

WHO REALLY RUNS THE ISLANDS TRUST?

Earlier in the Islands Trust's rush to push through a new *Policy Statement* to control all future land use in its Gulf Islands jurisdiction, I reported on the Trust's overly-optimistic claim of "engagement" with Indigenous peoples in crafting this new document. As the new Policy Statement contained several new environmental restrictions that are clearly disrespectful of island livability and that could possibly drive a wedge between Indigenous groups and local communities, I questioned whether the onerous new content and rush to promulgate it actually originated with Indigenous peoples - as the Trust claims here.

"It is important to note that First Nations have been working within the timelines outlined below and have an expectation that a new Policy Statement bylaw will be considered for adoption."

- Pg. 27, July 27, 2021 Trust Executive Committee "Request for Decision" from Trust Council

My earlier comment on this was that it appeared to be a disingenuous attempt to use 'responsibility to Indigenous peoples' as a way to force an unrelated wish list of new controls onto island inhabitants. I sincerely doubted that Indigenous peoples would be the source of this mean-spirited action. So I looked further.

I was right. Much of the new Policy Statement and its reference documents read more like an environmental activist handbook than possibly the thoughtful, respectful contributions from Indigenous participants. Fortunately, the Trust has posted (some of) the material it has received in comments, recommendations and, as you'll see below, **instructions** in crafting this new Policy Statement. There is little indication that comments from islanders have been taken to heart but the Trust has listened very carefully to one source. Among the contributors were two submissions from the *Rainforest Conservation Foundation* (RCF):

RCF submission Feb. 7, 2021

https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/01-Islands%202050/Public%20Correspondence/2021-02-07_RaincoastConservationFoundation_R.pdf

RCF submission May 6, 2021

https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/01-Islands%202050/Public%20Correspondence/2021-05-06_RaincoastConservationFoundation_R.pdf

What was surprising, or perhaps not to those more cynical among us, is that some of the more radical proposals contained in the Policy Statement and its supporting documents can be found in the RCF submissions. The Trust language is remarkably supportive of this RCF direction.

Here are some examples. (**Highlights** are mine.)

1. RCF Submission - Establishing limitation on home floor areas:

*"As such, we recommend that: **Residential floor areas are restricted.**"*

*"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.**"*

Trust text:

"Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate floor area and lot coverage limits for residential development in their planning area..."

(NOTE: The North Pender Island Local Trust Committee has already (?) acting on this by drawing up a new draft restrictive floor area that will apply to new homes and make many existing homes non-conforming.)

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2. RCF Submission - Subjugating Local Trust Committees to centralized instruction:

“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.”

“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...”

“...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.”

“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. “

Trust text: March 21, Islands Trust Council Meeting - “Policy Statement Amendment Project”

“The existence of a coordinating body such as the Islands Trust Council offers an opportunity for truly integrated regional planning, led by local trustees through the regional body of Trust Council...But what about the policy guidance that simply isn’t proactively taken up by LTCs/IMs?...This has led some to recommend that the Policy Statement be more explicit or directive in some of its policy guidance to LTCs/IMs, in thematic areas where Trust Council deems a coordinated regional approach to be necessary...A November 2000 legal opinion commented on the possibility of changing the language of current directive policies (that local trust committees and island municipalities shall “address” certain matters in their plans and regulatory bylaws) to a more mandatory requirement that they include those matters in their regulatory bylaws.”

<https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/01-Islands%202050/First%20Nations%20Engagement/Truth%20Precedes%20Reconciliation%20-%20Page%208%20-%20Policy%20Statement%20Discussion%20Paper.pdf>

3. RCF Submission - Assignment of policy making to the conservancy sector:

“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).”

Trust text:

“3.1.5 Trust Council commits to seek close collaboration and policy alignment with the Islands Trust Conservancy Board, acknowledging the interconnected roles each entity plays in regional conservation planning and in carrying out the Islands Trust Object.”

4. RCF Submission - Elevating the status of objects and subordinated human rights to them (no joke):

“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.**”**

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Trust text:

“Acknowledging the need to shift towards less human-centric and less settler-centric planning paradigms, Trust Council commits to place priority on preserving and protecting the integrity of the environment and Indigenous cultural heritage in the Trust Area.”

5. But, perhaps most disturbing is the language in which RCF addressed the Trust in its directives. It is easy to see who really is in charge here as the RCF instructions read like someone scolding a bad child.

“Trust Council **needs to** be accountable...”

“The Islands Trust **must** start accounting for...”

“This **must** be remedied immediately...”

“The Trust **must** boldly move toward...”

“decisions **must** be filtered through an environmental lens...”

“the Trust **needs** to act.”

“Trust Council **must** advocate...”

“Wording and implementation of “directive policies” **must** be amended...”

And finally, this most telling statement about RCF authority:

“It is essential that the TPS (*Trust Policy Statement*) provides the pathway to the islands we want to see in 2050.”

And there’s more.

Although most island residents never got to see and comment on the actual draft Policy Statement until after June 25th (shortly before the July 7th proposed first reading), RCF clearly had a copy in its possession long before that, as evidenced in its earlier submissions where it identified changes in draft language that it wanted to see.

So, who is writing the rules by which we will all live on our islands? Not the local business and property owners who have moved here to enjoy our islands’ unique environment and who provide the tax dollars that fund Trust activity. And despite Trust claims, not indigenous peoples. Most alarmingly, not even the Trust itself - the agency that was granted governance by the Province. No, now our island economies and lifestyles have become the experimental playground of unsanctioned social activists and lobby groups.

Ironically, the Trust doesn’t seem to realize that, in the way that this is being dictated top-down to us poor ignorant islanders by their self-appointed experts, this is exactly the same colonial patronizing methodology that they claim to be eliminating. And, like the colonial overlords they emulate, they are blind to their own failings.

Ask your own trustees if they agree with this approach. Their answers will be such important information to recall next year at election time.

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