

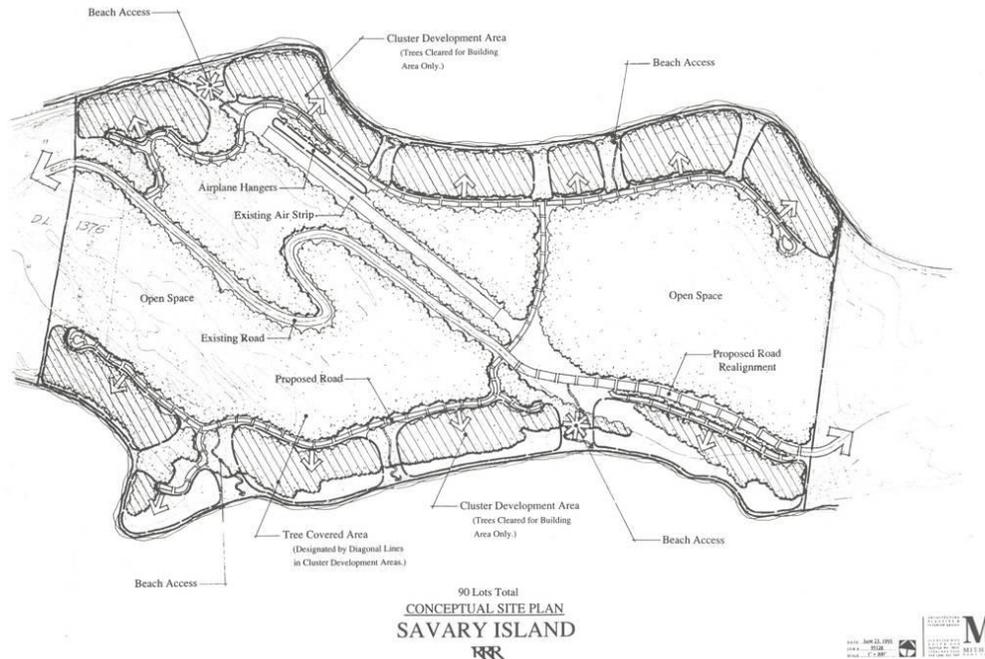


Friday March 4, 2011

Dear Chairman and Directors:

I am writing today representing the Savary Island Land Trust Society. We are a non profit charity that formed in 1997. Today we have 327 members. We have acquired 10 parcels of ecologically significant land on Savary Island. We strongly believe that subdivision application for DL 1375 is not in the Public Interest, nor does it serve the Public Good.

DL 1375 is under consideration in the PRRD Parks and Greenspace Plan, and it is on BC Parks Acquisition List. Public opposition to the subdivision of this parcel goes back to the 1980's when it was acquired by the developers. Despite the statement made by Mr Umbach, one of the Sahlin's lawyers to you at the last Planning Committee meeting that the Sahlin's objected to being called developers and that there was no evidence that they have proposed developments for this land, the facts show a very different story. One proposal put forward by the developers and supported by Mr Wayne Schwandt in 1995 for a ninety parcel gated community (see map below) was taken by this Regional District to the bylaw stage and was put to the Savary community at a hearing on August 22 in 1995. Several of the current Directors and the Planner attended the hearing at Duck Bay. Opposition was fierce and in the end the PRRD rejected the bylaw and began the OCP process.



Appreciation for the unique ecological value and vulnerability of the land (and opposition to development) has grown considerably since that time. The public opposition to the current application goes well beyond the tax payers and visitors of Savary Island and includes, individuals and organizations within the Powell River Region, the Sunshine Coast, all of British Columbia and in fact Canada. At the last PRRD Planning Committee Meeting, the Chairman and Directors received 47 messages opposing the development and only 1 in favour. The SILT delivered a petition with 674 signatures in support of the preservation of DL 1375 to the PRRD Directors.

The context for considering the significance of the ecology of DL 1375 is provided for in an article titled :“Recognition of the Unique and Threatened Ecosystems of DL 1375 Increases” by Marian Adair, RPBio, Habitat Ecologist–The Nature Trust of British Columbia Chair Biodiversity BC Steering Committee and published in the SILT newsletter Summer 2010. In the article Ms Adair points out that:

The 2008 milestone report Taking Nature’s Pulse: the Status of Biodiversity in British Columbia articulated the significance of this province’s biodiversity as well as the main threats and concerns facing biodiversity in BC. The fifty science experts that contributed to this report concluded with 23 major findings from which action is required to protect BC’s natural treasures.

