



Wednesday March 3, 2011

Mr. Jeffrey Moore ASCT  
Provincial Approving Officer  
BC Ministry of Transportation and Infrastructure  
Lower Mainland District

Dear Mr. Moore:

I am writing today representing the Savary Island Land Trust Society. We are a non profit charity that formed in 1997. Today we have 327 members. We have acquired 10 parcels of ecologically significant land on Savary Island. We strongly believe that subdivision application for DL 1375 is not in the Public Interest, nor does it serve the Public Good. .

As noted by Dr. Kathy Dunster in her letter to you February 18, 2011:

“DL 1375 is ecologically and geologically unique in Canada because it is composed of a series of ancient dune ridges and troughs that capture the history of the Salish Sea, including physical indicators of changes in weather patterns over the past 10,000+ years. The dunes and adjacent sand plains and meadows provide habitat for several ecosystems at risk that are found no place else in Canada and are irreplaceable”

In addition to this, three of the seven terrestrial ecosystem types that are present on DL 1375 are endemic (occur no where else in the world) and are ranked at the highest global ranking. (BC Conservation Data Centre Biotics Database, 2008)

DL 1375 has the only recorded intact archaeological sites on Savary Island, including clam production sites, plant harvesting sites and a village site with two house platforms. These are especially significant on Savary as most of the other archaeological sites on the Island have been destroyed by over subdivision and development. Most of these sites are on the southern portion of the property, south and west of the airstrip.

The subdivision application for DL 1375 is not in line with the Principle Aim of the OCP. It does not protect groundwater resources, sensitive areas or unique biophysical features from development. It does not provide adequate or appropriate public access to the shoreline.

The OCP reflects the community interests. The Principal Aim of the Savary OCP is: TO MAINTAIN SAVARY ISLAND'S UNIQUE CHARACTER AND RUSTIC ISLAND LIFESTYLE WHILE PROTECTING THE ISLAND'S GROUNDWATER RESOURCES, ITS SENSITIVE ECOSYSTEMS AND ITS UNIQUE BIOPHYSICAL CHARACTERISTICS.

The current application threatens the Islands groundwater resources, sensitive areas and its most unique biophysical characteristics, the ancient Ice Age sand dunes.

DL 1375 is under consideration in the PRRD Parks and Greenspace Plan, and it is on BC Parks Acquisition List. Public opposition to the subdivision of this parcel goes back to the 1980's when it was acquired by the developers. Opposition has grown considerably since that time. The public opposition to this application goes well beyond the tax payers and visitors of Savary Island and includes, individuals and organizations within the Powell River Region, the Sunshine Coast, all of British Columbia and in fact Canada. You have received many messages and letters in opposition to the subdivision, including correspondence from experts on the topic such as Dr. John Clague of Simon Fraser University, Dr. Kathy Dunster. Local groups in the Powell River Region who are opposed to this development include the Powell River Parks and Wilderness Society, the local chapter of the Sierra Club and the Malaspina Land Conservancy. Subsequent letters are forthcoming from the Sunshine Coast Conservation Organization, the David Suzuki Foundation and other interested parties.

At a recent meeting of the PRRD Planning Committee the Chairman and Directors received 47 messages opposing the development and only 1 in favour. The SILT delivered a petition with 674 signatures in support of the preservation of DL 1375 to the PRRD Directors.

The DL 1375 subdivision application follows the pattern of the ruling of Judge Rice on DL 1375. However, Judge Rice did not consider any environmental issues or make any environmental findings of fact, instead leaving that to be considered by the Provincial Approving Officer in the subdivision application process. It was made quite clear by Judge Rice and subsequently by all parties in the Court of Appeal that the PAO is required to follow the normal statutory purposes and is entirely unfettered by the plan accepted by Judge Rice for partition purposes.

The immense ecological significance of this parcel had no bearing on Judge Rice's decision. The order states clearly that: "[6] However, environmental issues are not considered by the parties as determining factors on this application for partition or sale. This court has made no environmental findings of fact. The mechanisms in dealing with those issues are available within subdivision process and efficient community plan."

