

Citizen request that Islands Trust NOT be given Tree Bylaw Authority

From: **jamie harris**

Date: Wed, Mar 23, 2022 at 10:00 PM

Subject: **Citizen request that Islands Trust NOT be given Tree Bylaw Authority**

To: MUNI.Minister@gov.bc.ca <MUNI.Minister@gov.bc.ca>, FLNR.Minister@gov.bc.ca <FLNR.Minister@gov.bc.ca>, premier@gov.bc.ca <premier@gov.bc.ca>, Adam.Olsen.MLA@leg.bc.ca <adam.olsen.MLA@leg.bc.ca>, jordan.sturdy.MLA@leg.bc.ca <jordan.sturdy.MLA@leg.bc.ca>, ronna-rae.leonard.MLA@leg.bc.ca <ronna-rae.leonard.MLA@leg.bc.ca>, sheila.malcolmson.MLA@leg.bc.ca <sheila.malcolmson.MLA@leg.bc.ca>, dan ashton MLA

<dan.ashton.MLA@leg.bc.ca>, ellis.ross.MLA@leg.bc.ca <ellis.ross.MLA@leg.bc.ca>, Coralee Oakes

<contact@kevinfalcon.ca>, directorsgi@crd.bc.ca <directorsgi@crd.bc.ca>, ynne.smith@cvr.bc.ca <ynne.smith@cvr.bc.ca>, directorssi@crd.bc.ca <directorssi@crd.bc.ca>, vanessa.craig@rdn.bc.ca <vanessa.craig@rdn.bc.ca>, reachme@danielarbour.ca <reachme@danielarbour.ca>, afall@qathet.ca <afall@qathet.ca>, trustees@islandstrust.bc.ca <trustees@islandstrust.bc.ca>, rhotsenpiller@islandstrust.bc.ca <rhotsenpiller@islandstrust.bc.ca>

Cc: jlevans@shaw.ca <jlevans@shaw.ca>, jjohnston@strandco.com <jjohnston@strandco.com>, allenachilles47@gmail.com <allenachilles47@gmail.com>

Honourable Nathan Cullen, Minister of Municipal Affairs, and
Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations
and Rural Development

Copy to:

Premier John Horgan

Adam Olsen, Saanich Gulf Islands MLA

Jordan Sturdy, West Vancouver-Sea to Sky MLA

Ronna-Rae Leonard, Courtney Comox MLA

Sheila Malcolmson, Nanaimo Ladysmith MLA

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Kevin Falcon, Liberal Party Leader

Dave Howe, Southern Gulf Islands Electoral Director CRD

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Gary Holman Salt Spring Electoral Director CRD

Vanessa Craig Gabriola Electoral Director RDN

Daniel Arbour Denman Hornby Director CVRD

Andrew Fall Lasqueti Director qRD

Islands Trust Trustees

CAO Islands Trust Russ Hotsenpiller

As residents of the Islands Trust Area, we respectfully request that the Islands Trust Area NOT be given any further consideration for tree bylaw authority. We agree with your Ministry's response letter to UBCM on Resolution EB52 stating that tree bylaw authority for rural settings is not supported and we should continue to use our Development Permit processes for tree controls (see Link 1 below).

This response from your Ministry is a repetition of earlier 2020 discussions with the Islands Trust as outlined in the staff briefing document appended to the December 2020 Islands Trust Council meeting (see Link 2 below) where staff summarized input from your office:

"They {the Ministry} indicate that we have the right to enforce development permits via municipal ticketing authorities..."

The Islands Trust began its initiative some time in 2019. The tree bylaw initiative originated from an environment non-governmental organization (ENGO) Raincoast Conservation Foundation, which is partially funded by American environmental interests. These interests are often in direct opposition to the life and interests of local island residents. We have the link to the Raincoast website where you can find confirmation that this special interest group paid the University of Victoria's Environment Law Centre (ELC) for a report on tree bylaws in British Columbia dated June 2020. <https://www.raincoast.org/2021/08/report-tree-protection-bylaws-in-british-columbia/>

Raincoast has also made repeated delegations to Trust Council and presented recommendations from this ELC report at Trust Council September 2020 (see Link 3 below). Their recommendations were pasted, nearly word-for-word, into the staff briefing to December 2020 Trust Council (see Link 4 below) and these recommendations were subsequently adopted by Trust Council. It is also of note that an Islands Trust senior staff member sits on the Board of the University of Victoria's Environmental Law Centre ELC. <https://elc.uvic.ca/people/elcs-board/>

Since becoming aware of the Islands Trust request to your Ministry for tree bylaw authority, constituents in our rural gulf Islands have voiced their opposition:

-A citizen webinar on this topic was prepared through the hard work of grass-roots citizen volunteers taking the time to research and present this information on December 2, 2021. <https://www.youtube.com/watch?v=b6aZgg3jfb4>

-The public correspondence for the Trust Policy Statement revisions has a significant number of concerns in many of these letters.

