

**From:** Lori Foster  
**Sent:** Thursday, April 7, 2022 10:27 AM  
**To:** Islands2050  
**Subject:** FW: MERTZ - Draft New Policy Statement

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**From:** Patti Mertz [REDACTED]  
**Sent:** Wednesday, April 6, 2022 7:44 PM  
**To:** [REDACTED]  
**Subject:** MERTZ - Draft New Policy Statement

**RE: Islands Trust DRAFT New Policy Statement and Governance**

Good day,

Some activities of Islands Trust have only recently come to my attention, despite my being a property owner and resident of Gabriola Island for a number of years, in the traditional territory of the Snuneymux First Nation. I wish to have my voice heard as a taxpayer and concerned citizen on three matters:

1. The Islands Trust Governance Review & Report
2. The Islands Trust Draft New Policy Statement
3. The "Tree Bylaw"

I have read the recent **governance review**\* released last month, which indicates "Current Trust Council practices do not meet the requirements set by good governance principles." The review echoes many of the concerns that we residents have voiced repeatedly among ourselves over the years. I believe many of us have not pushed back on the Trust for fear of being accused of wanting to violate our environment. Nothing could be further from the truth.

Unfortunately, it appears members of the trust have created an "us versus them," "people are bad" paradigm, and will simply not listen to residents who have divergent opinions. The Trust is acting like a special interest group, when its role is that of a Governance body. If it is to stay in a Governance role, the Trust is obligated to follow the standards of good Governance. The review says one of "the first items of business to be taken up by the next Trust Council should be to establish a governance committee in order to drive (governance) reform from within."

One of the Governance gaps noted is the lack of measured outcomes by the Trust. "Real performance measures...are largely absent. ...Performance targets are virtually nonexistent." I note that the Island Trust's latest strategic plan ends in 2022. I submit that the Trust has an obligation to first consult with all stakeholders and set short and long-term goals, then create a strategic plan to achieve those goals, and

THEN create policies that support those strategies. It's not appropriate, in my opinion, for the Trust to create new policies without a new strategic plan first.

**The Island Trust Draft New Policy Statement\*** and the method by which it has been created are nothing short of shocking. How could I have not known this was all going on? The answer is that Islands Trust only took feedback from less than 4 percent of stakeholders. The Trust says it engaged about 1600 people. I submit that talking to 132 people on the ferry is not going to get meaningful input; there would simply not be enough time for someone to read all of the collateral materials to create an informed opinion. (The TPS itself is over 30 pages). The Trust says 557 people attended information booths, and 789 people provided online feedback. I would argue that there could be duplication of people in those activities.

If we allow that there may have been engagement with 1,346 Island residents, and we allow that there are 36,000 property owners and residents in the Islands Trust area, the feedback received represents 3.7%. However, this number does not include the 28,000 Coast Salish stakeholders in the trust area. The fraction of stakeholder representation in the creation of the TPS is miniscule.

Within the TPS, there are changes that move the organization from a governance body to an autocratic special interest group. This includes the concept of "precautionary" bylaws, which would allow the Trust to enact bylaws that are not supported by evidence. The presumption of innocence is entrenched in Federal and Provincial laws. It is unconstitutional that residents should be punished for conduct that has not been proven to be in contravention of the best interests of the governance region.

The next alarming change in the TPS is the move to "directive" policies that would override decisions made by the Local Trust Committee and even of Municipal, Regional District, Provincial or Federal Government bylaws and legislation formed by duly elected officials.

The TSP aims to prioritize "the preservation and protection of the unique amenities and environment of the Trust Area" by shifting "*towards less human-centric and less settler-centric planning paradigms.*" This is in stark contrast to the IT object to preserve and protect the Trust Area and its unique amenities and environment "**for the benefit of the residents of the Trust Area and of British Columbia generally.**"\*

Islands Trust has, without seeking the input of the majority of island residents, also sought legislative change to regulate tree cutting throughout the Trust Area with a new **Tree Protection Bylaw**. It would appear that a member of Trust staff works for the Environmental Law Centre. An environmental advocacy group hired the Environmental Law Centre to create a report which contained arguments in favor of Tree Bylaws. The group then lobbied Islands Trust to push for one. This is unethical, a breach of trust, and conflict of interest. In its quarterly meeting agenda, the Trust states "We believe the Trust Council should adopt all of the Raincoast Conservation Foundation's recommendations."\* The public was not consulted for feedback on these recommendations. In addition, Trust documents indicate such a bylaw would have a challenge with enforcement, result in clearing of trees before enactment, and tax the resources of the Trust with a rise in complaints.

I respectfully submit that I would like to see the following:

1. Withdraw the submissions made to the province for a Tree Protection Bylaw. Such a bylaw is neither practical nor necessary.
2. Shelve the Islands Trust Draft New Policy Statement until the Trust can get its house in order, and get much more public feedback. The statement is profoundly flawed and I submit it does not represent the opinions, views and desires of the majority. There should be no vote whatsoever on the TSP until after the election in the fall of 2022. Instead, the new trustees should work on a new Strategic Plan, and any new policy statement should flow from that.

3. Islands Trust should immediately establish a governance committee to drive governance reform. Islands Trust itself has catastrophically failed its governance review. According to the review, the Trust has no clear direction or purpose with measurable performance indicators. There are concerns about fiscal efficiency, accountability, fairness and legitimacy. Islands Trust must stop any attempts to expand its power, bring in new bylaws or re-draft its policies and instead begin the important work of bringing its policies and practices in line with those of good governance.
4. Create a large-scale communications strategy to educate and inform ALL Gulf Island stakeholders about the work of Islands Trust on improving governance.

Please feel free to contact me directly if you would like to discuss my letter.

Patti Mertz

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\*Sources:

GOVERNANCE REVIEW: <https://islandstrust.bc.ca/document/governance-review-final-report-february-2022>

DRAFT NEW POLICY STATEMENT: <https://islandstrust.bc.ca/document/draft-new-policy-statement-clean-version-july-2021/>

Islands Trust Act Stating Mission: [Islands Trust Act](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96239_01)  
[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96239\\_01](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96239_01)

AGENDA proposing expanded powers, tree bylaw (see page 61[1]): <https://islandstrust.bc.ca/document/tc-quarterly-meeting-agenda-dec-1-3-2020>

Raincoast / Islands Trust paid research for Tree Bylaw: <https://elc.uvic.ca/publications/coastal-douglas-fir-forests/>