

----- Forwarded Message -----

Subject:Meeting Tuesday, 11am - Island View Beach Regional park

Date:Sun, 10 Jan 2016 21:41:25 -0800

From:Jason Austin <>

To:Barb Desjardins <barb.desjardins@esquimalt.ca>, Robert Lapham CAO
<rlapham@crd.bc.ca>, Mike Hicks <directorjdf@crd.bc.ca>

CC:John Ranns <jranns@metchosin.ca>, Colin Plant <>, Carol Hamilton
<mayor@colwood.ca>, Shelley Travis <stravis@crd.bc.ca>

To: CRD Chair Barb Desjardins
CRD Parks Chair Mike Hicks
CRD CAO Bob Lapham
cc. CRD Governance Chair John Ranns

I confirm our meeting on Tuesday for 11am - 12pm. We have been allocated one hour which I recognize is generous of the three of you with your busy schedules. I am sending this as some background to hopefully make the most efficient use of our time.

The CRD has owned the bulk of the park at IVB for 50 years. There has been a park bylaw in place since 1989, and the CRD has been trying for 5 or 10 years (depending on how you want to count it) to bring in a new park plan. No deficiency has been identified in the existing park plan and there is nothing requiring urgent attention.

The last 5 years, and particularly the last 3, have been characterized by misrepresentations by CRD Parks to the public and the CRD Board about Island View Beach Regional Park. In 2013 a draft plan presented by CRD Parks had to be withdrawn because of the extraordinary number of misrepresentations contained in it. In 2014 a commitment was made by CRD Parks that a new environmental assessment would be done as the basis for a new plan, that would be factual, technical and scientific. That environmental assessment was published by the CRD on their website in January 2015 and has proved even more controversial than anything that has gone before. It was incomplete, misleading and contained fabrications. I will go into specifics with you on Tuesday.

The law is clear - when the CRD holds meetings seeking input from the public, it must not only tell the truth, but it must divulge all the information in its possession prior to the meetings, so that interested parties can make informed, thoughtful and rational presentations. Where the CRD does not meet these requirements of procedural fairness then it cannot move on to replace the old bylaw with a new one. See <http://www.friendsofislandviewbeach.com/bc-court-of-appeal.html>

We, the Friends of island View Beach, did everything we could to salvage the process and we wrote repeatedly to staff and the Board, warning of the problems and urging that the public meetings be postponed so the CRD data could be checked. As well, we made repeated requests of staff directly and through FOI requests, for them to disclose the evidence on which they made environmental claims which we had been unable to verify. **I have prepared for you a web**

page showing the main correspondence during 2015 at <http://www.friendsofislantviewbeach.com/letters-to-the-crd-in-2015.html> I hope you will appreciate the touch of black humor that the page graphic is of people with their heads in the sand. **On that page I have done a short extract of each letter, but if you can spare the time it would be valuable if you read the full body of the letters so you can see the extraordinary effort we went to to warn the CRD of the danger of proceeding with the public meetings while under notice of the problems with the presentation.** As I mentioned, I will go into specifics on Tuesday.

As you read the correspondence, you will see there are two main issues. One is the accuracy and completeness of the information provided by CRD Parks. But the other is more critical - CRD Parks failed to inform the public that the CRD's own study says that IVB will be permanently under water in 35 years! So there was the absurdity - and the massive wasted expense and time - of people talking seriously about saving this or that species, when the park itself will be wiped out by flooding in a short time unless something is done to protect it. That is where the focus must be - what will be done - if anything - to protect the park? Until that is decided anything else is pointless. If nothing is done, the park is lost. If something is done, that action itself may influence the park environment.

We believe the only proper course of action is for the CRD to make inquiry into the information we will provide you, and until then to delay the presentation of any draft plan compiled from public input gathered during 2015 as that input was tainted beyond repair. **We do not seek to cancel the process** - our only goal is that the public be given all relevant information so they can make informed, thoughtful and rational presentations about the future of the park.

