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Our file: 2010-02-03

August 16, 2010

The Honourable Jim Prentice, P.C., M.P.  
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The Honourable Barry Penner  
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Andrew Rollo, Project Manager  
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Dear Honourable Ministers:

**Re: Request that Minister Prentice refer the environmental assessment of Compliance Coal Corporation's proposed Raven Underground Coal Project to a joint federal/provincial independent expert Review Panel for full public hearings (CEAR reference number 10-03-55529)**

**Request that Minister Penner ensure that the environmental assessment of the project is carried out by the same joint federal/provincial independent expert Review Panel conducting full public hearings**

On behalf of CoalWatch Comox Valley ("CoalWatch") we hereby request that you refer the environmental assessment of Compliance Coal Corporation's proposed Raven Underground Coal Project (the "RUC Project") near Buckley Bay, British Columbia to a joint federal/provincial independent expert Review Panel for a full public hearing.<sup>1</sup> The proposed coal mine

has profound implications for the environment and future of mid-Vancouver Island, and therefore requires this most thorough form of public participation and review.

Thus far, the environmental assessment of this coal mine project is being conducted by civil servants, without the benefit of full public hearings. This internal government process cannot be adequate to assess the issues raised by the proposed mine.

Fortunately, legislation authorizes Ministers to refer the project to an independent joint federal/provincial expert Review Panel for full public hearings where appropriate. The Canadian Environmental Assessment Agency (CEAA) has described the advantages of such a Review Panel process:

*Review panels have the unique capacity to encourage an open discussion and exchange of views. They also inform and involve large numbers of interested groups and members of the public by allowing individuals to present evidence, concerns and recommendations at public hearings. A panel allows the proponent to present the project to the public and explain the projected environmental effects, and provides opportunities for the public to hear the views of government experts about the project.<sup>2</sup>*

The Provincial Minister has broad discretion to make such a referral.<sup>3</sup> The Federal Minister may make such a referral if a project may cause significant adverse environmental effects or when public concerns warrant such a referral.<sup>4</sup>

In this case, a referral to a Joint Review Panel for public hearings is clearly in the public interest based on compelling evidence of:

- the potential significant adverse environmental effects of this project; and
- the deep and widespread public concerns associated with this project.

The evidence in favour of public hearings by an independent expert Panel is laid out below.

### ***A Preliminary Point***

Prior to reviewing the evidence, it should be noted that one of the most compelling arguments for public hearings by an independent expert Panel is found in the recent environmental assessments of the proposed Prosperity Gold-Copper Mine project at Fish Lake, near Williams Lake, BC. The bizarre conflict in the conclusions drawn by the two environmental assessments of the Fish Lake project demonstrates the need for you to appoint a joint independent expert Review Panel to conduct public hearings.

In the Fish Lake case, the provincial Environmental Assessment process was similar to the one now likely contemplated for the RUC Project – a standard review by civil servants without

public hearings. That internal Fish Lake process rejected expertise from its own Ministry of Environment when it came to the conclusion that the significant adverse environmental impacts of the mine could be mitigated.<sup>5</sup>

The federal assessment process on Fish Lake followed the procedure that we propose here – a panel of three independent experts conducting full public hearings. In stark contrast to the favourable findings of the provincial assessment, the independent expert Review Panel report found that the project would have significant adverse environmental impacts that *could not be mitigated* by the proposed measures.<sup>6</sup> Furthermore, the federal panel on Fish Lake noted striking deficiencies in the internal BC assessment, which approved the mine:

- without considering final reviews from federal agencies on alternatives to the project, water quality, fish, and migratory bird impacts, as well as health effects;<sup>7</sup> and
- without considering “extremely valuable” evidence First Nations provided on First Nation uses of the lake.<sup>8</sup>

Full public hearings conducted by independent experts are necessary to reassure the people of Vancouver Island that similar deficiencies will not arise in the assessment of the current project proposal.

***Issue One: Potential significant adverse environmental effects of the RUC Project***

***Acid Mine Drainage and other toxic contamination of surface water, aquifers and Baynes Sound pose dangers to human health and the environment.***

The underground mining process exposes and excavates large quantities of rock containing sulphide minerals. When rocks containing sulphide minerals are exposed to air and water, sulphuric acid is formed. This process, called acid rock drainage, may occur on a large scale during coal-mining operations to create one of the most serious environmental dangers associated with the industry: Acid Mine Drainage (AMD).<sup>9</sup> AMD can leach toxic metals including arsenic<sup>10</sup>, cadmium<sup>11</sup>, chromium, copper, lead, mercury, selenium and zinc from waste rock.<sup>12</sup>

The sulphuric acid and toxic metals from AMD is carried off the mine site by rainwater or surface drainage and into the nearby streams, rivers, lakes and groundwater. As the AMD seeps into the surrounding environment it degrades water quality, devastating fish and aquatic habitat, and threatening drinking water safety. The effect can be impossible to reverse, cost millions to treat and can continue for an extraordinarily long period.<sup>13</sup> Mines in Europe continue to leach toxic metals centuries after the mine was dug.

Numerous existing and closed mines in BC still leak acid mine drainage. The 1993 *BC State of the Environment Report* concluded that AMD was “one of the main sources of chemical threats to groundwater quality” in the province.<sup>14</sup> It has been estimated that cleaning up existing acid-generating mines in Canada would cost billions of dollars.<sup>15</sup>

- In BC, the acid mine drainage at the Britannia (underground) Copper Mine near Squamish killed life in Britannia Creek,<sup>16</sup> and seriously polluted adjacent coastal waters, affecting millions of juvenile salmon from the Squamish Estuary. Salmon placed in cages off Britannia Creek died in less than 48 hours.<sup>17</sup> In 2006, \$30 million was invested in a water treatment centre to treat the pollution from the former mine.<sup>18</sup>
- The Equity Silver mine south of Houston, BC seriously damaged the fishery on Buck Creek and Goosley Lake, leading to construction of cleanup facilities that may now need to be maintained for centuries.<sup>19</sup>

Acid Mine Drainage has already had serious impacts in the local area:

- The open-pit copper mine on Mount Washington only operated for four years before it was abandoned in 1967, yet it utterly devastated the multi-million dollar fishery in the Tsolum River.<sup>20</sup> Historically, the river supported large populations of steelhead and resident rainbow trout, sea-run cutthroat trout, and coho, pink and chum salmon. In 2008, after years of advocacy by concerned citizens in the Comox Valley, the Provincial governments committed \$4.5 million taxpayer dollars toward measures to address water quality issues resulting from 40 years of AMD.<sup>21</sup> Long-term efforts

aim to rebuild lost and degraded stocks and habitats. However, proper containment at the source, and continuing AMD contamination, remain pressing challenges.

- More recently, studies have found high arsenic and sulphate levels in lakes around the only operating coal mine on Vancouver Island: Quinsam Coal Mine near Campbell River.<sup>22</sup> The high arsenic levels (in some places as much as 30 times above provincial guidelines) are associated with high concentrations of sulphate in the watershed. Of particular concern for the local shellfish industry, the study also found that freshwater mussels placed in the lake accumulated arsenic in their tissues. Residents are concerned that the type of contamination at Quinsam could happen with the RUC Project, which is located very near Bayne Sound's large commercial shellfish beds (see below).<sup>23</sup>

In the case of the RUC Project, the proponent Corporation estimates that the underground size of the proposed mine would be 7,660 acres (3,100 hectares).<sup>24</sup> During the life of mine, the RUC Project would generate approximately 1.0 million cubic metres of fine rejects and 9.0 million cubic metres of coarse rejects that would be left at the site. The waste will be left on the surface in a waste pit at the mine site, about three kilometres from Fanny Bay.<sup>25</sup>

Laboratory analyses of two drill cores from the proponent's exploration program have determined that 85 out of 135 samples of the rock formation overlying the coal deposit had high acid-generating potential. Nine out of 85 samples from the deeper coal-bearing formation were potentially acid-generating.<sup>26</sup> Therefore, local residents who draw their water from groundwater and local streams have legitimate concerns about surface and groundwater quality impacts due to acid mine drainage. They fear:

- that seepage or failure of waste-impoundment reservoirs could lead to acidification of adjacent creeks and rivers;<sup>27</sup> and
- that safe storage of wastes in tailings ponds requires stable and secure reservoirs, which can – and do – fail.

