

# Archipelago

summer 97



news, views, reviews and interviews on island community and conservation

\*\*\* The VANCOUVER SUN

## MB PLAN 'OUTRAGEOUS'

# Galiano prepares for battle

By JOHN GIBBS  
Sun Staff Reporter

GALIANO ISLAND - MacMillan Bloedel Ltd. was given an angry roasting Saturday by island residents upset over the company's real estate ambitions here. An overflow crowd of more than 200 ended a boisterous three-hour meeting by taking the first step towards creating an indigenous planning policy that could thwart the company's subdivision proposal.

The meeting was called at the community hall by the Galiano Chamber of Commerce to discuss the informal proposal by MacMillan Bloedel Properties Ltd. to subdivide 900 acres into as many as 1,500 lots. The property company was set up last year as the real estate arm of the forest products company to handle development and sale of tree farm land on Gulf Islands and south coast that the company no longer considers useful to log.

The company owns 9,000 acres [actually 8,000

acres] of tree farm land on Galiano, about 70 percent of the island's area. It wants to subdivide eight parcels totalling 900 acres into lots averaging three-fifths of an acre. This would increase by tenfold the current year round population of about 300.

Doug McCrimmon, Vancouver president of MB Properties, said most of the Galiano tree farm property was acquired in 1950 [1951] and has been logged as part of the company's sustained-yield program. But much of the land does not produce enough timber to make logging worthwhile and by 1966, he said, the company became aware that it would have to "give in to mounting pressure, from people who wanted to buy residential and recreational lots."

"Our involvement in the land business is a natural result of our forest products business," he said. "And we have determined that development will be orderly and in accordance with regulations."

He admitted that during informal talks with the regional district earlier

this year, MB had proposed three lots to the acre - close to municipal density - but said this was just an opening bid. Realistically, the company is interested in lots of three-fifths of an acre each, he said.

Geoff Spencer of Vancouver, a weekend island resident named to the nominating committee, replied: "My ears are still tingling from the news that MacMillan Bloedel has preserved their land in the face of pressure so they could later use it to relieve the pressure. It sounds like a combination of Santa Claus and the welfare department. Rather I suggest that it is a cold-blooded and ruthless plan by the corporation of MacMillan Bloedel, who are misusing their land."

He said MB should "back off until we decide how many people this lifeboat will hold. We don't want this island to become a Black Hole of Calcutta or even a Green Hell of Galiano. Ralph Nader took on General Motors and won - I suggest we take on MacMillan Bloedel and win."

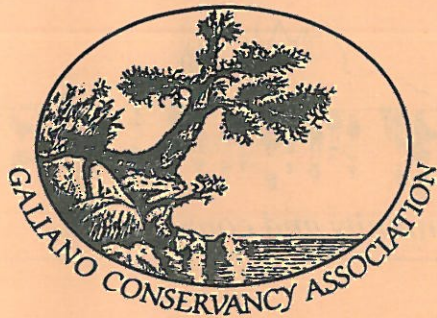
James Campbell, Outer Island director for the Capital Regional District, told the meeting that residents must act now if they are to stop the "completely outrageous (MB) proposal."

"I am convinced that the political climate is such that if the people of Galiano come together and speak with unity, then you'll get what you want. MacMillan Bloedel can't trample you if you don't want to be trampled." Campbell is the unorganized area's only elected official.

But time is running out, he said, before the regional district will be obliged to grant land use contracts to MacMillan Bloedel. The meeting responded by appointing a nominating committee and agreed to meet again May 27 to elect 12 persons to a planning advisory committee. The committee will assess the islanders' wishes and help to formulate a planning policy recommendation to be forwarded to the regional district.

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*ARCHIPELAGO* is published quarterly by the Galiano Conservancy Association in the interests of pooling knowledge, encouraging respect and inspiring affection for our natural heritage and for each other.

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## *Pebble Beach Reserve Nears Completion*

Agreements between all parties to create the Pebble Beach Reserve on Galiano Island are in the final stages of being signed (see Spring issue of *ARCHIPELAGO*). The official announcement and celebration is expected this summer.

The Galiano Conservancy's share of the purchase of the BCTel lot is about \$130,000. Director Ken Millard reports that half of this amount has already been donated toward the purchase by islanders and friends.

If you enjoy using Pebble Beach or support protecting this precious area on Galiano, you may wish to contribute to the creation of the Reserve. To do so, please fill in the form inserted in this issue and send it to the Conservancy office.

## *Editorially Speaking . . .*

### Politics of Place

We grow numb to the litany. If today is a typical day, we humans will add seventeen million tons of carbon to the atmosphere from burning fossil fuels, destroy 106 square miles of forest, create seventy-four square miles of desert, eliminate hundreds of species, and increase our population by 238,000. Yet values, technologies, culture, and institutions still widen the gap between human decisions and their consequences.

Trailing after environmental degradation comes decay in the practice of citizenship. As this issue goes to press, a federal election campaign hits new heights of banality. Voter apathy attests to a withering civic vitality. People no longer see a relationship between their lives and the political life of the larger society.

As reasons for pessimism surge upon us, humankind is just beginning to try to walk the earth with a lighter step. Signs of constructive change are emerging in strong participatory communities. In this issue of *ARCHIPELAGO*, links between sustainability and citizenship abound.

Is there something about an Island that nurtures such vibrant tales of community? Here, the geographic metaphor for planet earth becomes literal. We are forced to accept our confines and recognize interdependency. This is fertile ground for an ecologically competent citizenry.

A collective memory of past calamities and hard-won victories underpins the tenacity of small communities. We follow in the footsteps of citizens who became active, engaged and occasionally enraged. Our forebears secured for us a degree of autonomy by carving out a role in local decisions for those affected.

Small scale living heightens an awareness of change. Of necessity, our lives mesh with variations in topography and microclimate, differences in soil types, changes in plant communities and wildlife habitat. Such acquired local knowledge supports decisions that recognize interconnectedness and diversity. We cannot escape the realization that our actions have consequences that will affect our friends, our neighbors, our families, and ourselves.

Even as private self-interest and free enterprise zeal are extolled, the best spiritual traditions and an ecological perspective tell us that all our fortunes are joined. Our courts of law try to strike a balance between the rights of individuals and the larger civic order.

Having embraced the disciplines of community and stewardship, perhaps in our pursuit of sustainability, we will revive our covenant with the land and with life.

- Carolyn Canfield



Recycled Paper



continued from page 1

The preceding article appeared exactly 25 years ago - on May 15, 1972 - in the Vancouver Sun. But it could have been written yesterday in Galiano's long struggle to control its destiny in the face of pressures threatening an urban future. Even our Outer Islands CRD director has the same name, Campbell, only now it is Jacques instead of her father Jim.

MB's McCrimmon, in stating that the company would have to "give in to mounting pressure from people who wanted to buy residential and recreational lots", gave classic utterance to the challenge confronting this slender island squeezed between swelling metropolitan centers. It would be echoed many times down through the years, as when Jim Finkbeiner, MB vice president, told the first session of the Forest & Land Use Council in 1989:

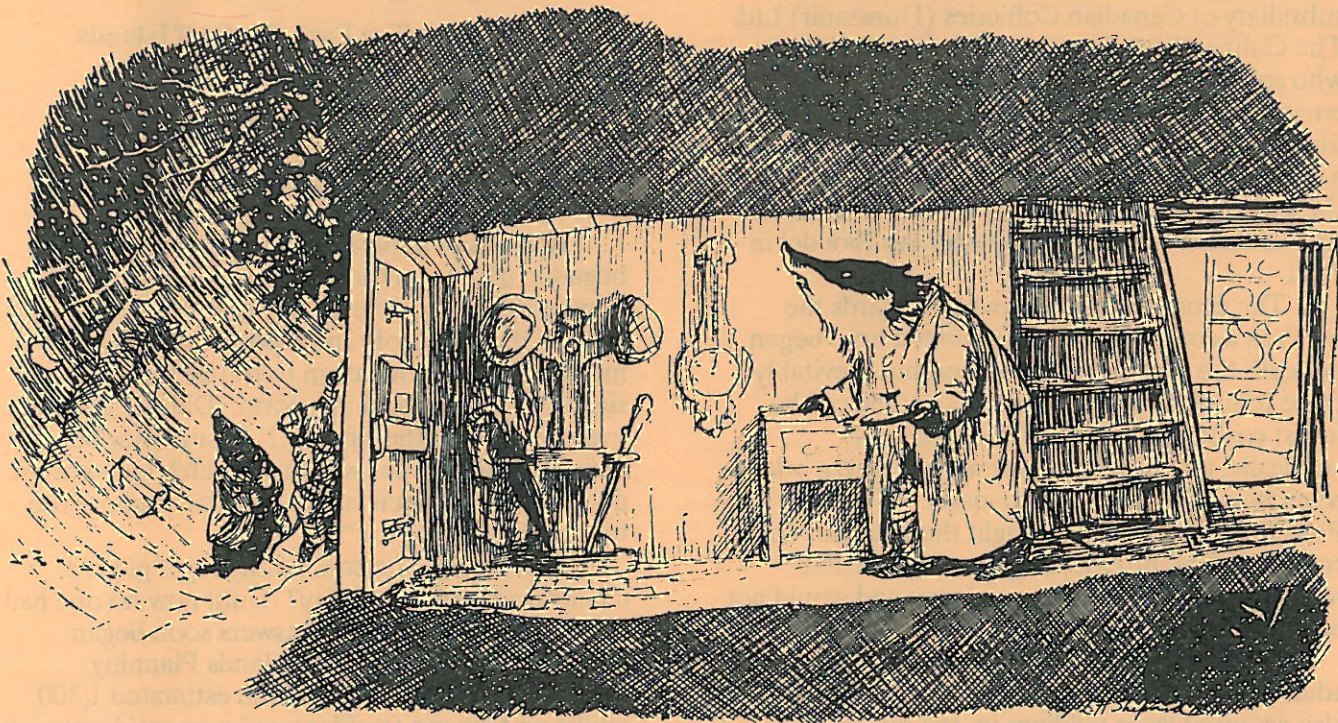
*We feel 26 million people [all the people in Canada] have a stake in the decision being made here. There is a tremendous demand for shelter. The 'preserve' mentality is prevalent [on the island], but there are many others who would like to retire on the islands or have businesses on the islands. We are accused of going for a windfall profit, but more fundamental is the issue of providing shelter and accommodation.*

These statements shed light on what the company's agenda always was despite its "Forests Forever" slogan. And the question naturally arises whether MacMillan Bloedel ever intended permanent forestry here, or whether their original intention always was "to preserve their land in the face of pressure so they could later use it to relieve the pressure" . . . at huge profit.

