

From: George Leroux [REDACTED]
Sent: Wednesday, January 26, 2022 4:30 PM
To: Islands2050
Cc: Laura Patrick; Peter Luckham
Subject: Agricultural Review of Draft Trust Policy Statement
Attachments: Agricultural Aspects of draft TPS - 012622.pdf

Good Afternoon

Please find attached my review of the Agricultural section of the draft Trust Policy statement – Bylaw 183.

Thank you

George Leroux

To: Islands Trust
From: George Leroux – Raven Rock Farm, Pender Island
Date: January 26, 2022
Re: **Draft Trust Policy Statement Bylaw 183 (TPS)**
Review of Section 4.4 - Agricultural Commitments, Directives & Coordination Policies

I have been in the farming, agriculture and food business my entire life. I have reviewed the draft Bylaw 183 (Trust Policy Statement) and find it alarming and hostile to farming, agriculture and food security in general.

Summary

1. The purpose of this review of Section 4.4 of Bylaw 183 is to seek clarity from the Trust regarding the intentions of the changes in the agricultural policies, and the implications of these changes to current and future farmers on the Islands.
2. Bylaw 17, the existing Trust Policy Statement, identifies agriculture as a valuable activity (i.e. unique amenity) in the Trust Area, supports the preservation and protection of agriculture on the islands, and supports the inclusion of farm land into the ALR. These principles are absent in Bylaw 183. Why?
3. Agricultural land within the ALR (Agricultural Land Reserve) is preserved and protected for farming. Bylaw 183 attempts to restrict the type of farming that can be done on the islands, and seems to specifically exclude conventional, mainstream farming. Further, it seeks to prevent land from being converted to farming as well as to incentivize removal of agricultural land from farming. How do these moves align with the need for strong local communities, food security, and the existing rules and regulations for ALR land?
4. Bylaw 183 removes the Ministry of Agriculture as the government “knowledge” holder regarding agriculture and replaces it with a host of parties, none of whom are explicitly recognized for their agricultural expertise. Why is the Trust seeking to appropriate or diminish the responsibilities of the Ministry of Agriculture and how will the Trust secure the required knowledge?
5. Bylaw 183 shifts from being supportive of agriculture to being almost hostile. For instance, seeking to remove land from agriculture and prevent expansion of farming onto areas not currently cultivated. Limiting all farming to small scale, sustainable, regenerative, and supportive of local climate action appears to be an attempt, by the Trust, to legislate what is appropriate, and not appropriate, farming. Is this the intent?
6. Bylaw 183, the new Trust Policy Statement, insofar as agriculture is concerned, is not supportive of the preserve and protect object of the Act, and it diminishes, and possibly eliminates, agriculture and farming as a unique amenity on our rural islands. This should be of concern to all residents and Trustees.

Following is a clause by clause examination of the draft TPS and the current TPS regarding agriculture.

New Draft Bylaw 183 – Islands Trust Policy Statement

Proposed Section 4.4 - Agricultural Land Stewardship Policies

General Comments

Definitions – have been dropped from Bylaw 183, leading to excessive wordiness as terms are defined repeatedly, and possibly inconsistently, throughout the draft Bylaw. The logic behind failing to define key terms is not well developed or accepted.

Agriculture – as an undefined term it would appear the practice of agriculture is being opened to wide interpretation. We note, however, that agriculture is defined in several areas as “small scale, sustainable, regenerative, supportive of local climate action and food security, respectful of Indigenous harvesting areas, and protective of the environmental activity of the Trust Area.” Is there a reason this could not be stated in a definitions section since it is described in the above manner several times? Additionally, many of the directives appear to contradict or cancel policies already enshrined in the Agricultural Land Use Regulation for Agricultural Land Reserve lands and the Farm Practices Act, and would appear to prohibit mainstream, conventional agriculture.

Agricultural Land Reserve – in the current Bylaw the Trust is encouraged to approve application to the ALC for inclusion of land into the ALR. This has been dropped in the draft Bylaw. Why?

Environmental Integrity – Could the Bylaw be made clearer by having a “preserve & protect principles” section at the outset of the Bylaw and state that they apply as overarching principles in Trust decision making. Note, the Context section of Part 4: Ecosystem Preservation and Protection, of which Agricultural Land is Part 4.4, includes 5 overarching principles – environmental integrity, restoration, adaptive management, nature-based solutions and sustainable stewardship. Does repeatedly stating these through the balance of Part 4 serve any useful purpose, or does it simply add unnecessary wordiness?

