

From: David Dunnison [REDACTED]
Sent: Monday, January 31, 2022 11:35 AM
To: Islands2050
Subject: Opposition to New Draft Policy: Misconstrued mandate, misinterpretation of Amenities and Environment

Islands Trust: Islands 2050 Submission

Misconstrued Mandate, Overly Narrow View of Amenities and Environment

Reference: Page 12 Part 3 and Guiding Principle #1, p 13 Section 3.1.1 of *Draft New Policy Statement Bylaw No. 183 – Updated July 15, 2021*

Please count this as a submission “opposed” to adopting the proposed Draft New Policy Statement.

In this case, this opposition is to the narrow re-interpretation of Mandate that puts residents at the bottom of the list of priorities and misconstrues the intended meanings of amenities and environment.

Draft New Policy Statement: “... need to shift towards less human-centric ... planning paradigms”^[i]

Please return to the core principles of the Island Trust’s creation. Those core principles are more important now than ever. The work is not finished. Our communities are not utopias. Problems have not been solved and many remain largely unaddressed. Island populations are aging and in decline.^{[ii] [iii]} This is a failing scorecard.



Figure 1: Islands Trust Newspaper Advertisement – Preserving Communities and Culture^[iv]

The islands and their residents are ever at the mercy of the Islands Trust’s ability to address their needs and feel the impact of every Trust decision. If the Islands Trust will not prioritize human needs, is there an appropriate alternate authority?

Peter Luckham, Chair Islands Trust (2016): *“We are charged with the mandate to preserve and protect the island communities, culture and environment.”^[v]*

If the “residents” are to be a primary beneficiary of the Trust, as the Mandate directs, then they logically should be a top priority of Trust planning and not something to shift priority away from. Residents of the Trust Area are the electors the Trust represents and serves. Residents pay the monetary, emotional and other non-monetary expenses of Trust and its actions, including Trust payroll expenses. Surely the needs of the customer, voter and billpayer can expect some degree of prioritized attention to their needs.

Examples of the disconnect abound. Please consider this new direction in the Draft Policy and its conflict with the Trust’s own reference:

State of the Islands Final Report:

“Many (Local Trust Councils) have placed housing as a top priority”^[vi]

Draft New Policy Statement:

“limit the rate and scale of growth and development ... (new, based on Guiding Principles #1 and #4)”^[vii]

The Draft Policy Statement thus conflicts with known top priorities. A policy of “limit the rate and scale” includes no defined or measurable goal or parameter. Notably, according to Islands Trust disclosures, the rate of development is low and has been for over a decade.^[viii] Protected area (20%) is larger than the area converted for human use (15.7%).^[ix] Without specific direction and guidelines, the easiest implementation for such a policy to ‘limit rate and scale’ is to ‘block everything’ and ‘allow nothing’. Implementation of such a policy will inevitably lead to freezing development, no matter how beneficial, and thus will not address the primary need. Doing ‘zero’ is easy. All too easy. Solving problems requires ruling out the ‘do nothing’ option and accepting a need and responsibility to voters to do something.



Figure 2: Island Trust Annual Report - Preserving Communities and Culture^[x]

Further insights from the Island Trust’s informative survey for the development of the Draft Policy Statement underscores how residents define and view amenities:

“Reason for Living on Island”

“Has necessary amenities (hospital, schools, stores...)”^[xi]

“Islands Strengths”

“Has amenities (hospital, schools, stores, clubs, entertainment, activities, etc.)”^[xii]

“Challenges Facing Island”

“Lacking amenities (recreational facilities, activities, etc.)”^[xiii]

The environment of concern to the Islands Trust is not exclusively the natural environment, nor is the natural environment to be attended to above and in place of everything else. Legal counsel for the Islands Trust, Bill Buholzer, has advised the Trust of this by stating, "we don't consider that the policy statement must be restricted in its scope to environmental conservation and cultural heritage."^[xiv]

The Provincial Government has a Ministry of Environment and Climate Change Strategy. It would be logical if not expressly directed by the Mandate of the Trust that the Islands Trust would cooperate with this Ministry rather than attempt to supplant it. Notwithstanding any desired mission creep, or a rationale to 'do nothing' on critical Island issues, the natural environment is not the primary purview nor the core expertise of the Islands Trust.