The answer to this, strange as it may seem, more likely lies embedded in the coal seams around Nanaimo and neighboring lands opened in the mid-1800s, than in the fertile pockets and valleys of virgin tilth on Galiano Island that were being discovered by pioneer farmers during this same period. The playing out of those coal deposits during the century between 1850-1950 would set the stage for a land use drama that continues to this day.

### COAL FIELDS TO TIMBER YIELDS

Early silk survey maps and yellowed documents in the Victoria Surveyor General's Office show that 8,294 acres of land on Galiano Island were Crown granted to Samuel Mathews Robins in August 1889. In this sweeping acquisition, which went for one dollar an acre, the future of the island - both its promise and its peril - was blithely signed away in flowing script



Mole and Rat seek shelter at Mr. Badger's in this classic illustration by Ernest Shepherd from *The Wind In The Willows*. Are 26 million Canadians in the same fix? *Used by permission.*



and India ink. Who was this man who presumed to pre-empt what creation had been painstakingly piecing together for thousands, even millions, of years?

Robins was the hard-headed manager of a British coal mining company operating in Nanaimo. His portrait can be gleaned from stale ledgers of the Vancouver Coal Mining and Land Company Ltd., but is probably painted in more lifelike tones in the play, "Strife", written by John Galsworthy, author of the English classic, *The Forsyte Saga*. Galsworthy's father (also John) was chairman of the company's Board of Directors throughout most of its difficult existence, which began with taking over in 1862 the coal mines begun by the Hudson's Bay Company ten years earlier.

An interesting mystery surrounds the purchase of the Galiano lands by Robins in 1889, evidently on behalf of his company. Were they looking so far afield for mine timbers? The firm's fortunes, never very high, were at their lowest ebb during this time. Instead of seeking new fields for expansion, the company was looking for a purchaser to save them from bankruptcy. They ultimately ended up selling their assets to a re-formed New Vancouver Coal Mining and Land Company Ltd.

In 1902 the company was finally bought out by Western Fuels Ltd. (later Western Fuel Corporation of Canada Ltd.), a wholly owned subsidiary of Canadian Collieries (Dunsmuir) Ltd. The Galiano lands transferred to the new owner, who sold logging rights on them to Nanaimo companies in 1944, thus setting a local precedent linking mining and timber "extraction industries" - a coalition which reached its ultimate form when the Canadian mining colossus Noranda acquired the Canadian timber giant MacMillan Bloedel in 1981.

The economic mindset which regards the earth as a commodity to be exploited here began beneath the surface in coal mines, but inevitably came to focus its energies above ground on the forest cover and finally on the land itself. Ironically, the logging empire would have a briefer reign than the coal mining dynasty. When the Powell River Company bought the Galiano "coal company" land in 1951, they promised island residents that these were tree farms and would not be sold for 100 years.

Perhaps their intentions were sincere. In addition to the Galiano property, Powell River also acquired large holdings on the outskirts of Nanaimo and on Valdes Island from Canadian Collieries in the same acquisition. When MacMillan Bloedel merged with Powell River (the

province's foremost papermaker) in 1960, they picked up these lands and the Galiano holdings in the bargain. Subsequent attempts to ferret out the actual cost to MB - if any - have never been successful. The combined timber holdings of the two companies in B.C. exceeded two million acres.

## SENSATIONAL SEVENTIES

According to Donald MacKay in *Empire of Wood*, the MB merger with Powell River was viewed with some misgivings all over the province due to the different styles of the two companies. The people of Galiano Island were especially concerned. Would the new MacMillan, Bloedel and Powell River Ltd. honour the commitment to "farm" the island for a perpetual tree harvest, as the Powell River Company had promised? During the late 50s and 60s the new tenant showed surprisingly little interest in the trees. Logging efforts by MB were small, sporadic and mainly aimed at high-grading the most valuable old-growth trees.

Then the 70s arrived in headlines, with the first real warning of what could be in store for the Gulf Islands and in pocket for large landholders:

### Gulf Paradise Doomed

### Area Jammed Within Years

### Floating Bridges to Mainland Advocated

### South Seas Too Far? Try Gulf Islands

### Land Grab Ruining Islands

### Big Push to Save Islands

### Paradise At Crossroads . . .

Reports of impending population pressures began to gather on the horizon, threatening inundation of the defenceless islands by forces beyond their control. In response, the first indications of alarm began to flutter aloft like signals in an approaching storm. Did the islanders even care about their future? Would they be allowed a say in what was to happen? Or were the decisions out of their hands? Who could oppose the "march of progress"?

What would the community say if given a chance to shape its destiny? Until now no one had bothered to find out, but answers soon began arriving. In 1970 an Outer Islands Planning Survey Questionnaire polled an estimated 1,300 adults on Galiano (resident and non-resident) and received a whopping 790 replies, for an almost unheard of 60 percent response rate.

Major findings pinpointed the most



serious problems as overpopulation, pollution, uncontrolled subdivision, and lack of adequate water supply. Opinion was split on whether to improve ferry service; 64% did not favour more employment opportunities; 80% wanted stricter controls on logging; 94% asked for the retention of open space and undeveloped land.



Varied Thrush by Frank Beebe

## RUDE AWAKENING

If the threat of sudden growth seemed merely theoretical to many islanders, they were jolted out of their naivete in 1972 by the MacMillan Bloedel development proposal. The company decided to develop eleven areas along the Galiano shoreline, including Dionisio Point, northwest coves, Bodega Ridge waterfront, north Montague coast, Winstanley Point and the whole southern slope of Mount Galiano.

It was a rude awakening for any residents still slumbering trustfully in the promise made by the Powell River Company to keep these lands in tree farm. According to MacKay, informed observers could have told them they were dealing with a different landlord, and that the 1960 merger with MacMillan Bloedel was not a merger at all but a takeover that swept the decks of Powell River's community-conscious leadership in just one year and jettisoned the joint name by 1966.

MB's original Galiano development proposal was for one-third acre lots with 70 feet of waterfront each. Such a blatant violation of tree farm tenure and taxation stunned more than local residents. NDP opposition leader Dave Barrett, soon to become premier, loudly denounced the corporate fast-shuffle. Barrett pointed out that the provincial government "granted the Galiano property to a predecessor of the forest company for timber management purposes," and argued that the government should "take back the

property which MB wants to use for other purposes." When Socred Municipal Affairs Minister Dan Campbell called this expropriation without compensation, Barrett fired back: "That's nonsense. We'd pay them exactly what they [MacMillan Bloedel] paid for the land, which is nothing."

He also said MacMillan Bloedel should be made to pay back taxes at properly assessed value on its Crown-granted timber lands, charging that the company was paying low tax rates on its Galiano holdings. As an example, Barrett noted that MB was paying only \$53.37 yearly taxes on a 77-acre waterfront site with a mile of shoreline overlooking Montague Harbour, and \$51.43 on another 74-acre waterfront holding on the island. The property, he said, is assessed at one percent of value for the land taxes, and five percent of the timber value.

Closer to home, Galiano pioneer Mary Backlund scooped the metropolitan dailies with an outcry coming from the heart in her Gulf Islands Driftwood column on May 11, 1972.

*Just to think that 900 acres is planned to be cut up into lots of three-fifths of an acre. It would mean up to 1,500 lots. Tracts of land that are now a thing of beauty will become full of roads and people building houses. One of these is Montague Harbour, one of the most magnificent harbours in the world; it will be divided up into lots all along the point coming into the harbour from Victoria way.*

*Approximately 9,000 acres [8,000] of land on Galiano was purchased in 1951 by the Powell River Pulp and Paper Company ... and in 1952 this company put on a very nice party in Galiano Hall, when they dedicated this land for a "Tree Farm", and promised that it would not be sold for 100 years. We all know that in 1956 [finalized in 1960] Powell River amalgamated with MacMillan Bloedel, and now, within just 20 years of that promise, the land will be sold.*

*We like Galiano the way it is. Our ferry service is just fine, our roads are also fine, and we like the way of life that we have enjoyed for generations.*

## UNDER THE GUN

Mary, a fourth generation islander, was one of twelve persons elected to the Galiano Citizens Planning Committee, a group formed in late May 1972 to help draft the original Community Plan ... one of the first grassroots people's planning initiatives in British Columbia. Other residents pressed into service by the alarmed islanders included postmaster Steve Riddell, George Griffiths, Paul Reecke, Woody Coward, Peter Darling, Helen Rees, Garth Edge, Basil Bengier,



Geoff Spencer, Norm Russell and Reg Brannan. Since over half of the members had their principal residence in Vancouver, the committee also represents the first attempt to bring together the expertise of both full-time and part-time residents to address the common challenge. Another appointed planning group composed of full-time residents, called the Galiano Island Planning Committee, had started work even earlier to produce a plan, so that the two committees were running parallel courses. Members of that group included Steve Riddell, Margaret Robson, Helen Rees, Ron Thompson, Jean Lockwood, Bill Stafford, Bill Beach and Hart Scarrow . . . so there was some overlap.

Community opinions and ideas were solicited in this first island-wide venture into democratic planning process, and many of the submissions have become classics. One was a letter dated August 1972 from Margaret Griffiths, who would one day be elected (and re-elected and re-elected) Island Trustee for Galiano, in which she established an eloquent precedent in defense of wild things and rural continuity.