<http://www.courts.gov.bc.ca/jdb-txt/SC/10/03/2010BCSC0318.htm>

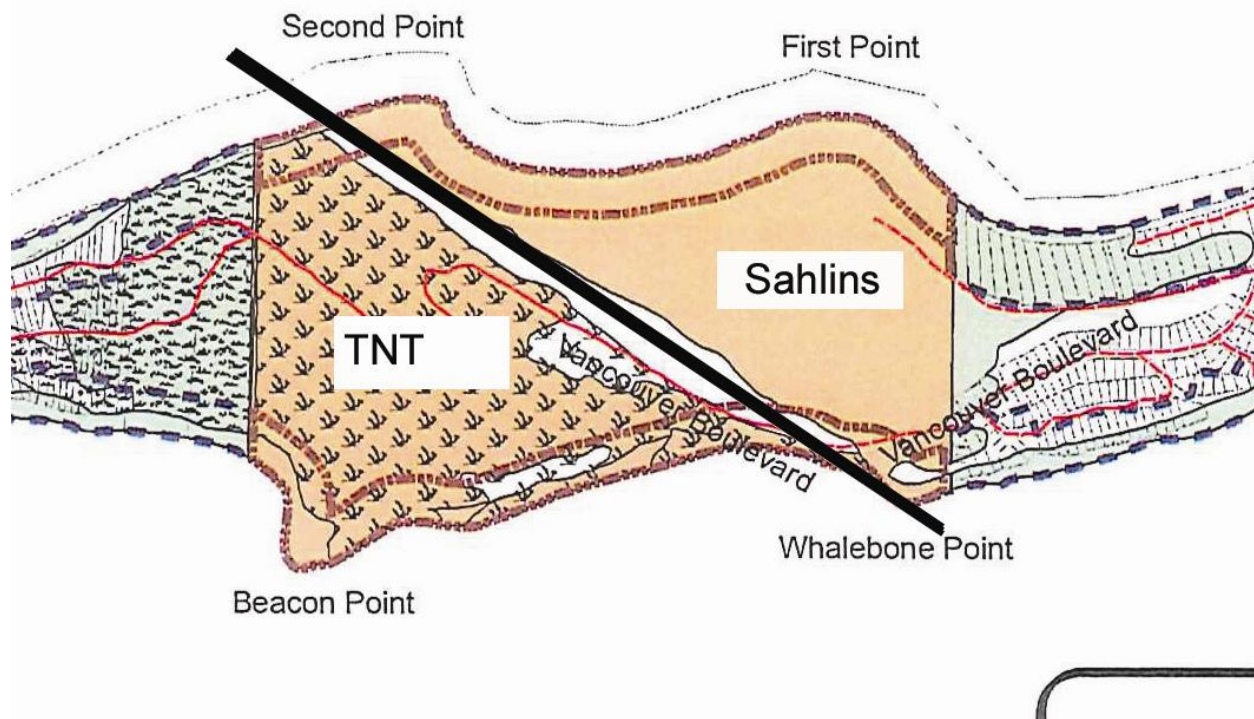
This makes your role critical to the protection of the public interest and the public good. The entire parcel of DL 1375 requires a full and detailed examination by QP's selected in consultation with the MoE and MNRO in order that the environmental factors and public interest considerations may be taken into account on the question of subdivision. It is clear that the model of subdivision adopted by Judge Rice for partition purposes would never satisfy the purposes and intent of the legislation binding on the PAO. The patchwork subdivision of the land into alternating strips - one for the developers and one for the Nature Trust, one for the developers and one for the Nature Trust going east to west - chops up the parcel creating a developer's dream and a conservation nightmare. Habitat fragmentation would be the main result.

As mentioned above, one of the Sahlin's lawyers, Mr. Kaplan reiterated to the court on the hearing of the appeal that the PAO has full authority to deal with the subdivision application unfettered by the judgment of the court on the partition application.

The presumption that the land will be divided as indicated by Judge Rice is clearly incorrect. We believe that in your role as the Approving Officer you should approach this subdivision application on the same basis as you would have approached it in the absence of a court order. We appreciate your seeking clarification from the AG on this matter.

The Old Growth Douglas Fir forest covering ancient relic sand dunes found on Lot 2 (as per Rice) are rare, intact and seriously threatened by this subdivision application. Allowing for development of Lot 2 will only provide huge monetary value to the developer. It will not protect the groundwater, ecological services, heritage or recreational values of interest to the public. Private land owners have no obligation to preserve nature. The Nature Trust of BC's stated mission is "The Nature Trust of British Columbia is dedicated to conserving BC's biological diversity through securement and management of ecologically significant lands." (<http://www.naturetrust.bc.ca/mission.php>) In its 40 year history, The Nature Trust of BC has secured over 61,000 hectares (150,000 acres) of critical habitat for wildlife, plants and fish.

If the land is to be divided, the only 50/50 split that will protect all of the Ice Age dunes is a split on the diagonal, with all of the properties south of the airstrip going to the Nature Trust and everything north going to the developers. We are asking you to reject the present application and, if necessary, indicate that you would be prepared to consider a subdivision plan modeled on this diagonal division. The appropriate covenants and restrictions should apply to the entire parcel and the most sensitive areas should belong to the Nature Trust of BC. The Old Growth Cedar Forest on Lot 3 on the north side of the Island should be protected by covenants.



The proposed application does not provide adequate or appropriate public access to the shoreline. An extensive trail network exists on DL 1375. The current application proposes a new road which will create unnecessary disturbance. A new right of way proposed in the application threatens the Old Growth Cedar Forest. In addition, a huge access at Duck Bay, is on top of Red and Blue Listed species. The application provides no access to the shoreline in the middle of the Island (Lots 1& 2) on the Spirit Tree Trail, Hanging Tree Trail, Dune Ridge Trail or the Beacon Point Trail. (See Map attached) The hub of the existing trail network used for generations is on Lot 2. The PLA for an earlier subdivision application for DL 1375 in June 2000 included trail access to this parcel. Instead the current proposal suggests that a Trail to Beacon Point exists on a 50+ year old skid Rd that is fully forested and would require cutting and uprooting of many trees on the relic dunes. It also suggests rerouting an existing access to First Point. We recommend that no further roads be built and that trail access be kept to low impact narrow footpaths restricted to existing trails and protected by covenants. We object to the building of new roads and the dedication of new roads in ecologically important areas, such as the Old Growth Cedar Forest. The subdivision application as it stands serves the interest of the developers in every way. It does not serve the interests of the public in anyway. It is not for the Public Good.

Sincerely,

Liz Webster M.A.  
 Executive Director  
 Savary Island Land Trust Society