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Victoria BC V8W 2S6
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December 8, 2008

The Manager
Navigable Waters Protection Division
Transport Canada
Suite 820 – 800 Burrard Street
Vancouver BC V6Z 2J8

File: 0580-41.03

Dear Sir:

RE: COMMUNITY MARINE CONCEPTS IP DEPOSIT NO. FB229908

On behalf of the Gorge Waterway Initiative (GWI), this letter is to express our collective concerns regarding the "proposed marina east of Lime Bay and west of Songhees Point, on the north side of Victoria Harbour, in Victoria, BC on Lots 3 and 4 (District Lot 119, Esquimalt District - Plan 47008) and water Lot 1 of District Lot 119 (Esquimalt District - Plan 44757)", as described in a legal notice advertised in the November 19, 2008 Victoria News.

GWI is a collaborative, community-driven group of organizations concerned with protecting and enhancing the natural and cultural features of the Gorge Waterway, Portage Inlet and the surrounding watersheds. Our mission is to maintain, protect and enhance the health of these areas for the enjoyment and well-being of present and future generations. Our membership includes representatives from over 20 environmental groups, community associations, paddling associations and local government agencies.

The GWI steering committee discussed the proposed marina at our regular meeting on November 26, 2008. This was the first time most committee members had heard of this proposal. Many representatives expressed concern about the magnitude of the proposed marina development and its impact on the heavy marine traffic that already exists in the harbour, the potential environmental impacts and the lack of public consultation regarding this development. The detailed concerns raised by the GWI committee members are attached at Appendix A.

GWI has significant concerns regarding the Community Marine Concepts proposal. We strongly urge Transport Canada to require a full social and environmental review and an appropriate process for public review and comment on the proposed work before allowing this project to progress any further. Many GWI members would like an opportunity to participate in a public review and are interested in reviewing any environmental documents submitted for this project.

Thank you for considering the concerns raised by GWI. Please contact the undersigned at 250-360-3065 should you wish to discuss.

Sincerely,

Jody Watson
GWI Coordinator

Attachment: 1

cc: Mayor and Council, City of Victoria,
Alison Meyer, Manager, Development Services, City of Victoria
Jarret Matanowitsch, Senior Planner, City of Victoria
Denise Savoie, Member of Parliament
Scott Northrope, Habitat Biologist, Fisheries and Oceans Canada



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Navigation and Safety

- Non-motorized boating traffic (kayaks, canoes, outriggers, and sculls) is largely restricted to the north side of the seaplane taxiway area, landing and take-off lanes and the vessel traffic management lanes designated by Transport Canada. The impact of a large scale marina to non-motorized recreational boaters in the harbour must be considered. Victoria Harbour is a public harbour and private developments such as this large scale marina should not further impact the ability of the public to utilize this space.
- According to a Transport Canada presentation on the harbour airport at a City of Victoria Public Meeting on Nov 26, 2008, there were more than 43,000 seaplane take-offs and landings in 2007, a number which likely increased in 2008. While more than 70% of the departures occur from Runway Bravo, Runway Alpha is used for more than 90% of landings which, according to the plans submitted to the Victoria Lands Title office, is in close proximity to the proposed marina. There is concern over public safety in this area due to the high volume of marine traffic and seaplane use in Victoria harbour.
- The smaller yachts utilizing the proposed marina will be required to cross the designated seaplane landing and take-off lanes which is contrary to the Schedule D in the Practices and Procedures for Public Ports issued by Transport Canada. This procedure directs that ships "**shall avoid crossing traffic lanes**". While these procedures also indicate that "*If the crossing of a traffic lane is unavoidable, ships shall cross at right angles to the traffic lane*"; the entire situation could be avoided by not authorizing development of a marina on the north side of the harbour. Further, many of the larger yachts that are a target market for this development will be greater than 20m in length and will be required to transit the harbour in the seaplane landing and take-off lanes. The increased volume of large yacht traffic resulting from the proposed marina and the increasing seaplane traffic in the harbour must be assessed to determine impacts to the residents living adjacent to the harbour and the safety of all users of the harbour.

