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Sent: Thursday, May 6, 2021 6:32 PM
To: Islands2050
Subject: Trust Policy Statement Feedback for May 6th
Attachments: Islands2050_TPS_RevisionsFeedback_Raincoast.pdf

Hello,

Attached you will find feedback on the most recent revisions to the Trust Policy Statement. As discussed during the public May 3rd meeting, we have submitted our feedback today to ensure its review in advance of the May 14th meeting.

Thank you for your consideration,
Shauna Doll

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Submitted for the consideration of the Trust Program Committee and Islands Trust Planning Staff

I am writing on behalf of Raincoast Conservation Foundation in response to the recently released first draft of the revised Trust Policy Statement (TPS) and the ensuing May 3rd meeting of the Trust Programs Committee (“the meeting”). By and large, the Trust planning staff have produced a considerably improved policy statement comparative to the 1994 version. Some notable strengths include:

- The culturally and ecologically informed explanation of some key phrases in the Islands Trust Object (s. 1.4)
- An improved explanation of the roles and responsibilities of the various levels of the Trust, their partners, the residents of the islands, First Nations, and others living, working, and operating in the Trust area (s. 2.2)
- The Context outlined in Part 3 “Regional Governance” which:
 - recognizes the need to “maintain focus on the special-purpose mandate of Islands Trust” (further supported by commitments 3.1.1~3.1.3);
 - asserts the importance of evidence-based decision making (further supported by commitment 3.1.4);
 - acknowledges the cultural history of the Gulf Islands and commits to the “reconciliation principles and recommendations” of relevant reports and legislation such as the United Nations Declaration on the Rights of Indigenous Peoples (further supported by commitments 3.1.2, 3.1.4, and 3.1.5); and
 - recognizes the imminent threats of climate change and asserts the need for “more precautionary and adaptive management approaches” within the Islands Trust area (further supported by commitment 3.1.4)
- The Context and Commitments set in Part 4 which explicitly acknowledges the climate and biodiversity crises, prioritizes ecological integrity, and introduces potentially operational strategies to adapt to, and mitigate, climate change and other anthropogenic impacts, in addition to:
 - Committing to proactive land-use planning using adaptive management strategies, environmental monitoring, cumulative effects frameworks, and vulnerability assessments to ensure decisions are scientifically informed (s. 4.1.1~4.1.5)

- Committing to respectfully incorporating Indigenous ways of knowing into decision making (s. 4.1.4 and 4.1.5)
- Adopting a precautionary approach to agricultural development prioritizing small-scale, regenerative agriculture (s. 4.4.1)
- Directive policies throughout Part 4 that demonstrate the Trust’s recommitment to the Trust object, keeping in mind that much like the development permit restrictions set in official community plans, the operationality of policy is only as strong as the descriptive language used within it
- The prioritization of cultural heritage of Coast Salish peoples across what is now known as the Islands Trust area, including the directive policies that hold Local Trust Committees accountable to coordinating and collaborating with First Nation communities as outlined in Section 5
- The acknowledgement in Section 6 that “traditional land use planning approaches are often ill-suited or insufficient in addressing the limited carrying capacities of Trust area ecosystems or the higher standards of environmental integrity mandated by the Islands Trust Object”. The following are good first steps to start addressing the concerns introduced in the Context of Section 6:
 - s. 6.1.1 recognizing rural characteristics such as opportunities for nature connection and low levels of noise and light pollution as unique amenities to be preserved and protected in accordance with the Trust Object
 - S. 6.1.2~6.1.4 outlining commitments for development to be scientifically informed to prioritize ecological integrity, climate resilience, and preservation of Indigenous cultural heritage
 - Directive policies supporting small-scale, sustainable economies based on ecosystem health, climate resilience, cultural sensitivity, and community cohesion
 - Housing policies that specify any scale development or for any purpose should prioritize reducing greenhouse gas emissions, safeguarding protected area networks, respecting the carrying capacity of groundwater regions, and protecting Indigenous cultural heritage (s. 6.2.3)
 - Recognition of need to implement appropriate floor area and lot coverage limits (s. 6.2.6)
 - Directive policies supporting active transportation networks to reduce reliance on private vehicle use
- Coordination policies described throughout the TPS committing Trust Council to collaboration with relevant government agencies and partners to fulfill the Object of the Trust

