

## Friends of Island View Beach

### Review of the June 2017 CRD draft plan for Island View Beach

On June 13, 2017, the CRD released a new draft plan for Island View Beach Regional Park. It is scheduled to be reviewed by the Regional Parks Committee on Wednesday, June 21, 2017 and it is important that everyone interested in the park be involved. The draft and the supporting reports can be seen on our web site at <http://www.friendsofislandviewbeach.com/links.html> Scroll down to “2017 June draft plan”.

A map of the proposed park use is shown below at page 5. To put the following notes into context, it is worth while looking at that now.

There are good and not so good aspects to the draft.

#### The good

- Creation of a dog friendly day use area north of the camp ground. Currently dogs are not allowed in the picnic areas in summer. The existing day use area will become a no dog area. This provides a sensible separation between those who wish to have their dogs with them, and those who do not.
- A large area of the meadowlands will be off trail, with dogs allowed off leash for some time (but see the note about leashing below.)
- It brings the equestrians back to the park, where they have a long history
- Recognition of the likely impact of climate change on the park

#### The disappointing

- Much to our disappointment, the CRD has reused its old map claiming there is a salt marsh in the north west, and repeated the claims of 33 species at risk in the area, and that there are 9 confirmed species at risk in the park. We had thought these were behind us. We are also disappointed at the continued use of the misleading term “wet lands”, as these are only seasonally wet. “Meadowland” was the word coined during the collaboration process between the primary stakeholders.

#### The unnecessary – much of which seems to be a solution looking for a problem

- **A proposed Environmental Protection Zone in the northwest** where it is proposed that people must stay on trail. “On trail” may seem reasonable until you see there is only one trail! A requirement to be on trail is the equivalent of an exclusion zone. **This is not necessary, as repeated studies over the years have concluded there has been no damage to vegetation in the west side of the park from people or dogs going off trail. These were the 1987 CRD Master Parks plan; the 2009 Stacey Filatow report; and the collaborative process between the primary stakeholders undertaken from January – March this year.** There is no justification to require the public to be on trail in this area. **Recognizing that conditions may change, we recommend below that CRD park staff be given the authority to intervene should any damage ever occur in the future, but until then, that the public be able to go off trail as they have done for the last 50 years without damage to the park.**

- **A proposed Natural Environment Area between the loop trail**, where it is also proposed that the public must stay on trail, but there is only the one loop trail, so all the park in between would be denied to the public. For the same reason as above, we believe there is no justification to require the public to be on trail in this area.
- **A proposal that all dogs must be leashed in the meadow lands between April-July to protect ground nesting birds.**
  - There are no records of what ground nesting birds are in the park
  - The predators of ground nesting birds include raccoons, feral cats, rats, American bullfrogs, squirrels, crows and eagles. These are all present in the park.
  - **Habitat is the most important element for the presence of ground nesting birds.** The Audubon Society says:

*Abandoned fields make good grassland bird habitat, but only for a few years. **Once shrubs and saplings are established the habitat quickly becomes unsuitable for grassland birds ....***  
<http://ny.audubon.org/conservation/managing-habitat-grassland-birds>
  - The meadowlands are widely overgrown with brush, making them unsuitable for ground nesting birds.
  - There needs to be positive action taken to attract ground nesting birds to the park, like clearing the brush in the meadowlands to create open grassland habitat. Putting restrictions on dogs does nothing, and is just window dressing.
- **Proposal to fence off the upper beach, and stop the public from freely accessing or using the upper beach from the north parking lot to the top of the park.** The draft proposes that from a point in line with the top of the northern parking lot, that the beach will be fenced off to the top of the loop trail, with only two access points in between, and that the public will not be allowed to use the upper beach. The reason given is they plan to do a sand restoration project on the upper beach.
  - For the reasons we give in the attachment at page 6 below, we believe that **the upper beach that the CRD wants to exclude the public from, belongs to the Province and is not part of the park.**
  - We notified the CRD of this on April 10<sup>th</sup> and again on April 20<sup>th</sup>.
  - **We lobbied the CRD repeatedly last week saying that the draft plan showing the coastal boundary is misleading to the public and that a surveyor should have been engaged to determine the natural boundary. We also said that this is such a fundamental part of the draft plan that the draft should not be considered by the Parks Committee until that survey is completed.** So far the CRD has refused to postpone the meeting.
  - **Before any action is taken on this proposal, the coastal boundary of the park should be surveyed.**

### The puzzling

The present park bylaw has been in effect since 1989, and calls for a fence on the Tsawout boundary. No fence was built, and many CRD Directors and ourselves, have protested in recent years over the

trespass onto the Tsawout lands by park visitors. This 2017 draft now proposes to fence off the general public from the North East sandy area at the south end of that sensitive area, but does not propose to fence the sensitive area on the north end, along the Tsawout boundary. If the sandy area in the north east is so sensitive that the general public must be fenced out on the south side of that sandy area, then the area should also be fenced off on the north side. To fence one side and not the other would be disrespectful and hypocritical. Fence both sides or none.

