

October 6, 2008 @ 3pm

James Wilkinson

Note to file - PDIMS 4424545

Phone Conversation with Micky Lam of the City of Victoria:

Phone call was in response to September 30th, 2008 letter from Robert Siler to the City. Micky wanted to acquire a more in depth understanding of the federal assessment and approval process in light of the proponent's application for a municipal development permit for the two commercial buildings. He wanted to know specifically if the alteration of the sea bed (pile driving/dredging) required federal approval. I brought him up to speed on the federal process and what exactly the federal approvals will be for and although no specific federal approval for alteration of the sea bed is required, any environmental impacts associated with dredging and pile driving would likely be addressed in the EA. He indicated that the proponent kept reassuring them that everything was ok on the federal front, but I clarified that the proposal was still under federal review and no approvals were granted to date. The city is very hesitant to issue a development permit until the approvals from the other levels of government are issued (federal and provincial) as they don't see a point in wasting time approving development when it might not get approval under the other levels of government. The city feels the proponent is putting the cart before the horse. I then initiated a conversation on the various levels of approval required and that I was unsure that one was actually required before the other - for example I didn't think it mattered if the federal approvals were issued first because construction could not proceed until the municipal and provincial approvals were received. In that light, the federal process continues and once complete the approvals are issued with the understanding that all other approvals are required before construction commences. I also reiterated that the federal government has no jurisdiction over the approval of the commercial buildings, but the nav waters approval was very closely tied to the buildings as it includes the support structures for those buildings. Accordingly, the city could give the developmental permit but without the NWPA approval it would be impossible for construction to commence (cannot erect buildings over water without support piles). While he agreed but I still got the impression that the city did not want to be the first to issue approval for the project as they viewed the project as very controversial as local residents are generally opposed to the project.

On another interesting note Micky advised that the proponent does not own the upland as they claim. While the proponent once owned the land, they sold it to the new condo owners when they sold the developments. The area between the condos and the foreshore is now city land because that is a park and public walkway and is not privately owned.