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To Islands Trust Council

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re: Draft Policy Statement: A suggestion

Introduction

When I first read the Draft Policy statement, I thought; “This is really good.”

But as I step back, I realize I am not typical of the Trust Area electorate.

For one thing, after serving as a trustee for twenty years, I am a bit of a policy wonk – one of only two people I know on Hornby Island (apart from the trustees) who has read the complete 39 page draft (the other being the super-diligent chair of the APC).

For another, I am part of a rapidly disappearing cohort that came to the Islands in the 1970s and 1980s to lead simple lives in an area that we valued as being preserved and protected by the Islands Trust. We went to meetings. We provided input.

We are being replaced by people who are not choosing – or don’t have the option of choosing – such simple lives or experience connectivity with the Islands Trust. There are those whose complicated lives involve having one foot on the islands and the other in the city. And those who are struggling to get a toe hold on the islands with the challenges of establishing housing and livelihoods.

I fully understand that many such islanders do not have the time, energy, interest or inclination to engage in Islands Trust processes in the context of other priorities. I sense that many, perhaps most, see the Islands Trust as a centralized external bureaucracy rather than being rooted in island communities. In other words: an entity to be suspicious of rather than automatically embraced.

The Draft – what needs to be addressed

Trustees are challenged to find the appropriate balance between responsibility to the legislated object and responsibility to representing the electorate.

My reading of the Draft Policy Statement and the public response to it is that the Draft does an admirable job of addressing the object, but balance has not been achieved because it does not reflect a consensus of the electorate, whose support is crucial in implementing the object.

The Islands Trust Act, 15.2(a), requires the Policy Statement to be **a general statement of policies** and 14.4 which requires that a bylaw not be approved if it is contrary to or at variance with the trust policy statement (which can lead to the creation of very definitive policies to make it easier to clarify when non-approval should be exercised).

My reading of the Draft Policy Statement is that it has drifted too far from being the *general statement of policies* required by the *Islands Trust Act*.

There are 133 policies, some of them repeating the same policy imperative.

Rather than being general statements, they are instead statements of positions, directions and commitments that are often quite specific, often reading more like regulations than policies.

Such a long and complex document is not only outside what the legislation requires but, of its very nature, presents a barrier to public understanding and engagement.

I do not see Trust Council being able to present a publicly supported version of this document that will receive Ministerial approval in time for adoption this term – at least without significant controversy being carried forward into the next term.

A Suggestion

I am a big believer in the role of the Policy Statement. During my time as a trustee, I was twice on committees that worked on making revisions. I want this current project to succeed – which for me involves the Policy Statement being widely embraced.

I have spent countless hours going through the Draft Policy Statement formulating ideas for changes. But I have given up. More than tinkering is required.

After a great deal of thought, this is my suggested course of action:

Divide the Policy Statement into two documents.

1) The Policy Statement

- It would be submitted for ministerial approval
- It would be a statement of general policies as required by the Islands Trust Act
- It would be much short and more reader-friendly

2) Companion to the Policy Statement

- It would be established by bylaw of Trust Council
- It would include background, context, and implementation actions (now in the current Draft)
- It would be more readily amendable to address new information, issues and opportunities

Here are examples – using sections 4.1 and 4.2 - of how what is covered in the Draft Policy Statement could be divided between a new “short-version” **Policy Statement** and a “**Companion to the Policy Statement**”.

This would reduce the number of policies in these sections from 27 policies in the current draft to 11 policies in what I am suggesting.

Example: “Policy Statement”

PART 4: ECOSYSTEM PRESERVATION AND PROTECTION

GOAL: To Preserve, Protect, Restore, and Sustainably Steward Trust Area Ecosystems

4.1 Environmental Integrity

Policies

(Local trust committees and Island Municipalities should ensure that Official Community Plans and regulatory bylaws are not contrary to, or at variance with, policies that apply to planning areas).

