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The CRD Board of Directors

Re: Island View Beach Regional Park

A map of Island View Beach can be seen here: <http://www.friendsofislandviewbeach.com/introduction.html>

The proposed plan for Island View Beach Regional Park has substantive problems:

1. The park is projected to be under the sea within our life times

Is it fiscally responsible that the CRD expend its limited resources on what can only be described as a wasting asset? CRD Parks are calling for a preliminary draw of **\$50,000** in 2017, and this is only the beginning – it does not include any of the major projects proposed, none of which have been costed. All this will be lost in the first flooding of the park.

2. The proposed plan is incomplete

Senior staff and the Parks Chair said in 2013 that the plan then could not proceed because it was incomplete. This proposal in 2016 is even more incomplete than in 2013 – essentially it is only a plan to make a plan for a questionable sand restoration project, and two plant recovery programs. It is incomplete and uncoded.

3. Throughout 2015 and 2016 [the CRD Board was warned repeatedly](#) that the presentations by the CRD to the public and to the CRD Board, were misleading and incomplete, and the Board has failed to make reasonable, independent inquiry.

I believe the presentations by the CRD to the public were so broadly misleading; and the importance of the suppressed reports so great; that it denied the public the opportunity to make informed, thoughtful and rational presentations to the CRD about the proposed plan.

It is my belief that an independent inquiry will conclude that the CRD Board was negligent in failing to undertake an independent review after being made aware of the serious questions about the validity of the presentations made by the CRD to the public.

If I am correct – and I believe I am – then not only were the public misled, but the CRD Board was too.

Conclusion

What I believe you have before you in the proposed plan for IVB,

- is an incomplete, uncosted, plan to make a plan,
- based on incorrect and misleading claims by the CRD to the public and to the CRD Board,
- of a park that in relative terms may soon be lost to the sea.

In all conscience, how can you endorse that?

And if I am correct in my belief that the CRD public presentations were incorrect, misleading and incomplete, then **effectively you have had no public consultation** despite, the \$100,000+ the CRD expended in hosting events. It was a classic case of style over substance.

I have added more detail below and I hope you will read this. And [look to the history](#) that shows how over the years the CRD presentations to the public and the Board, became increasingly questionable. These were all reported to the Board and each time the Board failed to act to protect the public, and the next time it would happen again on a larger scale.

Your duty to ensure the CRD is honest with the people of the Capital Region must be paramount over all other considerations, and if you doubt the seriousness, then read the [BC Court of Appeal decisions](#) and look again at [the warnings](#) you had over these last two years. Without honesty there can be no public trust.

There is no urgency for a new park plan, and the only action that should be undertaken immediately is the construction of the fence along the Tsawout boundary, which can be done under the existing park bylaw. What is urgent, is that the Board show it has the fortitude to put substance over style, and insist on integrity in the CRD's dealings with the people of the Capital Region

Before you proceed further, have a reputable firm like [SNC-Lavalin](#) do a report on the likely impact and timing of climate change and sea level rise at Island View Beach. If the expected life time of the park is short it may not be worthwhile spending more money there.

If after that report, you decide to continue with a new plan

- you should engage an external impartial expert, who has no past dealings with the CRD, to check the presentations by the CRD to the public and the Board, about Island View Beach. If that independent expert agrees that the CRD's presentations were misleading and incomplete, you will need to hold the public consultation again with corrected data
- ensure that all aspects of any future plan are fully detailed and costed before going to the public.

Sincerely,

Jason Austin

1. The park is projected to be under the sea within our life times

[The Aecom report](#) received by the CRD in January 2015, shows that Island View Beach will be under the sea with a 1/2m sea level rise, which, based on projections from 2011, was estimated to be in 33 years

Periodic flooding of the park will likely occur sooner due to increased storm activity.

The District of North Saanich received a report from [SNC-Lavalin on September 30, 2016](#) which says:

“... the rate of rise of sea level is now generally expected to occur faster than previously estimated in 2011.”

In other words, Island View Beach Regional Park is expected to be under sea water within our lifetimes. This has not been addressed by CRD Parks, yet it is very real – last winter, [waves broke over a dike](#) to the south of the park, that is 3m higher than the land behind.

Is it fiscally responsible that the CRD expend its limited resources on what can only be described as a wasting asset? CRD Parks are calling for a preliminary draw of **\$50,000** in 2017, and this is only the beginning – it does not include any of the uncosted major projects proposed. All this will be lost in the first flooding of the park.

2. The proposed plan is incomplete

By email of November 15, 2013, then Parks Chair Brice explained that the draft plan produced in 2013 would be tabled because it was incomplete:

*“... plans for Island View will follow the usual course for the development of CRD Parks Management Plans which will have all aspects of the plan presented to committee in total after the usual extensive public consultation. **There will not be an interim plan for this park.**”*

[This was echoed in the staff report signed by the Chief Administrative Officer, the General Manager Parks & Environmental Services, and the Senior Manager Regional Parks.](#)

The main issue missing from the 2013 plan was the costing and details of a proposed sand restoration project, and, incredibly, those details are still missing from this 2016 plan. Also missing in 2016 are details and costs of two proposed plant recovery programs. These are likely major cost items totalling hundreds of thousands of dollars. If senior staff and the Parks Chair said in 2013 that the plan then could not proceed without the details and costing for these major items, how can they proceed now in 2016 without them? This is only an interim plan, which former Parks Chair Brice said would not happen.

