

terauds

959 Dunsmuir Road, Esquimalt, BC, V9A 5C4

(250) 381.8845 kris.terauds@gmail.com

Honourable John Baird
Minister of Transport
Place de Ville
330 Sparks Street
Ottawa, ON K1A 0N6
mintc@tc.gc.ca

March 19, 2009

Re: Performance paddlers oppose mega yacht marina proposal in Victoria Harbour

Honourable Minister Baird,

I live in Esquimalt and work at a small local business in the Quadra-McKenzie area of Saanich, both neighbourhoods of Greater Victoria. In my spare time I train and race competitively in a variety of canoes and kayaks on Victoria's waterways. In recent years I have competed throughout Canada and internationally.

Any competitive achievement I have enjoyed stems in large part from living in Victoria, where I have safe, unimpeded, year-round access to a variety of water conditions, from the shallow creeks feeding Portage Inlet, to the protected Gorge waterway, to the open waters of Victoria's outer harbour and the Straits of Juan de Fuca.

Four or more times per week, I paddle from one of the four paddling clubs located on the Gorge waterway and follow the non-powered traffic lane along the harbour's north shore to reach the open water beyond. Hundreds of other competitive paddlers, all residents of Victoria and its surrounding communities, use the harbour as I do, as do thousands of recreational paddlers.

The mega yacht marina proposed for the Songhees shore would severely restrict my and other paddlers' safe access to the outer harbour and therefore the enjoyment and quality of life we draw from paddling in Victoria's harbour.

I urge you to reject the proposed mega yacht marina: it is an unfeasible design and location for our beautiful harbour.

The proposal is unacceptable in at least four ways:

1. It fails to provide safe, unimpeded public access for performance paddling craft.
2. It will cause the cancellation of all open water paddle races on the waterway.
3. It proposes to remove this popular public space from the commons for the private benefit of a wealthy, itinerant minority.
4. Despite these and other concerns, the developer and involved government agencies have failed to provide an unbiased, transparent forum for public comment.

1. Paddlers' safety is at risk

The development group proposes two routes for paddle craft transiting the north shore (see figure 1 after this letter): 1) through the marina when traffic permits and 2) around the outside of the marina in a lane that narrows to approximately eight metres at one point (see figure 2 after this letter).

The inner route through the marina does not constitute unimpeded public access, as guaranteed by the Navigable Waters Protection Act (NWPA), since access would depend on traffic in the marina and the operator's discretion. Therefore it should not be considered in the assessment of paddlers' NWPA rights.

In addition, the developer markets this inner route as "kayak access," but makes no mention of the physical and usage differences of performance craft such as single/double outrigger canoes (OC1/2) and surfskis. Compared to recreational kayaks, performance craft are generally longer and narrower, built for speed in a straight line at the expense of turning radius, and we paddle them for extended periods at high output (i.e. we have no interest in waiting at the marina entrance for permission to pass).

As this relates to the proposed inner passage, the developer proposes a five-foot high bridge at one end of the marina, exiting into a narrow five-foot wide exit channel (figure 2). The details of this egress point are vague (Is the bridge clearance five feet at high / low tide? Is the narrow channel five feet wide at high / low tide?), but **I am sceptical that a performance craft of 20ft+ in length and with a wide turning radius could negotiate the bridge and turn.**

Six-person outrigger canoes (OC6) are approximately 45 feet in length and, with their outrigger, approximately 10 feet in width. In my conversations on March 7th, 2009 with Lachlan Maclean and Robert Evans of the development group, both freely admitted that **the channel through the marina cannot accommodate OC6s.**

All of this means **the inner route proposed by the developer has no value to performance paddle craft.**

