



## Denman Island Local Trust Committee

### Public Hearing Record

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#### REGARDING

#### Proposed Bylaw No. 225 (Marine Issues)

**Date:** March 6, 2018  
**Location:** Denman Activity Centre  
1111 Northwest Rd, Denman Island, BC

**Members Present:** Laura Busheikin, Local Trustee and Acting Chair  
David Critchley, Local Trustee

**Staff Present:** Marnie Eggen, Island Planner  
Ann Kjerulf, Regional Planning Manager  
David Marlor, Director Local Planning Services  
Vicky Bockman, Recorder

**Others Present:** Peter Luckham, Chair Islands Trust Council  
Approximately thirty (30) members of the public

**Regrets:** Susan Morrison, Chair

#### 1. CALL TO ORDER

Acting Chair Busheikin called the Public Hearing to order at 10:25 am. She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw No. 225.

#### 2. PROPOSED BYLAW NO. 225

Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, Amendment No 1, 2017".

Regional Planning Manager Kjerulf reported that all notification requirements under the *Local Government Act* have been completed. She explained that the intent and purpose of the proposed bylaw is to amend the Denman Island Land Use Bylaw by adding a general prohibition against the use of vehicles and ground-based machinery in the W1, W3 and W4 zones and advised that the bylaw includes an information note: aquaculture operations that are licensed under the Fisheries Act may be entitled to operate vehicles or ground-based machinery in accordance with the terms of the license. She reported on the agency referrals, responses received, and the number of written submissions received to date.

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The location of the Public Hearing submission box was pointed out; and the public was advised that all submissions must be received by the end of the Public Hearing.

Islands Trust Council Chair Luckham explained that he would be acting in a facilitation role at this Public Hearing to enable the Trustees to focus on the input heard today. He commented that everyone will be given ample opportunity to speak and express their views, and outlined meeting conduct that will ensure a safe environment for all. He created a speakers' list and opened the floor to comments from the public.

**3. PUBLIC COMMENTS**

Howard Birkeland commented that if the intention of the bylaw is that no one drives on the beach unless an exception is made by Fisheries or some other jurisdiction, then he has no objections.

Edina Johnston expressed the opinion that including the W3 zone in the bylaw creates confusion and there is no reason that driving on the beach should be permitted in the W1 and W4 zones. She asked that the Local Trust Committee (LTC) remove the W3 zone from the proposed bylaw, along with the entitlement to drive on the foreshore for shellfish operators, as driving on the beach is destructive to fish habitat and is not necessary, given that most use boats or public access and wheelbarrows to reach the license areas. She noted that other communities have outlawed driving on their beaches and urged the LTC to do the same.

Graham Brazier observed that the political trend in BC is to increase protection of waters and urged the LTC to use every tool available to ensure that regulations for driving on the beach apply to everyone.

Howard Stewart expressed gratitude to the LTC for working on the issue and stated that he is not opposed to the shellfish industry in general; however he opposes the way that they operate. He does not support this bylaw proposal as it recognizes the right of operators to damage valuable fish habitat foreshore when it should be doing the opposite.

Louise Bell strongly supports the bylaw, commending the LTC for taking the concept of protecting the beaches as far as they can. She recognized the difficulties of taking it further and stated that this bylaw will be an important step in the process.

Patrick Lewis supports this bylaw with the caveat that he would like to see the word "may" in the information note be replaced with a stronger statement. He suggested strategizing with First Nations to create and implement this bylaw as a reconciliation action and a possible means to a stronger bylaw.

Elizabeth Johnston read a statement from Association for Denman Island Marine Stewards (ADIMS) in support of the bylaw. She commented that the bylaw is a step in the right direction and should be adopted to protect W1 and W4 zones. She noted their wish to work toward complete protection of conservation and marine water zones, with emergency vehicles being the only exception to driving on the beach. She urged the Islands Trust to take an active role and proactive stance to protect and restore fish habitat.

Doug Wright would support the bylaw by removing the W3 zone from the bylaw as shellfish operators likely consider their work and right to farm to be under federal jurisdiction.

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Susan Thomson commended the Islands Trust for their leadership on this issue, understanding that this is as much as they can do at this time. She stated that the bylaw works to raise awareness of the damage that results from driving on the beach.

Edina Johnston speaking on behalf of the Denman Island Residents Association Marine Guardians, stated that this group does not support the bylaw as those who do the most damage driving on the beach will continue to be allowed to do so. She expressed the view that the LTC has the authority to restrict driving in all zones and urged that it make appropriate changes to the bylaw to comply with its preserve and protect mandate.

Edina Johnston spoke again to state that she does not support the bylaw as it authorizes damage to fish habitat, contravenes the Trust Policy Statement, there will be no monitoring to enforce the bylaw, it will discourage hopes of including foreshores in the Parks and Greenways Master Plan, it advocates for an industry that provides no benefit to the community and will not help to sustain endangered species.

Elizabeth Johnston spoke again providing facts and explanations of why ADIMS supports the bylaw including the importance of Baynes Sound, existence of forage fish habitat, protection of salt marshes that have been damaged by driving, salmon bearing streams and estuaries have been driven on, Trust Council policies, Golder Associates report, Comox Valley Regional District's restricting driving on beaches, and a community survey in 2015 that resulted in 102 for and 8 against prohibiting driving on the beach.

Cynthia Minden expressed concern that proposed bylaw No. 225 will set a precedent by showing that the Islands Trust is either not willing or capable of partnering or engaging with other government bodies to solve this problem. She commented that this is a first step, however, does not offer protection to beaches.

Louise Hermanutz is a biologist by training and has seen significant erosion from vehicles, especially in the salt marsh near Hinton Road beach. She supports not permitting any vehicular access to that type of beach.

Regional Planning Manager Kjerulf advised that this is the final opportunity for the public to provide verbal or written submissions. She cautioned that no written or oral representations will be received by the Denman Island LTC or its individual members at the conclusion of the Public Hearing for Bylaw No. 225. She noted that 11 written submissions were received in the Public Hearing and advised that any further information or questions may be directed to staff.

**4. ADJOURNMENT**

Islands Trust Council Chair Luckham asked three times for further comments from the public and hearing none the Public Hearing was closed at 11:05 am.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

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Vicky Bockman, Recorder