

[REDACTED]
Galiano Island, BC
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Dear Chair Rogers

Thank you for your response to my email following last Tuesday's LTC meeting.

I would agree that the GIGARHS application has indeed raised a myriad of issues and questions, but my observation is that the issues and questions have mostly been identified and asked by the public, not by the Trustees or the Planner.

I have attended every LTC meeting of this rezoning application and every meeting has surprised me with the lack of inquiry and examination related to the environmental impact, including groundwater on the part of the Planner, of the one locally elected Trustee who is able to participate in this application (though her input and motions at the June 1 LTC meeting were appreciated) due to the recusal of the other, and of yourself as Chair. That is my only point of view and my questions over the past 3 years have all been related to the environmental impact, the Trust's primary mandate, posed by this proposed development.

The Trust process as I have experienced it, is very hard to follow and many of my questions are as a result of my desire to understand the order and logic. I have informed myself about the process by familiarizing myself with the Galiano OPC, other Trust documents related to climate change and land use planning, and the Trust Policy Statement Commitments and Directives. So much paper, so many words, and so little reference made to these in the deliberations I have witnessed so far.

I was pleased at one point to discover online Schedule A: Bylaw Amendments/Rezoning that explained the typical steps in the application process. Yet those steps were not followed in the case of this application, when suddenly 1st reading at the March LTC meeting preceded any referral comments. When I commented on this at the following meeting, I was told things do not necessarily occur in the order as described, that these are guidelines. With an applicant even then agitating not just for 1st reading but for 2nd reading and a public hearing, while in my view, there had been woefully incomplete and unexamined information presented on environmental impact, this was and is alarming.

Adding to my concern, Chair Rogers is the open letter you sent in response to written concerns about proceedings at the March Trust Council meeting, proceedings that seemed designed to take environmental protection off the table even further, in direct contradiction to public input sought and received.

From the minutes of this meeting the motions of concern are as follows:

TC-2021-010 It was Moved by Trustee Rogers and Seconded by Trustee Wolverton, That Trust Council request the Trust Programs Committee and the Executive Committee continue their work on developing proposals for revising the Trust Policy Statement in accord with the current Project Charter including policy related to Sustainable Communities and affordable housing.

CARRIED

TC-2021-011 It was Moved by Trustee Critchley and Seconded by Trustee Langereis, That Trust Council affirm its understanding that the paramount object of the Islands Trust Act is protection and preservation of the natural environment.

DEFEATED

Your statement in your open letter that this is a “misunderstanding” on the part of the various TPS letter writers, and that the Trust can give both development and protection of the natural environment equivalent weight is illogical, especially as we know that the Islands Trust was created to limit development in order to protect the environment. Not extinguish development as you suggested in your open letter as the writers’ positions, but to proceed very carefully with development and to yes, give protection of the natural environment priority.

The intent of the motion passed and the motion defeated is clear I think and I believe the misunderstanding is yours. Of course you can, as you suggest in your letter to me, theoretically have multiple priorities, but not if one is so potentially dangerous to or at odds with the other. Regulating human development activity in the Trust Area is the very essence of the Trust. I certainly do support the passing of another motion at that same meeting, the inclusion of reconciliation and the protection of indigenous cultural heritage, which is so often closely aligned to protection of the natural environment.

The essential question that needs to be asked of each development proposal is does it affect the environment and how, and then, how much? You are right when you say we are fighting a rear-guard action now - in terms of water availability, forest cover, fire risk, climate change, noise, pollution, and also in fact housing. But our human footprint on the landscape is already huge and is in fact bigger than we really see, with already approved future build-out. This absolutely needs to be taken into account and hard decisions will need to be made about how much further stress the natural environment can take. And yes, some people will be unhappy but an unhappy environment is ultimately worse.

