

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 Senior Deputy Surveyor General Beddoes was accepted by the Supreme Court of BC as the method to determine the natural boundary on the coast:

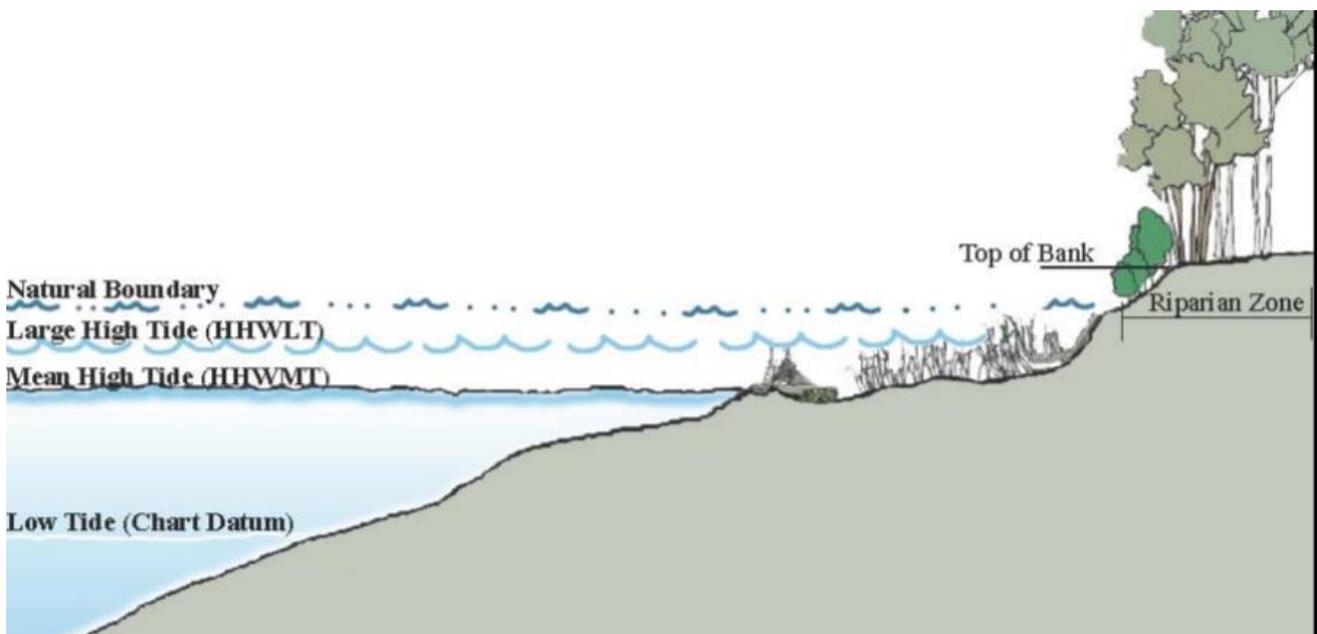
[24] A surveyor defines or locates this natural boundary by looking for established upland vegetation and change in soil type caused by sea or fresh water acting upon the soil. For example, he said, **to locate a natural boundary on the coast, a surveyor will look for the limits at which the sand stops 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 Senior 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