4.1.1. Proactive land use planning is essential to the preservation and protection of Trust Area ecosystems.

4.1.2 Protection is required for natural processes, habitats, and species of the Trust Area and for Indigenous cultivation and harvesting areas. In each planning area, land use planning and regulation should be used to identify, preserve, protect, and support the restoration of key elements*

4.1.3 Networks of protected areas throughout the Trust Area are necessary to preserve ecosystems in sufficient size and distribution to sustain their environmental integrity. Such networks should be identified, established, and maintained in each planning area through land use planning and regulation.

4.1.4. Emissions to land, air and water should be reduced. Such emissions should be limited in each planning area through regulation of land use and development.

4.1.5. Impacts of climate change on ecosystems should be understood and addressed. In each planning area, this should involve using land use planning and regulation to support climate adaption measures for ecosystems

*Sensitive ecosystems (cliff, freshwater, herbaceous, old and mature forest, riparian, wetland, and woodland ecosystems), contiguous, unfragmented forests and associated ecosystems, freshwater networks and groundwater recharge areas, eelgrass meadows, kelp forests, and forage fish spawning areas, species and ecosystems at risk, Indigenous cultivation and harvesting areas such as clam gardens, camas meadows, and other areas as identified by First Nations.

(Resources include the Islands Trust Conservancy Board, the best available quantitative and qualitative data, Indigenous knowledge, and community input.)

4.2 Freshwater Stewardship

Policies

(Local trust committees and Island Municipalities should ensure that Official Community Plans and regulatory bylaws are not contrary to, or at variance with, policies that apply to planning areas).

4.2.1 Loss or degradation of watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species should be prevented. In each planning area, means to prevent this should be identified and utilized in land use planning and regulation.

4.2.2 Neither the density nor intensity of land use should be increased in groundwater regions where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable. This should be implemented in each planning area through land use planning and regulation.

4.2.3 Fresh water quality and projections of water demand and supply (existing, anticipated, and seasonal) should be addressed in each planning area through land use planning and regulation.

4.2.4 Each island should be self-sufficient in its supply of freshwater (with the sole exception of Piers Island which is supplied by the Capital Regional District water system).

4.2.5 Additional uses of freshwater should not be detrimental to existing in-stream uses (such as for fish and fish habitat, Indigenous cultural and spiritual practices, aesthetic and recreational activities) and the maintenance of water quality in lakes, streams, and wetlands. In each planning area, this should be ensured where possible through land use planning and regulation to address detrimental impacts upon them of freshwater uses.

4.2.6 Water supply should be sourced from the storage and use of freshwater (groundwater, surface water and rainwater) rather than from the desalination of sea water. In each planning area, land use planning and regulation should support appropriate storage of freshwater and limit the desalination of seawater to specified lots where there is no ability to source and store freshwater and where desalination would not involve returning concentrations of brine into the environment.

Example: “Companion to the Policy Statement”

ECOSYSTEM PRESERVATION AND PROTECTION

GOAL: To Preserve, Protect, Restore, and Sustainably Steward Trust Area Ecosystems

CONTEXT:

Environmental Integrity:

The Islands Trust Area contains the most biodiverse and endangered ecosystems in British Columbia and a number of species that are of high cultural significance to First Nations. These ecosystems are treasured for their intrinsic value and also for the many supports they provide to human well-being. An ecosystem is understood as a dynamic system of living species interacting with their non-living environment. Some ecosystems rely on a delicate mix of species and conditions that are easily affected by human activities and environmental disturbances. These ecosystems are termed ‘sensitive’ and are prevalent in the Trust Area. An ecosystem has ‘environmental integrity’ when its dominant characteristics, natural composition, structure, function, and processes occur within their natural ranges of variation and can withstand and recover from most disruptions imposed by human activity or environmental dynamics such as climate change. In the Trust Area, the establishment of networks of protected areas and unfragmented forest reserves that are large enough to contain and sustain native Trust Area species is essential to environmental integrity.