One of the seven major findings on ecosystem diversity states “the Coastal

Douglas-fir (CDF) biogeoclimatic (BEC) zone is the rarest BEC zone in BC and of great conservation concern.” (Taking Nature’s Pulse: The Status of Biodiversity in British Columbia. Biodiversity BC, Victoria, BC 2008: 268pp.) The Savary Island lands are in the CDF and more specifically:

- The CDF is the rarest of the 16 biogeoclimatic zones in British Columbia and exists only in a small portion of the southwest coast of British Columbia (and a small portion of Washington State)
- A large proportion of the ecological communities that occur within the CDF Zone do not exist elsewhere in Canada or in the United States
- The CDF has the highest density of species of both provincial and global conservation concern of any biogeoclimatic zone in British Columbia
- The CDF is of considerable concern from a conservation perspective with almost 50% of the CDF Zone being converted to non-reversible land uses and seriously impacting biodiversity in this Zone. The remaining ecosystems within the CDF Zone are highly fragmented (due to subdivision and development) and only a few large contiguous patches of forested and non-forested ecosystems remain. The conservation status of the CDF Zone has been assessed as “imperilled”

This last point is even more critical for the land parcels on Savary, as the ability to maintain large contiguous patches on islands is of greater significance. Maintaining contiguous ecosystems of herbaceous and forested ecosystems on DL 1375 which represents about 1/3 of the area of the island is an opportunity to preserve not only representation of the CDF zone, but also several very unique ecological communities.

As noted by Dr. Kathy Dunster in her letter to you February 18, 2011:

DL 1375 is ecologically and geologically unique in Canada because it is composed of a series of ancient dune ridges and troughs that capture the history of the Salish Sea, including physical indicators of changes in weather patterns over the past 10,000+ years. The dunes and adjacent sand plains and meadows provide habitat for several ecosystems at risk that are found no place else in Canada and are irreplaceable.

In addition to this, three of the seven terrestrial ecosystem types that are present on DL 1375 are endemic (occur no where else in the world) and are ranked at the highest global ranking. (BC Conservation Data Centre Biotics Database, 2008)

DL 1375 has the only recorded intact archaeological sites on Savary Island, including clam production sites, plant and root harvesting sites, culturally modified trees, middens and a village site with two house platforms. Because of the early and over subdivision of Savary many of the archaeological sites on the Island have been disturbed or destroyed. This loss, makes the sites on DL 1375 highly significant because they are still intact. (Archaeological impact assessment proposed residential development portion of District Lot 1373, and District Lot 1375, G.P. One, New Westminster District Savary Island, B.C.Heritage Conservation Act Permit

1999-162) Most of these sites are on the southern portion of the property, south and west of the airstrip.

To summarize, more than fifty science experts agree that the CDF is the rarest biogeoclimatic zones in British Columbia, and the zone is “imperilled” Large contiguous patches of the CDF on Islands are of greater significance, the dune ecosystems on Savary are found nowhere else in Canada and 3 of the 7 terrestrial ecosystems types on DL 1375 occur nowhere else in the world. Archaeological sites on the property are highly significant because they are still intact, unlike the sites on the rest of the Island, which was over subdivided 100 years ago and has undergone development since that time.

The impact of your decision with respect to this subdivision and its implications for the Public Interest and the Public Good is thus, local, provincial, national and global.

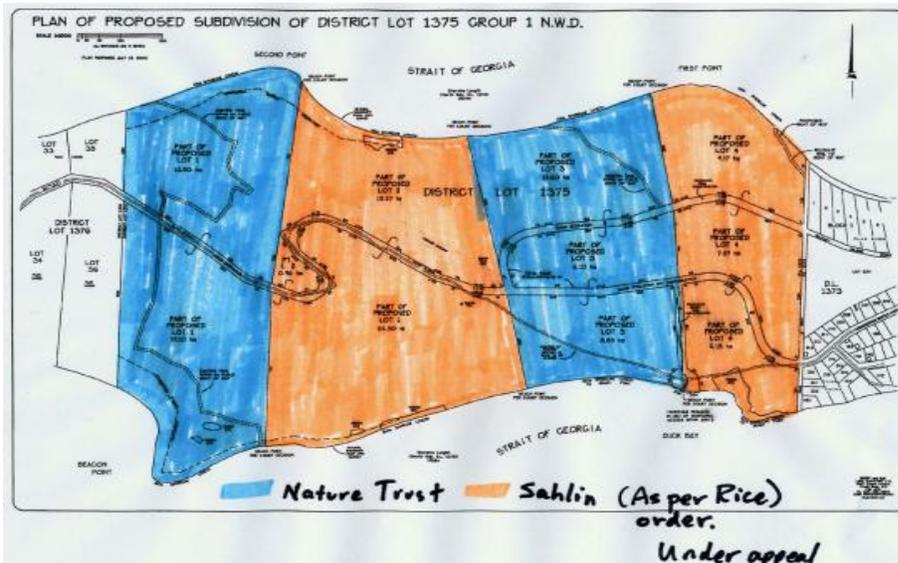
The subdivision application is not in line with the Principle Aim of the OCP. It does not protect groundwater resources, sensitive areas or unique biophysical features from development. It does not provide adequate or appropriate public access to the shoreline.