They are concerned about studies indicating that ground water quality decreases with depth in coal mining areas.<sup>28</sup> They are also concerned that the aquifers around this proposed mine are generally classified as "highly vulnerable" to disturbance and pollution.<sup>29</sup> They have not been adequately mapped and assessed, to determine risk. Engineer Gilles Wendling has stated:

*"It is crucial to understand the close relationship between surface water and ground water...It is vitally important that a comprehensive mapping of aquifers throughout the region takes place before any decisions are made about whether or not to proceed with a coal mine....It is also very important that the effects of what is proposed for the dewatering of the mine be projected and modeled for the proposed duration of the operations and after closing of the mine. How will the mining modify the groundwater regime? How will the streams fed by groundwater be affected by mining? This needs to be assessed and understood prior to any approval to proceed."<sup>30</sup>*

There are grave concerns that the coal mine operations the Corporation is proposing could impact the aquifers used by the surrounding communities for their potable water. As Engineer Wendling stated: "If the mine does start operations, it could have an impact on the groundwater and some effects could be observed months or years later."<sup>31</sup>

Like the ill-fated Mount Washington mine, the proposed RUC Project may only operate for a few years. However, residents will be drinking local water for centuries. There are concerns about what could happen in the long term.

Scientific studies of coal mine regions have indicated adverse health effects from increased mineral levels in ground and well water. A study of the public health effects of abandoned coal mines in the Nanaimo area (Wellington), noted that it is "generally understood that the influence of mine site abandonment has adverse effects on the quality of groundwater."<sup>32</sup>

A related University of Victoria study analyzed the presence of mineral elements associated with coal mining, comparing health outcomes in two Vancouver Island communities in a former coal mining area. Disease and ill health were more common in South Wellington, where residents draw their drinking water from wells than in Cinnabar, where residents use piped water from Nanaimo. High levels of total dissolved solids and total coliform, aluminum, antimony, cadmium, iron, lead, selenium, sodium and thallium were found in the well water. Various diseases and disorders have been linked to these elements and may be predictive of the ill health in South Wellington.<sup>33</sup> On a similar note, a US study found that coal mine impacts on streams was associated with higher cancer mortality.<sup>34</sup>

Local governments have naturally voiced great concern over potential threats to local drinking water from the proposed RUC Project. Local governments' concerns about the lack of knowledge about the aquifers in the area have prompted them to ask that comprehensive aquifer mapping and modelling studies be performed and that they be incorporated into any considerations of the project (see Council Resolutions, below).<sup>35</sup> Indeed, without these assessments it will be impossible to gauge the potential impacts on the local groundwater.

Before any further consideration is given to the proposed project, it is essential that comprehensive aquifer mapping and modelling of the entire Raven coal tenure be completed -- and fully and publicly vetted. The 3100 hectare Raven tenure includes all or significant portions of the watersheds of Cowie/Cougar Smith Creek, Tsable River, Wilfred (Coal) Creek, and Hindoo Creek. It is essential that the hydrology and dynamics of these surface water systems and their interactions with groundwater be understood.

It would be reckless to proceed with considering the RUC Project absent comprehensive studies of the aquifers in the Comox Region, and the potential dangers of water contamination from the proposed mine before, during and after operation.

***Other negative health consequences that have been linked to coal mines.***

- A study of adults in West Virginia found that residential proximity to coal mines was associated with poorer health status and with higher risk for cardiopulmonary disease, chronic lung disease, hypertension, and kidney disease.<sup>36</sup>
- Coal mining in the Elk Valley of south-eastern BC caused elevated levels of selenium in the watershed and prompted intensive efforts to assess effects on water quality and aquatic species.<sup>37</sup> In addition to concerns about the aquatic life, including potential species extirpation, there are outstanding questions about the impacts of the selenium on riparian areas and upland habitats.<sup>38</sup>
- Water discharged from coal mines in north-west Alberta contained levels of Selenium exceeding the Canadian Water Quality Guidelines. In 2000, a Provincial Health Officer triggered a health advisory in response to discoveries of high levels in several lakes and creeks downstream of coal mines, and launched a risk investigation involving Alberta Environment.<sup>39</sup>

***Coal dust pollution***

Residents are concerned about the impacts of coal dust on their health and the quality of their environment:

- Mining, loading, transporting and storing coal have caused serious dust problems in other coal mine operations – dust which contaminates the air, settles on ponds, lakes, fields, gardens and houses, creates visual pollution, and has impacts on property values making the area a less desirable place to live and visit.
- An increase in air particulates could lead to increases in respiratory diseases in the population. Ingestion and inspiration of this dust is a given, with possible negative consequences.
- Alberni-Pacific Rim MLA Scott Fraser has noted concerns about the impact of coal mining on air quality:

*There are people from coal-mining communities coming to the meetings saying this will change your way of life. They're talking about health problems and not being able to hang out the laundry.*<sup>40</sup>

### ***Other Environmental Impacts***

Contamination of the watershed would impact the fin fish, shellfish and other fisheries in Baynes Sound. The *surface* mineworks of the RUC Project are in the watershed of Cowie Creek, which flows into Fanny Bay on Baynes Sound.<sup>41</sup> Cowie Creek and its tributary, Cougar Smith Creek, support coho and chum salmon, as well as cutthroat, rainbow and steelhead trout.<sup>42</sup>

In addition, the *underground* portions of the proposed mine underlie the watersheds of Tsable River and Wilfred and Hindoo Creeks in addition to Cowie; all of these streams flow into Baynes Sound and their connections underlying groundwater systems are currently unknown. The Tsable River watershed provides both drinking water and key wildlife linkages – and is classified as one of four ‘critical watersheds’ in the Comox Valley Regional District’s Regional Growth Strategy.<sup>43</sup>

Both the Tsable and the Wilfred systems support populations of chum and coho salmon, rainbow/steelhead trout and resident and anadromous cutthroat trout. In addition, pink salmon spawn in the Tsable.

Keeping in mind the impact of mines and acid mine drainage on fish – including the catastrophic fisheries disasters at the Tsolum River, Britannia Beach and elsewhere – there is great concern about impacts on fish and other aquatic creatures.

Yet the proponent's current Aquatic Study area is too small to adequately assess the aquatic risk. It fails to assess the whole 3100 ha tenure area, including the valuable Tsable River system. Instead it only covers the Cowie Creek drainage and two small tributaries of the Tsable. It completely excludes Baynes Sound, the ultimate receiving waters. It seems designed to minimize the assessment of what is at risk, and fails to assess the area with the largest fish populations.<sup>44</sup>

### ***Impacts on the Shellfish Industry***

The apparent contamination of fresh water mussels from the coal mine near Campbell River is extremely troubling. Baynes Sound downhill from the proposed project has the largest shellfish aquaculture industry in the province, a \$9 million dollar a year industry, employing more than 600 people.<sup>45</sup> And shellfish are filter feeders that are extraordinarily sensitive to toxins.

The **BC Shellfish Growers Association** has expressed extreme concern about the potential environmental impacts of the proposed mine. The BCSGA has cited the immediate need for comprehensive studies of the aquatic impact of toxic runoff from Cowie Creek on Fanny Bay, including the cost of lost shellfish production in the area. The BCSGA called for studies of the biological impact of pollutants in Tumblewater Creek, the Tsable River and the ocean, as sub soils would carry runoff from the mine to Baynes Sound.<sup>46</sup>



Courtenay Mayor Greg Phelps highlighted the importance of the shellfish issue, when considering this project:

*The major concern is the environment and whether we can extract the resource in a way that doesn't affect the shellfish industry and people's drinking water.*<sup>47</sup>

### ***Other Water Issues***

In addition to concerns about the contamination of aquifers, watersheds and the ocean, there are also outstanding questions about the impact on local watersheds from the large volumes of water used in the coal mining process. Coal mines move and use vast volumes of water. For example, the coal washing required by the proposed RUC Project would use 330 to 490 cubic metres of water per day.<sup>48</sup> Natural inflow must be diverted from the coal rejects dump and the mine itself, and runoff from the rejects dump must be captured.

All of this diversion, containment and recycling of water is likely to impact the hydrology of the surface waters (timing, quantity and quality of flow). Surface flow during the summer drought period is critical to survival of stream-rearing juvenile coho salmon and steelhead and of all life stages of resident trout and other fishes; any reduction of flows at this time would be a significant impact. It is likely that groundwater inflows are an important aspect of stream hydrology at this critical period.