If Trustees are not prepared or are too intimidated or are too uncertain in their role to stand up for the environment according to the OCP bylaws and Trust Directives already in place (and it appears to me that they are not doing so with any consistency), if they see themselves as you have suggested, as limited in authority and resources, then that authority and those resources need to be strengthened, not weakened in the Trust Policy Statement and as a result strengthened in OCPs, and Planners need to see their jobs as primarily planning for the protection of the natural environment now and for the future.

The jobs of Trustees and Planners are tough ones. I see that. The issues are complex and the pressure comes from many directions. But if we are going to talk about resources, I observe Trust resources being ineptly and wastefully used in a process that does not first assess environmental impact or does so in an incomplete and biased way designed to support the interests of the development applicant with obviously limited scope. It seems to me that that are far too many reports, statements, commitments,

policies, reports and yes, even bylaws that are regarded only as guidelines when it come to the LTC process. Clear criteria in the OCP for a development such as the GIGARHS one is ignored or reinterpreted, criteria that should have been used early on to direct the applicant to find a compliant site.

I don't want things done when I ask for them as you state in your response to me. I and others don't want to HAVE to ask that they be done or that bylaws and guidelines be observed. Testing and monitoring of the project well in the dry season should have been a clear requirement at the very beginning of the process. Why wasn't William Shulba asked for his expert opinion then? Assessing the wildfire risk should have been done at the very beginning of the project as the land owner's own management plan clearly identified the extreme wildfire risk of the area, and as does the 2009 Galiano Wildfire Protection Plan that specifically addresses the risk of further human incursion into an area like the Heritage Forest and provides clear recommendations for a wildfire risk assessment by a professional forester.

How did it make sense in the beginning to consider a development that would require clear cutting 5 acres of coastal Douglas-fir ecosystem in contradiction to Trust exhortations to do the opposite or that would fragment that forest, also in contradiction to criteria in the land owners' Heritage Forest Management Plan or that would require an amendment of a protective covenant on this land that people thought was inviolable, or that would not be in proximity and accessible to existing roads, services and other amenities as the OCP requires for Community Housing? Those factors and more should all have been on a checklist early on to assess if the application merited any further consideration and resources. I am weary and angry that we have had to keep asking about these basic things and I think it is unfair to the applicant not to identify and examine these issues at the beginning, not a year and a half into the rezoning application deliberations.

So something appears to be very wrong with the process. Both the review of the TPS and the Governance review need to address this or truly we may as well turn the Trust area land use decision-making over to regional governments again. At least we would have more than 2 or 3 people making critical decisions.

Further, I do want to comment on my request made in March that our strata be included in the Trust formal referrals for this rezoning. You asked how we see that as different from the consultation with the community and the notification done for all CIMs and Public Hearings. As the applicant has not initiated any neighbourhood consultation whatsoever, in spite of repeated requests, and our strata is most likely to be impacted by this rezoning, a referral would seem reasonable so that our questions and concerns can be part of the public record not just in correspondence. We too have conditions that we are trying to register.

And finally Chair Rogers, if I am misinterpreting your words in June LTC meeting as in "shepherd" and "optimistic" in the June LTC meeting in reference to your role in rezoning affordable housing applications and your "apology" to the applicant for asking

for more information or assessment in the March LTC meeting, others are misinterpreting them too.

There is a loud minority here that wants housing and other types of development at any cost to the environment. They would not state it in that way but they are opposed to any thorough assessment that could result in an undesirable result for them, so yes, they do want it at any cost to the environment. And they have shamed, blamed and frightened many others into silence. I know you have said that is not your concern but when you think you are listening to everyone as you stated in your letter, you should keep that fact in mind. That is why we need much stronger TPS directives and a clear priority focus on the natural environment, so that Trustees now and in the future can see clearly as can their constituents the path they are to follow. I believe there would then be far less conflict and much better problem solving in our small communities.

Sincerely,

Jennifer Margison

c.c Executive Council, Peter Luckham, Chair of Trust Council, Trustee Tahirih Rockafella