

From: Shauna Doll [REDACTED]
Sent: Sunday, February 7, 2021 10:43 PM
To: Islands2050
Subject: Feedback submission
Attachments: TPSReviewSurveyFeedback_Raincoast.pdf

Hello,

I am writing to submit feedback on the Trust Policy Statement as part of the "Islands 2050: The Future of the Trust Area" process on behalf of Raincoast Conservation Foundation. You will find our feedback attached to this email. Please confirm receipt of this email when possible.

Thank you,
Shauna Doll

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Shauna Doll, BA, MREM
Gulf Islands Forest Project Coordinator
Raincoast Conservation Foundation
2238 Harbour Rd,
WSÁNEĆ Territory
Sidney, BC

[REDACTED]



Islands 2050: The Future of the Trust: Visual Policy Analysis & Public Engagement Phase II
Survey Response: Raincoast Conservation Foundation

February 7, 2021

1. Regarding the policy directions we've outlined on climate change, please share your ideas. Please review p. 10, 11 & 12 of the [report](#) before answering.

Coastal regions and ecosystems “exist in a delicate balance at the land-sea interface” making them exceptionally vulnerable to climate change impacts (Wyllie de Echeverria & Thornton, 2019), with islands being particularly sensitive. According to one 2019 study “island biodiversity requires specific attention for several reasons... [as] insular communities... [they] are characterized by extremely high rates of endemism” (Veron et al., 2019), and further are more vulnerable to climate change impacts such as sea level rise, coastal erosion, and severe rainfall events.

The Islands Trust area represents 33.2% of the provincial extent of CDF forests and associated habitat (Schuster, 2014) and as the Trust is aware, the Coastal Douglas-fir (CDF) biogeoclimatic (BEC) zone, is among the most richly biodiverse BEC zones in the province. It is also the most degraded. It is the least-protected BEC zone in BC with less than 1% of its forests remaining as old growth and less than 10% older than 120 years (Islands Trust Conservancy, 2018). As of 2010, the ecosystems in the CDF had the highest rate of conversion: a staggering 46%, which is over twice the rate of the next most converted zone (BC, 2010). This has included the construction of the highest density of roads, resulting in some of the province’s most fragmented habitats. It is also one of three zones hosting the majority of red-listed, forest-associated species in BC, with the Conservation Data Centre identifying 43 ecological communities at risk within the CDF (Ecora, 2020). Yet, the Province asserts that due to historical development patterns, “choices” for protection in the CDF are limited (BC, 2010).

Even prior to the current climate and biodiversity crisis, the Islands Trust was uniquely mandated to “preserve and protect” the habitats and ecosystems of the Trust islands and ensure the sustainability of their communities. This mandate has met with very limited success, and arguably, failed.

Now with regional, domestic, and international recognition of a global climate and biodiversity crisis, the Trust needs to act. The “Climate Emergency Declaration” made by the Trust in 2019, in which the Trust committed to “intensifying... efforts to better match the urgency of the climate change emergency” has also largely failed to meet that commitment. Considering that CDF ecosystems within the Islands Trust Area store 82% more carbon, have 43% higher carbon sequestration potential than other parts of the CDF zone (Schuster, 2014), ecosystem protection must be a significant aspect of climate change response within the Trust Area. This is of particular importance considering that a 2019 study of coastal ecosystems in the southern United States found that “habitat loss and degradation affect vulnerability

and value more than projected future threats from climate change (or anything else)” (p. 18, Reece et al., 2018).

Specifically, the loss, degradation and conversion of native habitats, forest canopy, forest understory, and wetlands, reduces water storage, perpetuates water shortages, increases soil desiccation and erosion, increases flood and fire risk, increases temperatures and heat waves, weakens community resilience, and perpetuates declines in biodiversity in a rare and threatened ecosystem. In the Trust area, this is occurring because island carrying capacity has never been factored into planning and there are few to no constraints on the development of single or multi properties, footprint of houses, or house amenities, nor are there limits on the extent of habitat conversion per lot, the extent of impervious surfaces, limits on water and resources demands, limits on extensive tree removal, or limits to development and growth on finite islands.