Her wisdom comes down through the years untarnished in these brief excerpts, written in response to the familiar charge of "selfishness by islanders":

*To conserve is fineness, and in keeping with all nature - even the ant keeps something for tomorrow. In Europe people admire a small village, but they do not say: "This is pretty, let us cut it up in little pieces and all have some." They wait for normal turnover to make room, or they just visit and admire. The villagers don't say, "We are selfish to keep you out - let all the world come." If it is a beautiful village it receives protection, legally, by the wish of the people.*

*...This Galiano is very precious to me . . . I would do anything to protect it. . . We who know the island are not selfish to safeguard its balance with all our knowledge and strength.*

*...Even if it were possible to throw open the whole island to the mercy of a multiplying population on the mainland, it could not satisfy, and on our tombstones would not be written, "They were unselfish." But what might be preserved right on the doorstep of the third largest city in Canada will make another story . . .*

Ultimately the sometimes disparate committee and community efforts were reconciled and a single Official Community Plan was in draft form by mid-November . . . just in time to meet the government's deadline and to foil the ambitions of MacMillan Bloedel.

Looking back at the all-out effort, Geoff

Spencer spoke like a foot-weary traveller when he wrote:

*Our own Journey's End (as a committee) may perhaps coincide with the end of a not entirely uneventful year for our local history book. . . . Our committee came into being as a result of the immediate threat of overdevelopment posed by MacMillan Bloedel's proposal to carve up their tree farm into pint-sized lots. This would have destroyed irreversibly the rural nature of the island. Had we not risen to the occasion in spontaneous outrage in what is to my mind a refreshing example of democratic protest and counteraction, I suspect there would have been a strong chance that the MB plan might have become fait accompli . . .*

*To put it simply: we have won the battle. More than that, however: we have gone beyond the merely negative. We have been forced to think about values that lie beneath the surface trappings of the rat race. Our community plan, when finally approved in open meeting, will surely endure longer than the irritations and occasional outbursts of anger which accompanied its birth. And am I alone in noticing a new spirit abroad on the island? It has pulled us together as a community. Some of the friendships gained are likely to endure when time has long since dulled the barbs. It has, in a word, been worthwhile.*

## WATERFRONT CONDOS

Only later did full details of the MacMillan Bloedel development plans come to light. A feasibility study prepared by Grosvenor International Ltd. in 1972 for just two of the proposed development areas - Winstanley Point and Mount Galiano - is especially revealing in the assumptions it makes about growth pressures and how MacMillan Bloedel, as the major landowner, hoped to shape and control what was clearly seen as the **urbanization** of the Island of Galiano. According to the study:

*As population grows, so pressures mount. The Gulf Islands, located so conveniently to the major population centres of Vancouver and Victoria, will experience ever-increasing pressures within the next decade. Regional studies indicate that the rapidly increasing population of the metropolitan regions will require vast land areas to satisfy their many requirements.*

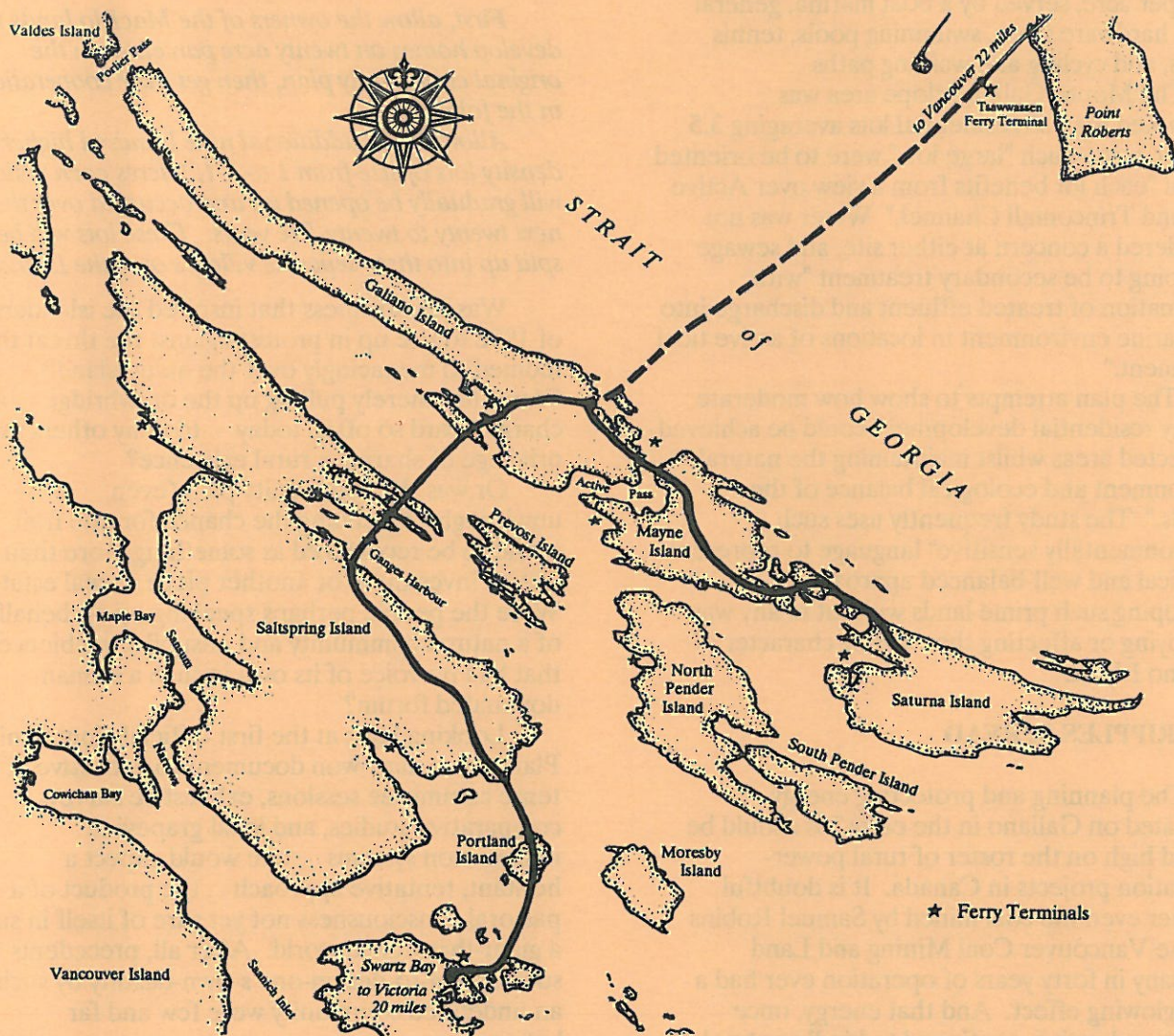
*The advantages of natural amenity in the Gulf Islands, their accessibility, and the limited availability of developable residential-recreational land in the coastal (BC) area make immediate development within the Gulf Islands inevitable. A study prepared by the Provincial Government in 1967 indicated that ferry traffic volumes may have*



increased to such an extent that by 1985 we may have to consider a system of highways and floating bridges linking the Saanich Peninsula with Galiano Island (see map). Between the demands of people and transportation improvements there will be massive development pressures exerted on the Gulf Islands.

The islands' role in the region should continue to be that of a residential-recreational area

providing a wide choice of opportunities for the expanding Metro areas ... The present concept of the isolated cottage in the woods will cease to be a practical solution to meeting the needs of an expanding population. Some other residential form must be found that will bring a wider choice of living and recreational opportunity to a greater number of people rather than restrict these benefits to a chosen few.



ONE OF THE OPTIONS FACING GULF ISLANDERS IN THE EARLY 70s was a bridge-highway system linking the Saanich Peninsula (Swartz Bay) with Galiano Island. The above map showing the suggested link is based on a 1967 study prepared for the Provincial Government by Tamco Engineering Ltd. at a cost of \$80,000. The proposal was presented as Option A in the CRD's Gulf Islands Options planning questionnaire circulated in 1971. According to the Tamco study, ferry traffic volumes by the mid-1980s would make such a system necessary. It was also suggested that by the 1990s, a further 12 miles of floating bridge (dotted line) could be required to link the Gulf Islands to the mainland. According to the CRD planners: "If the Gulf Islands are ever linked by road and bridges, the pressures will be massive . . ."



The study submits that appropriate new forms are illustrated in the proposal for Winstanley Point and Mount Galiano as "the most desirable and practical areas for urbanization." The choice of these two areas is based on the criteria that "sites approved for development should be confined to areas of lesser environmental significance, protecting areas of natural or scenic quality"(!)

The Winstanley development was to consist of four major clusters of condominiums totalling 275 single family units, for a net density of 12-13 units per acre, served by a boat marina, general store, hardware store, swimming pools, tennis courts, and cycling and walking paths.

The Mount Galiano slope area was earmarked for 126 residential lots averaging 3.5 lots per acre. Such "large lots" were to be oriented so that "each lot benefits from a view over Active Pass and Trincomali Channel." Water was not considered a concern at either site, and sewage was going to be secondary treatment "with chlorination of treated effluent and discharge into the marine environment in locations of active tidal movement."

"The plan attempts to show how moderate density residential development could be achieved in selected areas whilst maintaining the natural environment and ecological balance of the Islands." The study frequently uses such "environmentally sensitive" language to represent "a logical and well-balanced approach to developing such prime lands without in any way destroying or affecting the existing character of Galiano Island."

## THE RIPPLES SPREAD

The planning and protecting energy generated on Galiano in the early 70s should be ranked high on the roster of rural power-generation projects in Canada. It is doubtful whether even the coal mined by Samuel Robins and the Vancouver Coal Mining and Land Company in forty years of operation ever had a more glowing effect. And that energy, once moving and active, continued to kindle not only the public imagination all over the country, but to generate legislative support and expose corporate strategies in the years ahead. Twenty years later, the community power produced on Galiano would even be tested in the Canadian court system, and emerge a contender to be reckoned with.

Little David, the shepherd boy, had felled the giant Goliath. Armed with only a slingshot and a just cause, the untried islanders brought low the champion philistine of the B.C. forest economy.

True, Goliath in this case was not down for good, and would reappear again in different guises. As late as 1994, development plans for up to 1,500 new lots on the forest lands (by now a familiar figure) were still being pushed, this time by a group of residents allied with purchasers of the MacMillan Bloedel properties. In a "Basic Alternative Plan" to the proposed new Official Community Plan, submitted to the Islands Trust in February 1994, the Galiano Ratepayers Association recommended a doubling of island population:

*First, allow the owners of the MacBlo lands to develop homes on twenty acre parcels as in the original community plan, then get their cooperation in the following:*

*Allow for an additional nine hundred higher density lots of size from 1 to 1-1/2 acres each which will gradually be opened up and occupied over the next twenty to twenty-five years. These lots will be split up into three separate villages over the Island ...*

Was it selfishness that inspired the islanders of 1972 to rise up in protest against the threat that loomed so menacingly over the quiet island? Were they merely pulling up the drawbridge - a charge heard so often today - to deny others the privilege of sharing a rural existence?