- This leaves just the narrow outer channel for the transit of performance craft.
- For reference, a standard racing lane (on flat, protected waters) is five metres wide.
- Currently, the narrowest channel along the north shore of the harbour offers 70 metres or more of room for OC6s to adjust to any challenging conditions.
- The proposal leaves **only eight metres** at one point for OC6s to navigate between the sea plane taxi lane and the proposed marina's breakwater.
- In any adverse water or wind conditions, this leaves **zero margin for adjustment** and drastically **increases the risk of a serious accident.**
- In addition, at the March 7th, 2009 open house, the wave analyst hired by the development group admitted that the marina's breakwater would **increase water disturbance in the proposed channel and allow paddle craft little time to react** to any waves reflected by the proposed marina's breakwater.
- After the March 7th I received a review of the developer's wave analysis data sent by Professor Gordon Greeniaus of the University of Alberta to Transport Canada, among others. Prof. Greeniaus is a professional physicist who has taught wave motion theory to engineers for many years.
- Here is an excerpt from his analysis (his emphasis):

"A final comment regarding the wave reflection characteristics presented by the developer. The 1 to 7 cm increase in wave amplitude looks minor, and would probably not raise concern upon a casual reading of documents. However even their calculations, using favourable assumptions, indicate that wave heights (choppiness) will be increased up to 30% over present levels. **This 30% increase in water roughness is the figure you should**

concentrate on. It is my belief that their calculations probably underestimate by up to a factor of 2 what would happen. As an aside, I was also concerned that the 'expert' I spoke to made assertions to me that were just plain-and-simple errors of physics which makes me wonder what other factual errors he may have made in presentations regarding the effects of the breakwater.

The effect of waves reflected from the breakwater, even under calmer conditions, would be felt more seriously close to the marina. The increased choppiness of the water could easily pose significant problems for boaters and kayakers using the proposed path between the marina and the seaplane taxiway.”

- None of this even includes an analysis of how the **transit of dozens of mega yachts through non-powered traffic lanes** will affect the safety of paddlers.
- Nor does it include any safety analysis of **existing users** (float planes, harbour ferries, whale watching boats, paddlers) **sharing a vastly narrowed corridor** at what is already the harbour's narrowest point.

The outer lane offers zero margin for error or adjustment in adverse conditions and therefore presents an **unacceptable safety risk for any paddle craft**, large or small. Since the development group's traffic proposals do not contain an acceptably safe option for performance craft travelling along the north shore, it would **violate paddlers' rights to the safe, unimpeded access guaranteed by the Navigable Waters Protection Act.**

2. All open water races from Victoria Harbour will be cancelled

The four paddling clubs located on the Gorge Waterway organize a half dozen or more open water races per year that start on the Gorge and transit the north shore of the harbour en route to the open water beyond the harbour.

These races generally include a team race (OC6s) on Saturday and a small boat event on Sunday (canoes, kayaks, etc). **Each weekend race** involves up to **a hundred or more paddlers** and generates **thousands of dollars of revenues** for the organizing clubs.

The above safety consideration will mean the cancellation of all of these races. The Harbour Master's assurances aside, no club safety officer would allow a multi-boat race to pass through an eight-metre channel.

The potential loss of these races would severely damage Victoria's performance paddling community:

- **Lost revenues** for Victoria's paddling clubs, which provide recreational and competitive paddling programs to thousands of Victorians.
- **Lost competitive development** for Victoria's open water racers, who use local races to train for bigger races further afield.
- **Reduced quality of life** from the lost health and enjoyment benefits these races provide.

The loss of our local open water race series is **an unacceptable sacrifice** for Victoria's performance paddling community.

3. An inequitable removal of public space from the commons

Several user groups, comprising thousands of taxpaying Victorians, utilise the north shore of Victoria

Harbour on a regular basis. Among the largest user groups are paddlers, float planes and harbour ferries. Whale watching boats are frequent users in the summer, but use the harbour mainly for transit.

At the expense of these users' safe access to the area, the developers propose privatizing it for the benefit of approximately 50 wealthy mega yacht owners, who:

- Predominantly live, vote and pay taxes outside of Victoria.
- Use their multi-million dollar yachts on average only a few weeks of the year.