Ministry of Agriculture - The Ministry of Agriculture has been dropped as the public agency to which agricultural matters are referred for counsel and technical advice. How is it foreseen that the Trust will, in practice, obtain professional and unbiased technical input on agricultural matters in relation to land use on the Islands?

Wordiness – continual repetition of defining words and principles does not make them stronger. It makes for an unwieldy, difficult policy statement. It might be useful to embark on a rewrite with a goal of cutting the total number of words by at least 50%.

Proposed Bylaw 183 – draft TPS

This section looks clause by clause at the Commitments, Directive Policies and Coordination Policies in Section 4.4 of draft Bylaw 183 – Trust Policy Statement

[Agricultural] Commitments of Trust Council

4.4.1 Trust Council commits to take a precautionary approach to the stewardship of agricultural lands 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. (new)

- What will this Commitment look like in action? How will these approaches impact farmers on the islands today and in the future, and what will it cost farmers and landowners?

4.4.2 It is Trust Council's policy that agricultural activity in the Trust Area should be small-scale, sustainable, regenerative, supportive of local climate action and food security, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new, 4.1.2, 4.1.3)

- Is there a reason “appropriate to the nature of agriculture” (see 4.1.2 of current TPS), which will evolve and be informed by experience, science, technology, economics, and social change over time, is an inadequate qualifier for farming on the Island? Agriculture is now defined as small scale, sustainable, regenerative, supportive of local climate action and food security, respectful of indigenous harvesting and protective of environmental integrity in the draft Bylaw. Why is mainstream, conventional farming excluded?
- The Trust appears to be limiting the nature of agriculture allowable on ALR land and in accordance with the Farm Practices Act. Why and what are the implications of this?

[Agricultural] Directive Policies for Local Trust Committees and Island Municipalities

4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify and preserve appropriate areas for agricultural land to support small scale, sustainable, regenerative agriculture, while carefully considering downstream impacts, wildlife habitat, and adjacent properties. (4.1.3, 4.1.4, 4.1.6)

- In the current TPS, the use of adjacent properties is considered in terms of minimizing any adverse impact the activities on those properties might have on farming. Why in the draft TPS is this turned around to considering the impacts of agriculture on adjacent properties?
- The new TPS changes from “identify and preserve ... for current and future use” to now defining agriculture as small scale, sustainable and regenerative? Why not simply say “for current and future agriculture use”?

4.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location and construction of roads and utility corridors to minimize fragmentation of agricultural lands. (4.1.7 simplified)

- Why has the requirement for “appropriate mitigation measures ... [with] a net benefit to agriculture” been removed in the new draft TPS?

4.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, encourage sustainable farming and consider land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land. (4.1.5, 4.1.8)

- It seems the key difference between this 4.4.5 and the current Bylaw is the removal of preserve and protect farming.
- Is there a reason the Trust will no longer preserve and protect farming? If it continues to be the intention to preserve and protect farming, would it not seem reasonable to state this clearly in the Commitments and Directives?

[Agriculture] Coordination Policies for Trust Council

4.4.6 Trust Council shall coordinate with, and advocate to, the provincial government to ensure:

☐ that where a road must sever agricultural land to provide access to lands beyond, the road is built to the minimum standard necessary to service that land; (4.1.10)

- This is unchanged from the current TPS

☐ that farming in the Agricultural Land Reserve in the Trust Area does not adversely impact Indigenous food security and traditional harvesting practices, cultural heritage, or the environmental integrity of protected area networks in the Trust Area; (new)

- What does this advocacy position look like in practice? Are there some examples where the Trust might advocate to the Agricultural Land Commission for changes to the Agricultural Land Use Regulation (ALUR)? How does this align with the ALUR and the Farm Practices Act?

