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June 24, 2016

Gabriola Island Local Trust Committee

Questions and comments re: GB-RZ-2016.1 (Potlatch)

I did attend the information meeting on June 23, 2016 in its entirety, and I have read the May 26, 2016 proposal (MayProp) and May Staff Report (MaySR).

I am as yet undecided on whether to support this. It has the nature of an “omnibus” proposal in which there are things to like, things to dislike, and things that I have yet to understand.

My first comment is that the information meeting would have been significantly more helpful had the slides been (a) available beforehand, and (b) readable from the back half of the room.

The only two documents I have additional to the ones in May are the Bylaw 289 (OCP) and Bylaw 290 (Land use) amendment proposals, which were hand-outs at the meeting.

As a consequence of not being able to read the slides, I could not fully understand the “fast track” methodology. Obviously, it had the potential to save work, but I concur with those at the meeting who felt that the necessity to assume that certain things would happen in order to speed the process up gave the proposal an air of being a “done deal”. Fast tracking is acceptable when there is convincing evidence that a proposal has the full support of the community and makes common sense to almost everyone, as in the medical clinic re-zoning and associated OCP amendments when the end product was well understood, but not (yet) for a proposal as complex as this one and as poorly understood as this one.

Remainder in W½ of NE¼ Section 10

I am particularly concerned about the intended status of the 3.5 ha remainder at the SE corner* of the parcel W½ of NE¼ Section 10 (Brian Henning’s land). * MaySR Attachment 3 currently does not show the remainder in its correct location; my understanding is that it has been moved by the proponents from the SW corner of the parcel to the SE corner.

The MaySR p.5 says this remainder would retain its forestry designation; yet on p.2 and Figure 1, p.3, it says it would be retained for future residential development. I have to assume that it is not intended in fact to remain zoned forestry (the area is far too small) and that it is intended to become residential with access to Stanley Road westward along the southern boundary of the parcel. Presumably this will require changes to the OCP, but I see no reference to this.

In my view, excepting the 3.5 ha remainder from the donor properties for later residential development would negatively impact the benefits to the community of acquiring the parcel. It would disrupt the existing trail system on the parcel, and, have the potential to negatively impact the Coats Marsh ecosystem.

I have studied the hydrogeology of this area and that of the associated shallow-water wetland (the lake in the Coats Marsh RP) for more than a year now, and am firmly of the opinion that this

donor parcel in its entirety should be amalgamated with the Coats Marsh RP. I strongly urge this parcel be considered as a possible addition to the regional park to be managed, not as a forested park, which has fire-management and forest-management issues, but as a seasonal wetland and catchment area for the lake in the marsh.

Despite the fact that the IT Sensitive Ecosystem Mapping (SEM) does not indentify any sensitivities in the parcel, I think there are some. It is a common misunderstanding that the lake in the Coats Marsh RP is fed from two springs on the east side of the lake. After extensive investigation over a period of a year, I find no evidence that this is true.

The lake is in fact replenished in winter by runoff from seasonal wetlands in the northern section of the parcel, and via a creek (known informally as the East Path Creek) that runs along the southern boundary of the parcel from a seasonal wetland area to the southeast of the parcel. In times of heavy rainfall, this latter wetland is traceable for a few days all the way back to McGuffies Swamp.

Geologically, the area is a sandstone plain with only a thin covering of soil, so it serves as a means of rapidly conveying surface water through wide fractures into the island's groundwater network, as a means of saturating the soil to create wetland ecosystems that are observably rich even after surface moisture has evaporated (it quite possibly contains the red-listed plant *Cardamine angulata*), and as a means of carrying flood water into the Coats Marsh lake where it is needed to prevent the lake from drying out in late-summer.

As a consequence of the presence of wetland in both the north part of the parcel and to its southeast, the only portion that remains dry in winter is the path (informally known as the Ridgeway) that runs diagonally through the parcel from NW to SE and right through the designated remainder. As noted in the Coats Marsh Regional 2011–2021 Management Plan, Appendix A, acquiring the land to the east of the present park would both offer further protection to the marsh and allow trail access around the marsh and through to the 707 Community Park. This trail system would still in part exist, but be significantly less than intended if the remainder is not a part of the parcel.

Given that Hoggan Lake is known to contain fish, both Coats Marsh and the watercourse flowing from the marsh into Hoggan Lake would be defined as a “stream” under the Riparian Area Regulation (RAR) because of the connection to Hoggan Lake by surface water flow (BC Ministry of Environment 2006). Although there is no evidence that the lake in Coats Marsh contains fish, and I strongly suspect that it does not at present but well may have in the past, the extension of the RAR designation to the lake would logically require it to be extended to the ephemeral creeks flowing through the parcel. A technicality I know, but also a reality.

Extending the 707 CP

While understanding the benefits to the community of rezoning the land to the south of the present 707 CP and north of the present Coats Marsh RP from forestry (F) to forestry/wilderness (FWR), it does raise the issue of future management of these lands.

If these lands were being managed with commercial forestry in mind, they would be managed with respect to wildfire prevention, and with an eye to guiding their post-disturbance recovery to the “ideal” late-seral stage as fast as possible. The evidence however is that the current owners have no interest in such management.

The land currently within the 707 CP is currently being managed as a park not as a forest, which means money spent on it is directed to recreational use. The land is being left to itself to regenerate naturally with little regard to either wildfire prevention or seral- stage management.

Both the F and FWR designations are therefore not ideal and this bears thinking about.

Mallett Creek

The present unsatisfactory state of the status of Mallett Creek, Peacocks Lake, and River Place Creek needs resolving. As the only salmon-bearing creek of the island, it quite logically should have the fullest RAR protection. As, I gather, this has not been done, I think it should be before any decisions are made.

