, and instead more restricted setbacks should relate specifically to achieve the protections that the Trust is mandated to guard. If an additional setback is needed to protect a shoreline, a sensitive wetland, or any other environmental, cultural, or heritage site, then apply it in those circumstances.
- Affordable housing: I've also heard discussion for South Pender about further restricting building footprints on properties. This seems to go directly against the mandate to encourage affordable housing. I think a complete new paradigm of thinking needs to be applied to solve this rather critical crisis. Having little or no affordable housing for people wishing to provide needed services on the islands, will have the effect of causing hardship and even potentially risks to health and life for residents. We need healthcare, nurses, aids, groceries, gas, repairs, building trades, farmers, artists, etc. and they need to have affordable housing. The Trust is in a perfect position to actually address this, by developing a plan where the existing land/house owners are encouraged to develop affordable rentals on their existing properties, when feasible and safe. Instead of thinking about developing affordable apartment buildings or complexes, we should use the current resources of our communities. Integrating a larger service worker population throughout our communities is the safest and most cost effective way to achieve this. A coordinated plan to address building codes, zoning variances, encouragement of composting toilets versus expensive and polluting septic systems, alternative building materials etc. could help to protect our environments, strengthen our communities, and provide significant increases in affordable housing.

Let me know if you want any further clarification from me on my comments or if there are any further suggestions I can make to facilitate progress on this.

Dag Falck

████████████████████  
████████████████████