Or was the community plan (even unwittingly) defending the chance for one frail island to be recognized as something more than just an investment or another piece of real estate? Were the people perhaps speaking up on behalf of a natural community and unspoiled ambience that had no voice of its own in such a human-dominated forum?

Looking back at the first Official Community Plan - this hard-won document so evocative of tense committee sessions, exhaustive surveys, comparative studies, and local grapevine information systems - one would expect a hesitant, tentative approach ... the product of a pastoral consciousness not yet sure of itself in such a giant-threatened world. After all, precedents for such daring-to-design-one's-own-destiny by such an undefined community were few and far between.

The plan was short and simple and perfectly clear on the subject of preservation. Although many of its provisions would prove to be too short and simple in the complex times ahead, nevertheless its clarity would survive undiminished despite even fiercer battles lying ahead. It was a tremendously courageous beginning, a beachhead for the local democratic planning process, a promise of more confident community control to come.



One of the first things it did was to declare many of the areas slated for development by MacMillan Bloedel as wilderness areas, the largest one being Mount Galiano. Hundreds of thousands of British Columbians and people from all over the world each year approach the rampart of Mount Galiano on B.C. Ferries and admire its pristine, rugged forested slopes plunging into the ever-changing, upwelling tidal waters ... waters that support some of the richest marine and bird life in southern B.C. Little do they realize what they could have been seeing here, but for the vigilance and determination of local islanders.

Do we even remember their effort?

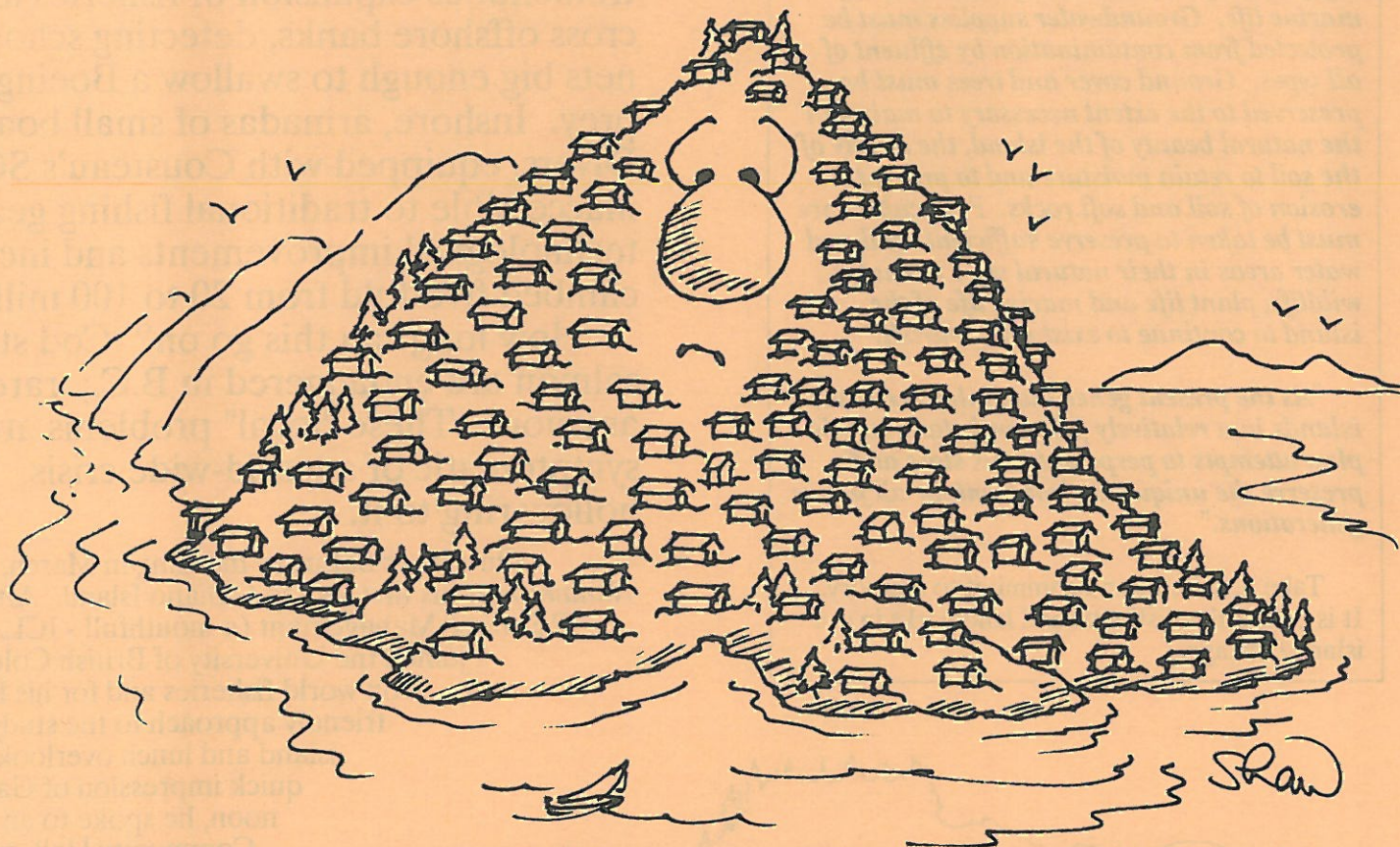
Think about it next time you appreciate the mountain's massive beauty, as it stands wrapped in mists or basking in the seductive sunlight. You could have been looking at an urban enclave, with houses plastered all over a bared slope - 126 of them to be exact, plus clustered condominiums

just around the corner. And give silent thanks (or unsilent thanks if you feel like it) to the people who cared enough to come out of their "isolated cottages in the woods" - or put aside their busy weekday careers - to seek consensus together in common concern for the health and well-being of their true home place.

*By Greg Foster, assisted by Ken Millard*

Excerpts from the Vancouver Sun and Gulf Islands Driftwood used by permission. Special thanks to Linda Millard, Margaret Griffiths, Woody Coward, David Sheldon, Andrew Loveridge, Geoff Spencer, Capital Regional District, Times Colonist, The Province, **Empire of Wood** by Donald MacKay, and Charles Scribner's Sons (New York).

*[This is the first of a series of articles tracing the history of Galiano's forest lands.]*



Mount Galiano "moderate density" development: 126 units (count 'em) sited for the view.  
*Drawing by Annette Shaw*



## Lest We Forget

From the Preamble to the first Galiano Official Community Plan, which preceded the creation of the Islands Trust:

*"The people of Galiano being mindful of the pressures from a growing West Coast population, and a demonstrated desire of many to find relief from urban congestion and associated tension through a rural atmosphere, and being aware of the physical limitations of Galiano Island to accept uncontrolled population increase without degradation of the rural way of life and damage to the ecological system, deem it desirable to create a Community Plan to deal with these issues."*

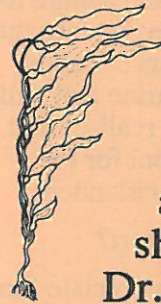
*"The rural character of the Planning area must be preserved. The water fronts, beaches and waters surrounding them must be preserved and kept free of pollution for the enjoyment of users and the preservation of marine life. Groundwater supplies must be protected from contamination by effluent of all types. Ground cover and trees must be preserved to the extent necessary to maintain the natural beauty of the island, the ability of the soil to retain moisture and to prevent erosion of soil and soft rocks. Particular care must be taken to preserve sufficient land and water areas in their natural state to enable wildlife, plant life and marine life of the island to continue to exist and flourish."*

*"As the present generation inherited these islands in a relatively preserved state, so this plan attempts to perpetuate this state and preserve the unique environment for all future generations."*

Take it to heart and commit it to memory. It is one of the distinguished landmarks in our island heritage.

# Ever Reaping, Never

## The Case for Marine I

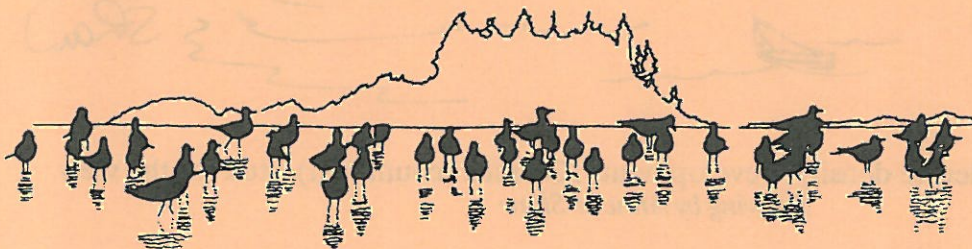


Our archipelago is a happy marine as in terrestrial life boundaries, and easily taken includes fisheries as much as are in great trouble and consequences shoreline. This past winter, the Dr. Daniel Pauly, from the UBC from the University of Auckland, came to tell us about marine protected areas what we learned from them about MP.

Only a few years ago the ocean was The Silent World, written in 1950, Jacob great cornucopia". This view, shared by tremendous expansion of fisheries all across offshore banks, detecting schools nets big enough to swallow a Boeing-777 prey. Inshore, armadas of small boats Divers, equipped with Cousteau's SCUBA inaccessible to traditional fishing gear. technological improvements and increased climbed five-fold from 20 to 100 million.

How long can this go on? Cod stocks salmon are endangered in B.C.; rarely anymore. These "local" problems are symptomatic of a world-wide crisis. The hollow ring to it.