I would also urge any RAR studies to consider that the viability of the lower part of Mallett Creek depends entirely on there being a water supply through the summer from Peacocks Lake; that water is being drawn from the lake for use by the GVFD and for watering lawns in the Sitka Cove development; and that the course of the lower part of Mallett Creek on private land lacks protection and that the bed of the creek even appears to overlap to a small extent the MOTI Winston Road allowance.

Bluffs overlooking Lock Bay

Initial presentations of this proposal made some time ago, indicated that some public access to a viewpoint overlooking Lock Bay would be incorporated. That this has changed is regrettable.

Conclusion

In conclusion therefore, I am at present undecided as to whether to support this proposal or not and I look forward to a detailed examination of the pro's and con's before any decision is made.

I also want to add that I feel that the proponents have been generous in allowing their forestry holdings to be used as if they were public parks at no cost to the community. My appreciation is compounded by my own personal view that some of the "management" of forested park land on Gabriola is unnecessary, in that these are forests, not suburban parks, and as such they should be left alone as much as they reasonably can.

Sincerely

(signed)

Nick Doe

References:

Gabriola Island hydrogeology: <http://www.nickdoe.ca/pdfs/Webp649.pdf>
Coats Marsh hydrogeology: <http://www.nickdoe.ca/pdfs/Webp668.pdf>
The Winston Road allowance and Mallett Creek: <http://www.nickdoe.ca/pdfs/Webp670.pdf>
Studies at Mallett Creek: <http://www.nickdoe.ca/pdfs/Webp672.pdf>
Studies at Coats Marsh: <http://www.nickdoe.ca/pdfs/Webp673.pdf>
707CP fire management: <http://www.nickdoe.ca/pdfs/Webp625.pdf>
707CP forest management: <http://www.nickdoe.ca/pdfs/Webp626.pdf>.



Gabriola Land and Trails Trust
PO Box 56
Gabriola BC V0R 1X0

October 14, 2016

To: Gabriola Island Trustees
From: Gabriola Land & Trails Trust

Subject: The Potlatch/Henning Density Transfer Application

Please accept this submission on behalf of the Gabriola Land and Trails Trust (GaLTT) in response to the bylaw referral package received from the Gabriola Island Local Trust Committee of the Islands Trust regarding Bylaw Nos. 289 and 290.

Overall, GaLTT is strongly supportive of this density transfer application.

Summary:

We have been involved since 2015 in providing feedback to the applicants from GaLTT's perspective, and feel that our input was used to improve both the conservation and community connectivity (trails) components of the proposal to date.

The application aligns strongly with GaLTT's mandate "*...to secure, develop and sustain a network of parkland and trails on Gabriola Island for the benefit of the public, and to preserve sites of environmental, historical, and social importance.*" And while doing so GaLTT will "*support the objectives and policies of the Gabriola Island Official Community Plan (OCP);*"

We have worked to keep our approximately 200 members informed, listened and incorporated their feedback in our response and encouraged them to respond directly to Trust as well with their approval or concerns. The GaLTT table at the weekly Farmers' Market responded to many questions from members and the public on the density transfer process in the OCP and the application details throughout the summer.

We have provided recommendations to the Regional District of Nanaimo (RDN) through the Parks and Open Space Advisory Committee (POSAC). Regarding POSAC's assessment of the Proposal for "*matters that pertain to RDN Community Parks and Trails*" (RDN website), the GaLTT Board strongly recommended the following improvements to the implementation of the application:

1. That the RDN establish all the "connecting trails" in the Receiver parcels as "Linear Parks" as soon as feasible (between the Village Core, Taylor Bay Road area, Cox Community Park, Spruce Ave, the Community Health Centre and Horseshoe Road).

2. That the detailed surveying of the parkland along Mallett Creek from the pond to Taylor Bay Road provides for a trail beside Mallett Creek that is located far enough back from the streambed to meet Riparian Area Regulations, but still within the parkland.

Discussion:

The Gabriola community has increased the amount of protected open space (parks, nature reserves, conservation covenants and other forms of ecological protection) dramatically since 2000, but we still have less protected land (9.2%) than most other Gulf Islands (average is 17.8%)¹. Only Mayne (4.3%) and Thetis (3.2%) have less protected area than the Gabriola Local Trust Area. By comparison, Saltspring is at 19.9%; Bowen 14.6%; Denman 24%; Galiano 21%. Saturna has the most protected land at 45%. This Application would raise the amount of protected open space on Gabriola to about 12%.

GaLTT does not claim to have systematically studied all of Gabriola for the best lands to achieve the Island Trust's preserve and protect mandate, but the Potlatch/Henning application Donor Lands have been evaluated by board members who have professional training in conservation ecology, forestry, and geology. Several board members have career experience working with national, provincial and local parks agencies. It is the board's considered opinion that the Donor Lands are of very high value for increasing the protection of the endangered dry Coastal Douglas Fir Zone. It is noteworthy that the work done by the Island Trust Fund in mapping the Ecosystems of Gabriola classifies essentially all the Donor Lands as being Sensitive plant communities.

Approximately 300 acres of the Donor Lands will adjoin the current boundaries of the 707 Acre Community Park and the Coats Marsh Regional Park, including the head of the large marsh pond. This will create a very important large contiguous area (approximately 1050 acres) of protected forest land for wildlife conservation, for ground water retention, and for wilderness recreation. The addition of the Donor parcels will protect the critical watershed east of Coats Marsh and allow for an integrated trail network.