Social Concerns

- Victoria Harbour is undoubtedly a marine transportation hub for the region, yet the citizens of the surrounding community are rarely consulted on the increased traffic of seaplanes, ferries, ship building and barges, recreational boating and cruise ships in the harbor—all of which have significantly increased over the past 5-10 years. The lack of community consultation for this proposed marina completely circumvents the community needs and desires. The magnitude of this proposed development demands a public process and the communities that will be impacted by this development must be properly consulted.
- This development will significantly impact the views from community parks and the well-used Songhees Walkway that overlook the waterlot of the proposed development. Maintenance of these harbour views from community parks have been strongly advocated and protected by the community for all landbased development occurring adjacent to the north side of the harbour.
- Songhees Walkway is a heavily used pedestrian route. To access the restaurants and boats for this proposed facility, vehicles will have to cross the walkway. This is not a compatible situation for the walkway. Additionally, plans on the developer's website show a parking lot over the water which will further diminish views from the community parks and walkways in this area.

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- GWJ members are aware that the site of the proposed development is an important area for local First Nations, potentially containing important underwater archaeology. This possibility must be properly investigated and First Nations must be appropriately consulted.
- What is the harbours' carrying capacity for the various forms of marine traffic while still remaining compatible with other uses of the harbour (i.e., Migratory Bird Sanctuary, aesthetic views for the community, remnant ecological areas and marine habitat)? An assessment of the marine traffic carrying capacity and its compatibility with upland residential uses is needed for Victoria Harbour. This should be conducted by Transport Canada and should include extensive consultation with the Township of Esquimalt, City of Victoria, First Nations, harbour users and the community.
- Is another large scale marina really necessary in the harbour? At least eight marina and moorage sites already exist in Victoria Harbour. It is important that other harbour user groups are considered and that some shoreline areas remain available for overall public enjoyment and beauty rather than becoming "gated" areas with access limited to a few private owners.

Environmental Concerns

- A massive amount of sediment will have to be dredged to enable large yachts to moor at this proposed marina. GWJ members are concerned about the suspension of contaminants from the seabed and the impact of dredging on subtidal communities.
- Transport Canada conducted an inventory of the intertidal and subtidal biological and physical features in the harbor, in partnership with the Victoria and Esquimalt Harbours Environmental Action Program (VEHEAP). These data are available on the Harbours Atlas (www.harboursatlas.ca), an on-line map viewer hosted by the Capital Regional District (formerly referred to the Harbours Ecological Inventory and Rating project). The intertidal and backshore area of the shoreline at the location of the proposed marina (SU 63) is rated as low ecological value mainly due to the seawall that has been placed here. However, it is important to note that the lower intertidal bioband contains a healthy intertidal marine community dominated by sea lettuce (*Ulva* sp.) habitat as depicted on Map 1 (attached).
- The adjacent natural shorelines in front of Lime Bay Park and on Pelly Island (SU 64 and SU 66) are rated high and very high for their ecological value due to their diversity of habitats and species, the complexity of natural habitats available and their value to wildlife. These areas represent a good portion of the shoreline left in Victoria Harbour that has remaining ecological value for wildlife and these natural areas are highly valued by residents of the area (Map 1a). How will these areas be protected if the proposed marina is allowed to proceed?
- The subtidal area between Pelly Island and the Songhees Walkway contains significant underwater vegetation including laminaria kelp, filamentous red algae, foliose green algae and *Ulva* sp. providing important habitat for many marine species (Map 1). **It is important to note that this is the only area of Victoria Harbour (from Selkirk Trestle to the outer harbour) that contains reasonably healthy subtidal vegetation providing important habitat for marine birds and fish as they pass through the harbour to reach their spawning areas up in the Gorge and Portage Inlet.** These ecological values are also important to residents and users of the harbour. Much of this habitat will be impacted by the dredging that will be required and may not recover due to the docks and boats that would shade the area if the proposed marina proceeds.
- The subtidal physical features of this area of the harbour are depicted in Map 2. Pocket beaches are a special feature of the harbour and provide important habitat for a variety of marine life. Historically there were more than 20 pocket beaches in the harbour but most were lost to infilling and used for log-booming or ship building. Lime Bay, once used for log booming has been enhanced and provides an important mud/sand flat colonized by molluscs and other burrowing species. It is one of

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the eight pocket beaches that remain in the entire Victoria Harbour, Portage Inlet and Gorge Waterway and is an important feature of the harbour. There is concern regarding the impact of the marina in such close proximity to this important pocket beach.

