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Galiano PMFL solution delayed

The Gulf Islands Alliance (GIA), says that it is pushing to make sure a key initiative affecting land use on Galiano Island isn't forgotten during and after the provincial election campaign.

The non-profit grassroots group, along with the Residents and Owners Association of Galiano, have been pressing the province and Islands Trust to clear up the jurisdictional conflict between the Islands Trust Act and the Private Managed Forest Land Act (PMFL). The issue has been studied by Islands Trust for the past four years and needs to be resolved.

The effect of the conflict exposes Galiano to unregulated land use development and weakens the Trust's mandate to preserve and protect the Gulf Islands.

'We wanted to have this settled by a provincial Order in Council before the government ended its current session,' said GIA's chair Misty MacDuffee, 'With the scheduled sitting cancelled, we now have to make sure the good will and intent shown by the province and our trustees continues with the next government. A meeting between senior government officials in the Ministry of Community Services and the Galiano Local Trust Committee is expected in June, but that's well after the election and after the review of Galiano's Official Community Plan has begun.'

Following a GIA presentation at the Islands Trust Council meeting in March, many trustees favored a pilot project to try the proposed Order in Council. This would give the Trust more land-use control over Galiano's private managed forest lands, an area which could amount to roughly 40% of the island. The issue was then taken to the province by the Trust's executive committee.

'It's safe to say that without a clear and unequivocal resolution to the PMFL issue, a comprehensive OCP review cannot be carried out, as community resistance will be too great,' MacDuffee commented.

The Islands Trust Act includes a policy statement to protect: 'natural processes, habitats and species including those of the old forests, Coastal Douglas-fir forests, Coastal Western Hemlock, Garry Oak/Arbutus forests ... [and plan] for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.'

But this enlightened mandate is undermined by competing legislation, the Private Managed Forest Land Act (specifically Section 21) that prohibits a local government, such as Islands Trust, from doing anything 'that would have the effect of restricting, directly or indirectly, a forest management activity.'

The issue is further complication by Galiano's imminent Official Community Plan (OCP) Review. Trevor Swann, chair of the PMFL Council, has said that the critical portions of the PMFL Act are inoperative for Galiano because the current OCP was adopted before the PMFL Act. Many residents are concerned that the 'grandfather' advantage will be erased when a new OCP is adopted.

During the Islands Trust's last three-year term, the majority of Galiano Island voters endorsed the position that no legislated resolution of the Galiano Forest Lands controversy was possible without an OCP Review. Meanwhile, the former local trustees unsuccessfully attempted to pass an OCP amendment and land use bylaw without a review.

A section of the PMFL Act provides a mechanism that would resolve the situation; it allows the Lieutenant Governor in Council to 'make regulations exempting a person, place or thing, or class of persons, places or things, from a requirement of this Act.'

The Gulf Islands Alliance is a three-year-old grassroots organization of Gulf Islanders who support the Islands Trust in achieving its legislated object of preserving and protecting the Gulf Islands.

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