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December 19, 2023

Honourable Anne Kang
Minister of Municipal Affairs
MUNI.minister@gov.bc.ca

Tara Faganello
Assistant Deputy Minister, Local Government Division
Ministry of Municipal Affairs
Tara.Faganello@gov.bc.ca

Re: Restoring the Object of the Islands Trust

Dear Minister Kang and Assistant Deputy Minister Faganello

In January of this year, Friends of the Gulf Islands wrote a letter (attached) requesting a meeting with Ministry staff to discuss our concerns about how the Islands Trust is carrying out its “preserve and protect” mandate. We received a response from the Ministry on January 25, 2023 (attached) stating that the Ministry "will continue to provide support and guidance to the Islands Trust as requested" and "encourage further progress by the LTCs in realizing the changes identified in the Governance Review". The letter encouraged us "to share our thoughts concerns about governance and the planning process with Islands Trust staff directly".

We have continued to reach out to Trust staff and trustees with our concerns but have received little response. Friends of the Gulf Islands has now become a registered society and in this capacity we are writing to the Ministry again.

In the past year, the Ministry may have received letters from those whose objective is to see the Trust abandoned. In contrast, the Friends of the Gulf Islands Society represents those who are strong supporters of Sec. 3 of the Trust Act as it was intended to be. However, we are concerned that the Trust is losing that vision. Two recent events have increased our level of concern:

1. There has been little discussion at Trust Council regarding the 2022 Governance Review Report, written by Great Northern Management. Almost two years later, minimal progress has been made to enact the recommendations in the report.
2. Without any prior public notification, discussion or input, Trust Council recently announced a re-interpretation of Sec. 3 (the Object) of the Islands Trust Act "... 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...".

This interpretation was arrived at during the September 26, 2023 Trust Council, in an in-camera meeting. There was no Rise and Report or news release to the public following this meeting,

only a Statement (attached) on the Trust website that announced that this meeting resulted in a "consensus" of the phrase "unique amenities" in the Object as "broad-ranging and may include such issues as housing, livelihoods, infrastructure and tourism".

We have two objections to this direction of Trust Council:

a.) The legislated Object of the Trust is the foundation of all the Trust stands for and does. The Statement included the wording that "policy initiatives, project priorities, efficacy of operations, accountability and performance measures will follow." Yet the public has been denied the opportunity to hear the views and rationale of trustees. Further, the voting record of their elected representatives on an interpretation about the fundamental purpose of the Trust has been kept from their constituents. While we understand that legal opinions were reviewed in this in-camera session, a subsequent open meeting should have occurred where trustees could have expressed the reasons for their decision to the public.

b.) We believe this new interpretation of unique amenities to be an ill-considered distortion of Trust Object that is contrary to the original intent of the Islands Trust Act as it was described the Official Report of the Debates of the Legislative Assembly (Hansard) September 25, 1973 (attached). It states: "*emphasis for the future development of the islands should be placed on recreation, moderate residential use, and preservation of a rural atmosphere*".

In a later 1986 Ministry of Municipal Affairs report: "The Object of the Trust: Renewing the Consensus, Position Paper #1 (attached), which was endorsed at that time by Trust Council it states:

"The special amenities and environment of the Trust area derive from a combination of:

- *A mild climate;*
- *Approximately 500 islands and the extensive coastline and sheltered waters they provide;*
- *Diverse and unusual natural features, vegetation and wildlife;*
- *Almost a continuous tree cover and large undeveloped areas;*
- *Numerous areas of heritage or archeological significance;*
- *Abundant and varied recreational opportunities accessible to adjacent major urban centres;*
- *Solitude, scenic beauty and a clean environment;*
- *Compact, marine-oriented settlements;*
- *Tranquil rural areas;*
- *A range of lifestyles;*
- *A unique water supply situation (i.e. small watersheds, shallow soil and heavy reliance on groundwater sources);*
- *The self-sufficiency yet inter-dependence that island living entails."*

The amenities as itemized in this report are even more accurately "unique" today than they were in 1986, as our adjacent urban areas increasingly develop and densify.

The 2022 Governance Review Report noted:

"Islands Trust lacks both a comprehensive analysis of the Trust Area's capacity to sustain current population and activity, and its ability to accommodate more growth and development, especially in light of climate change and other considerations. These include adequacy of water supply, rising sea levels, wildfire risks, threats to ecosystems, stringent environmental protection regulations, the increasing costs of public services."

Yet the new interpretation of "unique amenities" by the Trust Council confounds. If housing and infrastructure are "unique amenities", what limits apply to development? And how are such things as infrastructure and tourism to be "preserved and protected"? How is the Trust still a trust?

This interpretation of the Trust Object seems contrary to findings of the Governance Review that found: *“The absence of an overarching vision for the Trust Area as a whole, setting out limits to growth, measures for the protection of the environment, and sustainable strategies for development must be addressed.”* We do not see any inclination on the part of the Trust Council to address this absence of vision, as described in the Governance Report.

We understand that a previous letter from the Islands Trust Council to the Minister of Municipal Affairs requested a recommendation to the Lieutenant Governor to undertake a provincial review of the Islands Trust mandate, governance and structure. In a response to this letter (attached), the Minister at the time, Nathan Cullen, quite rightfully identified the fact that the *“recent governance and management review undertaken by the Islands Trust has highlighted a number of actions the Islands Trust can take within its existing authorities to address some of the emerging concerns and pressures.”* Trust Council has recently indicated that it intends to again request that the Minister review the Trust Act.

Will the Minister take responsibility for this legislation, and inform the Trust and all residents of BC that the Province agrees with interpretation of "unique amenities" as described in the 1986 report from the Ministry of Municipal Affairs, and that the listed items are what is within the Trust's jurisdiction and does not include service-related tasks within the jurisdiction of regional districts?

Thank you for your attention and we look forward to your reply.

Sincerely,

Jennifer Margison (Galiano Island), Carmita de Menyhart (Galiano Island), Kees Langereis (Gabriola Island), Alix Hodson Deggan (Gabriola Island), Peter Easthope (North Pender Island), Steve Wright (South Pender Island), Maxine Leichter (Salt Spring Island)

The Board of Directors, Friends of the Gulf Islands Society

Attachments:

1. Friends of the Gulf Islands' Letter to the Ministry of Municipal Affairs, January 10, 2023
2. Response from the Ministry of Municipal Affairs, January 25, 2023
3. Trust Council Statement on the Scope and Meaning of Section 3 of the Islands Trust Act (the Object Clause), September 26, 2023
4. The Official Report of the Debates of the Legislative Assembly (Hansard) September 25, 1973
5. The Object of the Islands Trust: Renewing the Consensus, Position Paper #1, November 1986