With these realities in mind, we make the following recommendations for amending the Trust Policy Statement (TPS) to better incorporate climate-informed policy into local governance of the Islands Trust area with the caveat that there is absolutely no place for pro-development, urban planning perspectives in the Gulf Islands, which by definition are rural and by law were intended to be protected and managed for ecological and conservation value above all else:

- Reframe language to be less ambiguous and better reflect the values and the “preserve and protect” mandate of the Islands Trust. Some amendment suggestions include:
 - Refrain from describing the Trust area’s abundant biodiversity as “natural resources” (e.g. Introduction, p. I; Part IV p. 11)
 - Strengthen ambiguous definitions of frequently used terms including “rural character”, “unique character”, “community character”, and “unique amenities” thereby narrowing interpretation of these terms, their meaning and loopholes and thus strengthening the protection of these features as is mandated to the Trust by the *Islands Trust Act*
- Currently the TPS states that “First Nations *consider* the Trust Area to be within their traditional territory. As such, they *may* have rights to and interests in the Trust Area. This statement should be updated to be consistent with the Reconciliation Declaration made by the Islands Trust in 2019 and the known rights of First Nations to Traditional Territories. Coast Salish Nations have lived on and stewarded the lands and waters surrounding the Gulf Islands since time immemorial and this intergenerational and place-based knowledge should be valued when developing climate change policy. As such, members of these Nations should play a significant role in land-use decision-making and environmental policy development.
- The TPS states that “priorities must be defined and management strategies established” (p.3) to preserve and protect the Trust Area’s environment, yet it is unclear whether these priorities

have been set and no management plan for the Trust Area has been established. These gaps in land management have resulted in extensive development that is at odds with both the Trust's object and the TPS. We strongly recommend that clear environmental protection priorities immediately be set and stated within the TPS, followed in short order with the implementation of management strategies to fulfill these priorities with the urgency that the climate change emergency necessitates.

- Part II (pg. 5) of the TPS states “The Islands Trust is responsible to the present and future residents of both the Trust Area and the Province of British Columbia. Their needs can only be met and sustained within the limitations of the natural environment and the island communities of the Trust Area.” It is important that the Islands Trust understand what “the limitations of the natural environment” are prior to the approval of additional development.
- Part III (pg. 8) of the TPS states “planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.” However, because biologists, ecologists, Traditional Ecological Knowledge Holders, and other relevant experts are not always invited to the planning table, cumulative effects of existing and proposed developments are rarely considered. We strongly urge the Trust to include a provision within the TPS that requires relevant scientists and Traditional Knowledge Holders to be included on planning teams to ensure science and TEK are always being incorporated into environmental decision-making.
- Part III of the TPS outlines directive policies, commitments, and recommendations made by the Trust to establish stronger environmental protections across the Trust Area. Despite these pieces of the TPS being in place since 1994, forest ecosystems have been fragmented and converted, and coastal and foreshore marine habitats degraded. In-keeping with the report drafted by the Environmental Law Centre (2020) and presented to the Trust by Raincoast in September 2020, we recommend that more meaningful and actionable policy be put into place to better equip the Trust to regulate environmental management. For example, implementing a tree cutting bylaw across the Islands Trust area.
- In the *Forests* section of Part IV of the TPS, that forestry is “a traditional land use in the Trust area” is acknowledged and support for sustainable forestry is expressed. However, a definition of sustainable forestry is not provided. We recommend that the Trust work in collaboration with relevant experts to better define “sustainable forestry” and explore other possible value-added forestry practices that may align more closely with the Trust object, carbon capture for example.
- Section 5.7, *Economic Opportunities* (p. 27), of the TPS states that “economic opportunities should be compatible with the conservation of resources and the protection of community character”. This section leaves much open to interpretation especially since the accompanying Directive Policy states that economic opportunities should be compatible with “conservation of resources and protection of community character”. This is a notable shift away from Section III where ecosystems and natural features are described as such. It is recommended that the Trust

better define or categorize what economic activities might be deemed “compatible” with conservation.

