

From: Sheldon Duff [REDACTED]
Sent: Friday, February 18, 2022 2:23 PM
To: Islands2050
Cc: FLNR.Minister@gov.bc.ca; env.minister@gov.bc.ca;
MUNI.minister@gov.bc.ca
Subject: Comments on New Draft Policy
Attachments: IslandsTrustSpring2022.pdf

Dear Members of Islands Trust Council

Enclosed please find my comments on the new 2050 Policy Initiative.

Regards
Sheldon Duff



Sheldon Duff, PhD

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February 18, 2022

To: Islands Trust Council

Dear Members of the Islands Trust Council:

I am writing in response to your request for feedback concerning the proposed changes to the Islands Trust (IT) Policy Statement. These changes include broad new powers for the IT and introduce many new areas of jurisdiction which were not previously within the scope of the IT's responsibility. In the notes below, I will outline a few of my objections and concerns with regard to this new policy statement.

1. This is not just a revision, but rather a vastly modified new mandate.

It is my understanding that the purpose of this review is to: (a) update the original IT policy statement through the lens of reconciliation, (b) update the whole document through the lens of climate change, and (c) update the section on Affordable Housing to ensure that the document gives a greater emphasis to affordable housing. While these new points of emphasis appear to be worthwhile there is no indication of how these three mandates were chosen, and no rationale given for them. Yet, these new modified mandates will form the basis of the IT's policy for the next 30 years. More importantly, the changes proposed by the IT go far beyond those that could be captured under these stated rationales.

2. There is a lack of definition of terms within the document, which greatly diminishes the ability to accurately define the scope of the proposed changes.

Examples of these terms are equity, diversity and inclusion; human-centric and settler-centric paradigms; environmental integrity of ecosystems; small-scale, sustainable, regenerative, and supportive of local climate action; and the decision making criteria: science, social science, area based mapping, local knowledge, Indigenous ways of knowing. In every instance where these terms are used, there needs to be adequate referencing done to specifically identify sources of knowledge. For example, if "science" is used as a justification for a decision, references must be given to the journal papers, textbooks, powerpoint presentations etc. upon which the

decision is based or is going to be based in future. It is not adequate to simply state that “science” will be used as a basis for decision making.

3. The modified policy statement vastly overreaches the mandate of the islands trust into areas which are currently competently managed by various departments of the provincial government of BC and many of which supersede the rights of private property owners.

The following is a partial list of new regulatory powers sought by the IT:

- (a) environmental protection is extended to environmental restoration,
- (b) the power to prohibit disturbing any existing wetland,
- (c) right to protect un-fragmented forest ecosystems (vaguely defined) against damage from growth, development or land use,
- (d) right to regulate (not defined) tree cutting of any kind within the IT area,
- (e) outright prohibition of clear cutting and cutting of old growth (not defined) within in the IT area,
- (f) right to designate forest ecosystem reserves where no extraction shall take place,
- (g) a precautionary approach to the use of agricultural land,
- (h) prohibition of any protection against erosion on shorelines,
- (i) prohibition of docks with the exception of water access islands,
- (j) permanent prohibition of desalination (no justification given),
- (k) bylaws that promote “low carbon” housing, buildings, transportation and agriculture without proper definition of this term and examples of how it might be implemented in each affected category (e.g. will there be “grandfather clauses” for existing housing, buildings and farms?),

- (l) prohibition of anchoring in eel grass meadows, freighter anchorage in IT marine areas and transit of oil tankers through IT marine areas.

Needless to say, it is debatable whether the islands trust has the expertise to decide on such changes in IT policy. More importantly, most of these proposed areas of regulation are already regulated by, and monitored by various BC government departments-most notably, the BC Ministry of Forests, Lands and Natural Resources (points c, d, e and f) and the BC Ministry of Environment and Climate Change Strategy (points a, b, h, and i). Jurisdiction of points h and i also overlaps with the purview of DFO Canada. Lastly, and of equal importance, the proposed policies seek to usurp the rights of private property owners (points a, b, c, d, e, f, g, h, i).