GaLTT also has a keen interest in having the approximately 18 acres remaining of the Coats Marsh drainage area secured as park or nature reserve and intends to explore potential options.

The approximately 40 acres of protected forest land/park in the vicinity of the Community Health Centre will provide welcome future green space near the village core, and will adjoin Cox Community Park.

The proposed trail corridors in the Receiving Lands are consistent with GaLTT's keen interest in improving neighborhood connectivity.

New environmental protection measures will be afforded to Mallett Creek and Peacocks Pond, adjacent to Cox Community Park.

And we support the following measures:

¹ <http://www.islandstrustfund.bc.ca/i-am-a/local-government/lta-protected-areas.aspx>

1. Establish the proposed connecting trails as RDN Linear Parks

- a. Establishing Linear Parks to place those trails under the control of the RDN Parks Department, and remove any doubt as to who is responsible for trail maintenance. This approach would also advance the beginning of public access to these trails as much as possible.
- b. The development of connecting trails aligns strongly with GaLTT's keen interest in improving neighborhood connectivity.
- c. These trails would provide both recreational opportunities and easy access to services in the village core for the north-west end of the island without the need of a vehicle, and would support GaLTT's longstanding objective of having trail connections from Descanso Bay to Drumbeg Park.
- d. Establishing a viewpoint over the Strait of Georgia from the top of the bluff, approximately at the north end of Lot 7. From there a trail would go down the steep road cut to the valley floor, across the base of the cliff to Lot 1 and out to Horseshoe Road.

2. Establish a public access trail in the proposed Mallett Creek parkland

- a. The stream valley of Mallett Creek from the pond to Taylor Bay Road would be protected as parkland and as a riparian area.
- b. A trail near Mallett Creek would be a very valuable trail connection from Taylor Bay Road to the Village and to Phase 4.

While not within GaLTT's mandate, this application also furthers the transportation and greenhouse gas emissions reduction objectives contained in the OCP.

In closing, the density transfer process is a very useful planning tool available through the Islands Trust legislation and regulations and can help to achieve the preserve and protect mandate. No new densities are being created by this process, while concentrating development is fully recognized as an environmentally sound approach to future development.

Thank you for including GaLTT in the Non-Agency Referral list, and for considering our recommendations.

Sincerely,



Norm Harburn

President, Gabriola Land and Trails Trust

From: nick doe [<mailto:nickdoe@island.net>]
Sent: Monday, October 17, 2016 12:23 PM
To: galtt
Cc: Gabriola Island Local Trust Committee; Rob Milne
Subject: GaLTT's Referral LTC letter October 14 re.GB-RZ-2016.1

While in general agreement with the referral letter sent by GaLTT by the Board on behalf of its membership, I should like to record my disappointment that GaLTT is again taking a weak stand on the question of the status of the 3.5 ha (8.6 acre) remainder at the SE corner of the parcel W½ of NE¼ Section 10 (Brian Henning's land).

Their letter says:

"GaLTT also has a keen interest in having the approximately 18 acres (sic) remaining of the Coats Marsh drainage area secured as park or nature reserve and intends to explore potential options."

As I have written before, this donor parcel is ecologically so closely tied in with the existing regional park that to my mind we should be aiming at having this parcel, in its entirety, integrated with the regional park.

Quite apart from its ecological value, the retention of the remainder for residential purposes would disrupt the present informal trail system in the parcel and there would be little scope for creating a new trail to circumnavigate any residence built there without impacting the wetlands to the north and south of it.

I have attached a map to illustrate what I mean. The square outlined in red is the remainder in question. The blue lines indicate the flows of water into the marsh in winter. Although these watercourses dry out at the surface in the summer, they have a rich biodiverse ecology that is distinct from that of the Douglas-fir forest in the higher ground.

