

Maxine Leichter
Salt Spring Island

June 22, 2021

Dear Trustees,

Please consider the following in your discussions in July regarding the amended Trust Policy Statement.

Please do not weaken – One purpose of this letter is to urge you not to weaken the existing amended version of the Trust Policy Statement. The text for these sections is at the end of this letter.

- Do not weaken the sections on water (4.2.7). This directive should be definite, not something trustees will endeavor to do. To add such a qualifier would destroy the value of what is supposed to be a directive policy. See below in this letter how this section could be clarified.
- Do not weaken the sections on desalination (4.2.5 & 4.2.9). This is important for reducing greenhouse gasses and protecting the marine environment.
- Do not weaken the sections on docks (4.6.7, 4.6.13, 4.6.14, 4.6.16). This is important for first nations and for protecting the marine environment.
- Do not weaken any other directive in the current version of the amended Trust Policy Statement.

Directives are not required - I want to make sure you are aware that the Implementation Policy for the Trust Policy Statement states that the Executive Committee may approve a bylaw that is contrary to the Trust Policy Statement if “the bylaw contains sufficient reason or justification for not doing so”. See precise language below.

“The Islands Trust Policy Statement requires local trust committees in their official community plans and regulatory bylaws, and island municipalities under Section 38(1) of the Islands Trust Act, to address certain matters from the Policy Statement, or give explicit reasons and justifications for not doing so. A bylaw will not be contrary to or at variance with the Policy Statement if it fails to include a particular policy or regulation, so long as the bylaw contains sufficient reason or justification for not doing so.” From Policy Statement Implementation (From the Implementation Handbook Page 4 part B. 1.1.4

This policy cuts two ways. On one hand, it is shocking and abhorrent that, for all the work that has gone into amending the Trust Policy Statement, even directive policies do not have to be complied with as long as the Executive Committee determines there is a sufficient reason not to. It would be informative to know if this has happened and under what circumstances.

On the other hand, there is no reason to worry about banning increases in density, docks, desalination or anything else. This can be easily gone around if there is a “sufficient reason”.

Clarifications needed for water sections - If you have the time to make changes to the Trust Policy Statement, please consider these suggestions:

Sometimes the term “freshwater” is understood to refer to surface water. To avoid this misunderstanding, the policy should be clear that it applies to both groundwater and surface water. Text suggested to be inserted is in parenthesis and in **green**

Page 18 4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure:

- that freshwater (**and groundwater**) quality is maintained;
- that neither the density nor intensity of land use is increased in groundwater (**or freshwater**) regions where the quality or quantity of the supply of freshwater (**or groundwater**) is likely to be inadequate or unsustainable;
- That existing, anticipated, and seasonal water demand and supply projects are considered and allowed for; and
- that islands are self-sufficient in their supply of freshwater.

Clarity on the meaning of “environment”- Throughout the amended Trust Policy Statement the meaning of the word “environment” is not clear since it can mean both the built and natural environment. I request that you clarify where this word means the “natural environment” and where it refers to the entire environment.

Define amenities – I urge the Trust Council to include in the Trust Policy Statement the exact meaning of the words “unique amenities”. Since the Trust Object specifically uses the term “unique”, it would seem that not just anything qualifies. The Trust Policy Statement should provide Local Trust Committees with guidance as to what qualifies as a “unique amenity”. The Trust was created to protect the Gulf Islands from over development. It seems to me that placing a priority on protecting the environment and having a specific definition of “unique amenities” is central to achieving that goal.

Your attention to these matters is very much appreciated.

Maxine Leichter

Amended Trust Policy Statements sections referred to above

Page 18 4.2.5 It is Trust Council’s policy that desalination plants should not be permitted in the Trust Area due to their high energy demands and adverse impacts to coastal and marine ecosystem

Page 18 4.2.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit desalination plants in the Trust Area.

Page 24 4.6.7 It is the Trust Council’s policy that the following restrictions are necessary in order to preserve and protect the sensitive coastal and marine waters of the Trust Area.

- Finfish farms should not be permitted
- Artificial reefs should not be developed, except where they provide significant environmental benefit.
- Ocean dumping should not be permitted
- Seawalls and other hard shoreline armouring should not be developed
- Moorage and anchorage sites in eelgrass meadows should not be permitted
- Freighter anchorage sites in the Trust Area should be eliminated; and
- Oil tankers should not be permitted to transit through the Trust Area waters.

Page 25 4.6.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boathouses, boardwalks, and causeways.

Page 25 4.6.14 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit private docks except where properties are boat-access only.

Page 26 4.6.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit the use of seawall and other hard shoreline armouring in the Trust Area and include policies that foster soft shoreline protection.