

From: Jennifer Margison <[REDACTED]>
Sent: Tuesday, March 21, 2023 10:40 PM
To: Ben Maberley <bmaberley@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; William Shulba <wshulba@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>
Cc: Jim Henshall <jahenshall@islandstrust.bc.ca>; de Menyhart, Carmita <[REDACTED]>; Joan Bartley <[REDACTED]>; Debbie Holmes <[REDACTED]>
Subject: Galiano Groundwater Implementation - Bylaws 283 & 284 - Recharge Areas DPA

Dear Chair Peterson, Trustees Gauvreau and Maberley, Planner Stockdill and Senior Freshwater Specialist Shulba:

In Town Hall of the March 14 Galiano LTC meeting, Jennifer Margison commented that she was surprised and concerned to see the Heritage/Community Forest excluded as a DPA in the proposed bylaws to protect recharge areas. The Heritage/Community Forest lands on DL 30, 31 and 32 are part of two identified (mapped) groundwater regions: #14 Montague Harbour and #12 Cook Cove as defined by A.P. Kohut and D.A. Johanson in Figure 5, Groundwater Regions, "Assessment of Groundwater Availability and Quality, Galiano Island British Columbia", (1998) Victoria Groundwater Branch of the Ministry of Environment, Lands and Parks (attached). Debbie Holmes, Galiano Trustee at the time of this report and a signatory of this letter is credited on Page 2 for her valuable input to this study as a member of the Groundwater Study Advisory Committee. This report states that "The judicious management of groundwater recharge areas will be critical to sustaining groundwater availability and quality in all of the groundwater regions of Galiano Island." (P. i) This report also states, "While defining groundwater regions on the island provides an effective means for describing and comparing groundwater conditions in various parts of the island, it should be recognized that these regions are not hydrologically isolated units. Extensive groundwater extraction in one groundwater region for example could ultimately affect groundwater in an adjacent region." (P. 9) A great deal of time and money has been dedicated to this issue since 1998. We are writing to request that you give consideration to including this important recharge area, the Heritage/Community Forest lands in the protection offered by the proposed DPA bylaws.

In the LTC meeting, Jennifer was told this exclusion is because there is a covenant on this land that the Galiano Club holds in trust for the people of Galiano. While that is true - there is a covenant on this land - it has been proven to offer little or no protection.

This was demonstrated recently by the fact that the Galiano Club was able to persuade the covenant holders to agree to amend the covenant to provide more land for development than the covenant allowed in order to facilitate a rezoning application (GIGARHS) on this land for a housing development.

There is a clause in the covenant that allows for the possibility of 1% of all Heritage Forest lands to be used for affordable, special needs or seniors housing, if deemed suitable by the LTC. The adjacent neighbourhood to the Heritage/Community Forest and Debbie Holmes, the trustee who negotiated this covenant when 3 F1 lands were rezoned for 2 subdivisions, resulting in the creation of the Heritage Forest, protested during this recent rezoning application process that the 1% was intended to apply to an accumulation of Heritage Forest lands on Galiano through more expected F1 rezonings, not simply this one piece of land.

Subsequent F1 rezonings however did not result in the zoning of more Heritage Forest land - owners were permitted to choose park for their "donated" portion of land, possibly because locating a residential subdivision next to a designated park would increase the land value for the owners more than designated Heritage Forest, primarily intended for sustainable forestry and recreational use but also including the 1% affordable housing possibility.

1% of the only Heritage Forest land on Galiano was not considered enough land for the proposed GIGARHS affordable housing project and so the Galiano Club, owners of the land got agreement from the covenant holders to amend the covenant to provide 2 ha, more than 1%, for development.

The LTC also allowed the rezoning to be under Community Housing, not Community Facilities, as specified in the covenant and the Declaration of Trust on this land. Community Housing has no density cap while Community Facilities specified no more than 2 dwellings per ha. This too was protested by the adjacent neighborhood and the former trustee as it would triple the density of dwellings on this land, far above what was intended.

This is all to say that the covenant on this land has been proven to offer NO protection, protection sought by the neighbourhood in the rezoning process precisely because they see the Heritage/Community Forest land as a very critical recharge area for a neighbourhood already experiencing groundwater problems from their wells in the dry season and ONLY 33% built out.

So clearly, the covenant did not offer the protection expected by the adjacent neighbourhood in this rezoning process and we fear it will not offer any protection in the future, should more land be wanted for housing development. The current rezoning only applies to two of the formerly F1 lots; more land could be sought from the third F1 lot or from the two lots, if a second phase of the housing is contemplated.

We are also concerned that if the 1% affordable housing clause is not removed from the covenant (and we have not been advised by either the owners of the land or by the covenant holders that this will occur), the 1% clause could again be triggered for more housing development on the remaining land in the Heritage/Community Forest, with further impact on this recharge area.

In short, we have no faith in the covenant being respected in order to protect a recharge area that we feel is essential in protecting our neighbourhood's water supply, both from future water demand that our fragmented aquifer may not be able to support, along with the impact of climate change, and from septic contamination of the wells directly downslope from from development in the Heritage/Community Forest.

We recognize that a recharge DPA does not impose moratoriums but we hope it will encourage a precautionary approach on development in the Heritage/Community Forest due to its value as a recharge area being formally recognized. We request that you please consider including the Heritage/Community Forest as a recharge area DPA.

Sincerely,

Jennifer Margison and Jim Henshall
[REDACTED]

Debbie Holmes
[REDACTED]

(Galiano Trustee 1996-2002)

Carmita de Menyhart
[REDACTED]

Joan Bartley
[REDACTED]