<https://islandstrust.bc.ca/programs/islands-2050/>

-A citizen petition: Stop the Islands Trust had 756 signatures “We do not need any more rules and regulations added to the myriad of existing hurdles placed in front of private property owners”

<https://www.stoptheislandstrust.com/>

At a September 21-23, 2021 Trust Council “Tree Cutting Authority for Islands Trust” Breakout Sessions, many trustees expressed concerns with a tree bylaw citing regulatory concerns and lack of support from their constituents (see Link 5 below).

Our concerns are further supported with regard to the functioning of the Islands Trust. The recent Governance Review Report (see Link 6 below) on the Islands Trust confirms that expansion of services in the past decade have been misdirected. At the very least, any of the Islands Trust expansionary requests to the Province should be put on hold until the Islands Trust implements these and other key issues of the Governance Review Report. In spite of this important report, some trustees and staff are suggesting that the report and recommendations for improvement are not relevant and the Islands Trust should continue with ‘business as usual’.

The Islands Trust lacks any tree/forest regrowth documentation that might support their request for expansion of authority. It is clear from aerial imagery series starting in 1984, put together by grass-roots volunteers, shows that tree/forest coverage has been increasing year by year <https://www.youtube.com/watch?v=B5wsyHmlilc>. Large logging operations on private property have virtually stopped since the 1990’s. Our citizen volunteers have documented information that tree/forest regrowth is as least 20 times faster than the rate of taking trees out. Citizens and several Trustees have repeatedly requested that baseline information on how the islands are performing be provided before jumping to conclusions on how we should respond to the climate emergency. Establishing if there is a problem should be job-one of the Islands Trust. Yet they have not responded to these requests and will not go back to establish if a problem even exists.

In this most recent UBCM letter response from your offices, it suggests tree bylaws in rural areas will conflict with Forest Management and Indigenous interests. Please consider also that the extra time and cost of regulation will have a further negative impact on our struggling island livelihoods and economies. Living in these forested rural areas requires continuous tree management on our properties which means we need our essential tree service contractors. Their livelihoods are directly impacted by overreaching regulation derived from unproven and, biased views and facts adopted by the Islands Trust. As stewards of trees/forests on our properties, we want the freedom

to respond to important wildfire reduction strategies as suggested by the Province <https://firesmartbc.ca/>.

In summary, many constituents of the Islands Trust Area do not support a tree bylaw. We agree with the response from your offices that a tree bylaw is not suitable in our context. We hope that any further request by the Islands Trust to be given tree bylaw authority will not be supported by your offices.

Signed

Jamie Harris, Salt Spring Island

Scott Royal, Salt Spring Island

James Johnston, Salt Spring

Allen W. Achilles, Mayne Island

Juanita Evans North Pender Island

Links:

Link 1: Ministry Response to UBCM Resolution EB52:

UBCM Response Package - Feb 21, 2022.pdf - see page 62 of

pdf <https://www.ubcm.ca/sites/default/files/2022-03/UBCM%202021%20Resolutions%20Response%20Package%20-%20Feb%2021%2C%202022.pdf>

Link 2: Dec 1-3, 2020 Trust Council Staff Briefing - see pages 55-72 of agenda package

<https://islandstrust.bc.ca/document/tc-quarterly-meeting-agenda-dec-1-3-2020/>

Page 56 of agenda package summary statement by staff:

“2. Seek enforceability of Development Permits

This matter is currently under significant discussion with the Ministry of Municipal Affairs

and Housing as part of the suite of amendments to the Islands Trust Act that the Islands Trust requested in 2018 and following the Islands Trust’s UBCM resolution endorsed by UBCM in 2019. We are at an impasse at this time. They indicate that we have the right to

enforce development permits via municipal ticketing authorities, whereas staff consider we

would have legal vulnerability if we proceeded.”

Page 57 of agenda package:

“3. Pursue the implementation of tree cutting permits and forest management regulations.

Ministry staff indicated that they look forward to receiving a formal request from the Islands Trust, that the matter of tree cutting is historically complex within the Trust Area

and that the current municipal authority is directed towards tree cutting in urban environments.”

Link 3: September 15-16, 2020 Trust Council - see pages 235-239 for Raincoast Conservation Foundation delegation slides in agenda package

<https://islandstrust.bc.ca/document/islands-trust-council-quarterly-meeting-agenda-6/>

Link 4: December 2020 Trust Council - see pages 55-62 of agenda package

<https://islandstrust.bc.ca/document/tc-quarterly-meeting-agenda-dec-1-3-2020/>

Link 5: September 21-23, 2021 Trust Council “Tree Cutting Authority for Islands Trust” Breakout Session Videos 1-4

<https://islandstrust.bc.ca/event/trust-council-quarterly-sept-21/>

Link 6: February 2022 Governance Review Final Report

<https://islandstrust.bc.ca/document/governance-review-final-report-february-2022/>