In order to properly assess the potential consequences of drawing from the local supply the large volumes that would be required for the mine, it is necessary to first undertake a comprehensive aquifer mapping and modeling of the area – and subject that information to a careful independent assessment.

### ***Impacts on Wildlife***

The footprint of the proposed project abuts identified biodiversity corridors and the sensitive habitats of several listed vulnerable species. The project has the potential to change, and perhaps even destroy, the critical habitat or the residences of individuals of listed wildlife species.

The Comox Valley Regional District Regional Growth Strategy includes a *Regional Conservation Framework Concept Map No. 4* which identifies important and sensitive habitats as well as proposed biodiversity corridors.<sup>49</sup> The proponent's property is in close proximity to two of the proposed biodiversity corridors and the RUC Project property may actually intercept these important routes.

If approved, the RUC Project would have a surface footprint of about 4,942 acres (200 hectares) and would consist of a coal preparation plant; piles for earth and coarse and fine rejects; a power supply and distribution system; sewage treatment facilities; a tank farm; and ponds for water management.<sup>50</sup>

Several species of concern live within the footprint of the proposed RUC Project, including:

	Federal <i>Species at Risk Act</i> <sup>51</sup>	British Columbia List	COSEWIC (International)
Band-tailed Pigeon	-	Blue-listed	Special Concern
Coastal Cutthroat Trout	-	Blue-listed	-
Pacific Sideband Snail	-	Blue-listed	-
Purple Martin	-	Blue-listed	-
Red-legged Frog	Special Concern	Blue-listed	Special Concern
Roosevelt Elk	-	Blue-listed	-
Western Toad	Special Concern	Yellow-list	Special Concern

### *Climate Change Issues*

***The extraction and export of coal, a direct contributor to climate change, is inconsistent with local, provincial and federal government efforts to reduce carbon emissions.***

The Corporation estimates that the mine would generate 44 million metric tonnes of raw coal and rock over about 20 years (averaging 2.2 million tonnes per year) which would result in between 1.0 and 1.5 million tonnes of saleable coal per year.

Coal is the world's most potent emitter of carbon-dioxide. Climate change is directly linked to carbon emissions and even though the coal will be processed in China, its carbon will be felt around the world.<sup>52</sup> Citizens of the Comox Valley consider it inappropriate to permit a new coal mine when the Province is asking all local governments to reduce carbon emissions.<sup>53</sup>

Both the federal and provincial governments have made commitments, politically and through legislation, to reduce GHG emissions, address climate change and support cleaner and more renewable energy. The RUC Project is inconsistent with these policies and regulations, especially since the Project Description is flexible enough to allow the proponent to utilize 100% of the coal for the thermal market.<sup>54</sup>

Increases in coal production and consumption undermine Canada's international commitments to address climate change.

The Islands Trust Council and others have expressed concern about this project's climate change implications.<sup>55</sup> As one citizen noted, it is ironic to develop a coal mine while requiring British Columbians to take action to reduce greenhouse gases:

*The three million tons of carbon dioxide that the coal from this mine will produce ...almost exactly the same amount of CO2 that the \$500-million gas tax the citizens of BC fork out at the pumps is projected to remove from the atmosphere.*<sup>56</sup>

### ***Increased Road Hazards***

The existing transportation infrastructure is inadequate to safely accommodate the increased traffic required by this project and may compromise successful businesses along the route.

The Corporation proposes to transport coal from the mine by truck on existing highways 80 km south to the port of Port Alberni. Introducing the volume and type of traffic that the RUC Project proposes could endanger local citizens. It would also render what is currently a popular area less desirable to residents and tourists. Some residents are concerned that the increased traffic will put them out of business.

The RUC Project would introduce traffic of three or four massive 42-tonne capacity coal trucks per hour through the local communities, 24 hours a day, seven days a week.<sup>57</sup> The 504 truckloads that would enter Port Alberni and 504 trucks that would return to the mine amounts to 1,008 trucks moving through the area every week, or 52,416 trips per year, for 20 years. This would have serious road maintenance and public safety implications.

### ***Concerns related to the deep sea port facility and shipping.***

A deep sea port is required for transportation of the coal from Vancouver Island to export markets in Asia. The proponent has chosen the port at Port Alberni. A number of issues arise in regard to port facility and marine shipping corridor, including:

- Coal storage issues: These include light and noise pollution, danger of coal dust explosions, spontaneous combustion of the coal piles while in storage, coal dust pollution, onsite water usage and water treatment concerns, and negative impacts on the surrounding residents from the visual aesthetics of the facility.
- Water corridor and other shipping issues: There is considerable concern with the bulk container ships and their shipping corridor, which would include the narrow Alberni Inlet, the Broken Group Islands, Barkley Sound and the nearby Pacific Rim National Park. There have been concerns raised over the ship water ballast issues and where the ballast will be released before docking at the coal port facility.

### ***Socio-Economic Impacts***

The potential negative effects of the RUC Project on the environment threaten the socio-economic well-being of the region, including impacts on tourism, real estate, retirement-oriented businesses, the shellfish industry and other local businesses. The RUC Project (and related future coal mining expansion) is inconsistent with the local vision for the region's socio-economic future.

For example, the Comox Valley has become an eco-tourism and retirement destination.<sup>58</sup> Industrial coal mining, processing, and transportation – and concomitant environmental impacts – run counter to that. The proposed coal mine is contrary to the local community's vision for its future, and for its future land use.

For example, the Comox Valley Regional District (CVRD) Regional Growth Strategy (RGS) was developed through public meetings and in partnership with the City of Courtenay, the Town of Comox and the Village of Cumberland.<sup>59</sup> The RGS makes no mention of developing a second generation coal mining industry in the area. Moreover, several aspects of the proposed RUC Project directly conflict with the RGS vision for the future of the Comox Valley, as discussed below. Clearly the RUC Project is inconsistent with the vision and objectives set out in the CVRD RGS.

***Issue Two: The proposed RUC Project has provoked deep and widespread public concern***

The issues described above have elicited urgent and widespread public concern about the proposed coal mine. Citizens are concerned that the Comox Valley will be transformed into a Coal Valley where their health and environment will be compromised, their roads rendered unsafe and the local shellfish industry devastated. Residents are concerned that approval of the mine could permanently change the use and enjoyment of a substantial part of Vancouver Island.

Municipal and Regional governments, business operators, shellfish-grower stakeholder groups, environmental groups, community groups and a diverse array of citizens have all expressed profound concerns about the proposed project.

Massive public concern is evidenced by the many resolutions that have been passed by local governing councils, the high levels of attendance at public meetings, rallies and protests, as well as countless letters from citizens to government and the media.

The public interest both warrants and demands a full vetting of this project. A public hearing before an independent Review Panel is the only procedure adequate to address the serious concerns that have been raised by CoalWatch and other parties.

The following are examples of the extensive public concern generated by the RUC Project proposal:

**1. Council resolutions**

- Acting in response to concerns from people in the community, several local governments in the area have passed resolutions expressing their concerns about the Corporation's proposed RUC Project. Noting that the proposed coal mine could impact the aquifers used by the surrounding communities for potable water and the operation of fin fish, shellfish and other fisheries in the Baynes Sound, the **Comox Valley Regional District (CVRD)**, the **Town of Comox**, the **City of Courtenay**, the **City of Cumberland** and the **Town of Qualicum Beach** have (agreed to):
  - request that the province conduct a comprehensive mapping of the aquifers that could be affected and that the province use this mapping in its Environmental Assessment; and
  - request that the province request the Federal Government conduct an Environmental Assessment as the proposed mine could impact the fisheries in the Baynes Sound.<sup>60</sup>
- The CVRD, the City of Courtenay, the City of Cumberland, the Regional District of Nanaimo and the Town of Qualicum Beach also agreed to request that public consultations for the Environmental Assessment be held in at least the following communities: Fanny Bay, Denman Island, Union Bay, Royston, Cumberland, Courtenay and Comox.<sup>61</sup>
- Highlighting that coal is the largest contributor to the human-made increase of CO<sub>2</sub> in the air, and noting the dangers of global warming from continued burning of more and more fossil

fuels, the **Denman Island Local Trust Committee** wrote to Premier Campbell and Minister of the Environment Barry Penner regarding the inappropriateness of permitting a new coal mine in BC while local governments are being charged with reducing carbon emissions.<sup>62</sup> Noting that island residents are concerned about effects on “health, air and water quality and transportation corridors”, the DILTC declined to participate in the stakeholder advisory group because it might give “the appearance of supporting the project.”<sup>63</sup>