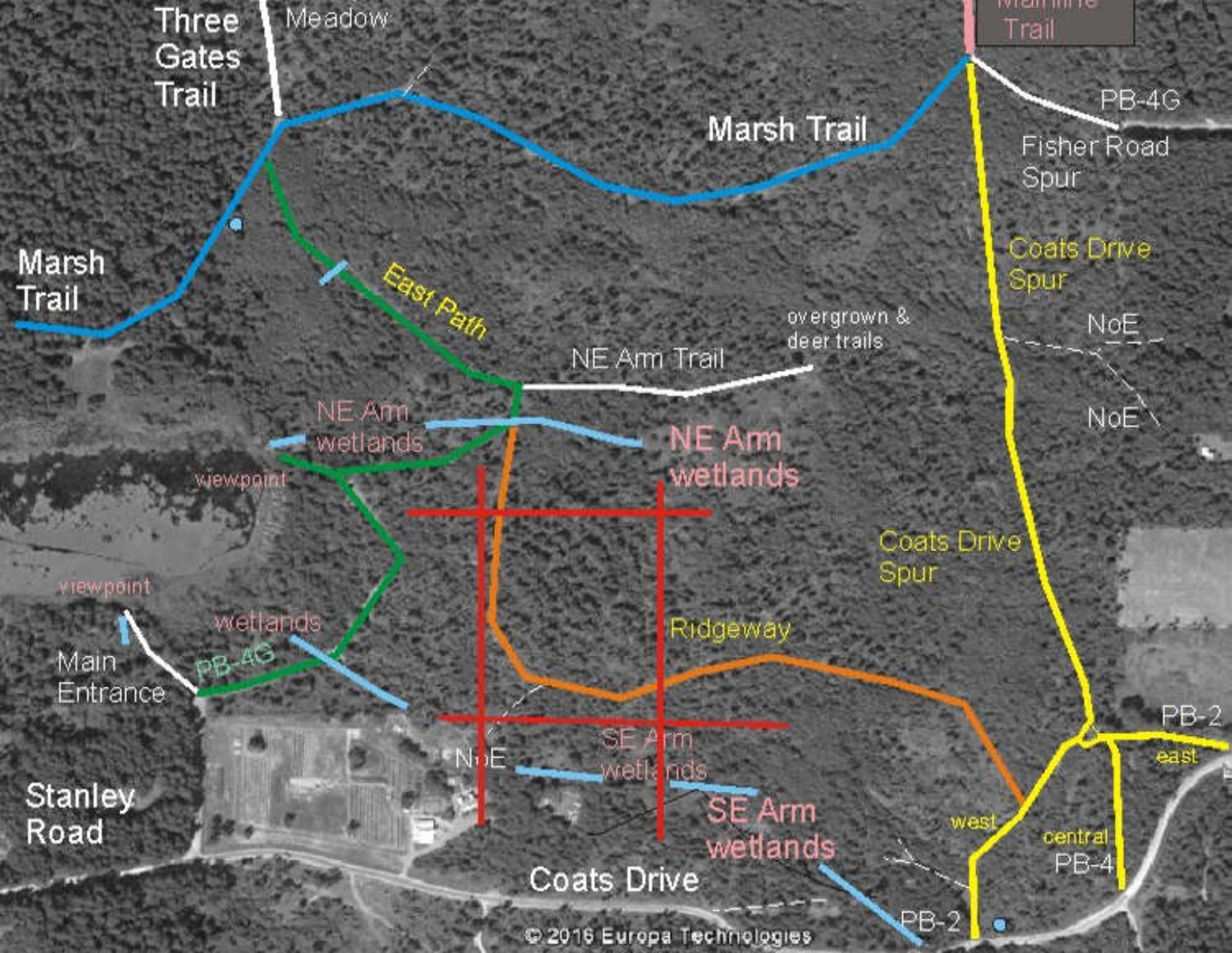
Why GaLTT is not pushing to have trails in this parcel system retained in the same manner as they have pushed to create or maintain them in the Mallett Creek watershed I do not know. I have no feeling for the impact of the proposers' business plans of not retaining this remainder, but I feel strongly that the community's bargaining position should be that this donor parcel be donated in its entirety.

Regards to all

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Three Gates Trail

Meadow

Marsh Trail

Main Entrance Trail

PB-4G

Fisher Road Spur

Marsh Trail

East Path

Coats Drive Spur

overgrown & deer trails

NE Arm Trail

NoE

NoE

NE Arm wetlands

NE Arm wetlands

viewpoint

viewpoint

wetlands

Coats Drive Spur

Main Entrance

PB-4G

Ridgeway

Stanley Road

NoE

SE Arm wetlands

SE Arm wetlands

PB-2 east

Coats Drive

west

central PB-4

PB-2

January 25, 2017

Dear Trustees and planner Sonja Zupanec

As indicated in earlier correspondence, I have a great interest in the specific donor land area to the east of the Coats Marsh Regional Park, formally known as the West ½ of the North East ¼ of Section 10. I have studied the natural history and hydrogeology of this area on an on-going basis, and in detail, for almost two years now, and I am firmly of the opinion that this area should, for ecological reasons, be integrated into the Coats Marsh Regional Park, as was indeed suggested by the consultants who help prepare the Coats Marsh Management Plan for the park in late-2010.

My understanding is that this area is 31.4 ha in extent, and that in the subject Potlatch proposal, 27.9 ha of this will be submitted as donor land, and 3.5 ha will be retained in private ownership.

My questions are:

1. Is it right to assume that the owner of this specific area currently possess approximately 0.5 densities on the basis that it is zoned forestry, which permits one residence per 60 ha? In other words, as things stand, a residence could not be built on this specific area without dedicating land as being off-limits for building somewhere outside this specific area also zoned forestry.

[Answer: not correct. Any parcel zoned forestry is allowed a minimum of one residence]

2. Is it right to assume that if the proposal were to be accepted, the owner would retain 3.5 ha zoned in such a way that one residence could be built on this specific area without the requirement that another area somewhere else zoned forestry was being made off-limits for building?

[Answer: yes. The proposal is to retain the forestry zoning on the remainder]

Would I therefore be right in assuming that purely from the perspective of the ecology of this area, accepting this proposal would not improve its protection from encroachment by building a residence?

[Answer: the present ability to build a residence would remain after the transfer. The difference would be in the reduction in the size of the area around the residence zoned forestry.]

Thank you in anticipation of a reply and with my apologies for not spending nearly as much time as I should studying and mastering the technicalities of the OCP and its associated LUBs.

Regards

February 1, 2017

Hello Nick,

In response to your question #2, the applicant is proposing to retain the 3.5 ha parcel as a 'Forestry' zoned lot with the applicable zoning provisions currently in effect for this zone (permitted principal and accessory uses, setbacks etc.). If you have any further questions please feel free to call or drop in to our office.

Sonja Zupanec, RPP
Island Planner, Islands Trust ◇

February 21, 2017

Dear Trustees and planner Sonja Zupanec

With regard to the subject of the Potlatch re-zoning application I have some comments on the hydrogeological assessment report submitted by R. Allan Dakin of Elanco Enterprises dated January 25, 2017.

Although I am a professional engineer and a member of APEG, my professional expertise is not in the field of geology or of hydrogeology, but I have nevertheless studied and written about Gabriola's geology extensively, mainly for people on Gabriola who are interested in these topics, but are not themselves experts in these fields. For several years I was an Honorary Research Associate of the Department of Earth Sciences at Vancouver Island University.