- Part V of the TPS outlines the commitments and policies of the Trust to “sustain Island character and healthy communities” and recognizes that “scenic values should be protected from disturbance”; “growth and development should... should be compatible with preservation and protection”; and “that tree cover is of great importance and should be preserved”. However, no strategies or plans are in place to ensure that these commitments and recommendations are operationalized. As such, we recommend that:
 - Residential floor areas are restricted. Due to the consideration of lot size, Floor Area Ratio (FAR) as a maximum dwelling regulation may be a suitable approach with an allowed build out to 10%. In many coastal watersheds, impervious surfaces higher than 10% are associated with a host of adverse ecological effects on hydrology and ecosystem function. When salmon are used as an indicator (not always applicable to all Islands, but an indicator of general impact), impervious surface coverage at 18% of a watershed causes such hydrological and ecological change that salmon struggle to persist.
 - All future development should require the replacement of the basal area of trees removed for said development.

- The Local Government Act establishes regional governance (akin to that established in BC’s regional districts) and the Islands Trust Act establishes Trust Area governance with a strong regional (i.e., Trust Area) component. The TPS is a regional plan intended to direct the land use planning authority in the local Trust areas. Yet, current planning processes within the Islands Trust diminishes the Trust-wide responsibility of Trust Council in favour of local (i.e., Island-specific) governance. While this has seemingly been designed to ensure local policy is specialized to address the unique needs of each individual Island, within the context of the Trust’s object, this delegation of responsibility has more often than not resulted in decisions that directly conflict with that object. As such, for the TPS to give force and effect to the Trust object:
 - Corresponding Trust Area regulations must be put in place to avoid conflicting interests on an Island-by-Island basis.
 - Trust Council must advocate for a procedural bylaw under S. 11 of the *Islands Trust Act* to require effective implementation of directive Trust policy in each local Trust area jurisdiction, including but not limited to forest and soil ecosystem policies.
 - Wording and implementation of “directive policies” must be amended to avoid the Official Community Plans (OCPs) and Land-Use Bylaws (LUBs) of individual Islands taking precedence over the overarching mandate of the Trust. For example, each Trust-wide directive policy should be implemented in the policy and regulatory bylaws of each Local

Trust Committee and Trust Executive jurisdiction, save where Trust Council concurs by a majority that a policy in questions not be implemented.

- The Islands Trust Conservancy should be given greater jurisdiction to weigh in on land-use and development decisions (this could take the form of being included in the voting structure around directive policies recommended in the point above).

- Considering their “preserve and protect” object in combination with their climate emergency declaration, the Islands Trust has a duty of care to recognize and act upon protection of the natural environment. The TPS must be amended to reflect this. This should include an introduction that includes a statement of the interests affected by changes in land use (i.e., Nature’s interests, First Nations’ interests, residents’ interests, etc.). Followed by a statement of the duty of care to preserve and protect those interests. This recommendation is similar to the actions taken by the Parliament in New Zealand when they recognized the rights of nature in their declaration of personhood of the Te Awa Tupua River.

2. Regarding the policy directions we've outlined on Affordable Housing, please share your ideas.

Please review p.13 of the [report](#) before answering.