The Islands Trust Act considered unique amenities and environment to include built amenities and environment as well as the human society of the islands. We have the certainty of recent and powerful legal advice from the Island Trust's own legal counsel, Bill Buholzer of Young Anderson, to refer to on this point.

Bill Buholzer
Young Anderson
27 October 2020

"As regards the text of the statute ... dictionaries merely define "amenity" as "pleasant feature".

...

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 ... with the geographic position of the islands on which they are found, which is by definition unique

...

... 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."^[xv]

The Islands Trust is a local government and not a formal conservation initiative. But, the mission of a largely BC-focused conservation initiative that is not a local government may offer inspiration. The Yellowstone to Yukon Conservation Initiative (Y2Y) sees its mission and impact as "Helping People and Nature Thrive".^[xvi]

Recommendations:

Please follow the advice of legal counsel. Please focus on the need to deliver benefits to humans that inspired the Islands Trust Act. Please recognize the expected and defensible meanings of amenities and environment. Please help humans thrive.

Regards,
David Dunnison
Full Time Resident Salt Spring Island

[REDACTED]

[i] Islands Trust Council Draft Bylaw No. 183: Islands Trust Policy Statement Bylaw, 2021. Islands Trust. 15 July 2021. Part 3, p 12. Accessed at: <https://islandstrust.bc.ca/document/draft-new-policy-statement-clean-version-july-2021/> 30 January 2022.

[ii] Islands Trust (2019). State of the Islands Indicator Project: Final Report. Key Findings - Population Growth Rate. pp 5. Accessed at: https://islandstrust.bc.ca/wp-content/uploads/2020/05/TAS_2020-01-22_StateOfTheIsland_FinalReport-with-Survey.pdf 30 January 2022.

[iii] Goodbye Salt Spring? Share your story. Salt Spring Solutions. 6 July 2021. Accessed at: <https://www.saltspringsolutions.com/updates/goodbye-salt-spring> 31 January 2022.

[iv] Islands Trust Newspaper Advertisement. Accessed at: <https://www.saltspringsolutions.com/film> 31 January 2022.

[v] Luckham, Peter. Letter to The Honourable Catherine McKenna Minister of Environment and Climate Change. 22 January 2016. Accessed at: <http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs2016/595186/ministermckennajan222016.pdf> 31 January 2022.

[vi] Ibid. pp 9.

[vii] Islands Trust Council Draft Bylaw No. 183: Islands Trust Policy Statement Bylaw, 2021. Islands Trust. 15 July 2021. S 3.1.12, pp 14. Accessed at: <https://islandstrust.bc.ca/document/draft-new-policy-statement-clean-version-july-2021/> 30 January 2022.

[viii] Williams and Wright (2017). SEM/TEM Mapping Updates And Disturbance Mapping In the Islands Trust Area: Prepared for Islands Trust. Madrone Consulting. Accessed at: https://islandstrust.bc.ca/wp-content/uploads/2020/05/ITF_2017-09-12_RPT_TEM-SEM-and-Disturbance_Final.pdf 31 January 2022.

[ix] Islands Trust (2019). State of the Islands Indicator Project: Final Report. pp 18. Accessed at: https://islandstrust.bc.ca/wp-content/uploads/2020/05/TAS_2020-01-22_StateOfTheIsland_FinalReport-with-Survey.pdf 30 January 2022.

[x] Cover page. Islands Trust 2012 Annual Report. Accessed at: <https://islandstrust.bc.ca/wp-content/uploads/2020/05/2011-2012-IT-ar.pdf> 31 January 2022.

[xi] Forum Research (2016). The Islands Trust Life on the Islands - Area Resident Survey Final Results. Pp 11. Accessed at: https://islandstrust.bc.ca/wp-content/uploads/2020/05/TAS_2020-01-22_StateOfTheIsland_FinalReport-with-Survey.pdf 30 January 2022.

[xii] Ibid. pp 13.

[xiii] Ibid. pp 15.

[xiv] Buholzer. Trust Object Interpretation. Young Anderson Barristers & Solicitors. 27 October 2020. Accessed at: https://islandstrust.bc.ca/wp-content/uploads/2020/10/VO_2020-10-27_Trust-Object-Interpretation-PSAP-PUBLIC_LGL_FINAL.pdf 30 January 2022.

[xv] Ibid.

^[xvii] Yellowstone to Yukon Conservation Initiative: Y2Y's impact. Accessed at: <https://y2y.net/work/our-impact/> 30 January 2022.