The OCP which took 10 years to develop, reflects the community interests. The Principal Aim of the Savary OCP is:

TO MAINTAIN SAVARY ISLAND’S UNIQUE CHARACTER AND RUSTIC ISLAND LIFESTYLE WHILE PROTECTING THE ISLAND’S GROUNDWATER RESOURCES, ITS SENSITIVE ECOSYSTEMS AND ITS UNIQUE BIOPHYSICAL CHARACTERISTICS.

The current application threatens the Islands groundwater resources, sensitive areas and its most unique biophysical characteristics, the ancient Ice Age sand dunes.

The DL 1375 subdivision application put forward by the Sahlin’s follows the pattern of the ruling of Judge Rice on DL 1375. The order breaks up contiguous forests and sand dune ecosystems.



Despite the contention made by the Sahlin's lawyer Mr Umbach's at the February 22, Planning Committee meeting, that environmental considerations were part of the court case, they were not. Judge Rice did not consider any environmental issues or make any environmental findings of fact, instead leaving that to be considered by the Provincial Approving Officer in the subdivision application process. It was made quite clear by Judge Rice and subsequently by all parties in the Court of Appeal that the PAO is required to follow the normal statutory purposes and is entirely unfettered by the plan accepted by Judge Rice for partition purposes.

The immense ecological significance of this parcel had no bearing on Judge Rice's decision. The order states clearly that:

"[6] However, environmental issues are not considered by the parties as determining factors on this application for partition or sale. This court has made no environmental findings of fact. The mechanisms in dealing with those issues are available within subdivision process and efficient community plan."

<http://www.courts.gov.bc.ca/jdb-txt/SC/10/03/2010BCSC0318.htm>

This makes your decision, with respect to the subdivision application of even greater significance as it will impact the Public Interests of biodiversity well beyond this District. Protection of the Public Interest and the Public Good are at the heart of it.

It is clear that the model of subdivision adopted by Judge Rice for partition purposes would never satisfy the purposes and intent of the legislation binding on the PAO. The patchwork subdivision of the land into alternating strips - one for the developers and one for the Nature

Trust, one for the developers and one for the Nature Trust going east to west - chops up the parcel creating a developer's dream and a conservation nightmare. Habitat fragmentation would be the main result.

