

**From:** Jeffrey Green [REDACTED]  
**Sent:** Saturday, January 29, 2022 6:27 PM  
**To:** Islands2050  
**Cc:** MARY BETH RONDEAU  
**Subject:** Proposed Coastal and Marine Stewardship in the Draft Policy Bylaw

**I do not support the expansion of the Island Trust's jurisdiction into offshore and open water areas. However, I strongly support marine and coastal protection and management initiatives by the federal and provincial governments, as well as cooperative initiatives with the Island Trust and other municipal/regional governments in the vicinity.**

The Draft Policy Bylaw (July 2021) includes clauses and definitions that indicate the Trust wants to expand its land use planning and management authority across offshore and open water marine areas.

The map of the Trust Area in the Draft Policy (page 7 and below) shows white boundary lines extending across the open water as far as the shoreline of Vancouver Island and the Mainland, as well as all of the waters between the islands in the Trust Area. The map incorrectly suggests the Trust has regulatory authority over the blue-highlighted area. The Islands Trust Act does not give the Trust this authority.



(Map from page 7 of the Draft Policy Bylaw)

Other examples of the Trust extending their geographic and regulatory scope into offshore areas include the proposed restrictions or bans on fin fish farms, artificial reefs, ocean dumping, freighter anchorage sites, and transits by oil tankers. The Draft Policy also directs Local Trust Committees to consider offshore areas (e.g., kelp forests) in their Official Community Plans and bylaws. The Trust should advocate on these issues; they do not have authority or expertise to regulate these issues.

The Trust has regulatory authority to direct land use, development and conservation in the “Trust Area. The Act states that the Trust Area includes “All the land, except land situated within a reserve defined in the Indian Act (Canada), on all islands situated in the Strait of Georgia, Howe Sound and Haro Strait ....” (Schedule A). Nowhere in the Act does it say that the Trust Area includes offshore marine or open ocean areas.

This interpretation is supported by a memo written by Trust staff to the Trust Council dated November 16, 2016 (<https://islandstrust.bc.ca/document/briefing-marine-protection-tools/>). The memo describes how the Local Trust Committees can use land planning, permitting and conservation tools (e.g., zoning, development permits) to manage land and thereby benefit adjacent shoreline areas. It also recommends advocacy with other agencies.

A request by the Trust to the Province in December 2018 for “Clarification of foreshore zoning authority and jurisdiction throughout the Trust Area” (page 1, Item 5) (<https://islandstrust.bc.ca/document/letter-minister-selina-robinson-mla-3/>) further indicates that the Trust is not certain of its authority in marine areas. To date, the Province has not provided such clarification.

Other local governments in the region typically use land zoning and development permit tools to protect and control development along shorelines (e.g., North Saanich [Figure 2-3 in the Marine Task Force; <https://northsaanich.ca/wp-content/uploads/Marine-Task-Force-Report.pdf>]; the Town of Sidney).

Programs for marine conservation and protection, management and monitoring in the Salish Sea are already complex with responsibilities assigned to the Province, Transport Canada, the Canadian Coastguard, Department of Fisheries and Oceans, and Environment Canada. Indigenous organizations are also frequently involved. These government agencies and organizations have clear mandates, scientific and regulatory expertise, substantial experience and knowledge, equipment and budgets to address different areas of marine and coastal management.

The Trust lacks the expertise, staff and budget to undertake and enforce offshore and open water marine initiatives. Further, the expansion of the Trust into offshore and open water areas will only make successful conservation, protection and management more complex and costly, while unnecessarily duplicating programs. If the Trust proceeds with the expansion into marine management, how will the Trust reconcile conflicts between what they claim they will manage and what other local governments and Indigenous governments and organizations are already doing?

I do support the protection of shoreline environments by the Islands Trust through land use planning and management and development permitting. To address this, the Draft Policy should include a definition of the areas in which the Trust has authority in shoreline areas (e.g., land and the immediately adjacent foreshore, including marine riparian, the intertidal zone, tidal salt marshes, mud flats and coastal wetlands). The Policy could also describe tools that the Trust can use to manage land use and development to protect shoreline habitats.

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