While being familiar with some of Allan Dakin's work on Gabriola, dating back as I recall to January 1972, and his extensive practical experience, and having respect for his wealth of accumulated knowledge, I am disappointed that he was given only a limited mandate and limited resources to accomplish what was really needed. In several respects I believe his conclusions and recommendations, while being broadly easily to concur with, are surprisingly optimistic given the widely-acknowledged complexity of fractured rock aquifers, and the absence of any local field work to support his conclusions.

In order not to tax the reader with an excess of technical detail, I have attached a note entitled, *The nature of the fractures in Gabriola Formation sandstone as it pertains to groundwater movement and storage* containing my own observations. It assumes that the reader has some basic knowledge of Gabriola's geology and the nature of its aquifers. The latest version is available at <http://www.nickdoe.ca/pdfs/Webp573.pdf>

In short, I believe that Allan Dakin's assessment report neglects the fact that fractures on Gabriola are members of two sets of very different geological ages and hydrogeological properties, a consideration that I have not seen remarked upon in any academic study. He also, I would argue, shows an incomplete understanding of the local hydrogeology of the Observation Well 194 and as a result, unjustifiably in my opinion, uses data from it to predict the behaviour of a new cluster of wells in the Mallett Creek watershed.

Having said that, I do respect Allan Dakin's expertise in these matters, and that any uncertainty in the procurement of adequate water is largely a risk being taken on by the proponents. On the question of wider interference of new wells both among themselves and with existing wells in the region, I would consider a 30 metre separation limit runs the risk of being shown in some instances of being too close, but that on the other hand, the possibility of interference in the range of 50 or even 100 metres is, as Allan Dakin argues, probably slight, but perhaps not non-existent if the well-orientations matches that of the water-bearing fractures.

I hope you find this useful, and greatly appreciate your work on this.

Regards

March 16, 2017

Dear Trustees and planner Sonja Zupanec

Since the RDN has expressed reluctance to take on ownership of the water-retention pond, known as Peacocks Lake, on Mallett Creek, there has arisen some uncertainty as to the future of this dam and matters in general connected to the Mallett Creek watershed.

I have attached a [note](#) that provides the basic facts that underlie my concerns, consisting of a summary of the studies made on the creek and reservoir. This work was completed in part in co-operation with the Gabriola Streamkeepers, but the following comments are my own.

The study has shown that of over-riding importance in maintaining the health of Mallett Creek is the continuing flow of water from the lake through or under the dam throughout the summer. Removing the dam and “naturalizing” the creek would quite literally destroy it as habitat for most of the aquatic life presently there, including the salmon.

Holding the view that responsibility for the dam would rest with the purchasers of the residences proposed by the proponents of this density transfer then leaves us open to the possibility that such purchasers, having failing let us say to obtain satisfactory insurance for their liability as did the RDN, would see themselves as having no option but to remove the dam.

Some additional points are:

-- monitoring the creek by interested groups and individuals could be improved by keeping records of water withdrawn by the fire department and Sitka Cove landscape managers, or if such records already exist, they be available. The water licence requires that water levels in the reservoir be recorded monthly. More frequent observations would be more useful to anyone making science-based observations of the lake and its ecosystem.

-- the surface water licences currently in effect allow for an inordinate amount of withdrawal based on historical surveys that took no account of the ecological values of the creek.

-- consideration might be given to increasing the level of leakage in summer. The present level was set by accident, not by design, and the flow gets particularly feeble in the absence of rain, and the dependence on the volume of the trickle with level in the lake is not known.

-- the catchment area of the creek is certainly much larger than is visible from surface water flows alone and way beyond any offset required by riparian area regulations as calculated in the attached note.

-- public access to the creek and lake is not necessarily desirable. In Coats Marsh where there is a small area providing similar habitat along Coats Marsh Creek and the Stump Farm Streams, the consultant assisting the preparation of the management plan remarked "...we suggest that this area not be identified on park maps and that trails not be located in immediate proximity to this area. It would be best to not bring attention to this area and to leave it to the birds, bats and other wildlife".

It is regrettable that the Islands Trust while being charged with preserving and protecting has no zoning that could accomplish that.

In summary, while I think restricted access to the area for research purposes only would be desirable, I'm not totally sure that this would resonant well with the general public.

All in all, maybe it would be better to leave things just as they are.

The attached note will be available online at <http://www.nickdoe.ca/pdfs/Webp684.pdf>

Regards

On 17/03/2017 11:36 AM, Heather O'Sullivan wrote:
Hi Nick,

A point of clarification (for me) - when you say " All in all, maybe it would be better to leave things just as they are.", am I to understand that you are now speaking against the application? Or did that phrase mean something else? Sorry for being dense...

Heather O'Sullivan Gabriola Island Local
Trustee Islands Trust (250) 247 9574 hosullivan@islandstrust.bc.ca
www.islandstrust.bc.ca

Reply March 17, 2017 2:09 pm

hi Heather

Not dense, me being obscure. Being unable to see when it's foggy is unlikely to be a fault of your eyes, it's probably due to the foggy weather.

I was literally meaning with regard to the Mallett Creek situation alone, but confess I am leaning toward being against the application as a whole, though have yet to make my case on paper. Hence the ambiguity. My mixed feelings leaking through.

Essentially I think in deciding if a potential deal is good or not, any deal, the issues are is the price right? and is it good value?

The first question is an objective one in that, given the dispassionately determined facts, we can come to some reasonable agreement as to what the price is, and whether or not it is a good one.