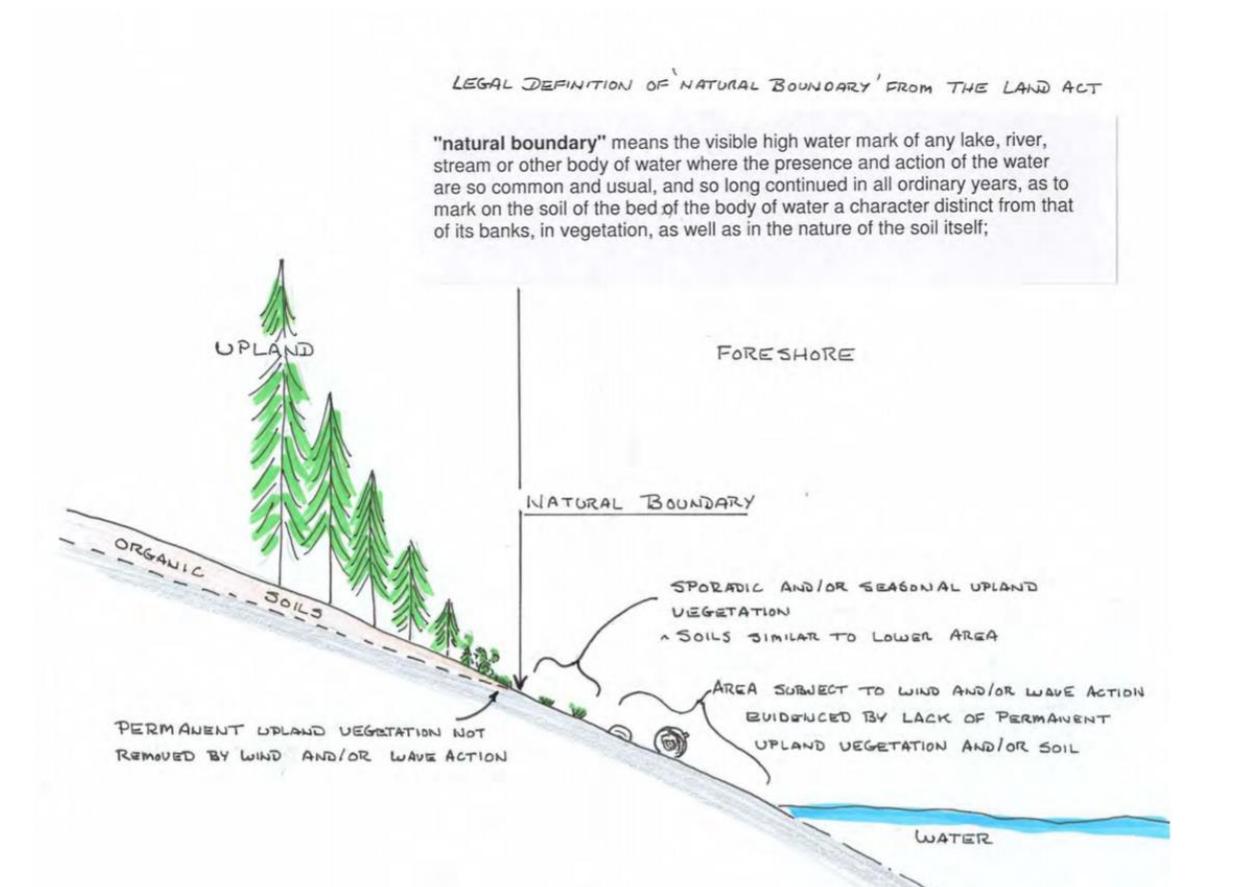


The next image is from a 2012 seminar put on by the Senior Deputy Surveyor General of BC, on Natural Boundaries. Notice that the natural boundary, just as shown by Greenshores, is not related to the high tide line.

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 boundary claimed by the CRD is under water.



The CRD 2017 draft plan uses a term "***the normal high tide line***" as being the park boundary, [See page 23, para 2.1.2 of the CRD plan](#) but this has no legal significance in determining the natural boundary on the coast.

[See also Map 6 at page 56 of the CRD plan](#) where they show the "Active Restoration Area" on the beach, much of which is on the seaward side of the berm, and which is routinely under sea water in the winter and spring storms. It is not occupiable land.

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 and spring storms, and by the definition approved by the BC Supreme Court this would appear to be provincial land, and not part of the park.