- Underwater video was used to derive the biological and physical feature layers contained in the Harbours Atlas. The developer contends that dredging this area of the harbour will improve the subtidal habitat by removing significant wood waste that remains on the bottom of the harbour, however, the underwater imagery indicates that this wood waste lies on the seabed adjacent to Pelly island which is outside of the area that would be dredged.
- What impact will this marina have on the marine birds that are supposed to be protected in the federal sanctuary? Victoria Harbour is a federally designated Migratory Bird Sanctuary. Bird use of the harbour has declined significantly due to increasing seaplane and vessel traffic and the decreasing area of marine feeding habitat. Seasonal bird surveys conducted in the harbour indicate that the area from Lime Bay to West Bay is the only area of the harbour still utilized by marine birds as a feeding area particularly in fall and winter (Maps 3a-d) indicating that this area provides a refuge for marine birds. How will these values be protected if this development proceeds?
- What will be the impact of change in wave patterns on other areas of the harbour (i.e., wave reflection back to Fisherman's Wharf, change in current patterns, impact to boats at West Bay)? The proposed location is ecologically similar to the outer harbour due to the strong currents and on-shore winds that dominate this section of the harbor and on the plans it appears that a breakwater will be built to protect the vessels moored at this facility which will impact wave patterns in the harbour.
- Will the environmental assessment documents be made publicly available and can GWI obtain a copy? While it appears that this project has triggered an environmental assessment under the Canadian Environmental Assessment Act, these documents do not appear to be available to the public on the CEAA website, TC website or through the Victoria Land Titles office.

Map 1. Flora and Fauna in Lime Bay



Legend

Lower Intertidal Primary Bioband Distribution

- Sparse
- Low
- Moderate
- Dense

Lower Intertidal Primary Bioband

- Diatom
- Sea Lettuce
- Edgrass
- Japanese Weed
- Blue Mussel

Intertidal Flat Type

- Bedrock
- Beach/mudflat
- Gravel/sand flat
- Beach
- Mud/sand flat
- Mudflat

Bryozoan Complex (bryozoans, sponges, ascidians)

Burrowing Sea Cucumbers (Cucumaria miniata)

Plumose Anemones (Metridium sp.)

Native Oysters (Ostrea lurida)

Piddock Clams

Red Sea Urchins (Paracentrotus franciscanus)

Painted Anemones (Tealia sp.)

Total Vegetation Cover

- Moderate - Dense
- Sparse - Low
- No Survey

Bacterial Mats (Beggiotoa sp.)

Filamentous Red Algae (Gracilarium, Pionitidis sp.)

