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**Cc:** [HMA.minister@gov.bc.ca](mailto:HMA.minister@gov.bc.ca)  
**Subject:** Re Draft Island Trust Policy Statement



**Council of  
BC Yacht Clubs**

***Advocating for Recreational Boaters***



Council of BC Yacht Clubs 400 Newcastle Ave Nanaimo, BC V9S 4J1 Canada

Islands Trust Council (ITC)

Re: Draft Island Trust Policy Statement

The Council of BC Yacht Clubs represents 45 boating clubs throughout the province and approximately 15,000 recreational boaters. The Council advocates for recreational boaters by encouraging anchorage protection, supporting and raising funds to expand Provincial Marine Parks system and encouraging safe boating. Several of our clubs own property for outstations within the Islands Trust area, including on Gambier, Thetis, Gabriola and Saltspring islands. Many club members own and reside permanently on Gulf Island property, and we all cherish the Island's Provincial Marine Park system.

We recently received the Draft Island Trust Policy Statement (ITPS) with a questionnaire that we are encouraging our members and the recreational boating public to complete before February 2 nd , 2026. We believe our membership strongly supports the emphasis on policies relating to ecological integrity and controlled development in our Gulf Islands. However we have three key concerns with the policies proposed by this statement:

**A) the policy contains examples of areas of potential jurisdictional conflict and legal challenges around marine shoreline policies:**

The draft statement provides foreshore and navigable water policies that are under the jurisdiction of the provincial or federal governments. These include sections on aquaculture tenures (3.5.19), vessel moorage (3.5.22), marinas (3.5.23), sharing of coastal facilities (3.5.24), marine docks (3.5.25), and marine structures (3.5.26).

Bearing in mind, the Island Trust Policy 5.9.2 states: **a local trust committee does not have jurisdiction over matters that fall within federal or provincial jurisdiction** (Islands Trust Policy 5.9.2 para 2.4 approved by Trust Council on Sept 10, 2014) , it would seem inappropriate for the ITC to propose changes to their policies that do not comply with their own policy (viz 5.9.2) or conform with provincial intentions.

This issue arose recently when the province authorized a shellfish aquaculture tenure in Preedy Harbour that was not zoned for this activity by the Thetis Island LTC. Following bylaw enforcement action, meeting minutes state the LTC were advised that the province did have the jurisdiction and legally could approve aquaculture activities despite the LTC disapproval. Reasons for Decision provided by the Land Officer and issued by the province, stated that the province did consider the concerns of the Thetis Island LTC, including a request to disallow the application, but the LTC concerns were outside of their jurisdiction and had been satisfactorily mitigated. The report concludes that: **It is outside the jurisdiction of the LTC to require that the proponent's application be disallowed under the Land Act. Further, it is not appropriate for one government agency to fetter or attempt to unduly influence the decision of another.**

**B) Some Reconciliation Principles (2.2) are not related to Trust planning activities.**

Even though reconciliation principles are limited to the extent that they engage the object of the Trust they are not related to Trust planning activities and are inappropriate in this application.

Truth and Reconciliation Commission (2.2.1), and the Missing and Murdered Indigenous Women and Girls (2.2.3) should not appear in this statement.

**C) The policy lacks a general balance between efforts to meet our First Nation reconciliation responsibilities while supporting the needs of other parties that have an interest in the Gulf Islands:**

We support the role of Islands Trust to represent the interests of British Columbians (Section 3, Islands Trust Act), but note in Goal 3 the directive policies around "Ecosystem Integrity" (3.3.1-3.3.9) while laudable, are entirely dependent on **Advisory Policies (3.3.10-11) directed exclusively by Indigenous interests**. Will all ecosystem management, and the identification and establishment of Protected and Conservation Areas be generated through Indigenous Governing Bodies? Will our environmental policies not also consider the application

of western scientific standards? It would appear with these policies, that non-indigenous people of BC are devoid of a valuable perspective on ecosystem management.

Similarly, Goal 4 introduces community development as being “Inclusive” but the Advisory Policies include the general public only from the perspective of requiring restrictions on development (3.4.9) while development generated by Indigenous Governing Bodies is to be encouraged (3.4.10). This apparent bias is acceptable as we attempt to support First Nation self-sufficiency, but the **equitability could be improved if we had policies that supported all sensible economic opportunities** for our youth, new Canadians and others who wish to build diverse and sustainable island communities.

Naturally all policies that give credence to the recreational requirements of the boating community are of interest to us (particularly 3.4.29-30) and we appreciate their inclusion for the purposes of directing official community planning. However these are ” Directive Policies”;

equivalent advisory policies are not provided. In the absence of specific advice, we are concerned that the preservation of ecosystem integrity for shorelines and nearshore areas (3.3.6), which incorporates a restriction on almost every shoreline type, will effectively exclude

permission for the development of shoreline structures on which boaters depend (3.5.22-26).

**Advice could identify mitigating measures to allow construction and maintenance of boating facilities while providing ecosystem protection and provide some balance and flexibility in the policy.**

Directive 3.5.22 on mooring in particular (we assume includes anchoring), excludes most nearshore habitats with perhaps the exception of coastal rocky headlands. With the additional stipulation that First Nation Governing Bodies have the exclusive authority to define areas of “Indigenous Cultural Heritage” (Directive 3.2.1-3 and Advisory 3.2.4-8) **we fear the potential prohibition of many sites, with no appeal process available.** This creates regulatory imbalance and a sense there will be very few areas available for the needs of the recreational boater.

We appreciate this opportunity to provide input to the policies that are critical to our recreational ventures. We hope that the Province agrees to the principle that the boating public deserves reasonable access to coastal recreation sites and the ability to maintain waterlot investments and the adjacent upland facilities in the Trust Area; where the vast majority of British Columbia boaters recreate (ITPS - Section 1.2). We are available to provide details and assist with this important process.

Yours sincerely,

Dr. Roger Hind, President, CBCYC

cc Hon. Christine Boyle, Minister of Housing and Municipal Affairs