



Islands Trust

**GABRIOLA ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

**REGULAR BUSINESS MEETING
OF THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**
held at 10:15 AM on Thursday, March 13, 2014 at the Women's Institute,
476 South Road, Gabriola Island, BC

LATE ITEMS, ADDITIONS

**AMENDMENTS/ADDITIONS
TO ITEMS:**

11. DELEGATIONS

11.1 Gabriola Citizens' Rights Coalition – *submission attached*

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Official Community Plan/Land Use Bylaw Review

14.1.1 Riparian Areas Regulation Implementation Bylaw 265 Referral Response – *deleted
from agenda at time of meeting*

Gabriola Citizens' Rights Coalition submission to the Gabriola Local Trust Committee regular business meeting, Feb. 20, 2014, re: proposed "riparian" ditch bylaws 265/6.

Purpose: This submission notes two recent legislative and administrative developments affecting Gabriola's proposed "riparian" ditch bylaws 265/6. In light of these developments and numerous related issues, the Gabriola Citizens' Rights Coalition (GCRC) suggests what we believe is a superior issue management approach to the bylaws 265/6 controversy.

New legislation affects Fish Protection Act

In its Throne Speech Feb. 11, 2014 the BC Government announced, "After four years of detailed consultations with British Columbians, your government is ready to introduce a new **Water Sustainability Act**, to help ensure that our water stays healthy and secure for future generations."

The Water Sustainability Act (Legislative Proposal, Oct. 2013) "considers water in land use decisions." It works with other legislation, "such as the *Water Protection Act*, the ***Fish Protection Act***, and the *Drinking Water Protection Act*."

The new legislation specifies as a "key outcome" that "aquatic ecosystems are healthy and protected." It includes "approvals for changes in and around streams." "Provisions for prohibiting of the dumping of debris would be expanded and integrated (**including not-in-force provisions from the *Fish Protection Act***) for surface water and ground water."

Clearly the proposed 2014 Water Sustainability Act materially affects bylaws 265/6. Its relevance to Gabriola is also underscored by residents' critical dependence on ground water, as analyzed in the RDN's local "Water Budget Report, Phase 1," Dec. 13, 2012.

Ombudsperson's systemic investigation of administration of the Riparian Areas Regulation completed for release soon.

As noted in the Property Rights Action Group's PRAG) submission to the Sept. 4th, 2013 LTC public hearing concerning bylaws 265/6, the Ombudsperson last year undertook a systemic investigation of RAR administration due to "complaints from people affected by the process." The fact that the LTC is now in receipt of three field studies and two government directives concerning proposed bylaws 265/6, all conflicting in various ways, emphasizes the need for the Ombudspersons' investigation. Her report has been completed and will be released soon. It too is obviously relevant to bylaws 265/6.

Managing the bylaws 265/6 controversy in light of the upcoming Water Sustainability Act and Ombudsperson's report

In light of the above the GCRC recommends that the Gabriola LTC hold the public hearing on proposed bylaws 265/6 as already announced for March 12, 2014, consider the public input it has already (Sept. 4, 2013 hearing) and will receive, but suspend further action on these bylaws until the Water Sustainability Act and Ombudsperson's report are received, publicly evaluated, and discussed at a second public hearing later this year.

Presented by Bart Jessup, chair, for the Gabriola Citizens' Rights Coalition GCRC