

From: KEES LANGEREIS [REDACTED]
Sent: Monday, July 17, 2023 11:07 PM
To: Susan Yates; Tobi Elliott; Peter Luckham; northinfo
Subject: July 20, 2023 Gabriola LTC agenda item: Ecological protection zone
Attachments: Ecological Protection Zone project comments.pdf

Hi all. Attached is a document with my comments and suggestions concerning the Ecological Protection zone project.

The bylaw linked to that project is not on the agenda for July 20 and I don't know when it may next be considered. However, the staff reports asks the LTC to consider comments from the Regional District of Nanaimo (note- I have not seen those comments) and so submitting my comments/suggestions at this time seemed appropriate.

Regards,

Kees Langereis

TO: Gabriola Local Trust Committee

RE: draft bylaw 303-proposed definition of “passive recreation”

Date: July 17, 2023

Re: Ecological Protection Zone project:

Currently Gabriola Island has 3 park zones on Gabriola: P1 (Provincial and Regional parks), P2 (Passive Recreation Community parks and P3 (Active Recreation Community parks). The Gabriola Local Trust Committee (LTC) began a project in the last term to establish a 4th zone (tentatively described as an “Ecological Protection Zone”) which would be applied to Elder Cedar (S’ul-hween X’pey) Nature Reserve. Elder Cedar is currently zoned P2 (passive recreation).

The project is to create a new zone with uses more in line with that for parks¹ under the BC *Ecological Reserve Act*. In other words, expand the range of parks to uses to one with less of a focus on human activities within the park.

Draft bylaw 303 which establishes the new zone lists passive recreation as an accessory use and adds a definition of “passive recreation”. The proposed definition is:

“non-motorized outdoor recreation that creates the opportunity to have a high degree of interaction with the natural environment and has minimal impact on land, water, or other resources. Passive recreation requires no installation of equipment or facilities, except for trails and associated improvements;”

Issues:

This definition of “passive recreation” applicable to an ecological protection is problematic.

- a) The BC government website indicates *Ecological Reserve Act* (ERA) parks permitted uses by the public are non-destructive observational uses such as nature appreciation, wildlife viewing, bird watching and photography. Elder Cedar is not designated under that Act, but the intention of the rezoning was to establish a new park zone with uses more in line that Act. Defining “passive recreation” as uses that have a “*high degree of interaction with the natural environment*” with “*minimal impact on land, water, or other resources*” is much broader and counter to the intended use.
- b) “Passive recreation” is listed as a principal use in the P2 zone but the new definition in bylaw 303 would create a new meaning to passive recreation in the P2 zone. The project is intended to move Elder Cedar out of the P2 zone to a new zone but not change the scope of the existing P2 zone.
- c) Staff created the definition of “passive recreation” at the direction of the previous LTC. However, the impact of such a definition on the P2 zone was not contemplated at the time, and thus the LTC request was, in my view, a mistake.

¹ <https://bcparks.ca/about/types-parks-protected-areas/ecological-reserves/> Most ecological reserves are open to the public for nondestructive observational uses such as nature appreciation, wildlife viewing, bird watching and photography.

Suggested changes to bylaw 303:

- Delete the definition of “passive recreation” altogether, and
- replace the text of section D.4.4.1.b.ii of bylaw with something similar to the *Ecological Reserve Act* policy² respecting public use. For example: “*non-destructive observational uses by the public, including activities such as nature appreciation, wildlife viewing, bird watching and photography*”,

These changes would avoid impacting existing uses in the P2 zone and keep the project within its original intention- to create an ecological protection type zone, distinct from passive recreation zoned parks.

Thank you for your consideration,

Kees Langereis

Extracts from the Gabriola Land Use Bylaw and draft bylaw 303

Current Passive Recreation (P2) zone (Gabriola island land use bylaw)

D.4.2 Parks 2 – Passive Recreation Community Parks(P2)

D.4.2.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Parks 2 – Passive Recreation Community Park (P2) zone:

a. Permitted Principal Uses

- i passive outdoor recreational activities, including walking, hiking, and nature appreciation*
- ii special events under permit by the Regional District of Nanaimo*

Ecological Protection Zone uses proposed by Draft Bylaw 303

D.4.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Ecological Protection (EP) zone:

a. Permitted Principal Uses

- i. ecological reserves, nature parks and conservancies*
- ii. ecological restoration*
- iii. natural and cultural resource management and protection*

b. Permitted Accessory Uses

- i. informational, cultural, and historical interpretation*
- ii. passive recreation*

^{2 2} <https://bcparks.ca/about/types-parks-protected-areas/ecological-reserves/>