On a clear Saturday morning in March, I went to Nanaimo for his first visit to Galiano Island. After Resource Management (a mouthful! - ICLAR joined the University of British Columbia on world fisheries and for his ECO friendly approach to the study of island and lunch overlooking quick impression of Galiano noon, he spoke to an attendance Community Hall, reviewed fisheries as background for Marine Protected pointed out some features about





# How Fishing Threatens Underwater World

*Protected Areas* by Paul H. Leblond

Marriage of land and water, as rich in islanders, we are defined by our water sea's bounty for granted. Our history mining and forestry. But fisheries today on concerns must extend beyond the Galiano Conservancy Association invited Fisheries Centre, and Dr. Bill Ballantine in fisheries and marine conservation, (P.A's). Let me share with you some of and why we need them.

as an inexhaustible food basket. In Cousteau still spoke of the sea as "the scientists and laymen alike, fueled a the world. Now, giant trawlers criss- with sonar and engulfing them in Airplanes guide tuna fleets to their traps snare fish and crustaceans. invention, pick off bottom organisms between 1950 and 1990, buoyed by efforts, world-wide fish catches s.

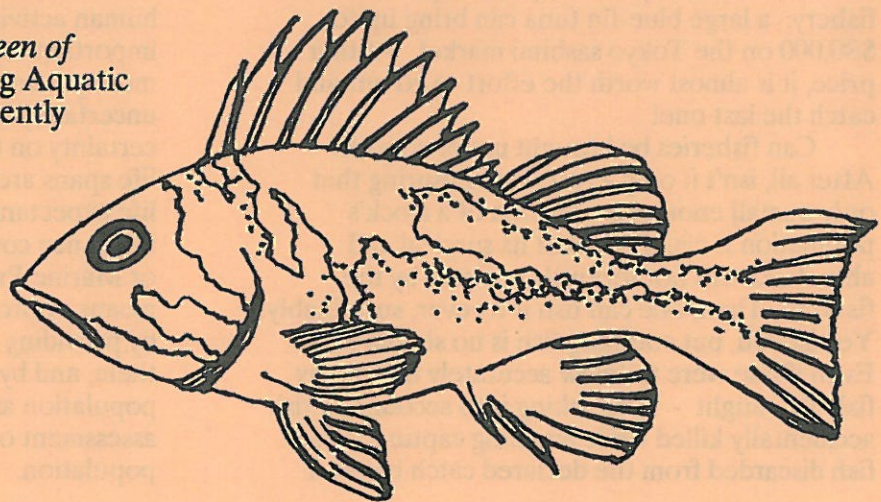
ve collapsed in Newfoundland; abalone to be found in our waters the tip of the iceberg and are eat horn-of-plenty already has a

ed Daniel Pauly as he stepped off the *Queen of* years at the International Centre for Living Aquatic (short) at Manila in the Philippines, he recently uly is famous for his broad perspective H model, a quantitative and user- e ecosystems. A quick drive up- omali Channel gave Daniel a its denizens. In the after- audience at the Galiano he status of world fish- lderstanding the need eas. Pauly clearly emely alarming y's fisheries.

Fisheries first prosper by concentrating on easily caught or highly valuable species. When these are exhausted, efforts shift to more evasive and less valuable prey. World-wide fish catches, now on the down-swing from the peak reached in 1990, are maintained at nearly 85 M tons by exploiting successively less accessible or palatable species. In other words, we are raking the bottom of the barrel, hunting ever smaller fish, lower and lower in the food chain. By catching capelin, herring, squid and krill, we are now competing with the remaining large fish and sea mammals for their basic food source. As hunters of the sea, we are shifting to smaller and smaller game.

Oceanographer Sylvia Earle, a pioneer deep diver and former Chief Scientist of the U.S. National Ocean and Atmospheric Administration, convincingly captured the fundamental limitation of fisheries in her recent book *Sea Change*:

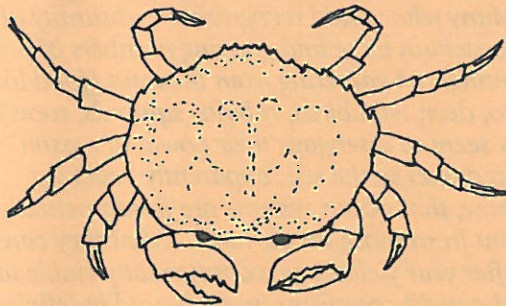
*Many who would recognize the absurdity of a plan to sustain large and growing numbers of people by hunting and gathering from the land [food like] buffalo, deer, wild birds, rabbits, squirrels, roots and berries seem to disengage their power of reason when it comes to the sea, apparently believing, somehow, that ocean systems are fundamentally different from those on the land - that they can year after year yield huge, commercially viable takes of wild-caught organisms and rebound indefinitely. Some refer to commercial fishing as 'harvesting the sea', but this misleadingly implies that fishermen, like farmers, have planted and tended a crop; rather, fishermen are aquatic hunters, catching what they can from natural ecosystems - ever reaping, never sowing.*





Another alarming feature of fisheries, which Pauly pointed out, is the degree to which they are subsidized, particularly in industrialized countries like Canada, by a variety of state-supported measures: loan guarantees, tax breaks, income supplements, science and management structures. Pauly quoted an analysis by the Food and Agriculture Organization of the United Nations which reveals a world-wide subsidy level of about \$80 billion: for every dollar of fish landed, there is also a dollar provided in direct or indirect subsidy. Distorted economics and political expediency make it difficult to stem the tide of overfishing.

When examining fisheries statistics, it is easy to be lulled into blind complacency by the glint of dollars earned. For example, in spite of the widely discussed moratorium on cod in eastern Canadian waters and the hardship that it has brought to fishing communities, particularly in Newfoundland, the total value of fish and shellfish landed in that province is now at an all-time high.



How is that possible? Intensive harvest and exportation (mostly to Japan) of high-priced snow crabs has brought in lots of money (to different groups of fishers however...). When that fishery collapses, what will be left? The epitome of economic absurdity is exemplified by the tuna fishery: a large blue-fin tuna can bring up to \$80,000 on the Tokyo sashimi market. At that price, it is almost worth the effort to go out and catch the last one!

Can fisheries be brought under control? After all, isn't it only a matter of ensuring that only a small enough proportion of a stock's population is caught so that its survival and abundance are not seriously affected by the fishery? Then, one can fish it forever, sustainably! Yes indeed, but counting fish is no simple task. Even if one were to know accurately how many fish are caught - even taking into account all fish accidentally killed while avoiding capture, or all fish discarded from the declared catch because

they are too small, or the wrong kind - one could still not be sure of how many are left in the water. Because fishers hunt for fish, the numbers caught are a poor indication of the actual population. Catches can remain high until the last school of fish is found and captured, after which they drop to zero! Even independent scientific surveys of fish populations are subject to great uncertainty: fish move from place to place, aggregate, avoid nets... Finally, whatever scientists may recommend, final allocations are made by managers whose political masters are subject to heavy social and economic pressures, with numerous fisher-voters insisting that they must get their fair share and enough to make a living.

Because of uncertainty in counting fish and in controlling the fishery, fishery science and management have so far been incapable of achieving sustainable fisheries. The most stringent controls on fishing gear, openings and quotas have nevertheless left us on the edge of disaster. As Pauly described, continuing on this path leads to severely depleted commercial fisheries, targeting species progressively lower in the food chain. At very low stock levels, those species which are most prized today may tomorrow be reserved exclusively for sport fisheries (this is what happened to Atlantic salmon, for example).

What is to be done? Quotas and regulations can't prevent over-exploitation of fish stocks. Must we stop eating fish altogether? Absurd! Perhaps other realms of human activity might provide useful inspiration. How about the preservation of land animals? There we find three options: domestication (= aquaculture), zoos (= aquariums) and game or nature preserves. Only the third option, which suggests the introduction of fish reserves, is pertinent to the preservation of wild fish stocks. From a different perspective, remembering the high degree of uncertainty in fish stock assessment, we might look for other human activities where uncertainty plays an important role. Gambling is one such area, but more pertinent is the concept of insurance, where uncertainty in particular cases is countered by certainty on the average. For example, individual life spans are unknown, but reliable statistics on life expectancies of large populations allow for life insurance coverage. A game preserve in the sea, or Marine Protected Area, is thus an obvious means of protecting fish stocks against extinction by providing a refuge where fishers can't get at them, and by providing an unexploited reserve population as insurance against errors in assessment or overfishing of the exploited population.

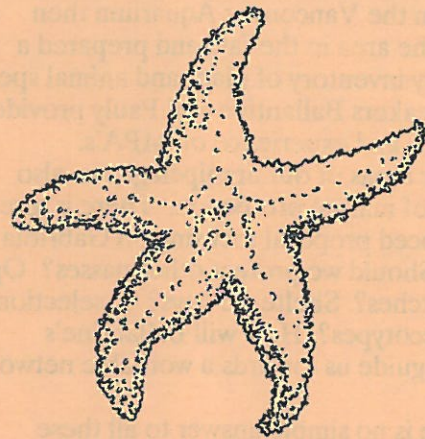


Marine Protected Areas (MPA's) are not a new concept. In British Columbia, there are already 106 areas labelled as marine parks, ecological reserves, national parks, etc. Over 90% of these provide no protection at all to the marine ecosystem. Most were set up as recreational areas or for the protection of specific marine species (for example killer whales). What is new is the realization that MPA's are not only desirable as a means of preserving popular species or local areas, but that they are necessary as insurance for protection of the entire marine ecosystem. For a long time, the deep sea, at depths of a few hundred meters and more, beyond the edge of the continental shelf, was an effective protected area unreachable by fishing nets. Modern technology now allows capture of shrimps and turbot in depths reaching 1,000 meters. There is nowhere to hide anymore!

The recently approved Canada Oceans Act has opened the door to the formal establishment of Marine Protected Areas. The act empowers the minister of Fisheries and Oceans to define and proclaim MPA's and to consult widely on their establishment. Proposals for setting up MPA's are sprouting up in many areas. Fisheries and Oceans and Parks Canada are talking about a large MPA covering parts of Bonavista and Notre Dame Bays in Newfoundland. The World Wildlife Fund is trying to have The Gully, a submarine canyon off Nova Scotia, declared a MPA. On the B.C. coast, the Marine Life Sanctuaries Society has already been active in establishing a no-take MPA in Howe Sound and has been working for a few years towards setting one up in Gabriola Passage. The BC branch of the Canadian Parks and Wilderness Society is advocating the creation of a MPA in the Scott Islands area at the north end of Vancouver Island. On Galiano Island, the Conservancy Association is proposing a MPA in Trincomali Channel, between Wallace and Galiano Islands from Retreat Cove to Shaw's Landing. Mayne Islanders are considering a MPA in Active Pass.