Restoration:

In the face of the global climate and biodiversity crises, it has never been more critical to preserve and protect ecosystems in the Trust Area. In addition, there is now an imperative to restore these fragile ecosystems and assist in their recovery due to the cumulative impacts of development and human use of natural areas, as well as the impacts of a changing climate. Ecosystem restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Restoration can

happen in many ways, such as active reforestation or wetland remediation, or by simply removing pressures so that nature can recover and adapt on its own.

Adaptive Management:

The specific impacts of the climate and biodiversity crises and their policy implications may be difficult to predict in exact detail, timing, and scope. Adaptive management approaches offer pathways to minimize uncertainty and maximize policy effectiveness. These are structured, iterative processes of decision-making intended to reduce uncertainty over time through periodic monitoring and evaluation, and evidence-based policy adjustments.

Nature-Based Solutions: In seeking integrated solutions that address the impacts of climate change on both ecosystems and communities, nature-based solutions offer opportunities for multiple co-benefits. Nature-based solutions are actions to protect, sustainably manage, and restore ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.

Sustainable Stewardship:

As humans modify the Trust Area, ecosystems are subject to various pressures. With sustainable, regenerative use, ecosystems will be more healthy and resilient and better able to support human well-being in a variety of ways. Sustainability, in this context, is defined as the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs.

Stewardship, in this context, refers to the responsible use and protection of natural systems, through conservation and sustainable use.

4.1 Environmental Integrity

Policies

(Local trust committees and Island Municipalities should ensure that Official Community Plans and regulatory bylaws are not contrary to, or at variance with, policies that apply to their planning area).

4.1.1. Proactive land use planning is essential to the preservation and protection of Trust Area ecosystems.

4.1.2 Protection is required for natural processes, habitats, and species of the Trust Area and for Indigenous cultivation and harvesting areas. In each planning area, land use planning and regulation should be used to identify, preserve, protect, and support the restoration of key elements*

*Sensitive ecosystems (cliff, freshwater, herbaceous, old and mature forest, riparian, wetland, and woodland ecosystems), contiguous, unfragmented forests and associated ecosystems, freshwater networks and groundwater recharge areas, eelgrass meadows, kelp forests, and forage fish spawning areas, species and ecosystems at risk, Indigenous cultivation and harvesting areas such as clam gardens, camas meadows, and other areas as identified by First Nations.

(Resources include the Islands Trust Conservancy Board, the best available quantitative and qualitative data, Indigenous knowledge, and community input.)

4.1.3 Networks of protected areas throughout the Trust Area are necessary to preserve ecosystems in sufficient size and distribution to sustain their environmental integrity. Such networks should be identified, established, and maintained in each planning area through land use planning and regulation.

4.1.4. Emissions to land, air and water should be reduced. Such emissions should be limited in each planning area through regulation of land use and development.

4.1.5. Impacts of climate change on ecosystems should be understood and addressed. In each planning area, this should involve using land use planning and regulation to support climate adaptation measures for ecosystems

Trust Council can support these policies by:

- Obtaining the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing in order to address cumulative effects of existing and proposed development to avoid detrimental effects on watersheds,
- Identifying and monitoring the impacts of climate change on ecosystems through climate vulnerability assessments and utilizing adaptive management processes and nature-based solutions that are informed by the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing.
- Seeking the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing regarding ecosystem preservation, protection, restoration, and sustainable stewardship in the Trust Area through respectful, culturally-sensitive and collaborative approaches with First Nations, Indigenous Knowledge Holders, the Province, other government agencies, nongovernmental organizations, and communities, in collaboration with the Islands Trust Conservancy Board,
- Coordinating with, and advocating to, other government agencies to foster actions, programs, and incentives that: (3.1.9) ⌚ place priority on the integrity of the environment in the Trust Area ⌚ protect the diversity of native species and habitats in the Trust Area; and ⌚ prevent pollution of the air, land, freshwater networks, and marine waters of the Trust Area
- Coordinating with, and advocating to, other government agencies to: ⌚ regulate and monitor the harvesting of fish, wildlife, and vegetation in the Trust Area so as to protect terrestrial and aquatic species populations and habitats (4.3.1) ⌚ consult with First Nations, local trust committees, island municipalities, and Trust Area communities prior to decisions regarding regulation of hunting or harvesting of wildlife or vegetation in the Trust Area (4.3.1) ⌚ consult with First Nations to preserve First Nations' traditional harvesting areas; and (new) ⌚ to protect, for public use, areas supporting naturally occurring shellfish populations and other marine life, and to establish public shellfish reserves in the Trust Area. (4.3.2)