While these amendments have the potential to improve the policies governing the Trust council, there are sections that need improvement and/or further clarification to ensure the final TPS reflects the Trust’s duty of care in implementing the Trust Object and ensuring it is operational and enforceable at the local planning level.

We hope that this feedback will be considered by all Trustees and Islands Trust staff involved in the ongoing TPS revision process.

1. Language & Definition Feedback

The following recommendations pertain to the language and definitions used throughout the revised TPS document, paying particular attention to language that will strengthen the operationality of the TPS.

Removing definitions from footnotes of the 1994 version of the TPS document and providing them in the body of the revised version as functional text is clarifying. It would be useful to also provide a glossary of these definitions at the beginning of the document to ensure they are easily accessible.

- **Recommendation:** Add a glossary of important terms to the beginning of the TPS document.

Some of the ambiguous language from the 1994 version of the TPS has been removed from the revised document. For example, “commit” has replaced “address” in many sections which assigns explicit accountability to Trust Council. That said, phrases like “the Trust holds that...” and “the Trust will strive to...” are less clear, as are the directive policies that are suggestive or interpretive.

Some directive policies are made very explicit, such as 4.2.8 which states “Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, *prohibit* desalination plants in the Trust Area” (emphasis added). Likewise, Section 4.3.5 explicitly states that clear-cut logging is “inappropriate anywhere in the Islands Trust area”. We agree with both quoted directive policies and urge Trust staff to implement more mandatory policies relating to environmental protections throughout sections 4.1~4.6.

- **Recommendation:** Strengthen language of directive policies, making certain policies mandatory to further the Object of the Trust.

Despite the strengths of the revised TPS noted above, the revised document, like the 1994 iteration, fails to adequately define “environment” and “unique amenities” of the Islands Trust area. Though s. 1.4 (p.2) recognizes the importance of “identifying unique amenities and environment” and even goes so far as to name some of these features (p.3, p.23), no holistic definition is provided. These missing definitions have been the subject of much debate between Trustees and island residents, and it seems likely that their ongoing absence from the TPS is due to a failure to reach consensus on what constitutes a “unique amenity”.

We posit that the most accurate way to define “unique amenity” is to look back to 1974 and the conditions that led the province to take action to protect fragile island ecosystems from further anthropogenic destruction via the creation of the Trust. According to [The Islands Trust Story](#) created by Peter Lamb in 2009, following the subdivision of the west coast of North Pender Island

into 1,200 city-sized lots (Magic Lake Estates) and a number of other similar suburban developments proposed for Salt Spring, Bowen, and Mayne Islands, the province put a 10-acre freeze on all developments across the Gulf Islands in 1969. In 1973, an all-party Select Standing Committee on Municipal Affairs toured the islands in Howe Sound and the Strait of Georgia, up to and including Hornby and Denman Islands, to record the views of local residents. The results showed that “large subdivisions and over-development” were priority concerns, though potable water shortages and commercial/industrial land use were also common worries along with water transport and continuing recreational opportunities. Ultimately, the committee concluded that “the islands are too important to the people of Canada to be left open to exploitation by real-estate developers and speculators” and less than a year later the *Islands Trust Act* (“the Act”) was proclaimed.