250	225	217	211	207
216	217	222	210	206
211	425	206	201	

Russell St

Milne St

Mary St

Mary Street Park

Rainbow Park

Lime Bay Park

West-song Walkway

Copenga Pt

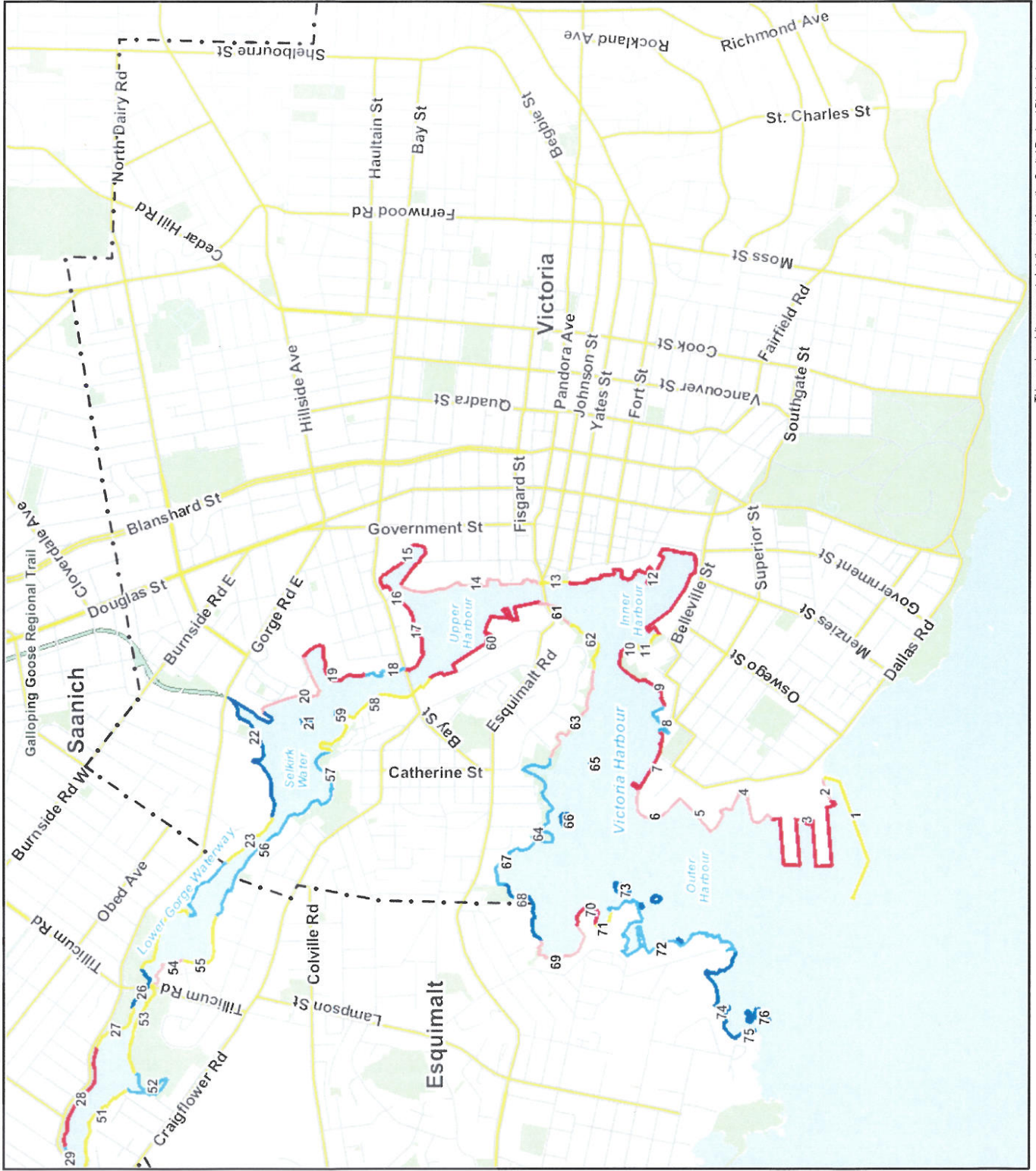
Kintia Rd

Stikim Rd

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Map 1a. Overall Ecological Rating in Intertidal and Backshore in Victoria Harbour



Legend

Shore Unit Information

Overall Ecological Rating

- Very low (Red)
- Low (Pink)
- Moderate (Yellow)
- High (Light Blue)
- Very high (Dark Blue)

Municipal Boundaries

- Highways (Yellow dashed line)
- Major Roads (Yellow solid line)
- Roads (Grey solid line)

Parks & Protected Areas

- Federal Park (Green square)
- Provincial Park (Light Green square)
- Provincial Ecoreserve (Light Green square)
- Regional Park (Light Green square)
- Future Regional Park (Light Green square)
- Municipal and Community Parks (Light Green square)
- Protected Area (White square)