## The questionable

**The draft proposes to close off the north east corner of the park and create a sand restoration project.** We understand and empathize with the feeling behind this, but at the same time we point out that the environment has changed there, perhaps permanently, and that a sand restoration project could be an expensive exercise in futility. **In 1919 the newspapers reported that Island View Beach had a 100' of sand on the beach above the high tide, and 500' of sand at low tide.** Photos at that time showed sheet sand on the north east of the park, and on the Tsawout lands. **That sand has gone now**, and the beaches that were once sand covered are now rocky below high tide. The loss of the beach sand has meant a corresponding loss of make up sand to the north east of the park and the Tsawout lands, and these areas have become organic with grasses and other vegetation on them. Any attempt to “restore” them to be sheet sand and sand dunes, will be an expensive fight against nature, and nature invariably wins these fights. The draft calls for a plan to be done before the work is undertaken, and we advise that this plan should be fully costed before being approved. **Until then the current trails should be left open in the north east, because it is only where the public have been walking and keeping the sand clear, that the sand based species at risk plants have survived.**

## Missing from the draft

1. **Mowing one side of the ditches.** The collaborative process undertaken by the primary stakeholders was unanimous that one side of all the ditches in the park should be mown annually. The reasons for this were:

- The CRD has given commitments to maintain the mosquito control program and to maintain the mosquito drainage ditches. Currently the sides of some ditches are so overgrown that neither the mosquito control contractor nor maintenance staff, can access them. **Mowing one side of all the ditches will make the ditches accessible, and will be an indication that the CRD is genuine about its commitment to maintain those ditches and the mosquito control program.** Maintenance of the ditches is important to reduce the standing surface water in which mosquitoes breed, so that use of the BTi mosquito laticide can be minimised.
- Mowing one side of the ditches would also create informal, all weather trails for the public at almost no cost to the CRD. (They would be “all weather” because they would be alongside the ditches so there would be no standing water.)

- **Doggie bags and more garbage cans** This is an important park for dog owners. It is only common sense that there be dog waste bags and more garbage bins, for disposal of dog waste. The bags cost very little, and might even be provided free if there was advertising on them. Most other municipal parks provide them.

### Our recommended changes

1. That the proposed Environmental Protection Zone and the Natural Environment Zones
  - Be classified as a Natural Environment Zone
  - That the public be allowed off trail
  - That dogs be allowed off leash
  - **The historical park usage has shown no damage by people or their pets, and therefore there is no need to place restrictions on off trail use. Conditions can change however, and it would be prudent to include in the park plan, an overriding provision that empowers CRD staff to intervene should damage ever occur to the park in the future..**
2. **That a surveyor be engaged to determine the natural boundary of the park on the seaward side, and that this be done before any action is taken on this draft.**
3. Mow one side of each ditch annually, to provide access for the mosquito control contractor and ditch maintenance staff; and to provide inexpensive, informal all weather trails for the public
4. Install dog bag dispensers and more garbage cans.
5. That if the north east corner is so sensitive that the public must be fenced off from the south, that it should also be fenced off at the north. And that the public not be excluded from the north east until a restoration project actually commences.

We welcome your feedback to our email address at [friendsofislandviewbeach@gmail.com](mailto:friendsofislandviewbeach@gmail.com)

and encourage you to email the CRD directors with your thoughts at <http://www.friendsofislandviewbeach.com/email-the-crd.html>