- The **Islands Trust Council** (the “ITC”), pursuant to a motion passed by the ITC on March 24, 2010,<sup>64</sup> sent a letter to Premier Gordon Campbell, Minister Yap (Minister of State for Climate Action) and Minister Lekstrom (Minister of Energy, Mines and Petroleum Resources) to declare the ITC’s opposition to the Raven Project that lies adjacent to the Islands Trust Area. The letter from Sheila Malcolmson, Chair of the ITC, expressed concern about the greenhouse gas emissions the project would produce if approved, noting that such a decision would undermine efforts to meet the requirements of the Province’s Bill 27 (Green Communities Statutes). The ITC cautioned that an approval of a coal mine when the government is requiring British Columbians to take action to reduce greenhouse gas emissions would fuel public perception that inconsistent standards are being applied.<sup>65</sup>
- Local politicians have acknowledged that there are outstanding questions about water safety that have not been resolved and that it is unclear if the public interest would be served by this project. See the quotation from Courtenay Mayor Greg Phelps cited above<sup>66</sup>

See Appendix A for copies of local government resolutions related to the proposed RUC Project.

## 2. Concerned groups

Many local organizations have expressed their concerns to both the government and the media.

- As noted above, the **BC Shellfish Growers Association** has expressed extreme concern about the potential environmental impacts of the proposed mine. The BCSGA issued a news release in March 2010 stating the immediate need for comprehensive studies of the aquatic impact of toxic runoff from Cowie Creek on Fanny Bay, including the cost of lost shellfish production in the area. The BCSGA called for studies of the biological impact of pollutants in Tumblewater Creek, the Tsable River and the ocean, as sub soils would carry runoff from the mine to Baynes Sound. The BCGSA also noted that the SEI (sensitive ecosystem inventory) may be inadequate for assessing the mine because the SEI data base is outdated.<sup>67</sup>
- The **Comox Valley Conservation Strategy Steering Committee**, a community partnership of 12 local environmental and resident groups, wrote to the environmental assessment office (BC EAO) expressing its concern about the potential harm to local drinking water, fish and wildlife, ecosystems and the marine environment of Baynes Sound from the project.<sup>68</sup>
- Noting that coal for electricity generation and steel-making is the largest source of atmospheric carbon and that coal use contributes to global climate change, the **Denman**

**Island Residents Association** resolved to write to Premier Gordon Campbell, Minister of Environment Barry Penner, Minister of Energy, Mines & Petroleum Resources Blair Lekstrom and Minister of State for Climate Action John Yap to express their opposition to the RUC Project which contradicts British Columbia's Climate Action Plan to reduce the province's carbon footprint.

- The **Comox Valley Waterwatch Coalition** is participating in the community advisory group but was quick to state that this does not signal support for the RUC Project and that they are deeply concerned about the mine's potential impact on water quality, water supply and the marine ecosystem.<sup>69</sup>
- Pointing to risks that acid mine drainage and coal dust may contaminate the ground water, the Tsable, Cowie and Tumblewater fish-bearing creeks, as well as the Baynes Sound, the **Denman Island Marine Stewardship Committee** has voiced concerns about the proposed coal mine include both health and environmental impacts on the marine environment and the shellfish industry.<sup>70</sup>
- The **Hornby Island Residents and Ratepayers' Association** passed a motion declaring that they view the RUC Project with deep concern and oppose the development.<sup>71</sup> Their position is based on concerns about:
  - local and global carbon footprints of coal mining and burning, particularly in light of the Provincial Government's goal of reducing greenhouse gas emissions within the Province;
  - the negative impacts of the mine on the environment, in particular on Air Quality, the burying of fish habitat in Cowie Creek, the possible longterm effects on Baynes Sound, and on the forests and wildlife habitat of Vancouver Island;
  - the deleterious effects of transporting this coal by truck on the highway leading to Pacific Rim National Park and Tofino; and
  - a desire to leave a world of abundant beauty and plentiful resources for future generations.
- The **Comox Valley Project Watershed Society** (the "Society") wrote to the Honourable Jim Prentice, Minister of the Environment, to request an independent expert Review Panel for a full public hearing. The Society expressed their concerns about the potential expansion of coal mining in the area. The Society also called for comprehensive aquifer mapping and modeling to inform the environmental assessment process.<sup>72</sup>

### 3. **Public engagement:** meetings, protests and rallies

- On **October 28, 2009**, more than 300 people attended a 'come and go' open house hosted by the RUC Project at the **Fanny Bay** Community Hall.<sup>73</sup>
- On **November 24, 2009**, Comox Valley Water Watch Coalition sponsored a public community meeting for information and discussion, "Let's talk coal mining" at the

**Fanny Bay** Community Hall. Over 200 people attended the meeting and others had to be turned away when the hall reached maximum capacity.<sup>74</sup>

- On **February 11, 2010**, more than 200 people attended the public meeting organized by CoalWatch at the Florence Filberg Centre in **Courtenay** to voice their concerns about the risk to salmon habitat, water quality and hundreds of shellfish jobs in the area.<sup>75</sup>
- On **March 15, 2010**, CoalWatch and a group of **Denman Island** concerned residents organized a public information meeting at the Denman Community Hall. Over 200 attended to raise their concerns regarding contamination of aquifers and Baynes Sound, increased highway risk due to coal trucks, coal dust, and many other mine related issues.
- On **March 16, 2010**, over 200 concerned citizens attended a public information meeting in **Qualicum Beach**. The Coalition for Strong Communities and Parksville-Qualicum Kairos organized the meeting in partnership with CoalWatch to present information regarding the mine and share concerns related to the RUC Project.
- On **March 23, 2010**, the **Victoria** Chapter of the Council of Canadians hosted a presentation by Energy and Mining Analyst Arthur Caldicott. About 25 people attended to hear about Vancouver Islands watersheds in peril.
- On **April 30, 2010**, members of CoalWatch Comox Valley and residents of Denman Island joined renowned biologist Alexandra Morton in Fanny Bay as her 'Get Out Migration' passed through **Fanny Bay**. More than 200 concerned citizens gathered to express their concerns about the RUC Project and to support Morton's walk which extended over the length of Vancouver Island to draw attention to the plight of wild salmon and to end open-pen salmon farming on BC's coast.
- On **May 13, 2010**, 50 people attended a public meeting about the RUC Project in **Duncan, BC**. The meeting was hosted by Sierra Club BC and the Wilderness Committee, and the Coalwatch group was a presenter.
- On **May 20, 2010**, 50 people attended a similar public meeting about the RUC Project in **Nanaimo, BC**.
- On **May 25, 2010**, 25 people attended a similar public meeting in **Victoria**.
- On **May 30, 2010**, 400 people attended the "Your Water, Your Future" conference in **Nanaimo** which was hosted by the Vancouver Island Water Watch Coalition BC. Energy and Mining Analyst Arthur Caldicott spoke about the proposed mine.
- On **June 2, 2010**, 50 people attended a public meeting at the Heritage Hall in **Vancouver** which was hosted by Sierra Club BC and the West Coast Wilderness Committee.
- On **June 10, 2010**, 30 people attended a presentation on **Gabriola Island**. Sustainable Gabriola invited Energy and Mining Analyst Arthur Caldicott to speak about energy issues in BC, the proposed RUC coal mine and the environmental assessment processes. Caldicott noted that the impacts of coal mining include acidification, pollution and the destruction of salmon habitat.<sup>76</sup>
- On **June 15, 2010**, more than 235 people attended a public information meeting at the Capitol Theatre in **Port Alberni** hosted by Ocean Canal Clubhouse, Sierra Club BC, and the West Coast Wilderness Committee. CoalWatch Comox Valley and Arthur Caldicott were invited to present. An overwhelming majority of those attending expressed concerns about the proposed coal mine project and how the project might adversely affect Port Alberni and the surrounding area. Issues raised included increased truck traffic on



the Alberni Highway, coal dust and dangers posed by coal tankers.<sup>77</sup> The public attending a Port Authority AGM, also in Port Alberni, were in near-unanimous opposition to the idea of bringing coal to Port Alberni.<sup>78</sup>

- On **July 13, 2010**, over 150 citizens attended a ‘come and go’ open house hosted by the RUC Project at the Best Western Barclay Hotel in **Port Alberni**.

