

From: Dan Rogers
Sent: Thursday, August 11, 2022 3:23 PM
To: Sharlein Smith
Cc: northinfo
Subject: RE: LTC meeting - Sept 1 and Keats Issues

Sharlein. While I am away I wanted to respond to some of your comments. Let me say, I value differing opinions and I trust you will value those that differ from yours. I also want to say that the standards that led the development of Keats in the way that did over the last 80 – 100 years are not necessarily the same standards that should apply today. Society and the community generally is far more aware of a number of factors that likely not obvious in past eras including increasingly obvious climate change, the impact of human activity on ecosystems including foreshore and near shore, visible and not visible activities, First Nations rights and interests in the area and the fact that development continues to increase in its intensity around the Island.

I don't agree that there is anything in the proposed bylaws that will interfere with the safe enjoyment of properties – it might be a matter of opinion what is “normal course maintenance” but we have amended the proposed bylaws to adapt for concerns raised as we proceed. I do appreciate that waterfront owners have a strong interest in enjoying the property that they have the privilege of owning - I also believe that along with that comes a responsibility regarding development to ensure it respects the factors I have set out above. I have taken some pains to remind folks who write of the objectives of the DPA in the proposed amended OCP which I have yet to hear anyone disagree with:

Objectives

The objectives of this development permit area are as follows:

OBJ 3.1 TO PLAN AND REGULATE NEW DEVELOPMENT IN A MANNER THAT PRESERVES, PROTECTS AND RESTORES THE LONG-TERM PHYSICAL INTEGRITY, CONNECTIVITY, AND ECOLOGICAL AND MARINE RESOURCE VALUES OF SHORELINES AND ASSOCIATED FORESHORE AND UPLAND AREAS;

OBJ 3.2 TO BALANCE DEVELOPMENT OPPORTUNITIES WITH THE ECOLOGICAL CONSERVATION AND RESTORATION OF THE SHORELINE AND MARINE ENVIRONMENT;

OBJ 3.3 TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;

OBJ 3.4 TO MAINTAIN THE PUBLIC'S SAFE USE AND ACCESS TO IMPORTANT RECREATION AREAS IN A WAY THAT DOES NOT COMPROMISE THE ECOLOGICAL INTEGRITY OF THE SHORELINE;

OBJ 3.5 TO ADAPT TO THE ANTICIPATED EFFECTS OF CLIMATE CHANGE;

OBJ 3.6 TO PROTECT COASTAL PROPERTIES AND DEVELOPMENT FROM DAMAGE AND HAZARDOUS CONDITIONS THAT CAN ARISE FROM EROSION AND FLOODING.

I have heard and respect lots of views about the details about how we do that.

Thanks for writing and I will respond to some of your comments below.

Dan

From: Sharlein Smith [<mailto:>]
Sent: Thursday, August 11, 2022 9:18 AM
To: Dan Rogers
Cc: northinfo
Subject: LTC meeting - Sept 1 and Keats Issues

Hi Dan,

I'm following up on your most recent email regarding the LTC meeting scheduled for September 1, 2022 on Gambier Island.

As you say, Gambier isn't the appropriate location to hold a community information meeting relating to Keats. The LTC's agenda will, nonetheless, include a discussion of possible amendments to proposed bylaws 153 and 154. In that regard, you've invited island residents to email any suggestions they might want the LTC to consider. After the discussion, the bylaws will be put up for second reading. **I have your comments below about 2nd reading. Bylaws go through 4 readings (the 4th is called adoption). So the second is merely a step along the way. CIM/public hearings can occur after 1st reading or second reading/ The LTC will decide whether to give the bylaws second reading on September 1. I can't commit the LTC to anything.**

The LTC is already aware that many members of the Keats Island community have strong reservations about certain aspects of the proposed bylaws. These have been expressed in correspondence, as well as orally at previous meetings. Without repeating the community's views in detail, you will recall that our chief concern is that the proposed bylaws will inhibit island residents from engaging in the normal course maintenance that is crucial for the safe enjoyment of their properties. **I think I've discussed this above but of course will consider any and all comments related to that.**

It has been a source of great frustration to the community that, to date, the proposed bylaws have been justified only in largely generic or abstract terms. When asked to identify the objective ecological or geophysical scientific conditions specific to Keats Island the proposed by laws are intended to address, the Islands Trust staff has been unable to do so. Instead, the response has been that since other areas have adopted something similar, the bylaws represent "best practices". **I must say I don't agree with this characterization. Prior to commencing the work on this project, we held two community information meetings discussing the reasons for considering this work and we did an island wide survey about the project . The reasons were set forth in detail and related to increasing development, climate change, First Nations interests, changing protocols from the province, sea level rise and the increased threats to forage fish, habitat etc. What exactly is the issue with "best practices"? I think this is the scientific recommendation after considering all the issues. . Subsequently the working group reviewed all of the issues and options and since their reporting out and the staff reports we have had 2 more Community Information meeting and a Q and A mailout. I don't think we can "justify" on a property by property basis except to say that the DPA will allow for different environment conditions to result in potentially different results.**

I believe you and the LTC are serious about soliciting meaningful input from the community. However, in order to be able to make genuinely useful suggestions Keats Island residents first need to be aware of the nature, purpose, and practical significance of any bylaw revisions. These aren't necessarily obvious on the face of the draft; they need to be explained. In other words, the community information meeting should happen before the LTC considers second reading. **The bylaws have not changed substantially since the 2 CIM's in summer/fall of 2021. And folks have had many months to ask questions and made their views known. .**

Moreover, residents are entitled to an opportunity to have their suggestions heard properly. People are not equally comfortable or adept at explaining themselves in writing; rather than being restricted to sending an email that they can't be sure will actually be read **I can assure you that every email is read** or understood, Keats Island residents with concrete suggestions deserve a chance to address the LTC directly so they can explain their own reasoning as fully as possible. **I want to be clear. There have been many opportunities to make suggestions and the CIM is actually not intended to be that opportunity but rather an opportunity to get questions asked in preparation for a possible public hearing where we can hear all of the views. I urge people with concrete suggestions to make them either in writing or at the LTC meeting.**

My basic point here is that proceeding with second reading at the September 1 meeting would effectively short circuit the community consultation process. Let's avoid that by having the community information meeting first. I look forward to hearing back from you soon. **I will ensure your suggestion is considered and discussed by the LTC. I will say that the community consultation process has been going on for 4 years. I am hard pressed to say it has been "short circuited."** But we very much want to hear concrete suggestions - which may be differentiated from generic opposition which is also a valid point of view.

Hope this helps.

Dan

Regards,
Sharlein Smith
Plumper Cove
Keats Island