The second question is a subjective one in that what one person values may be quite different from what does another. Values involve personal feelings and past experiences, and are not always easy to reconcile with the values of others.

On the first question, I am somewhat surprised that when we are considering a multi-million dollar deal there has been close to zero discussion of the price. I can only recall a statement by the RDN director that it would cost us \$80,000 per year, why and based on what assumptions I do not know, and the letter by Art Warburton in the Gabriola Sounder February 21, 2017, p.4 emphasizing that the community does not have a business plan of anywhere close to the calibre of that of the proponents, picking up perhaps on that point in my letter to the Gabriola Sounder December 20, 2016, p.4.

On price, for just one example, is the community by acquiring ownership of forestry land taking on responsibility for fire management of the forest and what would that cost?

Take for another example the connector between Church Road and Spruce. Many people seem to be in favour of the proposal because of this component, almost regardless of any other issue. My question would be, if supposing for the sake of argument that such a road is necessary, shouldn't we be looking at all options and their cost for acquiring such a road, not seizing on this one offer as the only option. Perhaps it is the only option, but then I feel cheated that for the sake of the road I have to make compromises on land-use on land, in some cases almost four kilometres away, that has no connection at all with the road.

Which leads to the second question. Is it good value. On the pro side is undoubtedly the acquisition of the parkland to the west of the 707CP as ably promoted by GaLTT and others.

On the parcel to the east of Coast Marsh, I am much less certain. As it stands, the owner is entitled to build a residence and an access driveway through an ecological very sensitive area. Because of the topography, the house would have to be sited straddling what at the moment is a valuable connector trail. If the deal were to go through, the owner would be entitled to build a residence and an access driveway through an ecological sensitive area and the house would be sited straddling a valuable connector trail. There's not a lot of value

there, although I recognize that from the proponent's view there would be in that he would no longer have to pay taxes on land that he at the moment very generously allows people to use as if it were public land. A fairness issue. The forestry zoning by the way is a little detached from reality - large areas in this tract of land is red-alder swamp land that I would think is of little interest to serious foresters.

Another value issue. When the proposal was first made the proponents were confident that they could make provision for a viewpoint from the bluff over Lock Bay. This possibility has faded away for various reasons and were are left with, what to my mind is, a poor substitute of a road-side spot in places 20 metres in height below the vantage point of the current informal trail along the top of the bluff.

This for me is a significant downgrade, especially since moving here we lost the walk along the bluffs overlooking False Narrows in the 707:Legends density swap way back. Gradually all the high viewpoints where one can walk in solitude on a windy day, watch the hawks hovering in the updraft, and look down on the busy world below are being lost, or reserved for a very lucky few.

In more general terms. Is this deal in accordance with the mandate of the Islands Trust to preserve and protect, which on this island at least has become to mean capping the population through land zoning and maintaining, through the ferry system, the geographical isolation that assists in curbing development pressures?

And the answer is no because what it means is that we are selling the resource of highly developable land in order to be able to afford the acquisition of land that would otherwise be difficult to preserve and protect. Whether this is good value is a subjective matter. Many believe the addition of 25 households would have negligible effect as far as population density is concerned. But I'm inclined to think that it is more important to stick with our principles and not let the preserve and protect mandate be nibbled away at. During the 5-year review of the Canadian Environmental Assessment Act (CEAA) at the end of last year, it was not major development projects that were singled out as being the leading cause for creeping degradation of the environment, but a multitude of minor projects under local government control, all of whom probably viewed viewed their impacts as being too small to matter.

As I have mentioned before, I personally place a high value on having some land that is managed for the benefit of the non-human species - the P4 issue raised by Deborah Ferens (letter to you February 9, 2017). My most recent personal experience of this is with tussles with the RDN in their management of the Coats Marsh Regional Park (<http://www.nickdoe.ca/pdfs/Webp680.pdf>). Based largely on a two-day visit by an off-island consultant who helped draft the management plan

to the park in 2010, the RDN were, until I protested, bent on carving out a trail through the bush on the south side of the lake in the marsh despite that fact that snags in this area are used by breeding ducks such as hooded mergansers, despite the fact that by completing a trail all around the lake there would be no area left free from the disturbance that some species of migratory ducks cannot tolerate, and despite that fact that quote "...the main management objective for the Coats Marsh Regional Park property ...is environmental conservation and human access to the park property is secondary."

Many also have raised the issue of what demographic this proposal is favouring. There is a need for affordable housing on the island; yet what is being proposed is a housing development, most decidedly unaffordable to almost everyone except rich lawyers and the like from Toronto or wherever

The problem with value judgment as opposed to price judgments is that values are not quantifiable in the obvious way that price judgments are. But as I said, assuming that we have reached the very end of the negotiating process and its down to yes or no, all in all, I think maybe it would be better to leave things just as they are and say no.

Sincerely

Nick Doe

March 25, 2017

Dear trustees and planner

Proposed bylaws 289 and 290

Why do these two draft bylaws incompletely described the West ½ of the North East ¼ of Section 10, Gabriola Island, Nanaimo District.

This leaves Plan 1 the sole reference to the remainder parcel in the SE corner of this half of the quarter section, a plan that lacks both co-ordinates and dimensions in regard to this remainder.

Why is there no provision in these bylaws for the road access to the remainder? Is there an unspecified assumption that this would in future run westward through the proposed newly dedicated park? This would involve a crossing of the creek that supplies about one-third of the water to the shallow-water wetland in the Coast Marsh Regional Park.

Given [quote from the Coats Marsh Management Plan]

"that Hoggan Lake is known to contain fish, both Coats Marsh and the watercourse flowing from the Marsh into Hoggan Lake would be defined as a "stream" under the Riparian Area Regulation (RAR) because of the connection to Hoggan Lake by surface water flow (BC Ministry of Environment 2006)."