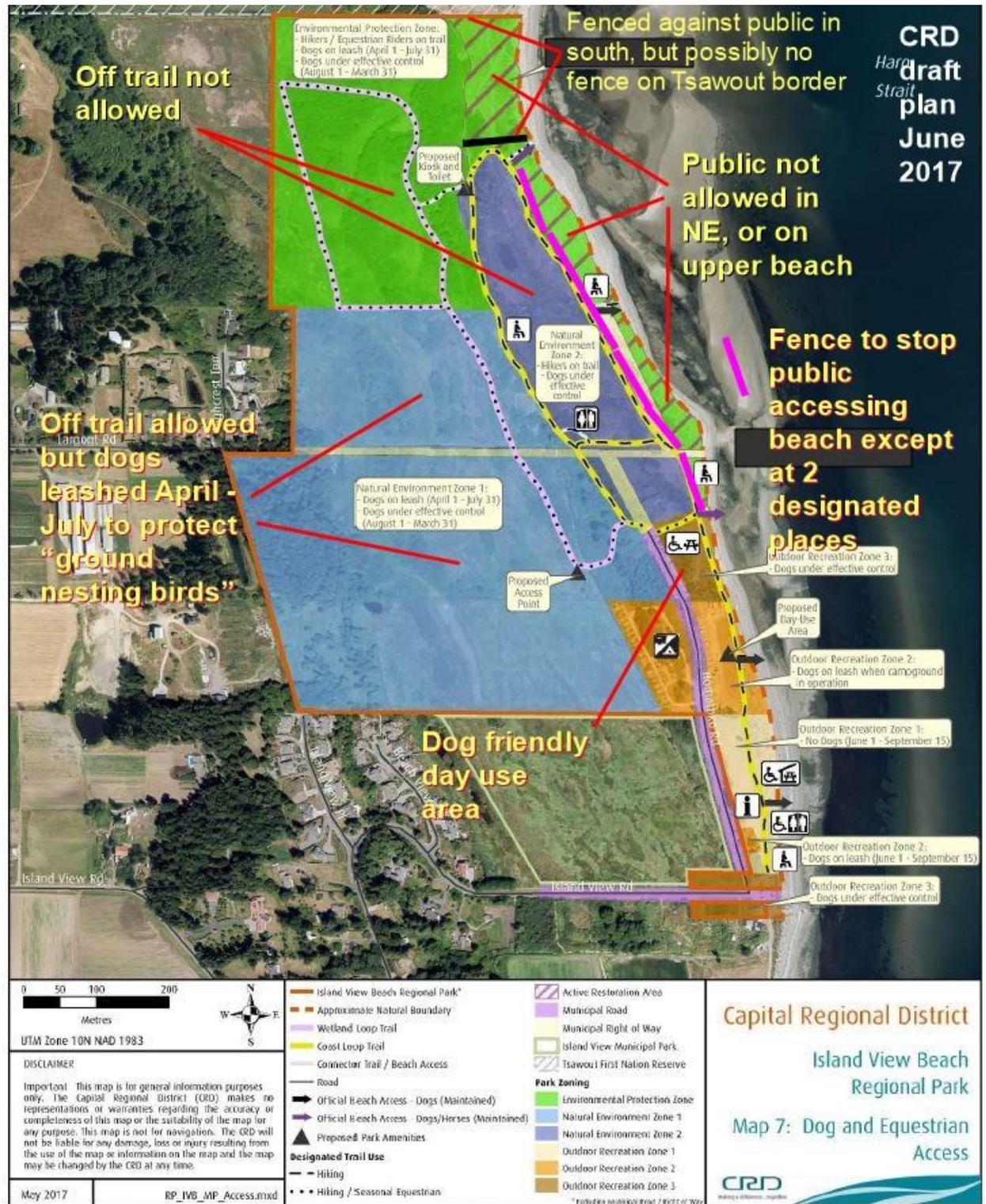
The meeting will be at the CRD Building, **625 Figard, at 10am this Wednesday, June 21st.** If you feel strongly about the park – and we hope you do! – you can speak to the directors at the meeting by registering online before 4:30pm Monday, June 19th, at <https://www.crd.bc.ca/about/board-committees/addressing-the-board/addressing-the-crd-board-committees> You can also attend the meeting to just observe.

Sincerely,

The Friends of Island View Beach  
<http://www.friendsofislandviewbeach.com/>  
[friendsofislandviewbeach@gmail.com](mailto:friendsofislandviewbeach@gmail.com)

Attachment #1

The June 2017 draft plan – yellow comments added by Friends of Island View Beach



## Attachment #2 - Friends of island View Beach

### Determination of a coastal boundary

The 2010 BC Supreme Court case *Lawrence v. British Columbia (Attorney General)* 2010 BCSC

309 <http://www.courts.gov.bc.ca/jdb-txt/SC/10/03/2010BCSC0309.htm> dealt with the determination of a coastal boundary. The description given by Deputy Surveyor General Beddoes was accepted by the Supreme Court of BC as the method to determine the natural boundary on the coast:

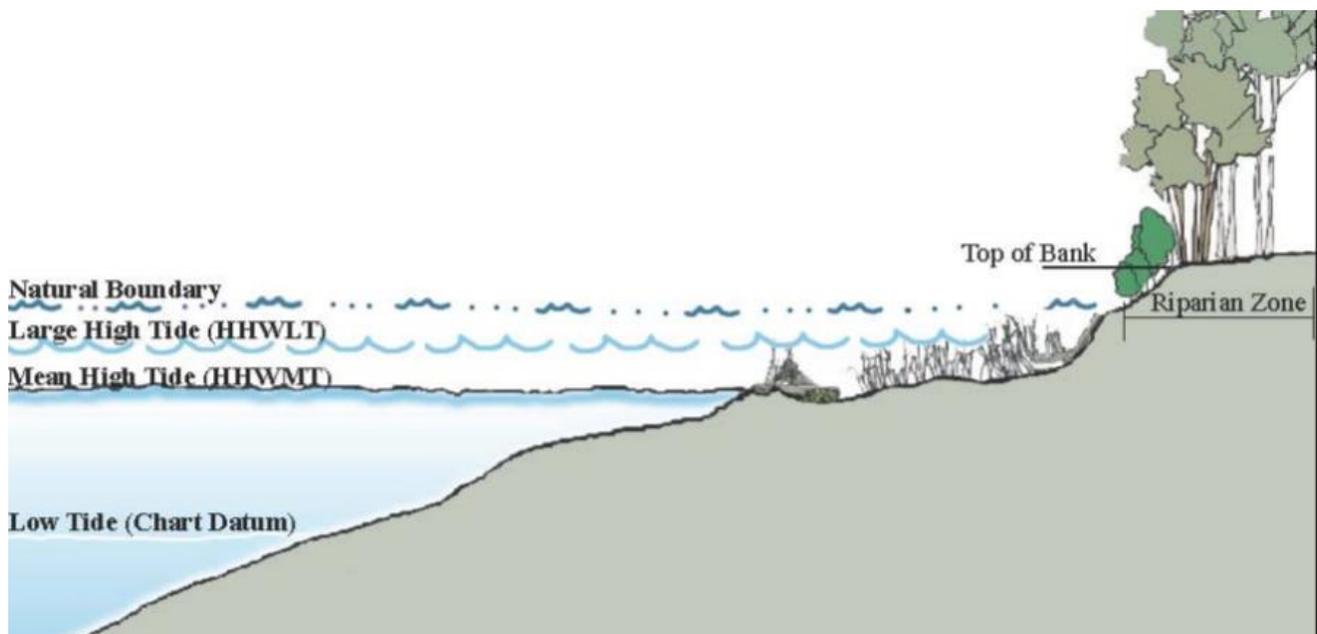
[24] ..... A surveyor defines or locates this natural boundary by looking for established upland vegetation and change in soil type caused by sea or fresh water acting upon the soil. For example, he said, **to locate a natural boundary on the coast, a surveyor will look for the limits at which the sand stops and brown organic soil begins**, because that indicates that at that level, soil is washed by the waves only infrequently and results in decaying vegetation building up over the years. **The surveyor would also look for changes in the vegetation as some plants are not tolerant of salt water and only grow above the regular wave action.**

[37] ..... I conclude that the evidence, and in particular the opinion evidence of Messrs. Beddoes and MacDonald, overwhelmingly supports the conclusion that the ocean-side boundary of Mr. Lawrence’s property, when it was originally surveyed in 1886, and in subsequent plans, was not determined in reference to the mean high tide line, but rather by reference to the visible high water mark, or “natural boundary” as that term was used by surveyors at the time, and as that term is currently defined in the Land Act

Mr. Beddoes is still the Deputy Surveyor General, and confirms this test is still in effect.

This is shown by Greenshores where they indicate the natural boundary is at the storm level, not the large high tide line or the mean tide line.

[http://stewardshipcentrebc.ca/PDF\\_docs/greenshores/Resources/GSCD\\_CreditsandRatingsGuide2016.pdf](http://stewardshipcentrebc.ca/PDF_docs/greenshores/Resources/GSCD_CreditsandRatingsGuide2016.pdf)