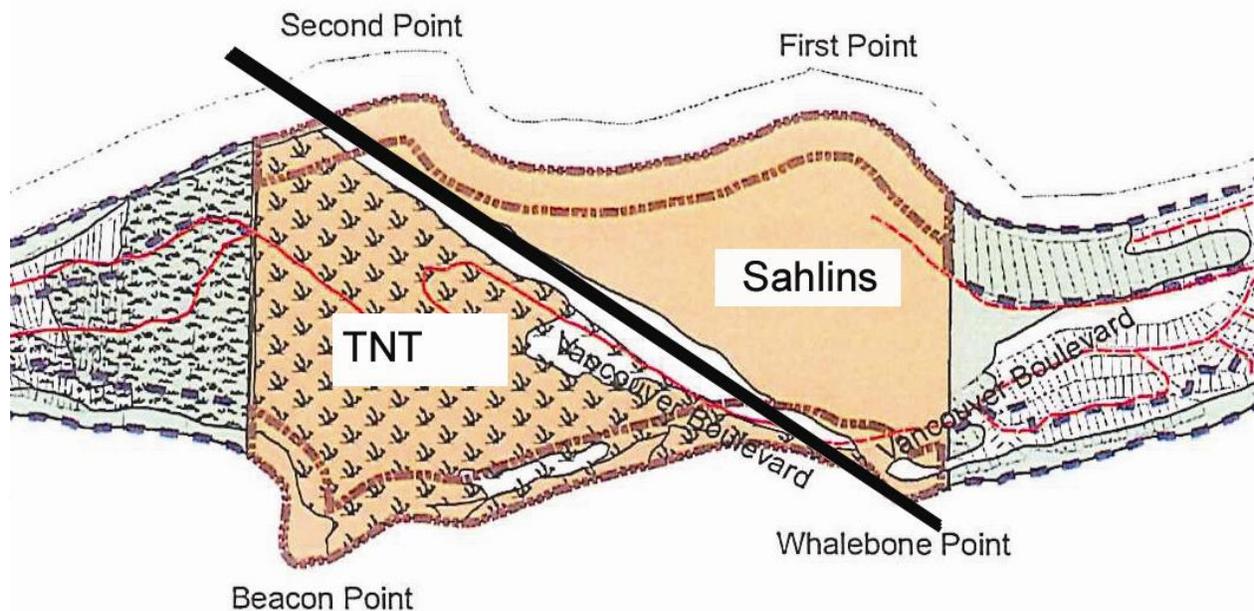
As mentioned above, another of the Sahlin's lawyers, Mr. Kaplan reiterated to the court on the hearing of the appeal that the PAO has full authority to deal with the subdivision application unfettered by the judgment of the court on the partition application. We forwarded to you the Court Memorandum and the affidavit of Mr. Christopher Sahlin documenting the same on February 13.

The presumption that the land will be divided as indicated by Judge Rice is clearly incorrect. We believe that your role as local government representatives is to protect the Public Interest and the Public Good and govern yourselves in keeping with the OCP. It is clear that the Approving Officer should approach this subdivision application on the same basis as he would have approached it in the absence of a court order. As part of the subdivision application process, the Powell River Regional District should do the same.

The Old Growth Douglas Fir forest covering ancient relic sand dunes found on Lot 2 (as per Judge Rice) are rare, intact and seriously threatened by this subdivision application. Allowing for development of Lot 2 will only provide huge monetary value to the developer. It will not protect the groundwater, ecological services, heritage or recreational values of interest to the public. Private land owners have no obligation to preserve nature.

The Nature Trust of BC's stated mission is "The Nature Trust of British Columbia is dedicated to conserving BC's biological diversity through securement and management of ecologically significant lands." (<http://www.naturetrust.bc.ca/mission.php>). In its 40 year history, The Nature Trust of BC has secured over 61,000 hectares (150,000 acres) of critical habitat for wildlife, plants and fish. Mr Umbach, the Sahlin's lawyers who attended the last Planning Committee meeting, said that Sahlin's objected to being called developers and instead they had a long history as good stewards. Owners of private property have no obligation to protect nature. The Nature Trust of BC does.

If the land is to be divided, the only 50/50 split that will protect all of the Ice Age dunes is a split on the diagonal, with all of the properties south of the airstrip going to the Nature Trust and everything north going to the developers. Only this division is in keeping with the Principal Aim of the OCP and the Residential designation of the DL 1375 within the OCP. We are asking you to reject the present application and, if necessary, indicate that you would be prepared to consider a subdivision plan modeled on this diagonal division.



the middle of the Island on the Spirit Tree Trail, Hanging Tree Trail, Dune Ridge Trail or the Beacon Point Trail. (See Map attached) Instead the proposal suggests that a Trail to Beacon Point exists on a 50+ year old skid Rd that is fully forested and would require cutting and uprooting of many trees on the relic dunes. It also suggests rerouting an existing access to First Point. We recommend that no further roads be built and that trail access be kept to low impact narrow footpaths restricted to existing trails and protected by covenants. We object to the building of new roads and the dedication of new roads in ecologically important areas, such as the Old Growth Cedar Forest. The subdivision application as it stands serves the interest of the developers in every way. It does not serve the interests of the public in anyway. It is not for the Public Good.

If Mr. Brabazon is correct in his statement at the February 22 meeting that “you could drive a truck” through the Minister of Environment’s letter suggesting acquisition of DL 1375 by the Province, then your decision is even more important, as it will truly be the only chance to preserve these unique biophysical features and Provincially, Nationally and Globally significant ecosystems.

If the Sahlin family are not developers but the good stewards that they purport to be, then they should have no problem with fully endorsing the diagonal division as presented here.

Sincerely,

Liz Webster M.A.
Executive Director
Savary Island Land Trust Society