

**Savoie, Denise - Personal**

From: Savoie, Denise - Riding 1B  
 Sent: 15 décembre 2008 18:31  
 To: Savoie, Denise - Personal  
 Subject: FW: NWPDP 8200-06-8949 Victoria International Marina Proposal

## -----Original Message-----

From: [mailto: ] (mailto: )  
 Sent: Monday, December 15, 2008 9:39 AM  
 To: osbaldd@tc.gc.ca  
 Cc: jim.naylor@tc.gc.ca; Martin, Keith - Riding 1A; Savoie, Denise - Riding 1B; Workpointarts@islandnet.com  
 Subject: NWPDP 8200-06-8949 Victoria International Marina Proposal

December 15, 2008

Mr. David Osbaldeston,  
 Manager,  
 Navigable Waters Protection Program,  
 Transport Canada Marine Safety (AMSG)  
 Tower C, Place de Ville 330 Sparks St., 10th Floor Ottawa, ON K1A 0N5  
 Email: osbaldd@tc.gc.ca  
 Fax: 613-990-5929

Dear Sir,

Re: public consultation process and access to information: NWPDP  
 8200-06-8949 Victoria International Marina Proposal

The West Bay Residents Association (WBRA) is a registered non-profit society and organization of residents in the West Bay area of Victoria Harbour in the vicinity of the marina development proposed by Community Marine Concepts. WBRA has concerns about the effect of this project on marine navigation and traffic safety in the harbour and this fall we were seeking information on the plans and on the public consultation process. West Bay residents use non-powered vessels to navigate these waters for recreational purposes, and WBRA has a committee dedicated to developing one or more kayak launch sites on the harbour, therefore we have a vested interest in providing input into the review and approval process.

It is our understanding that as part of the review and approval process, Transport Canada is required to carry out a public consultation process regarding this project. On September 13, 2008, we wrote to Mr. Jim Schellenberg, the Navigable Waters Protection Officer (NWPO) asking for information on the public consultation process. At the same time, we asked when the plans would be available for viewing, and requested to be advised of any opportunities for giving feedback on the plans to Transport Canada prior to approval of the project. Lastly we asked to be added to Transport Canada's public consultation list. Mr. Schellenberg did not reply to this letter. We waited in good faith for notification from him of any opportunity to be consulted. Hearing nothing, we wrote Mr. Schellenberg a second time, and still received no response.

We subsequently learned that Mr. Schellenberg helped the developer to organize a public forum in Victoria on September 18th, and that Mr. Schellenberg attended this forum and took notes. Can Transport Canada explain why Mr. Schellenberg would not have informed us this meeting? We also learned that this forum was poorly attended because of the short notice given to those who were invited, lack of public notices in advance of the meeting, and because the meeting was held mid day during the week when most recreational users were unable to attend.

We also heard from other user who did not receive an invitation to this meeting.

We were dismayed that we had been excluded from the public forum even though Mr.

Schellenberg had been sent our expression of interest. In response to having been excluded, WBRA expressed these concerns in a letter to Mr. Jim Naylor, Acting regional manager, NWPP, on October 29th. He did not respond to our query. We sent a second query on the 5th of November. To date we have not heard from Mr. Naylor.

Recently a legal notice appeared in the Canada Gazette, indicating that the plans have been deposited at the Lands Titles office, and that the project is moving towards the finalization stage without a proper public consultation process having been conducted at the preliminary stage when the plans were being developed under the guidance of the NWPP. The plans deposited are not clear, accurate or complete as required by the NWPP guidelines. Since the NWP Act stipulates that public access to navigate these waters must be protected for all vessels, including non-motorized vessels, it is not clear on what basis Transport Canada officials in Pacific Region approved the developer to move forward to the next stage without complete, accurate plans available for review and a fair and open public consultation process.

This process does not appear to be consistent with the Navigable Waters Protection Act or the Federal Accountability Act. If approved, this proposed marina project will substantially interfere with navigation of these waters by non-powered vessels and create unsafe traffic congestion (with respect to aircraft, power vessels and non-powered vessels) in a very narrow area of water. We are requesting that Transport Canada lead a proper public consultation process prior to moving ahead with this review and approval process.

We are also requesting that prior to this public consultation process, Transport Canada require the developer to deposit a revised set of plans and supporting documentation that are accurate, clear and complete for review by stakeholders.

According to the Office of the Public Sector Integrity Commissioner, accountability and integrity are core values of the public service that will inspire public trust in the way that government departments carry out their mandate. We would like to see this reflected in Transport Canada's handling of this application. Our contact information is WBRA c/o [REDACTED] Victoria, BC [REDACTED]

Yours truly,

[REDACTED]  
Past President,  
West Bay Residents Association

Cc: Jim Naylor, NWPP Pacific Region, Transport Canada <jim.naylor@tc.gc.ca>  
Dr. Keith Martin, MP <martiK1A@parl.gc.ca>  
Denise Savoie, MP <savoid1b@parl.gc.ca>  
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