I am astounded that our elected and appointed public servants would consider such an inequitable use of this popular public space.

4. Lack of transparency and consultation

The development of public space for private interests **demand a higher level of transparency, consultation and compromise** than does the development of private land, with the **burden of minimizing the negative impacts on current users** of that public space. To ensure an unbiased process, the decision maker or another impartial agency should organize and facilitate this consultation, as well as collect and review its output, independent of the vested parties.

I will not speak for the harbour's other user groups, but to date public agencies such as Transport Canada and the BC Integrated Land Management Branch **have failed to ensure adequate, unbiased consultation with the performance paddling user group:**

- The developer claims to have consulted the public with a series of **"show and tell" open houses**.
- No decision makers attended these open houses, nor have they collected feedback from attendees.
- These one-way presentations, in which the developer controls both content and reporting to decision makers, **can hardly be considered "transparent, unbiased consultation."**
- As a result, **the development group has no solid data on Victoria's performance paddling community**, on its safety concerns or on its use of the Victoria Harbour (traffic level, races, etc.).
- For example, in my conversations with Lachlan Maclean and Robert Evans at their March 7, 2009 open house, neither of them had any understanding of the safety concerns described above, or any knowledge of the races that pass through the area.
- The greatest evidence of **zero consultation** with the paddling user group is the design of the marina, which presents the safety and restricted access concerns described earlier.
- In an attempt to **pretend support** from the paddling community, the development group quotes a **misleading letter** on its website. In the letter Pete Hartman, president of Westbay Paddling Club, voices his support for the project and claims "[the club] and its 75 members endorse" the project. Mr. Hartman's opinion aside, the letter is misleading in that **the club's membership was never polled about the project or the letter** (I am an original member of the club) and the club has never had 75 members on its rolls. Any due diligence on Mr. Hartman's letter will reveal **zero supporting evidence**.

In conclusion, **this proposed mega yacht marina is entirely unacceptable to Victoria's paddling community** in its present design and location. I urge you to reject the proposal and preserve as public space this important piece of our harbour.

I will be happy to discuss this matter further with you.

Sincerely

Kris Terauds
959 Dunsmuir Road
Esquimalt, BC
V9A 5C4
250.381.8845
kris.terauds@gmail.com

- CC. Hon. Gary Lunn, Minister of State for Sport, MP (Saanich – Gulf Islands)
- CCI. Dr. Keith Martin, MP (Esquimalt – Juan de Fuca)
- CCII. Denise Savoie, MP (Victoria)
- CCIII. Cheryl Bryce, Land Manager, Songhees Nation
- CCIV. David Osbaldeston, Manager NWP, Transport Canada
- CCV. Michael Henderson, Regional Director – General, Transport Canada
- CCVI. Jim Lawson, Regional Director – Marine, Transport Canada
- CCVII. Jim Naylor, Regional Director – Navigable Waters, Transport Canada
- CCVIII. Jim Schellenberg, NWP Officer, Transport Canada
- CCIX. David Featherby, Victoria Harbour Master
- CCX. Lucinda Chodan, Editor-in-Chief, Times Colonist (email only)
- CCXI. CJ Wilson, Reporter, Times Colonist (email only)
- CCXII. Editor, Victoria News (email only)
- CCXIII. John Threlfall, Editor, Monday Magazine (email only)
- CCXIV. Editor, The Tyee (email only)
- CCXV. Evan Mitsui, CBC News (email only)
- CCXVI. Murray Langdon, News Director, CFX (email only)
- CCXVII. Howard Markson, A-Channel News (email only)
- CCXVIII. Scott Parfitt, General Manager, Gorge Rowing and Paddling Centre (email only)
- CCXIX. Brian Henry, Owner, Ocean River Sports (email only)
- CCXX. Linda Thomson, Victoria Canoe and Kayak Club (email only)
- CCXXI. Roberta Taylor, South Island Sea Kayak Association (email only)