### ***Conclusion***

In light of the above evidence of potential significant adverse environmental impacts and of overwhelming public concern, we urge you to refer the proposed RUC Project to a joint federal/provincial Independent Expert Review Panel for a full public hearing.

The Panel should be mandated to deal with the entire spectrum of potential environmental impacts of the proposed project, and to provide the public with the highest level of public participation available under the *Canadian Environmental Assessment Act*, including the right to present evidence and to cross-examine the experts of the proponent and government.

The potential for this Project to transform the Comox Valley demands a full and open public process. Not only does the proposed coal mine pose potentially significant adverse environmental effects, the concerns expressed by the Comox Valley and Island communities demand that this project be given full scrutiny in open public hearings. This is necessary not only to fully assess the environmental impact of the proposed RUC Project, but also to restore the public trust, particularly in light of the Fish Lake environmental assessments, discussed above.

We trust that you will give this submission favourable consideration and we look forward to your timely response to our request.

### ***Final Note: A Broader Policy Issue***

Please note that in a subsequent letter we may address a broader policy issue germane to this project – the need for a Strategic Environmental Assessment of current government policy that would allow a number of open pit and underground coal mines to be developed on mid-Vancouver Island.<sup>79</sup>

The RUC Project must not be viewed in isolation. It is a single underground coal mine, but it promises to be the beginning of mining of a vast coal reserve that stretches from near Campbell River all the way to Fanny Bay. Compliance Energy alone already has plans to open pit coal mines at Anderson Lake and at the Bear Coal project near Cumberland.<sup>80</sup> (See Appendix B)

The Corporation boasts an interest in approximately 74,000 acres (29,947 hectares) of land on the island at least 4,000 acres (1,619 hectares) of which it intends to develop as open pit coal mines for thermal coal<sup>81</sup>.

The question of whether mid-Vancouver Island should be converted into a coal mining district raises profound environmental and social questions that simply cannot be answered in an assessment of a single underground coal mine project.

Ultimately, the decision of whether it is wise general policy to convert the mid-Island into a coal mining district – a mini-Appalachia – cannot be done in an assessment of a single project. The broader policy issue requires a Strategic Environmental Assessment, to determine whether such industrialization of the mid-Island will benefit communities and the environment. A separate request for a broader review of all proposed new open pit and underground coal mines on the mid-Island is under preparation.

Meanwhile, we must ensure that this particular coal mine proposal is adequately assessed – and it cannot be adequately assessed without public hearings by an independent expert Review Panel.

Sincerely,



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Calvin Sandborn  
Legal Director  
Environmental Law Centre



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Carly Chunick  
Devlin Gailus, L.L.P.



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Sarah Sharp  
Articled Student  
Environmental Law Centre

cc: The Honourable Gail Shea, Minister of Fisheries and Oceans  
The Honourable Chuck Strahl, Minister of Transport, Infrastructure and Communities

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<sup>1</sup> Note that Compliance Coal Corporation is also known as Compliance Energy Corporation.

<sup>2</sup> “Basics of Environmental Assessment”, Canadian Environmental Assessment Agency, online: <[http://www.ceaa-acee.gc.ca/010/basics\\_e.htm#26](http://www.ceaa-acee.gc.ca/010/basics_e.htm#26)>, accessed August 6, 2010. The recent report of the federal Review Panel regarding the proposed Prosperity Gold-Copper mine project is a pertinent example of the importance of a thorough environmental assessment by a review panel of independent experts. The federal EA process was undertaken by a three-member panel of independent experts responsible for considering, with the support of a team of staff, an impressive volume of materials from the proponent, Taseko Mines Ltd., scientists, First Nations and concerned citizens. Community sessions held in several areas that would be potentially affected by the development provided citizens with the opportunity to have their voices and concerns heard by the panel. Sessions on specific topics of interest included: alternative means of carrying out the project; water quality / quantity; fish and fish habitat; terrestrial ecosystems; and socio-economics. Absent the review by the independent expert panel there would not have been a robust and public consideration of significant issues and concerns raised by the proposed development.

<sup>3</sup> Pursuant to sections 14, 15, 27 and 31 of the *BC Environmental Assessment Act*, SBC 2002, Chapter 43.

<sup>4</sup> Pursuant to sections 25, 28 and ss. 40(2) of the *Canadian Environmental Assessment Act*, 1992, c. 37.

<sup>5</sup> “Prosperity Gold-Copper Project: Assessment Report With Respect to the Application by Taseko Mines limited for an Environmental Assessment Certificate pursuant to the *Environmental Assessment Act*, S.B.C. 2002, c.43” Prepared by: Environmental Assessment Office, December 17, 2009, online: <[http://a100.gov.bc.ca/appsdata/epic/documents/p6/d31889/1263503323535\\_111bf55585d2ae6168f90be26d049256ece101a1db1b1077333129c863464809.pdf](http://a100.gov.bc.ca/appsdata/epic/documents/p6/d31889/1263503323535_111bf55585d2ae6168f90be26d049256ece101a1db1b1077333129c863464809.pdf)>, accessed August 6, 2010.

<sup>6</sup> “Report of the Federal Review Panel: Prosperity Gold-Copper Mine Project”, Taseko Mines Ltd., British Columbia, July 2, 2010, CEAA Reference No. 09-05-44811, online: <<http://www.prosperityreviewpanel.com/>>, accessed August 6, 2010.

<sup>7</sup> “Report of the Federal Review Panel: Prosperity Gold-Copper Mine Project”, at p. 30.

<sup>8</sup> “Report of the Federal Review Panel: Prosperity Gold-Copper Mine Project”, at p. 174. See also pages ii and 30.

<sup>9</sup> “Acid Rock Drainage is a natural process whereby sulphuric acid is produced when sulphides in rocks are exposed to air and water.” First Nations Environmental Health Innovation Network, “*Acid Mine Drainage (AMD) Fact Sheet*”, online: <[http://www.focs.ca/reports/Catface\\_info\\_pkg/Acid%20Mine%20Drainage--FNEHIN.pdf](http://www.focs.ca/reports/Catface_info_pkg/Acid%20Mine%20Drainage--FNEHIN.pdf)>, accessed July 7, 2010.

<sup>10</sup> “Health Canada and the International Agency for Research on Cancer consider arsenic a human cancer-causing agent.” Health Canada, “Arsenic in Drinking Water”, online: <<http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/viron/arsenic-eng.php>>, accessed July 27, 2010. See also: First Nations Environmental Health Innovation Network, “*Arsenic Fact Sheet*”, online:

<[http://landkeepers.ca/images/uploads/reports/ARSENIC\\_FS\\_FNEHIN.pdf](http://landkeepers.ca/images/uploads/reports/ARSENIC_FS_FNEHIN.pdf)>, accessed July 7, 2010.

<sup>11</sup> First Nations Environmental Health Innovation Network, “*Cadmium Fact Sheet*”, online:

<<http://www.fnehin.ca/uploads/docs/fs2-cadmium.pdf>>, accessed July 7, 2010.

<sup>12</sup> Depending on the composition of the waste rock. See MiningWatch, “EMCBC Mining and the Environmental Primer: Acid Mine Drainage”, March 31, 2006, online: <<http://www.miningwatch.ca/en/emcbc-mining-and-environment-primer-acid-mine-drainage>>, accessed July 7, 2010.

First Nations Environmental Health Innovation Network, “*Acid Mine Drainage (AMD) Fact Sheet*”, online:

<[http://www.focs.ca/reports/Catface\\_info\\_pkg/Acid%20Mine%20Drainage--FNEHIN.pdf](http://www.focs.ca/reports/Catface_info_pkg/Acid%20Mine%20Drainage--FNEHIN.pdf)>, accessed July 7, 2010.

<sup>13</sup> Safe Drinking Water Foundation, “Mining and Water Pollution”, online:

<<http://www.safewater.org/PDFS/resourcesknowthefacts/Mining+and+Water+Pollution.pdf>>, accessed July 7, 2010.