How many MPA's are needed? What parts of the sea are to be protected? How much? How are ongoing fisheries and conservation objectives to be harmonized? Which of the various proposals should be approved? A process of consultation and decision-making has begun, under the leadership of the Department of Fisheries and Oceans and with the participation of other federal and provincial agencies. As part of this discussion, it makes sense to consult those who have had experience with MPA's elsewhere. In February 1997, UBC's Fisheries Centre and the Canadian Ocean Frontier Research Initiative (a foundation dedicated to ocean research) co-

sponsored a workshop on "Design and Monitoring of Marine Reserves" which attracted MPA specialists from around the world. I attended; Pauly was there, and so was Bill Ballantine.



Widely recognized as an expert in the establishment and evaluation of MPA's, Bill Ballantine is a professor at the University of Auckland, New Zealand. Following a long struggle to create New Zealand's first MPA thirty years ago near the university's marine biological station at Leigh, Ballantine has spearheaded the establishment of a network of MPA's covering a range of areas and ecotypes. Before the UBC workshop, Bill spent a few days on the Gulf Islands, visiting conservancy groups on Galiano and Mayne Islands. We met on a busy Friday night in Tsawwassen and rode over on the *Queen of Nanaimo* together with Michael Dunn, of Mayne Island. Wiry and intense, Ballantine lives and breathes MPA's. During his visit to Galiano, he joined Galiano Conservancy members and friends for an afternoon cruise on *Starswan*, the Ridington's sailboat, over the proposed Trincomali Marine Protected Area, followed by a potluck dinner.

Ballantine's views are strong and clear: in his experience, the best MPA's are no-take areas, where neither commercial nor sport fishing is allowed, although observation is encouraged. Areas to be protected should be **representative**. Selecting only those sites that have remarkable features may not be good enough: ordinary areas must also be included. There must be some **replication** of features, if only for extra insurance and for appropriate assessment: it's OK, even desirable to have two MPA's with similar features. In the long run, to be most effective, Ballantine suggests **10 to 20%** of the ocean area should be devoted to MPA's. This percentage of protected area is similar to that proposed for parks on land.



Galiano Islanders have already identified a stretch of Trincomali Channel as a likely MPA because it appears to be a nursery area for threatened rockfish species. The Galiano Conservancy Association convened a workshop in the summer of 1996 to discuss the idea. Volunteer divers from the Vancouver Aquarium then surveyed the area in the fall, and prepared a preliminary inventory of plant and animal species. Invited speakers Ballantine and Pauly provided background and experience on MPA's.

Other areas of our archipelago are also deserving of marine protection. There is already a very advanced proposal focusing on Gabriola Passage. Should we protect other passes? Open water stretches? Sheltered bays? A selection of different ecotypes? How will Ballantine's principles guide us towards a workable network of MPA's?

There is no simple answer to all these questions. What is clear however is that the process which leads to the establishment of an MPA must involve ALL parties who have an interest in the area: those who use it now, like fishermen and navigators; those who have historical claims to the area, like First Nations; those who have jurisdictional responsibility like the provincial and federal governments; those who live on the nearby shores and those who live far away but have a strong interest in marine affairs. Proponents of different MPA's in the same region must also become aware of each other's plans and coordinate their efforts.

Government agencies are currently

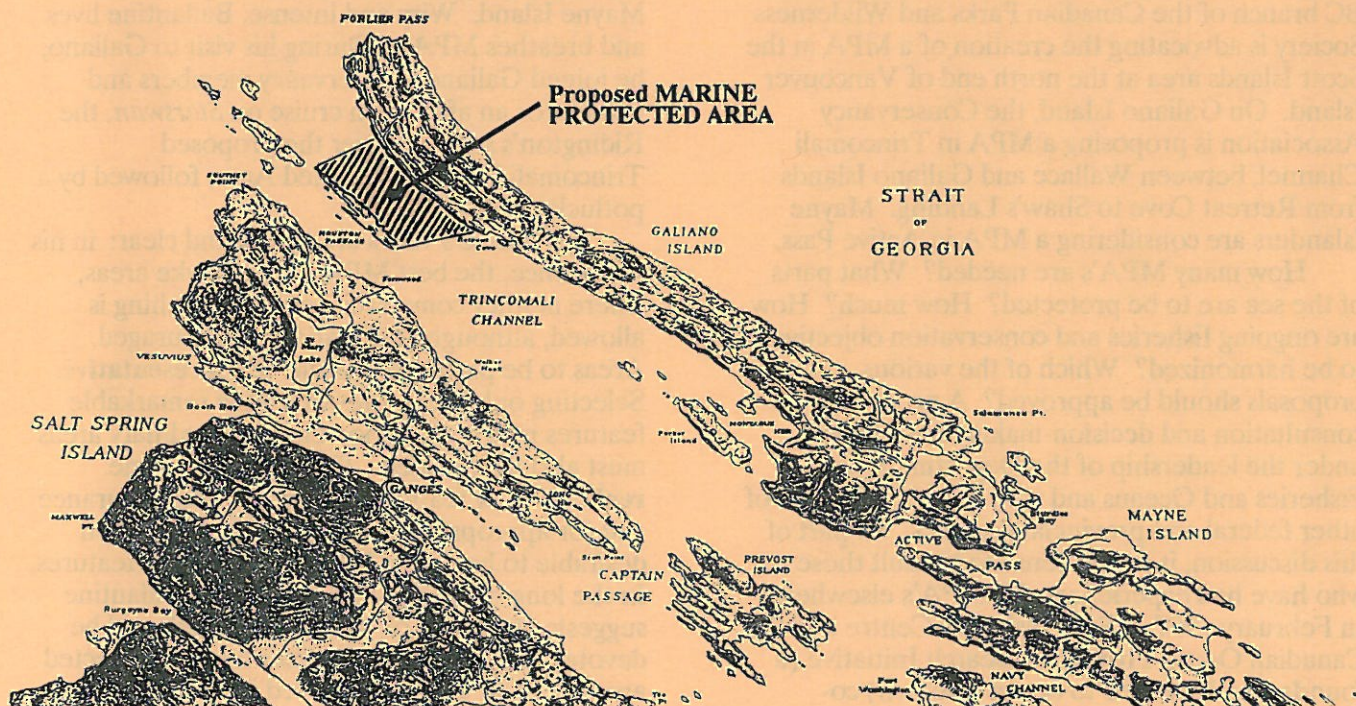
developing a framework for setting up MPA's which includes documentation of the nature of the area to be protected within a regional network, consultations between all parties to arrive at plans for management of the MPA, enforcement of protection measures and evaluation of its effectiveness. We are now on a course which will take a few years to navigate and which will become clearer once specific guidelines are decided. In the meantime, proponents of various MPA's in our archipelago should inform each other of their plans and get together to coordinate their efforts.

READINGS (starred items are in Galiano Conservancy Library):

- \*Ballantine, W. 1991. Marine Reserves for New Zealand. Univ. of Auckland, N.Z.
- \*Bohnsack, J.A. 1993. Marine Reserves: They Enhance Fisheries, Reduce Conflict, and Protect Resources. *Oceanus*, Vol. 36, No. 3, Fall 1993.
- Cousteau, J. 1953. *The Silent World*. Harper & Bros., New York.
- \*Earle, S.A. 1995. *Sea Change: A Message of the Oceans*. Fawcett Columbine, New York.
- \*Marine Life Sanctuaries Society (undated). "Deepen Your Understanding".

*Dr. LeBlond recently retired as professor of Oceanography in the Department of Earth & Ocean Sciences at UBC. He lives on Galiano Island and is a director of the Galiano Conservancy Association.*

*Illustrations by Annette Shaw.*





## Archipelago Interview: (Round One)

### KAREN WRISTEN TALKS ABOUT GALIANO'S APPEAL COURT VICTORY

Twenty-five years ago the Galiano community achieved its first victory in the long struggle to control the destiny of this island through the democratic planning process, creating the first Community Plan (see lead article this issue). That breakthrough came in response to the threat of urban-style development of our forest lands by MacMillan Bloedel.

Two years ago, in June 1995, Sierra Legal Defence Fund lawyer Karen Wrysten stood before Justices Finch, Wood and Southin of the B.C. Court of Appeal to defend this very same right of the Galiano community, arguing that the courts should uphold forest zone bylaws passed with full public consultation and clearly expressing the wishes of a majority of island residents. In an earlier lower court action, MacMillan Bloedel succeeded in having these bylaws quashed, as part of their effort to sell off their Galiano forest lands (covering over half the island) for residential development.

The editorial committee of ARCHIPELAGO recently met in a round table interview with Karen to explore the implications of the Appeal Court's ground-breaking decision, which promises to bring the Island Trust government out of relative obscurity and into the limelight of precedent-setting municipal legislation for protecting the environment. Here are some excerpts from that interview.

**Karen:** Why don't I start by trying to explain the two different decisions [of the Appeal Court Judges] and why they are revolutionary in terms of municipal law to date. The easiest one to start with is the decision of Justices Finch and Wood because it was so neat and tight. They took the findings of the trial judge [Justice Paris of the B.C. Supreme Court] at face value. They accepted that it was possible that your Trustees were motivated by a desire to control logging practices on private lands and possibly to acquire parkland without expropriating it. And those are two things that municipal governments are not allowed to do. Then they looked to the "Objects Clause" of the Islands Trust Act and they said, "That clause has meaning, that clause adds to the powers that another municipal government might be able to exercise, and we find that it adds to those powers so substantially that even if the Trustees were trying to control logging practices or create parks, that was wholly within their proper legislative scope to do...and we therefore find the bylaws valid."

Nice and neat and tight and no questions about it. They're reading a lot into the objects clause, but this objects clause has a lot more in it, a lot more meat to it, than the objects clauses in most any other statutes I can think of.

Madam Justice Southin's decision arrived at the same result by a very different route. What Her Ladyship did was to go back through the evidence and review it carefully. That was largely as a result of those of you present who instructed me during

the course of the preparation for this appeal, having dug out exactly the right documents to be able to put before the court from all of that huge, huge record we had at trial, to show the court critical facts that had not been recorded in the trial judgment.