[end quote]

Presumably in principle, although no fish are actually involved, the definition of "stream" could also be applied to this creek flowing across the proposed park land. Its waters eventually flow into Hoggan Lake.

Regards

Nick Doe

March 28, 2017

Thank you for your email regarding application GB-RZ-2016.1 which has been received by the Gabriola Local Trust Committee as public correspondence for consideration. If you have any questions about the proposed bylaws or the application please contact planning staff directly.

Gabriola Island Planner

Islands Trust

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March 28, 2017

Hi Nick,

To address your questions , the Proposed Bylaws (289 and 290) accurately describe the legal description of the subject parcel in the donor lands (and show the extent in Plan 1).

The sketch in Plan 1 was based on the plan provided by the applicant which was included in the first staff report to the LTC May 2016:

<http://www.islandstrust.bc.ca/media/340099/gb-rz-20161-henning-potlatch-pilot-bay-staff-report.pdf>

If you go to Page 21 of that package, there is a plan which shows the proposed dimensions of the remainder lot as well as the proposed panhandle access off of Aiden Road. The Ministry of Transportation and Infrastructure would be responsible for approving any driveway access in a riparian area which would be subject to provincial regulations.

If you have any further questions you can contact me directly.

Sonja Zupanec, RPP
Island Planner
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Preserving Island communities, culture and environment

II Please consider the environment before printing this email

March 28, 2017

hi Sonja

Thank you for this; I'm still puzzled as to why this detail is in a staff report and not in the bylaws; however....

Two things I note:

(1) there is no road named Aiden Road. This is an obsolete name for what the RDN maps call "Stanley Place", but what the road sign at the junction with Coats Drive calls "Stanley Road".

(2) from the map attached, this driveway would cross what I have for several years called East Path Creek.

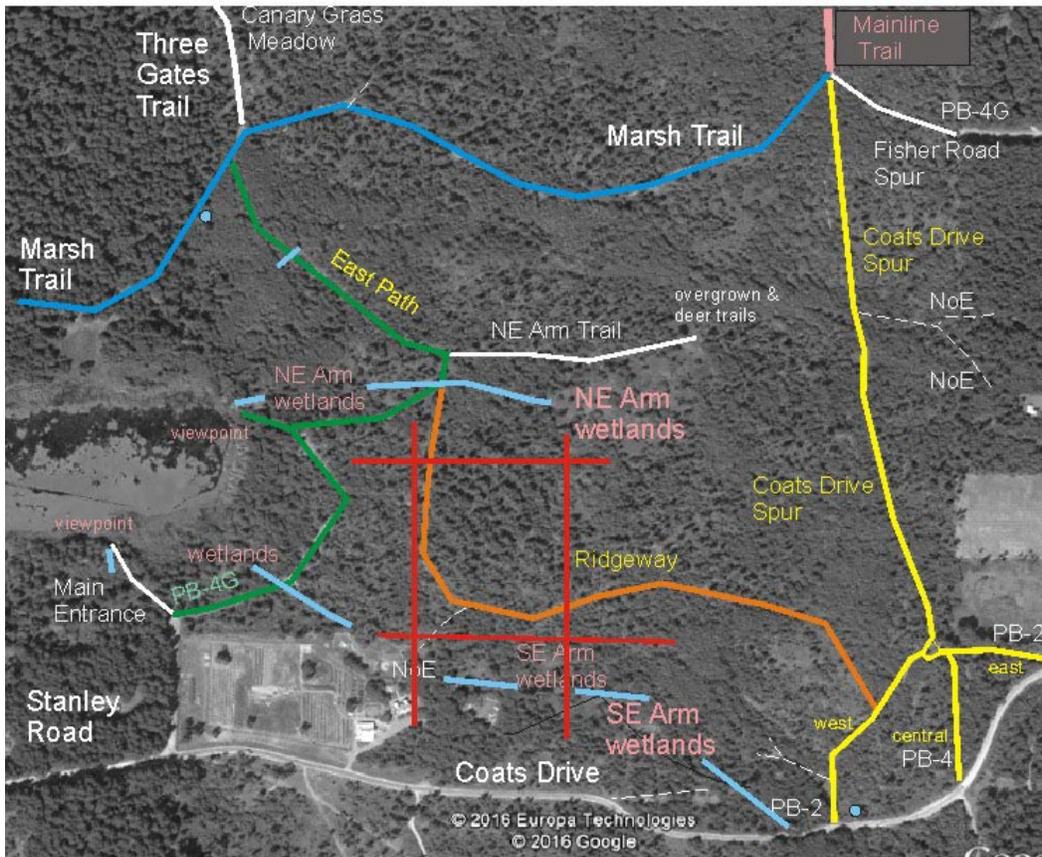
This creek supplies 30-35% of the feed to the wetlands within the Coast Marsh Community Park. By correlating rainfall with volumetric flow in

this creek over two years I have established that its catchment area is between 35 and 40 hectares upstream of the lake and is linearly traceable all the way back to McGuffies Swamp. The Madrone Report on RAR (February 24, 2012) wrongly identified this swamp as an isolated feature. It is connected at the latter half end of the wet season with fish habitat.

Detail for another day perhaps, but I hope it doesn't come to that.

Regards

Nick Doe



March 29, 2017

Thanks for the clarification on the road names - our GIS system labels that road 'Aiden Road' so we'll have to update that!