This legislative history, the wording of the Act, and ongoing interpretations of Islands Trust policy all indicate an intention to diminish environmental degradation within the Trust area. The proclamation of the Act was prompted by development deemed inappropriate for the area and regulating development activity is the very essence of the Trust. Now, like in 1974 islanders are concerned about the fragility of island ecosystems. Now, unlike then, tangible changes in land use patterns, significant loss of undisturbed landscapes, species declines and climate change impacts have greatly exacerbated the situation. Yet, the ambiguous definition of “unique amenity” (which is likely the result of the limited language available to characterize, describe, and respond to ecological threats in 1974 comparative to 2021) continues to be exploited by those with pro-development agendas.

All this considered, the inclusion of “unique amenities” likely referred to the pastoral (i.e., unfragmented and undeveloped) condition of the islands prior to the imposition of developments like Magic Lake Estates on North Pender. In order to appropriately carry out the object of the Trust in accordance with the Act, the definition of unique amenities should be defined based on the original intent of the Act which as stated above was to protect the islands from exploitation, over-development, large subdivisions, loss of recreational opportunities, and commercial and industrial activities. Agreeing on a definition of what constitutes a “unique amenity” worthy of protection will 1) strengthen the enforceability of the Trust object, 2) decrease the amount of inappropriate developments permitted in the Trust area, and 3) free up time and financial resources that have been tied into the debate of what is or isn’t a unique amenity repeatedly over the decades since the Trust’s inception.

- **Recommendation:** Define unique amenities to avoid ongoing debate and disagreement about what should or should not be considered appropriate development within the Trust Area.

Section 5 of the revised TPS demonstrates a significant improvement over its 1994 counterpart in its acknowledgement of the presence of Coast Salish Peoples in what is now known as the Islands Trust area since time immemorial. It rightfully holds Local Trust Committees accountable to

collaborating and coordinating with First Nation communities and prioritizes protecting cultural heritage via directive policies. It also, specifically, describes the sorts of places and practices that may qualify under the umbrella of cultural heritage and rightfully recognizes the rights of Nations to identify their own “cultural heritage, interpret its meaning, and safeguard its value.”

Section 5 also describes “community heritage,” but does so in more general terms allowing “buildings, settlement areas, places, objects, artistic expressions, or events identified by the community as having heritage character or heritage value to the community, to be protected for future generations.”

The contention here is that while First Nation “cultural heritage” is largely tied to natural environmental features, and thus their preservation is in keeping with the Object of the Trust, “community heritage” seems to be tied more closely to the modified environment since the 19th century. The way it is currently defined leaves too much open to interpretation. For example, while some “buildings” such as the 1908 farm-resort homestead now converted to the Pender Islands Museum, or Bittancourt House, originally built in 1884 and now serving as the Salt Spring Island Museum, are certainly representative of community heritage, a sprawling 4,000ft² estate complete with golf course is probably not. In keeping with the above recommendation, it is essential to consider the language used and parameters set when attempting to define “community heritage” to clarify its inclusion under the “unique amenities” umbrella.

- **Recommendation:** Establish a directive policy that requires each island to create a list of community heritage buildings to be protected as “unique amenities”

2. Carrying capacity feedback

The following recommendations pertain to the debate among Trust Program Committee members during the meeting regarding the introduction of carrying capacity as a decision-making tool in the revised TPS document.

During the meeting, it was repeatedly stated by staff that the TPS is a “high level” policy document left general enough to be applicable across the Trust Area and flexible enough to fit the unique needs of each island. However, there is a fine line between flexibility and ambiguity. While site specificity is essential to ensure unique habitats are preserved, protected, and/or restored as best suits the situation, there needs to be enough direction and clarity within the TPS to ensure that a consistent culture of care for the environment is established across the Trust area. Otherwise, the shotgun approach that has been inconsistently applied since 1974 will continue, and locally inappropriate developments and land use activities will continue to slip through the cracks (e.g., Poet’s Cove, Mayne Island Resort, barges landing on forage fish spawning beaches, shoreline modifications, etc.).