4. Flawed consultation on the proposed changes.

The changes proposed in the new IT policy statement are comprehensive, far-reaching, and will have effects for decades to come. Despite this, limited consultation with stakeholders has taken place. The IT has claimed to have sought and received “widespread public engagement” which included people who came to open houses and information booths, people who browsed through printed materials, and people who spoke to IT staff on ferries (837 people). Approximately another 790 people actually completed the on-line survey regarding the proposed changes (incidentally, a survey that I was not aware of at the time). The total number of people, then, represents approximately 6% of the people within the IT jurisdiction. If we more accurately define meaningful feedback as only coming from the people who completed the on-line survey, the percentage drops to 3% of people within the IT jurisdiction. It is my opinion that this is simply not an adequate sampling of people, and it self-selects for people that have a vested interest in the outcome of the process.

Based on the fact that the changes being proposed are comprehensive, far-reaching, and will have effects for decades to come, a more complete sampling of residents opinions needs to be carried out. It would be best to put this document to a vote through a IT-wide referendum to decide if the proposed changes should be adopted. Failing that, as a minimum, a survey could be mailed to everyone on the electoral roles for all of the islands within the IT jurisdiction to ask for feedback.

Related to this, it is my understanding (and I hope that this is wrong) that a minimum of 30% of the community must write letters stating that they do not support adopting the proposed changes to the IT policy before the opinions expressed within the letters will be taken under advisement by the IT. This level of feedback is simply not going to happen based on the poor dissemination of the proposed new IT trust policy statement and the short timelines for feedback, and ensures that the IT does not have to take into account objections and concerns raised by letters such as this one. This is, simply put, a manipulation and misrepresentation of the consultative process which has occurred.

Finally, I would like to give a specific and example of how these new IT policies might affect an owner of a piece of land zoned as Managed Forest (as defined by BC FLNR) on Galiano (where much of the land is zoned as Forestry Land). By-laws on Galiano currently prohibit constructing a dwelling on the property to ensure proper management of the forest. In every other jurisdiction in BC and on every other piece of Managed Forest, it is legal to build a dwelling. Only Galiano prohibits this. This in itself limits the use of the land to the practice of forestry (ie growing trees, harvesting trees, replanting trees to regenerate the forest). However, again, by-laws on Galiano regulate the extent to which trees can be cut. And now, according to this new proposed IT policy statement, the IT can decide whether the land is part of an “un-fragmented forest” (undefined) and must be preserved; whether the trees on the property are “old growth” and must be preserved (trees on most of Galiano are second growth, planted after the old growth was harvested on Galiano during the 1960s and 1970s; does this make the trees “old growth”)? In the new policy document the IT is also claiming the right to regulate tree cutting of any kind, and outright bans clear cutting (again, undefined). Not only do these new policies overlap with existing by-laws, and the provincial regulations governing managed forests, they infringe upon the rights of the property owner.

Leaving aside the overlap with existing bylaws on Galiano, and the obvious overlap with the jurisdiction of the BC Ministry of Forests Lands and Natural Resources, what land use options does the new policies proposed by the IT leave someone with such a plot of land? If the IT decides that the property is part of an un-fragmented forest, nothing can be done with it (by nothing I mean live on it, or practice forestry

on it). Similarly, the IT is proposing to regulate all tree cutting, again restricting and defining the practice of forestry on a property that is zoned as a managed forest. This potentially leaves the private owner with a piece of property that is entirely valueless by most definitions and upon which they must continue to pay annual taxes for no obvious reason.

In summary, I do not support the proposed IT policy statement and reject many of its proposed extensions to the IT policy as originally defined. The proposed new policies represent a significant over reach of the IT into area where it has limited expertise, and also represent a reach into areas that are adequately regulated and controlled by the BC Ministry of Forests, Lands and Resources, the BC Ministry of Environment and Climate Change, and the Department of Fisheries and Oceans. Finally, the proposed changes seriously infringe upon private property rights of individual land owners.

Sincerely yours,



Sheldon Duff, PhD

cc. Hon. Katrine Conroy, Minister of Forests Land and Natural Resources

Hon. George Freyman, Minister of Environment and Climate Change Strategy

Hon. Josie Osbourne, Minister of Municipal Affairs