Sonja

March 29, 2017

Dear Trustees

I am not in favour of the re-zoning application GB-RZ-2016.1 for reasons I have outlined in earlier correspondence, principally that it will not afford adequate ecological protection to the area to the east of Coats Marsh, it would break up the existing trail system in that area, and it would open up the risk of private owners taking out the dam on Mallett Creek for their own reasons without public input. Taking out the dam would destroy the creek as practically the only watercourse on the island that provides fish habitat.

Among my additional objections is that those in favour of the proposal are citing the Church - Spruce connector as a major benefit. In my opinion, regardless of whether this is true or not, the provision of such a road should not be made contingent on a re-zoning application such as this one. The object of the trust is to preserve and protect the trust area for the benefit, not just the residents of the trust area, but the residents of British Columbia generally. In effect, the proposal would allow the residents of Gabriola to acquire the road by paying for it by allowing development of land with a high scenic and ecological value. This would I am prepared to guess would not meet the approval of those residents of British Columbia who do not live here. If a road is really needed, it should be paid for by island developers and residents, not by selling off assets that belong to all.

Sincerely

--

Nick Doe
1787 El Verano Drive
Gabriola, BC
Canada V0R 1X6

E-mail April 12, 2017

Sonja Zupanec <szupanec@islandstrust.bc.ca>

Houle, Howard <Howard.Houle@rdn.bc.ca>

cc. Marshall, Wendy <wmarshall@rdn.bc.ca>

McCulloch, Elaine <EMcCulloch@rdn.bc.ca>

hi Sonja and Howard

I am sending you herewith a copy of a letter from me that was published in the local newspaper, the Gabriola Sounder April 4 2017 page 4, under the heading "Third Reading for GB-RZ-2016.1".

I would like to request that this become part of the official records of the LTC and the RDN on the subject of the remainder lot in the GB-RZ-2016.1 application, this despite the tone of the letter which was of course written for the general public.

I have not copied the trustees with this or the previous letter because I am thoroughly confused as to what information from the public that the trustees may now legally receive, but I trust your judgment in this.

Thank you.

The letter read:

The LTC decision to rush this re-zoning proposal to third reading despite the clear indication of many in the community at the Public Hearing that they needed more time to finalize their thoughts on this application has left us with the situation that there will be no decrease in density on the donor land that is the half-quarter section to the east of Coats Marsh. This is despite the assessment of many that this is an ecologically very valuable piece of land.

The offer of the proponent to give the RDN or GaLTT a "first refusal" option is in my view worthless. The assessed value of the 3.5 ha remainder is (pro rating on that of the whole parcel) around thirty-eight thousand dollars. I cannot believe that this amount is a serious obstacle for the proponents "donating" this land, and that the real reason for their retaining it is that they intend to build on it for their own purposes, thereby making "first refusal" irrelevant. The community or GaLTT members need not worry about having to fork over tens of thousands of dollars to the proponents to prevent a road being built through the wetlands in this area; it is unlikely it'll be coming on the market.

Regards

--

Nick Doe
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Canada V0R 1X6

April 12. 2017-04-15

Received, thank you.

You are correct to send it to planning staff and we will include it as 'post public hearing' correspondence on the file.

Sonja Zupanec, RPP
Island Planner
Islands Trust
cc. Becky McErlean <bmcerlean@islandstrust.bc.ca>

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E-mail June 8, 2017
Gabriola Island Local Trust Committee
<GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca>

Herewith for the record is my submission to the IT Executive Committee in Victoria on June 7. I was extremely disappointed with the reception of this submission in that it evoked little discussion, no questions, and frankly apparently little interest.

It knocked a large hole in my faith in the Island Trust's resolve to preserve and protect the environment in the Gulf Islands.

Thank you for your attention.

Submission to the Islands Trust Executive Committee hearing on June 7, 2015

A PowerPoint presentation posted here as a pdf file:

SEE FILE

<http://www.nickdoe.ca/pdfs/Webp685.pdf>

E-mail June 8, 2017

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Thank you Nick for forwarding your submission regarding Proposed Bylaws 289 and 290, application GB-RZ-2016.1. It has been added to the file.

Please note that the Gabriola LTC is not receiving any further oral or written submissions as the public hearing has concluded.

If you have any questions about the application, the process or the status of the Proposed Bylaws, please contact planning staff directly. Thank you.

Sonja Zupanec

Island Planner

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Given that there are no more decisions to be made following the ITEC's decision yesterday, at what point can the LTC engage in a normal democratic process?

N.

E-mail June 8, 2017

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The 'post public hearing' procedures apply until the bylaws are defeated or adopted, or the LTC decides to proceed no further. This is the standard local government legislative review process for any OCP/LUB bylaw being considered in British Columbia, and not unique to the Islands Trust.

Proposed Bylaw 289 (OCP) will now be forwarded to the Minister of Community, Sport and Cultural Development for approval. Once that bylaw is returned, the LTC can then consider final reading (adoption) of Bylaws 289 and 290. Due to the pending change in Ministers and potential delay in bylaw approvals, we expect final consideration by the LTC in the fall or early winter.

Thank you.

Sonja Zupanec
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Hi again Sonja

Perhaps you can also clarify for me the status of Trustee Busheikin the Chair of the Gabriola LTC who as you well know was at the ITEC mtg. yesterday, heard the delegations from Gabriola, and took part in the subsequent committee discussion, albeit without further input from the delegations, and voted on the issue.

Couldn't this be construed as a conflict of interest? I'm sure this issue must have been discussed before internally and am curious as to the outcome.

Nick

Further letters to the Islands Trust Executive Committee are at:
<http://www.nickdoe.ca/pdfs/Webp685.pdf>