

April 6, 2022

Executive Committee, Islands Trust,  
R. Hotsenpiller, Chief Administrator,  
Carmen Thiel, Legislative Service Mgr,  
Clare Frater, Director Trust Area Services

Many of the Islands ecosystems have long been under pressure and are failing. Water is in short and ever diminishing supply, biodiversity is compromised and in decline, forest habitat is fragmented under continuing pressure, and the rural character is rapidly being lost. This is all contrary to the intension of the Trust Act. Our trustees, over the years have failed to stick to their charge. They have by and large not been up to the job.

The increasing population, build outs to urban levels and overstretched infrastructures provide us with abundant observable evidence that further development on many of the islands is **no longer sustainable**.

Sustainability improves the quality of our lives, protects our ecosystem and preserves natural resources for future generations. Sustainability means you can maintain without the depletion of natural resources. On four of the Gulf islands **sustainability is no longer possible** and following the same land-use practices as in the past is irresponsible.

On the islands **each density increase with accompanying water and waste demands chip away at the rural nature, environmental health and the fragile ecosystems of the islands.**

It's high time that our **Trustees acknowledge that they have failed to take care of our islands' health**; either out of ignorance, incompetence, or because their priorities do not align with their responsibilities and charges. The Trust Act has not been well served by them. If there is to be a hopeful future, we need to change course, mitigate the

negligence of the past and stop further destruction.

The Islands Trust Act, sections 8 & 9 (in relations to Trust Council), section 21 (in relation to the Executive), and section 24 (in relation to Local Trust Committees), compels that their powers be exercised “for the purpose of carrying out the Object of the Trust.” It would appear then, that Trust Council is also provided with the authority and the powers through a number of specific provisions of the Local Government Act (LGA) and Community Charter to deliver on this mandate. Most notably those provisions include land use planning and regulation, elections, enforcement of bylaws, heritage conservation and specific subdivision regulation, among others. For example, the LGA, gives the Islands Trust the authority to carry out its mandate through zoning.

If the above is correct then we may further deduce that the Trust Act gives the Executive Council and LTCs, the direction and purpose to exercise their powers and it specifies that those powers must be used in fulfilling the Object of the Trust Act. Both, authority to fulfill and constrain are contained within the powers bestowed by the Act. **Beyond those specified in the Object of the Trust Act the community needs are not addressed anywhere.**

The Act clearly infers that the **Object of the Trust is the preservation and protection of the environment** (Including, provisions of the Environmental Management Act; s34.1 of Trust Act) **above all other matters**, in applications for: zoning, siting and use permits, development variance permits, variances, or when adopting a bylaw, this must be considered by the Executive, Council and LTC’s first.

Unfortunately, the Trust’s dependence on the Professional Reliance system in land-use decisions only contributes to their negligent performance as stewards:

*“Professional reliance is fundamentally flawed due to mistaken core premises that all scientists in a given field are fundamentally the same, in certain basic ways. It assumes that their collective*

*knowledge base is essentially congruent; non-scientific influences like personal belief, funding source, employer, political priorities or broad social norms have no bearing on the outcome of their scientific work; their approach from work is essentially dispassionate and free from bias. (Professional Reliance and Environmental Regulation in B.C., Feb. 2015, Environmental Law Center-UVic, pg. 30)”*

More importantly, the Trust Policy Statement (TPS) has become too long and convoluted. There are few things that the Trust has jurisdiction over and these easily and concisely could be organized into a new TPS draft. Instead, over the years everything but the “kitchen sink” has been included within an extremely confusing TPS. **Advocacy work of any sort should not be in the Policy Statement. The policies in the TPS should only reflect the Object of the Trust.**

The Islands Trust is directed to work “in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of BC.” That instruction does not mean that the Islands Trust has the authority to become involved, outside of advocacy, in other jurisdictions or any community social and cultural needs for which other agencies or levels of government have the responsibility.

Combining Advocacy work in the Trust policy statement is confusing for the Trust Area residents and the people of BC. The current proposed draft document V.2.0 appears to confer powers upon the Trust that they do not have. So when the Trust is unable to deliver results, disappointment and distrust in their decisions and management results. Here the KISS principle wisely applies.

If, for instance, **advocacy work** were contained in a separate living document called the “**Trust Workbook**” a clearer picture of the Trust powers would emerge.

In past letters to the Trust Executive and recent submissions to the Great Northern Management

consultants, it was explained that the wording in many of the Trust policies (TPS) is too vague, flexible and as a result misleading. Examples of the above were submitted within the letter to Mr. Hotsenpiller, dated October 28, 2022)(1)

*“unique amenities”, as included in the object of the Islands Trust, has never been spelled out explicitly. When interviewed each Trustee had a different interpretation or definition regarding this phrase (Trust Programs Committee Revised Agenda, Feb.5, 2021).*

Studying the Trust Policy Statement, historical references and court judgments, the meaning of **“unique amenities”** becomes clear. What is inferred by “unique amenities” is not “healthy communities”, “culture” or “development” as the current popular and vociferous groups, would want us believe, but **preservation and protection of the Islands special and fragile ecosystems**. If one takes the words “unique amenities” in the Act at face value, it is clear that the intent of those words were to **describe aspects of the Trust Area’s natural environment and its rural character**.

Also, all flexible **undefined terms in the Trust Policy Statements pertaining to Island resources and the natural environment** need to be concise, specific and not open to interpretation, in order to increase their regulatory powers. In the above-mentioned policies, the preamble must be omitted as it renders the policy statements useless and meaningless.

Other concerning ambiguities appearing in the draft policy 2.0 that need further clarification and refinement are: sustainable, environment (built or natural?), carrying capacity (without measurement or caps?), ecological integrity and compatible economic development (compatible to what?), just to name a few.

Both, the freshwater policies for the protection of groundwater and the ecosystem are insufficient and weak. Groundwater also needs to be linked and monitored

through policy to reduce septic contamination and this needs to be included in the Freshwater Conservation section. Only by **establishing limits and carrying capacity and setting tough, unambiguous, inflexible freshwater preservation policies can we provide adequate protection.**

Additionally, all policies in the TPS must reflect the Trust's **Object** and as recommended in the Governance review a **common meaning must be established and shared** by Trust Council and Staff. This will require that the Trust act as a Steward protecting the islands and not a local government.

In this regard, the Trust would be well served if they established a **scientific team** at the highest level of their federation that is made up of environmental **scientists from different disciplines**; and, who will sit at arms-length from the Local Governments and the Trust, thus enabling them to make unbiased land-use decisions.

Last but not least, Integrate the implementation policies into each individual policy and **omit implementation policy 1.3.1**; in that, it allows the LTC to do anything they want, even, when irreversible decisions causing destruction to the island ecosystems are the result.

The above groundwork must be completed before any new policy statements can be issued; and, as a foundation for updating each OCP's to guide the LTC's. To do this the Trust must first follow the recommendations made by Great Northern Management Consultants.

At the June 21-23 meeting **we urge the Trust to implement all recommendations made by the Consultants, to establish a Corporate Secretary and to unify all Trustees and Staff by clearly defining and agreeing upon the Trust's Object.**

***“The Object of the Trust is to Preserve and Protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of BC***

*generally....(GNMC, pg. 7)''*

Respectfully yours,

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1. Hotsenspiler letter October 28,2021. Can be supplied  
upon request