Once Madam Justice Southin saw the documentary evidence, she went to some length to review the facts and really attacked the finding of "bad faith" that had been made by the trial judge. And what Her Ladyship did was to look back through all of the dealings that the Trustees had with the public, and to find in the specific comments that had been made and recorded by Margaret

Griffiths and Diane Cragg at the time - to find in the comments that were coming to the Trust from the public - a clear attempt to balance the private interest of one company against the

public interest on the island at large.

And that's an unusual thing for an appellate court to do. Mme. Justice Southin did it without disturbing any of the factual findings at trial, which is something an appellate court rarely does. At the end of the day she was able to reach a clear conclusion that the Trustees had not acted in bad faith, because they had made a full and complete consideration of the interests for which they were trying to legislate. And the fact that there was a distinct preference to legislate for the public interest rather than for the private interest was not bad faith definitionally.

The trial judge had said it was bad faith because it was beyond the Trust's legislative

*The Object of the 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 the Province generally . . .*

*Section 3, Islands Trust Act*



competence to do these things, and Mme. Justice Southin was able to look at it and say, "I see very clearly what you were doing and there is no question that the interest for which you legislated was well articulated to you, and there's no bad faith about it when you've got the Islands Trust objects clause to inform the exercise of your powers." It was wonderful to see the judge going that carefully through the evidence, to look to see what interests had been articulated to the Trust.

The result we got was a substantial augmentation of the Islands Trust's legislative powers by reading them not just as a subset of powers given to municipalities under the Municipal Act, which traditionally has been the view, but by looking to this objects clause and saying, "That is a set of objects for which these powers can be exercised and gives them a totally different focus than the powers given to a municipality under the Municipal Act."

*ARCH: Does this decision then mean more scope for the Islands Trust form of government?*

**Karen:** Since its inception over twenty years ago, the Islands Trust has been viewed as having the ability to exercise only a small subset of the statutory powers given to a municipality, and is therefore viewed as an even more junior or more limited government than a municipal government. The effect of the appellate court decision is to completely change that perception of it, and to say it may have a subset of the powers of a municipal government, but the circumstances in which it can exercise those powers are substantially different by virtue of the duty imposed on the Trustees to protect the unique amenities of the Gulf Islands. That is a statutory power given by the Islands Trust Act. It's not given to municipal governments; they're not allowed to act except as specifically provided in the Municipal Act.

So suddenly the Trust is a much more powerful tool for protection of public interest values than municipal government is. And I've heard this coming back from people at public meetings all over the islands. "How can you suggest that we could legislate anything about logging practices when even cities can't pass tree-cutting bylaws?" Well, there's a big education job to be done here, and that's why I'm going to these public meetings on the various islands and speaking to the public, to try to get this point across. It's not a junior government

anymore. It's something quite different.

*ARCH: So the Appeal Court decision means more than the fact that our forest zone bylaws are legal?*

**Karen:** Oh, it's way more than that the three bylaws are legal. And the reason I went through the two judgments separately is because I think you can take very different messages out of each of them, although they arrive at the same conclusion. From Justices Finch and Wood, you have a very clear, well articulated statement that from now on the powers accorded to the Trust under the Municipal Act must be read in the light of the objects clause of the Islands Trust Act, which means they can be exercised for far more than any other municipalities can do.

What you can take from Madam Justice Southin's decision is something perhaps considerably broader and more comforting, which is that we recognize where the political process begins and ends, and we're going to uphold it as a process regardless which interest it comes out favouring at the end of the day. Her Ladyship was speaking far more to the people who have to live with the sequelae of this decision and saying, "It's your job to get out there and elect the people that you need to

do the job, and we're going to support what they do so long as they act legally, regardless which interest they're favouring at the end of the day." So that was a ringing affirmation of the democratic process, whereas the other reasons were more of a

ringing affirmation of the Islands Trust Act.

*ARCH: Karen, you mentioned before we started this interview that usually judges in making a decision look backward to precedents, and in this appeal decision they seemed to be looking forward.*

**Karen:** Yes, I think that's maybe where a lot of the complacency around the appeal process amongst the people who were trying to develop here on Galiano arose, because most appeal courts do look back. Of course they're conservative in their nature, that's the way law develops, by looking back at precedent and carrying forward from there.

And there certainly was a large body of law in this province and in the country generally that would tend to support the private property right over community interest. So there was law the Court could have gone back to to say, "No, this was discriminatory, or no, this was passed for a purpose beyond the valid legislative powers of a Trust

*"No comparable provision [to the object of the Trust] is to be found in any other legislation of this Province concerning municipal government. Although the learned trial judge did not mention it in his reasons, I consider, as will become apparent, that this provision is critical to this appeal."*

Mme. Justice Southin (1995)



Committee."

But instead they looked to what was new in the case, which was the legislation that conferred additional objects for the Trust, and decided to interpret that and give it its full and complete meaning. And that's what was forward-looking about it. They knew quite clearly, given that we were there speaking to them as intervenors on behalf of groups representing islands within and without the Trust, that they were speaking **prospectively** and they were setting the tone for what was going to follow.

I think from that point of view it is a very forward-looking decision. It said, "We know that the Islands Trust Act was passed because the legislature of the day realized that these islands were going to be under development pressure and they clearly meant to protect them. The language couldn't be clearer. So we're going to make a decision that gives meaning to the words of that Act."

*ARCH: You've said that both of the decisions in the Appeal Court relied on the objects clause in the Islands Trust Act. Can you tell us if the preamble to our Official Community Plan plays a similar role in terms of land use planning?*

**Karen:** Well, it sets the tone, the "great circle" within which you can legislate. The language in the plan itself sets out the specifics, but that language must all fall within the circle that's described by the preamble. The preamble isn't law; you don't rely on powers coming out of the preamble, but the preamble sets the tone for interpreting everything that's in your OCP.

If there were ever a question about what you meant by a specific provision, you would look back to the preamble which says "Preserve and protect, there shouldn't be any pollution, etc.", and you would say, "OK, the only way you can interpret that clause is that we didn't want people to build sheds on streams, so no you can't do that." That's an exaggerated example, but that's the way you would use the preamble. So it is extremely important for setting the tone for everything else which follows, because your bylaws follow from the OCP as well. So it's a strong interpretive tool, just as the court has found the objects clause of the Trust Act to be a strong interpretive tool.

*ARCH: Can you give us some ideas of possible Islands Trust involvement beyond forest practices? I guess the first is residential use of forest land. That*

*was specifically the issue before the courts . . .*

**Karen:** You would look back to the actual words of the objects clause to see where those areas might be. And what guidance can those words give you? You're to "preserve and protect the unique amenities and environment" of the Trust islands. So you're looking at preserving marine resources, shorelines . . . and that could mean preserving their aesthetic appearance as well as their environmental integrity. What else? You're certainly looking at preserving groundwater and whatever other water resources you may have on one of the islands.

*ARCH: So for example, on groundwater, where the Province has contemplated regulating groundwater for years and has never carried out that initiative, you're suggesting that the Islands Trust could take measures that would specifically address protection of groundwater?*

*We argued that the rights of citizens to participate in planning the future of their communities is critical to resource protection and conservation.*

Sierra Legal Defence Fund Newsletter

**Karen:** I think they could. Clearly the groundwater issue is inextricably linked to the vegetative cover issue which is inextricably linked to the amenities of the Islands in trust. If you take it to the greatest extreme, if you clear cut the island to the ground, would you have preserved their unique amenities? No. Therefore you can take from that that some measure of control over the removal of forest cover is an appropriate subject for the Trust's regulatory powers.

And if protection of the forest cover is appropriate for the Trust, then everything that forest needs is an appropriate subject for their intervention. And clearly the water resource is the most important single resource, both from the point of view of the forest and the people who do live on and enjoy the islands. So. I'd say the Trust has the unique ability to look at each of the islands as a functioning ecosystem, and to regulate to preserve that ecosystem so as to preserve the amenities of the islands.

*ARCH: Changing the subject a bit, could you speak about the role of Sierra Legal Defence Fund in this, and why Sierra Legal took these cases on?*

**Karen:** When Sierra Legal takes on a case, we go through an internal screening process, because there are so many more cases out there than we have resources to handle. We're looking for cases that provide us the possibility of addressing some of the large underlying issues that we see in society and the ability of private citizens to enforce laws and to create positive law that will protect their



environment.

So we're looking for the underlying fundamental disputes more than we're looking for the actual environmental value of the place we're hoping to protect. There are so many individual places worthy of protection in this world that we couldn't possibly use that as the only deciding factor. Certainly all our cases - every place we've worked - has its own particular aesthetic, environmental, social values that need to be protected. But every one of them also has some underlying principle that we're hoping to be able to articulate through the courts, so that other groups protecting other places will be able to take that principle and use it and build on it.

Here we clearly saw a number of things going on. First of all, at the initial involvement, this lawsuit had all the hallmarks of a SLAPP suit (Strategic Lawsuit Against Public Participation). What we're seeing these lawsuits being used for is the complete erosion of democracy. Yes. When you can take a private interest and use it through the courts to prevent a democratic process from dictating the result in something as fundamental as land use, you might as well throw any kind of statutory protection and common law protection right out the window. The private interests are going to have it. So those were the kinds of things we were looking at as being the underlying theme in the case of Galiano.

There's also a really clear theme running through this of corporate power displacing community interest. And we couldn't have had it more clearly expressed

than in a situation like this: half the land mass of the island; one corporation with millions and millions of dollars of assets, not in any sense attempting to reflect community values in what they were trying to do; preferential tax status for all those years, trying to capitalize on what had been practically handed to them on a silver platter, instead of using it for the long term resource yield it was supposed to be able to create.

*ARCH: To what extent was the extended dialogue between MacMillan Bloedel and the Galiano community useful?*

**Karen:** Well, it sure was nice to be able to stand up and set the record straight. An attempt had been made to characterize the Galiano community as a bunch of tree-hugging, road-blocking rabble rousers, who were against logging. I was able to pull out the documents and say, "No, m'lady, not on Galiano."