☐ that legislation, guidelines, and incentives are established to support local farmers in adopting the highest standards of environmental protection of ecosystems, wildlife habitats, and native species diversity, in accordance with the Islands Trust Object; (new)

- Are there some examples of “legislation, guidelines, and incentives” that could be used to support local farmers to adopt the “highest standards of environmental protection of ecosystems, wildlife habitats and native species diversity”?

that support is given to small-scale sustainable farmers to reduce greenhouse gas emissions emanating from agriculture and adapt to climate variability in the Trust Area; (new)

- It seems this advocacy is limited to small-scale, sustainable farmers. Is there a reason to not simply say “support is given to all farmers to reduce greenhouse gas emissions and adapt to climate change”?
- Why does the Trust consistently limit agriculture while the practices and rules for agriculture on ALR land are well developed in other legislation?

that a separate farm class to provide property tax incentives be retained; (4.1.12)

- This is unchanged from the existing TPS

that the threshold for farm income necessary for farm class status is appropriate to the small scale of sustainable agriculture within the Trust Area; and (4.1.12)

- Here again, agriculture is qualified.
- Does this mean the Trust will advocate to the Provincial Government for lower revenue thresholds for island farmers seeking farm class tax status?

that the total land area subject to the farm class may include land that is left uncultivated to protect environmental integrity. (4.1.12)

- Is this advocacy directed at the Provincial Government to allow farmers to include uncultivated land as eligible for farm class tax status?

This section examines the Current / Existing Trust Policy Statement – Bylaw No. 17¹ and references it to the proposed Bylaw 183 – draft TPS

POLICIES FOR STEWARDSHIP OF RESOURCES - Agricultural Land

Bylaw 17 – S. 4.1 Agricultural Land - **Commitments** of Trust Council

4.1.1 Trust Council recognizes that agriculture is a traditional and valuable activity in the Trust Area.

- This section is dropped in new Bylaw 183. It is called offensive to some, particularly the use of traditional.
- How is agriculture as a valuable activity offensive, and does this change imply that the preserve and protect object no longer applies to agriculture on the islands?

4.1.2 Trust Council shall consult with the Ministry of Agriculture, Fisheries and Food and the British Columbia Land Reserve Commission to request that agriculture policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.

- Rewritten into new 4.4.2. which removes consultation with Ministry of Agriculture and replaces “appropriate” with “small scale, sustainable, regenerative, supportive of local climate action and food security, respectful of indigenous harvesting areas, and protective of environmental integrity.”

4.1.3 It is Trust Council’s policy to encourage agricultural management practices that are compatible with sustaining wildlife habitat.

- Apparently, this is captured in the draft TPS in 4.4.2 and 4.4.3

Bylaw 17 – S. 4.1 – Agricultural Land - **Directive Policies**

4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.

- Apparently, this is captured in the proposed 4.4.3 ... However, the new 4.4.3 identifies and preserves agricultural land not for “current and future use” but to “support small scale, sustainable, regenerative agriculture.”

¹ As amended by Bylaw Nos. 42, 48, 53, and 87

4.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

- Rewritten into new 4.4.5 of draft TPS
- Draft TPS
 - drops reference to “preservation, protection and encouragement of farming”
 - Qualifies farming to be “sustainable” farming

4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

- Apparently incorporated into new 4.4.3 of draft TPS
- However, in the draft TPS the intent is turned around such that it is not the impact of adjacent properties on agriculture, but rather the impact of agriculture on the adjacent properties.

4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.

- Rewritten into new 4.4.4 of draft TPS
- Draft TPS does not include and “appropriate mitigation measures ... [with] a net benefit to agriculture”.

4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.

- Rewritten in new 4.4.5. Changes the word “address” to “consider”.

4.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.

- Dropped this concept from the draft TPS.

Bylaw 17 - S 4.1 – Agricultural Land - Recommendations

4.1.10 Trust Council encourages the Ministry of Transportation to ensure that, where a road must sever agricultural land to provide access to lands beyond, the road is built to the minimum standard necessary to service that land.

- Rewritten to new 4.4.6

4.1.11 Trust Council encourages the British Columbia Land Reserve Commission to approve applications from property owners for inclusion of their land with potential for agriculture in the Provincial Agricultural Land Reserve.

- This has been dropped in the new TPS – i.e. the Trust will no longer encourage inclusion of land into the ALR

4.1.12 Trust Council encourages the Provincial government and the British Columbia Assessment Authority to retain a separate farm class to provide significant property tax incentives;

- This is unchanged in the new TPS
- *ensure that the threshold for farm income necessary for farm class status is appropriate to agriculture within the Trust Area;*
- The new TPS qualifies agriculture by adding sustainable and small scale to the identification of agriculture.
- *acknowledge that the total land area subject to the farm class may include land left uncultivated.*
- In the new TPS this is amended to add that land is left uncultivated to “protect environmental integrity”