At the time of the most recent version of the Trust Policy Statement’s drafting, it was fully recognized that “capacities of the [Trust] Area’s resources and systems [were]limited” (p. iii). Further, it was completely expected that a conflict between development and conservation was bound to arise due to increasing “... populations, numbers of visitors and... demand for intensified use and residential development of the Trust Area” (p. iii). Yet, no plan was put in place to deal with this foreseen conflict and business has continued as usual. Now, nearly 30 years later, after decades of development and a trend allowing massive single dwellings to replace forests and the “unique amenities” of the Gulf Islands, almost every Island in the Trust Area is experiencing affordable housing shortages. Proposals are rolling in to remedy this issue with the (often unintended) consequence of further ecological destruction. For example, an affordable housing development has been proposed for Paisley Place on Gabriola Island. This 24-unit development is proposed for a 5 acre patch of forest that is representative of provincially endangered ecological communities and species. Meanwhile, there are 32 rentals actively listed for Gabriola Island on AirBnB. The same is true on Pender Islands, with examples of tenants being evicted, and the rental homes sold and then purchased as AirBnB units or houses simply sold and then showing up on AirBnB. All while STVRs are ostensibly not even allowed.

We recognize that there is a need for increased access to affordable housing across the Gulf Islands. However, we would argue that the drivers of affordable housing shortages need to be squarely addressed (such as the rapid increase in STVRs, land speculators, real estate investors, etc.). Without addressing the cause, continuing the conversion of Trust forests for more homes and amenities is an urban planning process that only stops when little ecological value remains and the Islands, once deemed so ecologically unique and important, are fully compromised. Prince Edward Island for example, limits non-residents from buying up Island property. For decades, the province has had limits

on property that can be purchased by non-residents, who require the approval of the provincial cabinet to buy more than five acres of property, or a property containing more than 165 feet of shoreline.

Now is the time to align land use decisions with the “preserve and protect mandate” of the Trust Act. With the impacts of climate change expected to become increasingly disruptive, now more than ever it is essential for local governments to prioritize their mandated duty to protect ecological integrity and adaptive capacity through all decision-making.

These things considered we make the following recommendation for amending the Trust Policy Statement:

- The Guiding Principles laid out in Part II of the TPS state that “the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation”. There is little evidence to demonstrate that this principle has guided development on any of the Gulf Islands. Both Poets Cove and The Currents at Otter Bay, on Pender Islands, are good examples of the largely unimpeded development projects that have been allowed to occur in sensitive, inappropriate areas even with these principle in place (with The Currents also being an example of a lack of foresight on the part of the Trust by providing timeshares as opposed to affordable housing). We strongly recommend the incorporation of more tangible policies to reduce ecologically destructive development that does not serve the needs of the communities living within the Islands Trust area. For example, limitations on residential floor area should be implemented across the Islands Trust area.

3. What other advice do you have for Trust Council as it updates the Policy Statement? Please review the [report](#) before answering.

Whether “green” or not, more development is not the answer to the ongoing affordable housing vs. sustainability debate occurring among Trustees and Gulf Islands residents. Developers and development interests often exploit climate change, using it as an excuse to keep building in rural landscapes and green spaces, which should serve as regional refugia as opposed to being subject to development incursion. The Trust Council needs to be accountable for its Climate Change Emergency Declaration. Making such commitments without active implementation of substantive mitigation action renders the climate change declaration an empty public relations exercise. The Islands Trust must start accounting for cumulative impacts and carrying capacity. Already, arguments can be made that most Islands have reached their development limits and additional anthropogenic pressure *is* going to exacerbate the climate change related issues that the Trust has prioritized. The TPS in its current form leaves too much open for interpretation and despite a plethora of commitments and recommendations being made throughout, very little is made actionable via operational strategies or plans. This must be remedied immediately.

According to the IPCC, we have 9 years to avoid the impacts of 1.5°C global warming above pre-industrial levels. The Trust must boldly move toward implementing innovative environmental policies in collaboration with Island communities, First Nations, scientists, and policy experts. Development and policy decisions on the rural landscapes of the Gulf Islands cannot continue to be made via urban planning perspectives, rather, these decisions must be filtered through an environmental lens. It is time for urgency and it is time for political bravery.

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