We were able to show the court quite clearly that there had been a very committed attempt on the part of the community to approach the corporate interest, to accommodate it, show it how to accommodate the community (which you know is a two-way street: the company's got to be educated as well). We were able to show the court that the company had quite clearly and unequivocally told itself that getting too cosy with the community was not in its long term real estate interest. So it was an extremely important part of the Appeal result. It changed the tone of the courtroom proceeding entirely to be able to point that out.

*ARCH: Any further messages for the community from the Appeal decision?*

**Karen:** I think what we're left with is the clear statement that local governments can use their powers in accordance with the mandate they've been given, to either preserve and protect or develop. And whichever way they interpret their mandate to lie, they're going to be able to legislate.

That doesn't really change the role communities have always had, but it does highlight the fact that you're not going to be able to look to senior levels of government for protection anymore, because there are so many areas in which municipal governments can legislate. You're going to have to become involved at the community level and make sure that the people who are being elected in your local elections are representing the values that you want to protect.

Galiano is a good case in point, because for so many years everyone

here for every good reason believed that the forest zone was going to remain a forest zone. No one had to do anything about it to keep it that way, until 1972 when the first threat came and you responded, you came together, you planned for it and you decided what it would become. That is clearly not the end of the day. Clearly you have to keep on top of it. The land use questions are going to continue to evolve as the corporate agenda evolves, the demographic pressures, the economic pressures on the land base continue to mount, as they will no doubt do.

You have to keep involved, you have to keep articulating that vision of community that you've come to, and not letting it erode because one or two interests that can be loud and flex a lot of economic or political clout want it to change in a particular direction. So it's an ongoing process. I'm not telling you anything when I tell you that! But it's never going to be finished.

*"In my view courts should be slow to find bad faith in the conduct of democratically elected representatives acting under legislative authority ..."*

Justices Finch and Wood (1995)



## **SIERRA LEGAL DEFENCE FUND**

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## A TRIBUTE TO BETH HILL

When Beth Hill died on January 24th of this year, Gulf Islanders lost a wonderful neighbour, and a great resource. Beth was a modern polymath, a woman who knew a great deal about a great number of things. And Beth was always excited about learning something new, and ready to share her knowledge. When I heard of her death, I recalled one of our last contacts with her. It was New Year's day, 1996; Robin and I had received a phone call from a Galiano neighbour. She had found an ancient bone amulet while walking on Montague Beach, and wanted an opinion on its origins. She brought it up later that day, and we were both awed at the power that the small object held. Then we both said, simultaneously I think, "We've got to tell Beth Hill about this!" For though we knew many other anthropologists and archaeologists, we knew none - except Beth - that had the enthusiasm and intellectual curiosity that would make them as thrilled as we were about the finding of the amulet. When we called Beth, she was excited not only by the amulet, but by imagining the human stories that might have surrounded both its burial and its re-emergence. We will miss her intellect and her imagination, but we are grateful that we had the opportunity to know Beth.

Beth loved the B.C. coast and the Gulf Islands with her whole being. For her, that meant discovering all the intricacies and complexity of this convoluted coast. With her husband and partner, Ray Hill, she explored the coves and channels. Their intellectual explorations were the basis for two early books, **Indian Petroglyphs of the Pacific Northwest** (with Ray Hill) published in 1974 by Saanichton's Hancock House, and Beth's 1976 classic, **Indian Rock Carvings** (also Hancock House).

The Hill's physical explorations of this coast took the form of voyages on their small motor launch, the *Lisa Jane*. Beth told of their journeys in **Seven Knot Summers**, (Victoria, B.C. Horsdal & Schubart; 1994). In her other books, Beth followed the tracks of the Kettle Valley Railroad, told the story of B.C.'s Royal Engineers, and explored **The Remarkable World of Frances Barkley**. Beth delved into each of her subjects with her typical energy and thoughtfulness.

Beth's eighth book, **Moonrakers**, will be published in June by Horsdal and Schubart. It tells of Beth's own encounters, and those of her friends and acquaintances, with experiences that are "other than everyday." Its publication after her death is further evidence that her intellectual

curiosity was still very strong, even as her body was fighting cancer.

In addition to being a writer, a librarian, and an anthropologist, Beth was a deeply committed Canadian and a passionate environmentalist. The award presented to her last fall by the Council of Canadians was an honour that was richly deserved. She was also an active and enthusiastic member of the Voice of Women, the World Federalists, Nuclear Disarmament, the Sierra Club, the Whiskey Golf Yacht Club (an organization dedicated to getting the U.S. Navy out of Area Whiskey Golf, near Nanoose) and the Galiano Conservancy Association.

Writers leave a concrete legacy, and all of us who love this coast, as well as a good read, will continue to treasure Beth's books. **Seven Knot Summers** and her earlier book, **Upcoast Summers**, which tells of a couple's coastal trips in the 1930s, back in the days when loggers and remittance men formed the major population in the inlets, are loving and detailed portraits of coastal life in two different eras. Her studies of Rock Carvings and Petroglyphs are still considered definitive sources, more than twenty years after they were published. Thank you, Beth, for a wonderful example of a life well lived, and for leaving us a rich legacy.

by Jillian Ridington



Illustration by  
Diana Thompson

April 2nd - LILIES  
1986 "BEAVER POINT"  
Diana Thompson





## Letter to the Editor: **HAPPY AS CLAMS?**

Dear Archie,

My friend Sparky the Seagull told me you support Marine Protected Areas. You know how seagulls pick up all the scuttlebutt. He said you seem to have a heart for fishes, and I just wondered if you also have a care for clams. I don't mean with butter & wine or in a chowder; I mean for our own dear softshell selves.

You probably know we've been around for goodness knows how long, quite the oldest residents in these parts I should guess. Personally I am the thirteen-hundredth Clara of my line to live in what you two-legged moults call Whaler Bay but what we have always known was Clam Heaven or Oyster Cloister (depending on who you're talking to).

Oh the stories I could tell that have come down the tides of time . . . how this inlet used to be an arm of Active Pass; about the huge whales that would sometimes sing to us at night in our clambeds; the coming of the first steamers and all the hot water we've gotten into since then . . . you have no idea what a place this was way back when.

But my friends have asked me to clam up about all that and get down to the nitty-gritty of our problem. Out of all the clams, oysters, worms, ghost shrimp, moon snails, burrowing anemones, cockles, crabs, starfish, bullheads, perch, sandpipers, herons, ducks, seagulls, seals, otters, you name it, I have been delegated to be the spokesperson . . . probably because I'm used to sticking my neck out.

What we want to say is this: We are being smothered to death! Buried alive! I'm so choked up about it even out here in the middle of the bay I can hardly speak clamly. The rest of the family - even the little squirts - and most of my friends and bedfellows haven't been heard from for several years now, and we fear the worst. Naturally they wanted to be near the stream mouth for the tasty tidbits washed down from the forest: who could have predicted they would get the whole forest?

It happened so suddenly, and already the winter ducks are calling it a graveyard and shunning it. Who can blame them? What we can't understand is why you should have chosen one of the rarest sea nurseries in all the Gulf Islands to be a LOG DUMP. How would you feel if we decided to bury your marriage beds, maternity wards and infant nurseries . . . under dead elephants and rotting whales?

It wasn't so bad at first. A few logs now and then. They would leave us breathless at low tide, but were soon towed away. Then a dozen years ago they started being dumped in bundles. The weight was absolutely crushing. And so many logs! Sometimes twenty truckloads a day came crashing down into our private boudoirs and playschools. It was a heart-rending clamour.

By now the entire west side of the bay is buried under bark and debris over two feet deep. Go ahead, try digging there. You won't find anything alive anymore. It is even reaching out into the middle of the bay, outside the log dump boundaries, since you park booms there instead of towing them away.

I don't hear my friends and family anymore. No messages by sea-mail even. But the stench at low tide! I wonder even you can stand it! Whew, I have to close my window when the tide is out and hold my nose inside my shell! You can't bury the most prolific habitat on this planet and not expect it to smell: millions of rotting carcasses, smothered by the bark.

Your government bosses say this kind of destruction is not permitted. It is against the law to pollute or degrade the waterfront in any way, since it is public property and supports marine life. I like that. As if it ever belonged to you in the first place! As if your official protections were ever more than just political gas!

Just because we clams can't pull up stakes and leave anytime we want, does that give you better rights? Oh yes, we've noticed how often you move. Houses around the bay are continually coming up for sale. We see the signs, we read the notices. Somebody's really raking it in on account of the log dump, and I don't mean just the loggers.

I've been cautioned not to clam-pomorphize human beings, but here's a real estate ad some of my buddies down at the oyster bar made up for some of the crabs thinking of selling out:

*Exclusive waterfront deal you always knew was there but never thought you'd find. Spectacular view of logging dump. No need to leave your livingroom to see the forests of Galiano Island - watch them come to you! Sleep to the lullaby of logging trucks (BC's own sound). Doze to the round-the-clock roar of dozer boats. Thrill to the thunder of log falls. Savour the heady aroma of mudflats cooking with gas under the buildup of bark . . . you could call it a year round clambake! An Island Trust-basher's dream. Preserve and protect jobs. Real easy terms.*

Personally I don't care for that part about clambakes. But isn't it just too sad? Before the logging and the dump, this used to be a clean, healthy inlet smelling of the sea. Even people of all ages - your old mermaids and little tadpoles - loved to swim here, and we were happy to have them join us. Perch literally poured in every spring to have their babies in this protected pocket. Ducks covered the surface in winter, since there was plenty to dive for. Seals flocked and frolicked right down in the shallows.

The stream rushing down through the Crown forest delivered nutritious delicacies all the way from the hills around Bluff Park. At least you can't stop a stream, but now it runs into a graveyard of stinking black muck. The logging folks do so much good that you allow them to ruin the forests and kill the bay. And for whose benefit? That's what we can't figure out, even us lowly marine organisms who have no right to our ancestral domain. Who has benefited from the devastation?

My people haven't. We're dead and dying. Someday the loggers will pull out and slink away, leaving the mess behind them. My friend Sarah Starfish, who is very galactic and spaced out, tells me I should forgive them the destruction and learn the new island motto, which is "Why not be friends; let's all just be as happy as clams." But my shell seems to be growing harder . . . Can you advise me? Bivalvally yours,

Clara Clam