Carrying capacity was introduced in the revised TPS as an evidence-based decision-making metric. However, because it is not defined within the document, many Trustees expressed

skepticism that carrying capacity would be an appropriate metric for the Trust area and some suggested that “sustainability” be used as an alternative. However, substituting one undefined term for another is not a solution to the problem. The applicability of these terms to the Trust is the awareness of ecological limits. This is especially applicable to water, forest stands, and biological diversity.

According to a [media release](#) from the Islands Trust, which was circulated during the meeting, “development applications more than doubled on Salt Spring Island to 105%” and increased by 90% on the other southern islands in the first quarter of this year. With immense development pressure exacerbating the already tangible impacts of climate change on the Gulf Islands, as well as further fragmenting and degrading habitats throughout the Gulf Islands, it is essential to consider island carrying capacity (particularly in relation to freshwater availability) and cumulative effects when making **any** development decisions. Both terms should be defined within the TPS to improve clarity and operationality.

While the concept of carrying capacity has origins in engineering, first being used to calculate maximum mass of steamship loads, its applications in biology have been well documented since the late 1800's (Sayre, 2008). In 1870 it was used to weigh rangeland productivity against cattle grazing on grasslands, but more current applications range from determining balance between density and productivity in aquaculture operations; ideal habitat availability for wide ranging carnivore populations; and whether local land reserves are adequate to support economic activities and/or human populations (Chapman & Byron, 2018; Qian et al., 2015). The latter application is of particular interest in the case of the Gulf Islands.

Early studies define carrying capacity as “the maximum population density theoretically supportable by the habitat” (Hardesty, 1977, p.286), while more recent studies define it “at the population level to describe an ecosystem's ability to ‘support’ a specific and often fixed number of species” (Chapman & Byron, 2018, p.6). A Polish study published in 2020 defines “Environmental Carrying Capacity” (ECC) as “the level of human activity, population growth, land use, and physical development that the environment can support without serious degradation and irreversible changes.” (Świądera et al., 2020, p. 57). The study explains that ECC is assessed using two indicators: 1) ecological footprint (i.e. the measure of the area required to support human consumption including components like carbon footprint, cropland, forest products, etc) and 2) biocapacity (i.e. the potential of a given area to provide ecosystem services such as provision of water and waste assimilation), and then goes further to outline the methodology for implementing an ECC study in one of Poland's largest cities. Ideally, the ecological footprint and biocapacity will be in balance; however, if the former exceeds the later this ‘ecological deficit’ can lead to irreversible damage to the environment (Świądera et al., 2020). Additional definitions and equations for calculating carrying capacity can be found [here](#).

These sorts of analyses have been conducted on national, regional, and municipal scales and can be adapted based on data availability, budget, and key components of interest such as rates of

development, water availability, and/or greenhouse gas emissions. Though carrying capacity will be different for each island, scientific methods can be developed to provide a blueprint to ensure consistency while maintaining the flexibility needed to ensure applicability to each island. This methodology should be developed using the precautionary principle in collaboration with relevant experts, such as Islands Trust Conservancy (ITC) ecologists and independent scientists.

Cumulative effects are related and complementary to carrying capacity. Described by the Government of Canada as “changes to the environment caused by a variety of activities over time” (2018), they provide a “big picture of environmental issues” outside of an individual project or development. The British Columbia definition goes slightly further, describing cumulative effects as “changes to environmental, social and economic values caused by the combined effect of past, present and potential future human activities and natural processes” (n.d.). Both the federal and provincial governments employ cumulative effects frameworks in their formal environmental assessment procedures and considering the Trust’s Object this practice should be adopted for the Trust area.

- **Recommendation 1:** Develop and incorporate a methodology to define/measure each island's carrying capacity in collaboration with the ITC and independent scientists to inform consistent, scientifically informed decision-making across the Trust Area.
- **Recommendation 2:** Incorporate a cumulative effects framework into revision of development proposals within the Trust Area, particularly in environmental sensitive areas protected by environmental development permits

3. Additional Feedback

The following are additional recommendations made in consideration of the request made by the Trust Program Committee’s Chair during the meeting for specific feedback on directive policies.

