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**Sent:** Saturday, January 29, 2022 11:43:43 AM

**Subject:** Focus on the Core Mandate of the Trust — Not Unnecessary Expansion

***The proposed Draft Policy Bylaw No. 183 (dated July 15, 2021) would substantially expand the geographic and regulatory scope of the Trust, especially in areas pertaining to marine management, fish and wildlife management, endangered species, forestry management, and cultural heritage. I do not support the revisions to the Draft Policy Bylaw which would:***

- ***result in the Islands Trust expanding their mandate;***
- ***unnecessarily intrude into the existing regulatory and management jurisdictions of provincial and federal government agencies; and***
- ***incur substantial costs for increased staffing and duplication of government services.***

The Object of 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 British Columbia ...”. As discussed in the Act and reaffirmed in the 1990 revision of the Act by the Province, the Object is to be achieved primarily through careful planning and development in the Trust Area, as well as advocacy and cooperation with other governments, agencies and organizations.

The Draft Bylaw includes expansion into geographic areas which are not the jurisdiction of the Islands Trust (e.g., offshore areas and sea bed), as well as environmental management actions and monitoring which are outside the regulatory authority and expertise of the Island Trust (e.g., forestry management, management of wildlife and fish populations and habitat, endangered species, prohibitions on certain marine activities).

It is important to recognize that the Islands Trust exerts its authority primarily through land use planning (e.g., bylaws, zoning); review of development applications and issuance of permits; and tools for environmental and heritage conservation (e.g., restrictive covenants)(<https://islandstrust.bc.ca/document/briefing-marine-protection-tools/>). The Islands Trust Council also can advocate to various government bodies on issues outside their regulatory authority.

The Trust does not construct, upgrade or maintain community infrastructure (e.g., utilities, roads and trails, community buildings, parks); provide support services to Trust residents (e.g., schools, recreation facilities, health services, police); or enforce all land use bylaws (<https://islandstrust.bc.ca/island-planning/general-resources/bylaw-compliance-and-enforcement/>). The CRD and Province provide these.

The proposed expanded scope will place more pressure on the Trust and its staff, and detract the Trust from its core mandate of careful planning and development. The expansion also will require additional permanent staff (over and above the existing 59 current staff), as well as increased office resources and expenses. This will require increasing the Trust’s annual budget, primarily through tax levies on property owners.

Existing regional, provincial and federal agencies and Indigenous organizations are already responsible for all of the proposed expanded areas. These groups also have the regulatory authority, expertise, knowledge, experience and budgets to undertake these responsibilities. The Trust does not. Further, residents in the Trust Area already pay federal and provincial taxes to fund these agencies and their programs. The proposed expansion of the Trust’s authority duplicates existing services and will needlessly create increase costs, while creating inefficiencies and regulatory complexities.

The Trust has and continues to try to expand its geographic and regulatory scope; specifically:

- requests to the Provincial Government (<https://islandstrust.bc.ca/document/letter-minister-selina-robinson-mla-3/>),
- legal advice on whether the Trust Act restricts the authority and jurisdiction of the Trust (<https://islandstrust.bc.ca/document/public-legal-opinion-re-questions-related-to-policy-statement-amendment-project-2020/>)and
- advice from the Raincoast Conservation Foundation (<https://islandstrust.bc.ca/document/brf-potential-legislative-and-procedure-change-by-the-islands-trust-in-relation-to-forest-protection/>).

The question is not whether the Trust can expand their jurisdiction, but rather why should they. As the residents of the Trust, which the Trust serves, we should decide if the geographic and regulatory scope of the Trust should be changed, how it should be changed and, quite importantly, if the costs and benefits of these changes are acceptable. Ultimately, it is the Provincial Government who will decide if changes are acceptable. In the past decade, they have not allowed the Trust to expand its scope.

The Island Trust needs to focus on realistic and implementable changes in the Policy Bylaw that are within the regulatory authority and financial means of the Island Trust (as per their Act). Where specific issues or matters are regulated by regional, provincial, federal and/or Indigenous governments, the Islands Trust should advocate to these governments to promote positive changes in regulations, management actions, enforcement and engagement.

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