- Encouraging the provincial government to enforce standards for the control of emissions polluting the air, lands, and waters of the Trust Area. (3.1.10)

- Advocating to other government agencies, non-governmental organizations, Crown corporations, municipalities, regional districts, non-governmental organizations, property owners, residents, and visitors to protect natural areas in the Trust Area through education, stewardship tools, acquisitions, conservation covenants and careful management, in cooperation with First Nations and the Islands Trust Conservancy Board.

4.2 Freshwater Stewardship

Policies

(Local trust committees and Island Municipalities should ensure that Official Community Plans and regulatory bylaws are not contrary to, or at variance with, policies that apply to their planning area).

4.2.1 Loss or degradation of watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species should be prevented. In each planning area, means to prevent this should be identified and utilized in land use planning and regulation.

4.2.2 Neither the density nor intensity of land use should be increased in groundwater regions where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable. This should be implemented in each planning area through land use planning and regulation.

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4.2.4 Each island should be self-sufficient in its supply of freshwater (with the sole exception of Piers Island which is supplied by the Capital Regional District water system).

4.2.5 Additional uses of freshwater should not be detrimental to existing in-stream uses (such as for fish and fish habitat, Indigenous cultural and spiritual practices, aesthetic and recreational activities) and the maintenance of water quality in lakes, streams, and wetlands. In each planning area, this should be ensured where possible through land use planning and regulation to address detrimental impacts upon them of freshwater uses.

4.2.6 Water supply should be sourced from the storage and use of freshwater (groundwater, surface water and rainwater) rather than from the desalination of sea water. In each planning area, land use planning and regulation should support appropriate storage of freshwater and limit the desalination of seawater to specified lots where there is no ability to source and store freshwater and where desalination would not involve returning concentrations of brine into the environment.

Trust Council can support these policies by:

- Identifying and supporting the protection and where possible, the continuity, restoration or rehabilitation of the watershed ecosystems, freshwater networks, groundwater recharge areas and wetlands of the Trust Area.
- Taking a precautionary approach to the sustainable stewardship of watershed ecosystems, freshwater networks, and groundwater recharge areas in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing.
- Honouring the inherent rights of First Nations to access freshwater streams for cultural and spiritual purposes.
- Coordinating with, and advocating to, the provincial government, regional districts, improvement districts, and other agencies to enact legislation protecting freshwater sustainability, watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species at risk in the Trust Area, in accordance with the Islands Trust Object. (4.4.6)
- Coordinating with, and advocating to, the provincial government to implement property tax incentives for the retention of groundwater and watershed recharge areas and freshwater wetlands in the Trust Area. (4.4.5)
- Encouraging, educating, and advocating to government agencies and nongovernmental organizations, property owners, residents, and visitors to adopt water conservation practices in the Trust Area, including through the use of innovative technologies such as rainwater harvesting, above-ground water cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices.
- Encouraging government agencies, non-governmental organizations, property owners, residents, and visitors to protect watershed ecosystems through voluntary donations, acquisitions, conservation covenants, and careful management, in collaboration with Islands Trust Conservancy.

Thank you for considering this.

I hope it is helpful.

Sincerely,

Tony Law