Major Lakes

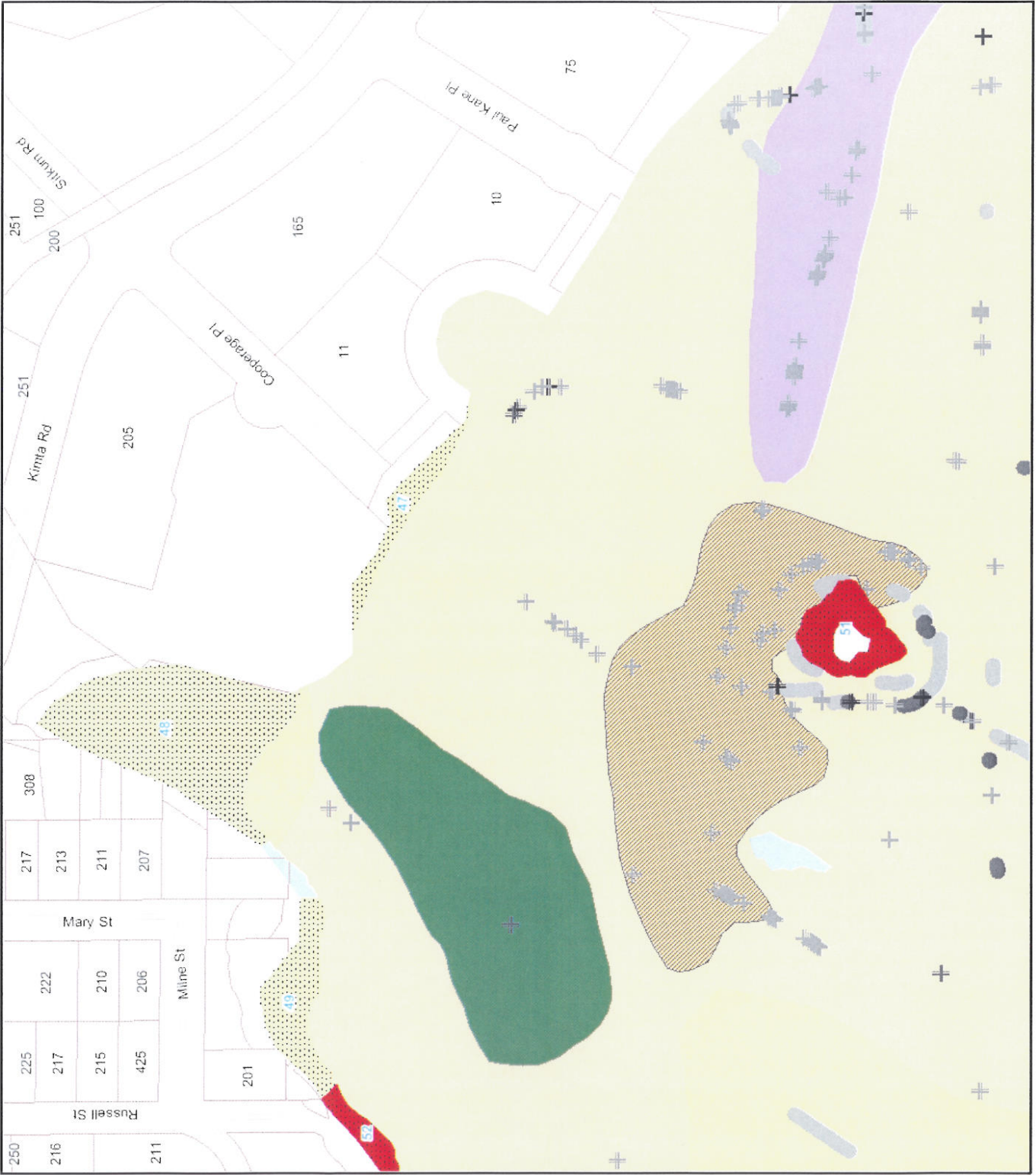
Lakes and Rivers

CRD Boundary (Dotted line)

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Map 2: Physical Features in Lime Bay



Legend

Intertidal Flat Type

- Bedrock
- Beach/mudflat
- Gravelly sand flat
- Beach
- Mud/sand flat
- Mudflat
- Man-made Debris
- Bottles, cans, tires, other garbage
- Wood debris, logs
- Wire, rope, pipe, metal objects
- Boulder
- Cobble
- Organic Cover
- Vegetative debris - dense
- Vegetative debris - low-moderate
- Vegetative debris - sparse
- Wood - dense
- Wood - low-moderate
- Wood - sparse
- Dense vegetation - substrate obscured
- No survey

Sediment Size Class

- Rock
- Gravel
- Gravelly mud/sand
- Gravelly sand
- Sand
- Sand/mud
- Mud
- Wood debris - substrate obscured
- Dense vegetation - substrate obscured
- No survey