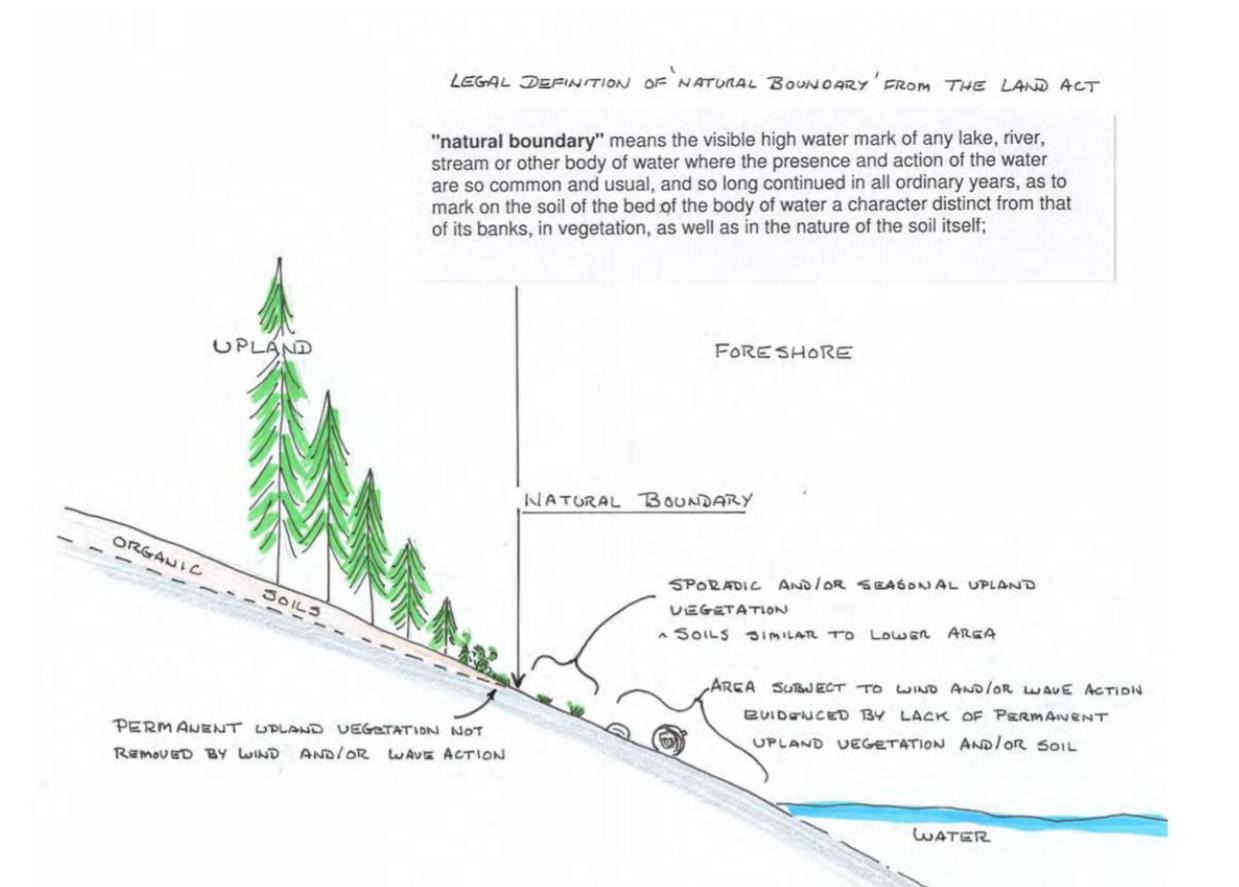


The next image is from a 2012 seminar put on by the Senior Deputy Surveyor General of BC, on Natural Boundaries. Notice that the natural boundary, just as shown by Greenshores, is not related to the high tide line.

## Natural Boundary Seminar

Jeff Beddoes, Senior Deputy Surveyor General  
Kelly Stofer, Deputy Surveyor General  
May 17, 2012

<https://www.abcls.ca/wp-content/uploads/pdfs/1-33.pdf>



**This is a typical storm at Island View Beach – waves breaking on the berm. That is the natural boundary.**



The CRD 2017 draft plan uses a term "***the normal high tide line***" as being the park boundary, but this has no legal significance in determining the natural boundary on the coast.

The law appears clear that the park boundary is the "natural boundary" as evidenced by where **"the sand stops and brown organic soil begins"**.

This is significant because in the most part, the change from sand to brown organic soil occurs close to the base of the berm. In the 2017 draft plan, the proposed Active Restoration Area to the east of this, is sandy beach that is regularly under water during winter storms, and by the definition approved by the BC Supreme Court this would appear to be provincial land, and not part of the park.

The following map was taken from the CRD map service, and shows part of the shoreline the CRD wants to claim. The lines in yellow are from the CRD map and show the Central Saanich roads that run through the park. We added the road names.



This shows that Central Saanich is the owner of a substantial area of the shoreline that is claimed by the CRD.

The following plan shows:

- the boundary line claimed by the CRD in dotted orange
- the Central Saanich property line in blue
- and what we believe is the natural boundary for the CRD park in green

It is our belief the upper beach area between these opposing lines is owned by the Province, and that the CRD does not have the authority to exclude the public from this beach.