<sup>14</sup> State of the Environment Report for British Columbia, 1993, pp.29-31, online

<[http://www.elp.gov.bc.ca/soe/reports/enviro\\_trends1993.pdf](http://www.elp.gov.bc.ca/soe/reports/enviro_trends1993.pdf)>, accessed August 8, 2010.

<sup>15</sup> The cost was estimated at between \$2-5 billion in 1994. See *Financial Post*, November 17, 1994.

<sup>16</sup> Glenn Bohn, “Metals Pour into Howe Sound From Old Mine,” *Vancouver Sun*, May 31, 1997, p. A16.

<sup>17</sup> Fisheries and Oceans Canada - Karen L. Barry, Jeffrey A. Grout, Colin D. Levings, Bruce H. Nidle, and G. Elizabeth Piercey, “Impacts of acid mine drainage on juvenile salmonids in an estuary near Britannia Beach in Howe Sound, British Columbia”, *Can. J. Fish. Aquat. Sci.* 57: 2032–2043 (2000), online: <<http://article.pubs.nrc-cnrc.gc.ca/ppv/RPViewDoc?issn=1205-7533&volume=57&issue=10&startPage=2032>>, accessed August 8, 2010.

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<sup>18</sup> Wikipedia, online: <[http://en.wikipedia.org/wiki/Britannia\\_Beach,\\_British\\_Columbia](http://en.wikipedia.org/wiki/Britannia_Beach,_British_Columbia)>

<sup>19</sup> *Acid Mine Drainage: Mining and Water Pollution Issues in BC*, online: <<http://www.protectfishlake.ca/media/amd.pdf>>, accessed August 8, 2010.

<sup>20</sup> Water Management Branch, Environment and Resource Division, Ministry of Environment, Lands and Parks, “Ambient Water Quality Objectives for the Tsolum River Basin – Overview Report”, April, 1995, online: <<http://www.env.gov.bc.ca/wat/wq/objectives/tsolum/tsolum.html>>, accessed July 26, 2010. See also: L. Erickson & J. Deniseger, *Impact Assessment of Acid Drainage from an Abandoned Copper Mine on Mount Washington* (Victoria: BC Ministry of Environment and Parks, 1987).

<sup>21</sup> BC Environment Report, “Mine Remediation on Mt. Washington”, online: <[http://www.eneletters.gov.bc.ca/ENV/Environment\\_Report/June\\_2008/Mine\\_Remediation\\_on\\_Mt\\_Washington/article](http://www.eneletters.gov.bc.ca/ENV/Environment_Report/June_2008/Mine_Remediation_on_Mt_Washington/article)>, accessed July 26, 2010.

<sup>22</sup> W.R. Cullen and V.W.-M. Lai, “An Environmental Investigation of the Quinsam Watershed – an Investigative Report”, prepared for the Canadian Water Network (April 2010), online: <[http://www.cwn-rce.ca/pdfs/enviro-investigation-Quinsam\\_Watershed.pdf](http://www.cwn-rce.ca/pdfs/enviro-investigation-Quinsam_Watershed.pdf)>, accessed July 26, 2010.

<sup>23</sup> See: Judith Lavoie, “Valley weighs costs of coal: Sides at odds over pollution, economic impact in Comox area”, *Times Colonist*, June 15, 2010, online:

<<http://www.timescolonist.com/Proposal+Island+coal+mine+creates+controversy/3155662/story.html>>, accessed June 28, 2010, and Dan MacLennan, “QCoal's lack of response to arsenic problem causes concerns, says scientist”, *Courier-Islander*, April 30, 2010, online: <<http://www2.canada.com/courierislander/story.html?id=1cf8e4ca-2454-4416-93cf-e072d920bf63>>, accessed June 28, 2010.

“Arsenic from Campbell River mine raises concerns”, *CBC News*, April 28, 2010, online: <<http://www.cbc.ca/canada/british-columbia/story/2010/04/28/bc-campbell-river-coal-mine-concerns.html>>, accessed June 28, 2010.

<sup>24</sup> Compliance Coal Corporation, “Raven Underground Coal Project: Facts”, June 15, 2010, online: <[http://www.theravenproject.ca/all\\_files/The%20Raven%20Underground%20Coal%20Project%20-%20Fact%20Sheet%20June%202015-20100616-110307.pdf](http://www.theravenproject.ca/all_files/The%20Raven%20Underground%20Coal%20Project%20-%20Fact%20Sheet%20June%202015-20100616-110307.pdf)>, accessed July 28, 2010.

<sup>25</sup> Chris Bowers, “Raven mine: death of the Fanny Bay oyster?”, *The Flying Shingle*, June 21, 2010, online: <<http://www.FlyingShingle.com/cgi-bin/coranto/viewnews.cgi?id=20100621162575900295>>, accessed June 28, 2010.

<sup>26</sup> The proponent’s consultant reported that rock samples from 2 drill cores in the Raven tenure showed a high proportion of samples (85 of 135 samples) from the overlying Trent Formation to have high acid-generating potential, while a lower proportion (9 of 85) of samples from the Comox Formation, where the commercial coal seams lie, were highly acid-generating. AMEC Earth and Environmental, February 2010. Raven Underground Coal Project. Draft Work Plan for Environmental Studies. Version 2.2, pp. 13-14.

<sup>27</sup> Andrew Findlay, “Coal clouds Comox Valley's green future”, *Georgia Straight*, April 22, 2010, online: <<http://www.straight.com/article-318942/vancouver/coal-clouds-green-future>>, accessed July 27, 2010. Also see: Gilles Wendling, “Groundwater and Surface Water Interaction on Lower Englishman River”, online: <<http://www.mvihes.bc.ca/erwrp>>, accessed August 12, 2010.

<sup>28</sup> “Previous studies have shown that in coal mining areas, the quality of groundwater decreases with depth. In Alberta, numerous substances have adversely effected the quality of groundwater near coal mines. Nitrate, iron, fluoride, sulphide, sodium and alkalinity levels all exceeded the recommended daily guidelines for drinking water. A study of the Estevan valley aquifer in Saskatchewan also showed incongruously high levels of iron. In 1961, iron levels in this aquifer were measured at 2.1 mg/L. According to this study; these levels were seen to indicate potential problems, as they are well above the drinking water standard for iron, which have been set by WLAP at 0.3mg/L.” – from Karla Biagioni, “The Public Health Effects of Abandoned Coal Mine Workings on Residents in South Wellington, Nanaimo” in Martin J. Bunch, V. Madha Suresh and T. Vasantha Kumaran, eds., *Proceedings of the Third International Conference on Environment and Health, Chennai, India, 15-17 December, 2003*. Chennai: Department of Geography, University of Madras and faculty of Environmental Studies, York University, pp. 23-31.

<sup>29</sup> A vulnerability mapping project of Island water initiated in 2006 and published in 2010 shows that the area around the proposed mine is generally classified as highly vulnerable and much of the area remains unmapped: Vancouver Island Water Resource Vulnerability Mapping Project, online: <[http://web.viu.ca/groundwater/web.mala.bc.ca\\_files/News/Apr2010.htm](http://web.viu.ca/groundwater/web.mala.bc.ca_files/News/Apr2010.htm)>, accessed July 19, 2010. P. Newton and A. Gilchrist, “Technical Summary of Intrinsic Vulnerability Mapping Methods for Vancouver Island: Vancouver

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Island Water Resources Vulnerability Mapping Project – Phase 2”, Vancouver Island University, Nanaimo, BC, April 16, 2010, online: <[http://web.viu.ca/groundwater/PDF/VI\\_DRASTIC\\_Summary\\_Phase2\\_2010.pdf](http://web.viu.ca/groundwater/PDF/VI_DRASTIC_Summary_Phase2_2010.pdf)>, accessed July 19, 2010.

The Vancouver Island Water Resources (Aquifer) Vulnerability Mapping Project was aimed at producing maps to characterize the vulnerability of aquifers to contamination. The research study analyzed the susceptibility of water quality to hazards associated with human activities and land use. Using GIS technology, it is designed to support decision-making in future land use planning, and the development of groundwater protection policies and guidelines. Hydro-geologist Pat Lapcevic from the Ministry of Environment in Nanaimo was the project manager of this collaborative effort that involves the Ministry of the Environment, Vancouver Island Health Authority, Natural Resources Canada, Vancouver Island University (formerly Malaspina University College), the Regional Districts of both the Cowichan Valley and Nanaimo, the Islands Trusts, and the Ministry of Health.