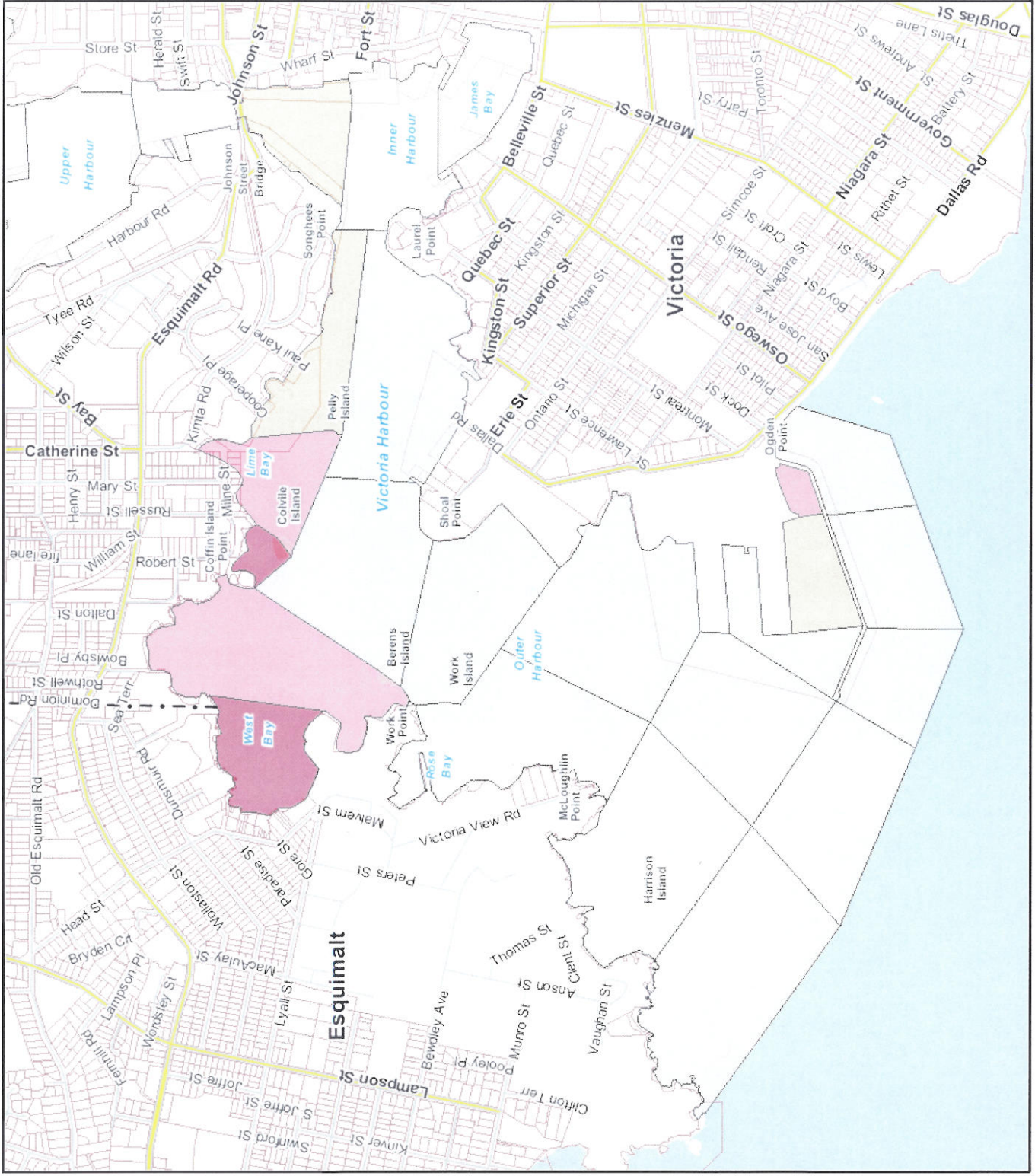
Other Features

- Municipal Boundaries
- Highways
- Major Roads
- Roads
- Lot Boundaries

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Map 3a; Winter Bird Use in the Harbours



Legend

Winter Bird Survey

- 0 - 300
- 300 - 600
- 600 - 900
- 900 - 20000

Municipal Boundaries

Highways

Major Roads

Roads

Lot Boundaries

Major Lakes

Lakes and Rivers

CRD Boundary



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Map 3b: Spring Bird Use in Victoria Harbour



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Map 3c: Summer Bird Use in Victoria Harbour