- 3.1.9: Currently states: “Local Trust Committees and island municipalities shall, in their official community plans and regulatory bylaws, place priority on the integrity of the environment and Indigenous cultural heritage in all decision-making and, where necessary, limit the rate and scale of growth and development.” This language should be flipped to say: “The official community plans of Local Trust Committees and island municipalities shall reflect the TPS directive and Trust Act object that places the priority on the integrity of the environment and Indigenous cultural heritage in all decision-making and, limit the rate and scale of growth and development as needed”
- Addition of a directive policy in s. 4.2 acknowledging the impacts climate change will have on freshwater availability in the Trust area and encouraging Local Trust Committees to develop drought management plans
- Addition of a directive policy in s. 4.3 acknowledging the impacts climate change is already having on CDF and CWH forests and committing Local Trust Committees to adaptive

forest management that maintains ecological integrity and resilience in these changing conditions, especially as it relates to maintaining overstory, understory and heterogeneity in the “FireSmart” age

- 4.6.3: What constitutes “a loss of significant marine or coastal habitat”? This needs clarification
 - 5.1.5: “Community heritage” must be more clearly defined
 - 6.1.11: Remove “prioritize the protection of views” or amend the language to reflect the focus on protecting natural landscape vistas, as protecting ‘views’ is a common justification for significant tree removal
 - 6.1.12: “Aesthetic” needs to be defined, as this could be interpreted as an urban or suburban aesthetic
 - 6.1.18: “Community character” could be included in the definition of “unique amenities” based on the same pre-1970s condition of the Gulf Islands and could pertain to small-scale, cottage industries
 - 6.1.19: An addition should be made to this policy similar to that added to the third bullet of Directive Policy 6.1.16
 - 6.3.7: Addresses the need for emergency helicopter landing pad locations, while these are necessary, private use and recreational landing pads are not and should be prohibited
 - 6.4.4: An addition should be made to this policy similar to that added to the third bullet of Directive Policy 6.1.16
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During the meeting, several committee members expressed hesitancy at many of the changes proposed by the revised TPS document--despite ongoing calls from residents, advocacy groups, and many local Trustees for political bravery in these unprecedented times defined by a global pandemic, climate change, and biodiversity loss. This hesitancy is reminiscent of the last Trust Council meeting during which a proposed motion to refocus the Trust on its preserve and protect Object was opposed by 18 Trustees and replaced by a symbolic gesture.

In section 2.1, the TPS is described as a “visionary statement” drafted to “establish a vision for the future of the Trust Area that reflects the values and interests of residents, First Nations, and British Columbians, for this generation and for generations to come.” Further, in an article recently published in the Gabriola Sounder, Trust Council Chair, Peter Luckham describes the TPS as the Trust’s “guiding principal document” meant to “[provide] clear direction” to current and future councils and Trust Committees. It is essential that the TPS provides the pathway to the islands we want to see in 2050.

As the TPS revision process progresses we urge Trustees to:

1. Act with the urgency and boldness that a climate emergency warrants;
2. Ensure there are strong linkages between the objective and directives of the Trust Act and Policy Statement and the implementation of these priorities in local planning areas and services;

3. Actively oppose the long and disappointing history in British Columbia of government's converting operational policy into symbolic gestures by setting goals without strategies to achieve them;
4. Assertively collaborate with the First Nation communities, local organizations, and politically engaged citizens across the Trust Area to apply the political pressure needed to enhance the Trust's power to protect the habitats of the Gulf Islands; and
5. Ensure the TPS reflects the Trust's duty of care in implementing the Trust Object and ensuring it is operational and enforceable at the local planning level.

Thank you for your consideration,



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References & Resources

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