The mapping provides the best estimate of intrinsic aquifer vulnerability given the resources available to complete the analysis. It provides a basis for making land-use decisions that account for regional aquifer vulnerability. However, in many instances more detailed hydrogeological studies will be required to better characterize and confirm the results of this study. This is particularly relevant for areas where high vulnerability ratings have been assigned that could limit potential land-use.

<sup>30</sup> “Growth strategy raises more concerns about mine”, *Comox Valley Record*, June 22, 2010, online: <[http://www.bclocalnews.com/vancouver\\_island\\_north/comoxvalleyrecord/news/96911719.html](http://www.bclocalnews.com/vancouver_island_north/comoxvalleyrecord/news/96911719.html)>, accessed July 13, 2010.

<sup>31</sup> “Growth strategy raises more concerns about mine”, *Comox Valley Record*, June 22, 2010, online: <[http://www.bclocalnews.com/vancouver\\_island\\_north/comoxvalleyrecord/news/96911719.html](http://www.bclocalnews.com/vancouver_island_north/comoxvalleyrecord/news/96911719.html)>, accessed July 13, 2010.

The proposed regional growth strategy for the Valley raises more concerns about the proposed underground coal mine in the heart of the Baynes Sound watershed, says CoalWatch Comox Valley. ... Nanaimo-based engineer Dr. Gilles Wendling, president of GW Solutions, who specializes in aquifers ... who met with Fanny Bay and Denman Island residents, cautioned people to test well water for both yield and quality.

<sup>32</sup> Due to mining induced fracturing of bedrock, abandoned coal mines have the ability to cause the loss of overlying perched aquifers. See K. Biagioni, “The Public Health effects of Abandoned Coal Mine Workings on Residents in South Wellington, Nanaimo” in Martin J. Bunch, V. Madha Suresh and T. Vasantha Kumaran, eds., *Proceedings of the Third International Conference on Environment and Health, Chennai, India, 15-17 December, 2003*. Chennai: Department of Geography, University of Madras and Faculty of Environmental studies, York University. Pages 23-31, online: <[http://www.yorku.ca/bunchmj/ICEH/proceedings/Biagioni\\_K\\_ICEH\\_papers\\_23to31.pdf](http://www.yorku.ca/bunchmj/ICEH/proceedings/Biagioni_K_ICEH_papers_23to31.pdf)>, accessed July 15, 2010.

<sup>33</sup> Karla Joy Biagioni, “The Negative Impact of Abandoned Coal Mine Works on drinking Water Quality and the Health of residents on Vancouver Island”, Masters of Arts (Geography) Thesis, University of Victoria, 2006. Online: <[https://dspace.library.uvic.ca:8443/bitstream/1828/1760/1/biagioni\\_karla\\_MA\\_2006.pdf](https://dspace.library.uvic.ca:8443/bitstream/1828/1760/1/biagioni_karla_MA_2006.pdf)>

<sup>34</sup> Nathaniel P. Hitt and Martin Hendryx, “Ecological Integrity of Streams Related to Human Cancer Mortality Rates”, *EcoHealth*, June 2010, online: <[http://www.coalwatch.ca/sites/default/files/EcologicalIntegrityOfStreamsRelatedToHumanCancerMortality\\_Hitt\\_Hendryx\\_EcoHealth\\_Jun2010.pdf](http://www.coalwatch.ca/sites/default/files/EcologicalIntegrityOfStreamsRelatedToHumanCancerMortality_Hitt_Hendryx_EcoHealth_Jun2010.pdf)>, accessed July 16, 2010.

<sup>35</sup> “Town wants aquifer tests”, *Comox Valley Record*, June 22, 2010, online: <<http://www.coalwatch.ca/town-wants-aquifer-tests>>, accessed July 13, 2010.

<sup>36</sup> M. Hendryx and M.A. Ahern, “Relations Between Health Indicators and Residential Proximity to Coal Mining in West Virginia”, *American Journal of Public Health*, April 2008, Vol 98, No. 4, online: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2376994/pdf/0980669.pdf>, accessed August 10, 2010.. Also see Ken Ward Jr., “Study links stream pollution to higher cancer rates”, *West Virginia Gazette-Mail*, April 21, 2010, online: < <http://wvgazette.com/News/MiningtheMountains/201004210757> >, accessed June 28, 2010.

<sup>37</sup> “Experts Workshop on the Evaluation and Management of Selenium in the Elk Valley, British Columbia”, (August, 2008), online: <[http://www.env.gov.bc.ca/epd/regions/kootenay/wq\\_reports/selenium/summary-report-oct08.pdf](http://www.env.gov.bc.ca/epd/regions/kootenay/wq_reports/selenium/summary-report-oct08.pdf)>, and the associated cover letter, online: <[http://www.env.gov.bc.ca/epd/regions/kootenay/wq\\_reports/selenium/cover-letter.pdf](http://www.env.gov.bc.ca/epd/regions/kootenay/wq_reports/selenium/cover-letter.pdf)>, accessed July 28, 2010.

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<sup>38</sup> Including terrestrial plants, terrestrial invertebrates, amphibians, reptiles, birds, and/or mammals, with particular focus on grazing animals. A government funded expert workshop about Elk Valley selenium problem in 2008 recommended the compilation and evaluation of available data and information on the levels of selenium that have been measured in soils, terrestrial vegetation, soil invertebrates, and the blood of grazing animals. See the studies presented on this issue at the B.C. Mine Reclamation Symposium 2009, including: Pumphrey, John F.; Gilron, Guy (2009) "[Elk Valley Selenium Task Force \(EVSTF\) update and overview, 2009](#)"; Jones, Ron; Brienne, Stephane H. R.; Jensen, S. E.; Tompkins, A. N. (2009) "[Selenium release from coal mines in the Elk Valley, and treatment R&D plans](#)"; Martin, Alan J.; Jones, Ron; Buckwalter-Davis, Martha (2009) "[Passive and semi-passive treatment alternatives for the bioremediation of selenium from mine waters](#)"; Chapman, Peter M.; Adams, William J.; Delos, Charles G.; Luoma, Samuel N.; Maher, William A.; Ohlendorf, Harry M.; Presser, Theresa S.; Shaw, D. Patrick; Brooks, Marjorie, 1958- (2009) "[Ecological assessment of selenium in the aquatic environment](#)"; Dawson, Bruce B.; Kuit, Walter J.; Phillip, Mark; Thomson, David (2009), "[Sullivan Mine waste dump characterization, part 1](#)", online: <<https://circle.ubc.ca/handle/2429/20212>>

<sup>39</sup> Luscar Mine, Cheviot Mine and Selenium Background Information – to accompany September 26, 2002 Press Release”, online: <[http://pubs.pembina.org/news/cheviot\\_backgrounder\\_021002.pdf](http://pubs.pembina.org/news/cheviot_backgrounder_021002.pdf)>, accessed July 25, 2010.

<sup>40</sup> Judith Lavoie, “Valley weighs costs of coal: Sides at odds over pollution, economic impact in Comox area”, *Times Colonist*, June 15, 2010, online: <<http://www.timescolonist.com/Proposal+Island+coal+mine+creates+controversy/3155662/story.html>>, accessed June 28, 2010.

<sup>41</sup> Judith Lavoie, “Valley weighs costs of coal: Sides at odds over pollution, economic impact in Comox area”, *Times Colonist*, June 15, 2010, online: <<http://www.timescolonist.com/Proposal+Island+coal+mine+creates+controversy/3155662/story.html>>, accessed July 18, 2010.

<sup>42</sup> As noted in Andrew Findlay, “Coal clouds Comox Valley's green future”, *Georgia Straight*, April 22, 2010, online: <<http://www.straight.com/article-318942/vancouver/coal-clouds-green-future>>, accessed July 27, 2010.

<sup>43</sup> Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, online: <[http://www.comoxvalleyrd.ca/section\\_rgs/content.asp?id=5665&parent=71&sub\\_collection=73](http://www.comoxvalleyrd.ca/section_rgs/content.asp?id=5665&parent=71&sub_collection=73)>, accessed July 30, 2010.