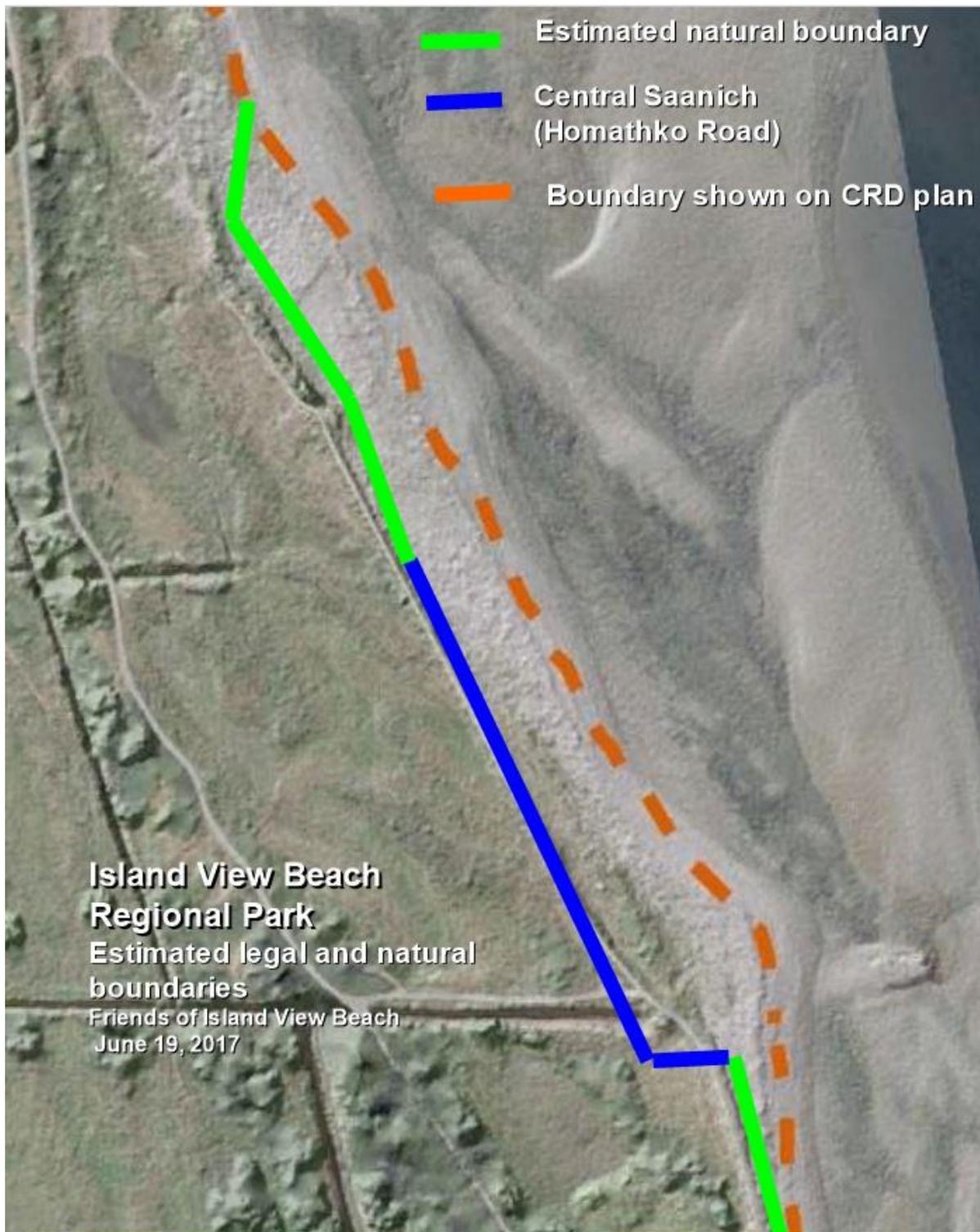
The following map was taken from the CRD map service, and shows part of the shoreline the CRD wants to claim. The lines in yellow are from the CRD map and show the Central Saanich roads that run through the park. We added the road names.



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



Expanded image of part of the beach.

The red line is the boundary claimed by the CRD as "***the normal high tide line***". The purple line is the natural boundary where sand meets brown organic soil.

The area between these two lines is routinely under sea water during winter and spring storms, and in our opinion belongs to the Province, not the CRD.