3. Throughout 2015 and 2016 [the CRD Board was warned repeatedly](#) that the presentations by the CRD to the public and to the CRD Board, were misleading and incomplete, and the Board failed to make reasonable, independent inquiry.

To give just a few examples, it is my belief, that amongst other things:

- The CRD claimed that certain “species at risk” are “confirmed resident” in the park, when the CRD knew there was no evidence to support this, and, to the contrary, in two cases the CRD’s own expert had actually reported to the CRD earlier that [those species are not in the park](#).
- data from Camosun College was misused without full disclosure
- two key reports were with-held from the public – [Fairbarns 2014](#) and the [Aecom sea level rise](#) of 2015
- a Terrestrial Ecosystem Mapping report from the Ministry of Environment was referred to frequently by the CRD as scientific and authoritative, yet the CRD had known for years that report was seriously mistaken, and also that it had not been done to a standard suitable for making land use decisions.
- that the CRD changed the legend on that Ministry of Environment TEM report because the CRD knew it to be wrong.
- that the CRD published its changed TEM legend in a manner intended to lead the public to believe the changed legend was from the Ministry of Environment.
- and that the CRD knew that the changed legend they made was also wrong.

This is just a partial list of what I believe an independent review will find of the presentations made by the CRD during the public consultation process. In addition, every major commitment made by the CRD as to the conduct of the public consultation process was broken.

I believe the presentations by the CRD to the public were so broadly misleading; and the importance of the suppressed reports so great; that it denied the public the opportunity to make informed, thoughtful and rational presentations to the CRD about the proposed plan.

Despite the frequent warnings, the CRD Board failed to make an independent, impartial inquiry. Worse still, a small number of directors on the Parks Committee began public attacks on myself and others for questioning the CRD presentations, yet not one of those directors made any attempt to discuss the reasons for our concerns.

It is my belief that an independent inquiry will conclude that the CRD Board was negligent in failing to undertake an independent review, after being made aware of the serious questions about the validity of the presentations made by the CRD to the public.

If I am correct – and I believe I am – then not only were the public misled, but the CRD Board was too.

As another example of what I believe was misleading, are the claims that this plan is needed in order to build a fence along the Tsawout boundary, and to protect species at risk that are in the park. Unquestionably, these should be done, but provision for these has been in the existing park bylaw since 1989, so why were they not done years ago?

Existing 1989 park bylaw:

Page 22 “A fence shall be maintained along the northern and southern park boundaries.”

Page 15 “A natural resource data base will be developed and maintained for the park. In particular, a detailed inventory and assessment of vegetation shall be prepared. detail unique, rare and endangered species or features and will define management and protective measures.”

Why, in 27 years, has no fence been built along the Tsawout boundary?

Why, in 27 years, has no detailed inventory been made of the unique, rare and endangered species in the park, and protective measures established for them?

If in 27 years the clear direction of the existing park bylaw to fence the Tsawout boundary, and identify and protect species in the park, has not been followed, what difference will a new park plan make? This in itself raises questions why the CRD has spent what must be in the hundreds of thousands of dollars for a park plan when the existing bylaw contains the same conditions.

As a final example of misleading claims by the CRD, are the claims it has a legal duty to undertake a recovery strategy in the park for the Contorted-pod evening-primrose and the sand verbena moth.

First, the CRD lands are considered private under the Federal Species at Risk Act, and except in special cases which do not exist here, the CRD has no legal duty to undertake these recovery strategies at Island View Beach Regional Park.

Second, the recovery strategy for the Contorted-pod evening-primrose was released in **2011**, and in **2012** for the Sand verbena moth. **The CRD has done nothing to protect these two species in these last 5 years, so either the CRD misled the public in saying they had a legal duty to protect them, or the CRD has been negligent in that duty. If the CRD did have a legal duty to protect the species at risk, it did not need to wait for a new park plan – it had the authority in the existing park bylaw to have begun the recovery process in 2011 and 2012.**

The **contorted-pod evening-primrose** used to occupy the fenced area at the north east of the park by the Tsawout boundary. Fairbarns 2004 quotes Pavlik 1996 that this species may require 1,000 or more individuals to achieve long term viability. These are the summary numbers of the Contorted-pod evening-primrose at IVB from Fairbarns reports, which show a steady decline:

2004	500-1,000
2006	500-1,000
2007	200-400 (from the park up to Cordova Spit)
2014	149

In 2016, two biologists from the Friends of Island View Beach searched separately at different times and were unable to find the contorted-pod evening-primrose, so it is possible it no longer exists in Island View Beach Regional Park.

So this is the contorted-pod evening-primrose that has declined and possibly died off under the watch of the CRD. [Fairbarns 2014](#) listed a number of actions to be taken to protect this species at risk, but the CRD did not undertake any of these, even though the Fairbarns report showed the population was almost wiped out.

Actions speak louder than words. The claims that a new park plan is needed in order to engage in environmental protection, ring false in light of the inaction by the CRD over all these years to protect those same species at risk, when the CRD had both the direction and authority in the existing park bylaw to do so.