Legend

Summer Bird Survey

- 0 - 300
- 300 - 600
- 600 - 900
- 900 - 2000

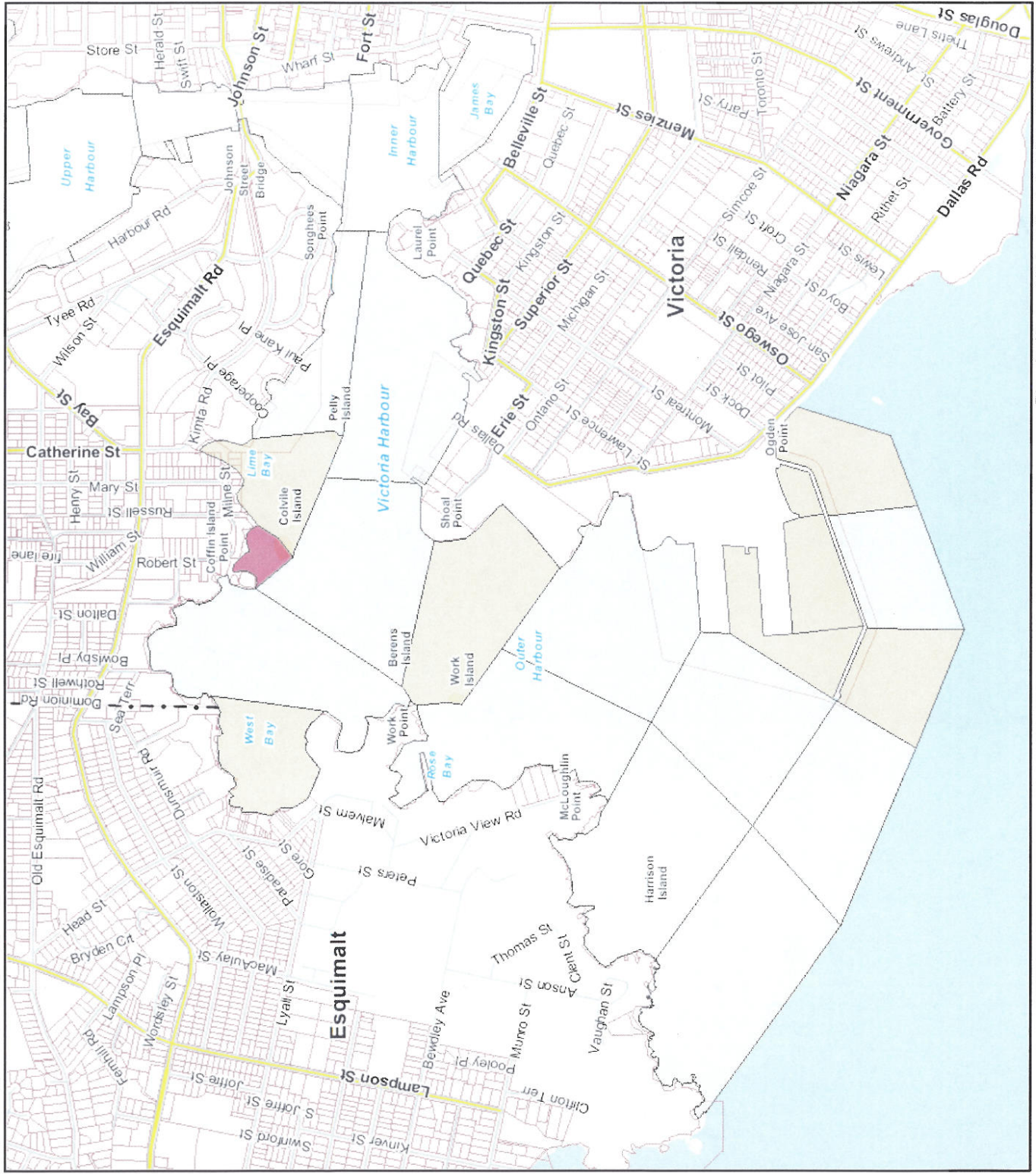
Municipal Boundaries

- Highways
- Major Roads
- Roads
- Lot Boundaries
- Major Lakes
- Lakes and Rivers
- CRD Boundary

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Map 3d: Fall Bird Use in Victoria Harbour



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