I alluded in an earlier email to Chair Desjardins, that one of the problems with previous Boards has been an undue deference to staff and experts. This not a crack at staff, it is a statement of fact - that nature abhors a vacuum, and weaknesses in a board of directors will be filled by staff. An investigation will show that regardless of who actually did something, the responsibility for the problems of the last 5 years falls on the previous Parks Committees and the previous CRD Boards, because we have been sounding the alarm, and apart from a small handful of directors, no one made reasonable inquiry.

Fatigue was a reason I saw for lack of action by the previous Parks Committee. This process has been dragging on for 5 years and Parks Committee members just wanted it to go away. This needs to be addressed because it has been said that we are to blame for the delay but this is not true. The facts are these:

- The CRD announced formally in January 2011 that they were looking to do a new park management plan, and in May 2011 Lynn Wilson wrote to me saying she expected that to be drafted by June or July 2011 " I am in the process of developing the draft park management plan and it won't be available for public review until it goes to the Parks Committee in June and they approve it for public comment—so probably late June or early July if all goes well." That is the same plan that Parks are still working on 5 years later!
- What happened was that a community group formed called the Island View Ditch and Mosquito Committee, and sounded the alarm about the mosquito drainage ditches which

under the park bylaw CRD Parks were supposed to be maintaining but were not and which lead to the terrible mosquitoes. Central Saanich became aware and called on the CRD to maintain the ditches in any new park plan, and this is what threw the CRD Parks into turmoil, because they intended to fill in the mosquito drainage ditches and open up the sea wall to flood the park (and neighbouring properties).

- CRD Parks then said they would need until 2012 to rethink, and in 2012 they extended that until 2013.
- In 2013 Parks came out with a draft plan that contained so many misrepresentations that the Board had to abandon it.
- In 2014 Parks promised to start again with a "factual, technical and scientific" analysis of the park, but said they would need 8 months to do this. This seemed odd that having owned the park for 50 years and done many environmental studies that the CRD would need another 8 months, and the cynical among us observed that by delaying it like this it meant the next time Island View Beach came up, it would be before a new and different CRD Parks Committee. And that is what happened.

The reason then we are now into the 6th year at IVB are the lengthy delays taken by CRD Parks and nothing to do with us.

The outstanding Freedom of Information Requests

The reason I wrote to you all on December 30th was out of frustration with the CRD FOI process. I had been asking CRD Parks since January 2015 to give me the evidence to support some of their environmental claims for the park that seemed to make no sense (and still don't). They refused to give this evidence, and Parks Chair Brice even wrote saying if we were challenging the CRD we should engage our own expert at our cost! That was bizarre - all we were doing was to ask the CRD Parks to show us the evidence they had to make the statement that certain species were "confirmed resident" in the park. It was their claim, not ours. Park refused to give us this evidence which of course made things smell bad. In frustration in July we made an FOI request for this information, and they came up with a stalling tactic saying they would charge us \$1,165. So we danced around that and on December 30th I received from the CRD a handful of emails and something else that I can't make out, that give the appearance of being deliberately mis-sized as to make them unreadable - and yet I had specified that I wanted them in digital format, not in photocopies, because CRD Parks had played that game with me before. I wrote to Ms. Bains on December 30th (below) asking that she email me immediately the records in readable digital format. I regret to have to tell you that I have not even had the courtesy of a reply from Ms. Bains and the FOI records have still not been sent to me. I must also tell you that a request I made on November 23rd for other material has also not been complied with. Sadly, this obstructive behaviour is the norm that those of us who deal with the CRD have come to expect. The only reason I have not filed a formal complaint with the Office of the Information and Privacy Commissioner is because Chair Desjardins signaled a change at the Board level when she reached out with the offer of the meeting we will have on Tuesday. For 2016 we have a new CRD Chair, new Committee Chairs for Parks and Governance, and a relatively new CAO I have not met yet but who Director Hicks speaks very highly of. Hopefully between you, a new positive approach can be achieved at the CRD. We want to work with you

Sincerely

Jason