<sup>44</sup> The FOC official responsible has said that FOC will rely on the proponent for collection of baseline data on salmon populations and habitat (Dale Desroches e-mail to Mike Morrell, June 2, 2010). FOC has not monitored salmon spawning escapement to any of the streams in the RUC area since 2004. The proponent does not include the Tsable and Wilfred systems in their aquatic study area (Fig 2-5, Project Description Addendum, Feb 2010), and does not intend to estimate salmon spawning population sizes in their fishery studies of Cowie Creek (AMEC Feb 2010. Raven Underground Coal Project. Draft Work Plan for Environmental Studies. Version 2.2.). Note that historically FOC has estimated the following maximum salmon spawning populations: Cowie--3,500 each of coho and chum; Tsable--21,000 chum, 3,400 coho, 5,000 pink; Wilfred--4,000 chum, 2,400 coho. It should also be noted that the consultant’s baseline studies will not produce estimates of total current populations of salmon and trout --even in Cowie Creek not to mention Tsable River and Wilfred Creek watersheds. Information from Mike Morrell, Fisheries Biologist.

<sup>45</sup> According to Roberta Stevenson, Executive Director of the BC Shellfish Growers Association, “the cultured shellfish total value in 2007 landed value is \$18.5 million of which we calculate 52% is grown here in Baynes Sound.” An email to Arthur Caldicott, July 14, 2010, re: Baynes Sound production. Don Tillapaugh, Director, Centre for Shellfish Research at VIU Victoria Island University, confirms this figure.

<sup>46</sup> BC Shellfish Growers Association, “Coal mine concerns shellfish growers,” *Comox Valley Record*, March 11, 2010, online: <<http://www.coalwatch.ca/coal-mine-concerns-shellfish-growers>>, accessed July 15, 2010.

<sup>47</sup> Judith Lavoie, “Valley weighs costs of coal: Sides at odds over pollution, economic impact in Comox area”, *Times Colonist*, June 15, 2010, online: <<http://www.timescolonist.com/weather/Valley+weighs+costs+coal/3155662/story.html>>, accessed June 28, 2010.

<sup>48</sup> Compliance Coal Corporation, “Raven Underground Coal Project – Frequently Asked Questions”, online: <<http://www.theravenproject.ca/index.php?id=166>>, accessed July 13, 2010.

<sup>49</sup> *Map No. 4 - Regional Conservation Framework*, Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, online:

<[http://www.comoxvalleyrd.ca/section\\_rgs/content.asp?id=5665&parent=71&sub\\_collection=73](http://www.comoxvalleyrd.ca/section_rgs/content.asp?id=5665&parent=71&sub_collection=73)> , accessed July 30, 2010.

<sup>50</sup> Recent verbal information from the proponent indicates that the pipeline and large settling pond may be eliminated, and other changes in the plan may be made.

<sup>51</sup> *Species at Risk Act*, S.C. 2002, c. 29, Schedule 1.

<sup>52</sup> A study by the National Renewable Energy Laboratory estimates that underground coal-mining releases 4.23 grams of methane per kilogram. Methane is a greenhouse gas 21 times more potent than carbon dioxide, and is responsible for 16 percent of global emissions. See: Pamela L. Spath, Margaret K. Mann and Dawn R. Kerr, "Life Cycle Assessment of Coal-fired Power Production", National Renewable Energy Laboratory, June 1999, online: <<http://www.nrel.gov/docs/fy99osti/25119.pdf>>, accessed August 9, 2010.

<sup>53</sup> e.g. as argued by the Denman Island Local Trust Committee, see Council Resolutions.

<sup>54</sup> Five coal seams are identified in the project area, two of which are considered of economic interest. According to the Corporation, the coal in these two seams is classified as having strong metallurgical properties. Project Update materials on the website for the RUC Project state that approximately 80% of the coal will be suitable for steel-making. However, the project description at page 16 states that the clean coal product will be either metallurgical coking coal or thermal coal. Although the Corporation states that metallurgical coal will be produced whenever possible, the Corporation retains the option of using the coal for the thermal market.

"Raven Underground Coal Project, Project Update", June 2010, online:

<[http://www.theravenproject.ca/all\\_files/RUCP\\_June\\_Project\\_Update-20100618-165329.pdf](http://www.theravenproject.ca/all_files/RUCP_June_Project_Update-20100618-165329.pdf)>, accessed June 28, 2010.

<sup>55</sup> Sheila Malcolmson, "Re: Proposed Raven Underground Coal Mine (Compliance Coal Corp)", March 30, 2010, online: <<http://www.islandstrust.bc.ca/news/pdf/tcltrmar302010campbell-yap-lekstrom.pdf>>, accessed July 15, 2010.

<sup>56</sup> Phil Carson, *Oceanside Star*, April 1, 2010, online: <<http://www.ecobc.org/NoCoalMine/>>, accessed July 15, 2010.

<sup>57</sup> President and CEO of the Corporation, John Tapics, describes the mine as a "24-hour, seven-day-a-week operation". Karl A.J. Goodwin, "Just say no to coal coming to Port Alberni", *Alberni Valley Times*, May 20, 2010, online: <<http://www2.canada.com/alberni-valley-times/news/opinion/story.html?id=7eed6e1f-498b-4de5-860d-6a75f0ce5786&k=14930>>, accessed June 28, 2010.

<sup>58</sup> Judith Lavoie, "Valley weighs costs of coal: Sides at odds over pollution, economic impact in Comox area", *Times Colonist*, June 15, 2010, online:

<<http://www.timescolonist.com/Proposal+Island+coal+mine+creates+controversy/3155662/story.html>>, accessed June 25, 2010.

<sup>59</sup> Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010. online:

<[http://www.comoxvalleyrd.ca/section\\_rgs/content.asp?id=5665&parent=71&sub\\_collection=73](http://www.comoxvalleyrd.ca/section_rgs/content.asp?id=5665&parent=71&sub_collection=73)> , accessed July 30, 2010. The CVRD established the following key elements for the RGS:

- provide a vision statement on the future of the region over a 20 year time frame;
- develop population and employment projections for the region;
- identify actions to be taken in relation to specific issues: housing, transportation, regional district services, parks and natural areas, economic development, public health and safety; and
- identify strategies for green house gas reductions.

<sup>60</sup> In some cases the local governments have specifically asked for an independent environmental assessment (e.g. the City of Courtenay) or for an independent review panel of experts (e.g. the City of Cumberland and the Town of Qualicum Beach).

<sup>61</sup> Comox Valley Regional District (CVRD), Meeting Minutes, April 27, 2010, online:

<[http://www.comoxvalleyrd.ca/section\\_rdb/content.asp?id=81&collection=6](http://www.comoxvalleyrd.ca/section_rdb/content.asp?id=81&collection=6)>, last accessed August 12, 2010.

Town of Comox, Regular Council Meeting Minutes, June 16, 2010, online: <<http://comox.ca/town-hall/meetings/agendas/2010-agenda/06-16%20RCM%20Agenda%20Outline.pdf>>, accessed June 28, 2010.

City of Courtenay, Council Meeting Minutes, May 17, 2010, online: <<http://www.city.courtenay.bc.ca/council-meeting-minutes-and-agendas/may-17-2010-council-meeting-minutes.aspx>>, accessed June 28, 2010.

Village of Cumberland, Council Agenda, July 12, 2010, online:

<<http://cumberlanddocs.fileprosite.com/Documents/DocumentList.aspx?ID=422>>, accessed July 22, 2010.

Town of Qualicum Beach, Minutes of the Town of Qualicum Beach Regular Council Meeting, July 12, 2010, online: <<http://qualicumbeach.fileprosite.com/Documents/DocumentList.aspx?ID=0>>, accessed August 9, 2010.

<sup>62</sup> Denman Island Local Trust Committee letter to The Honourable Gordon Campbell, December 21, 2009, online: <<http://www.ecobc.org/NoCoalMine/>>, accessed July 15, 2010.

Minutes of the Denman Island Local Trust Committee Meeting, April 13, 2009, online: <<http://www.islandstrust.bc.ca/ltc/de/pdf/deminbusapr132010.pdf>>, accessed July 22, 2010.

<sup>63</sup> Minutes of the Denman Island Local Trust Committee Meeting, December 16, 2009, online: <<http://www.islandstrust.bc.ca/ltc/de/pdf/deminbusdec162009.pdf>>, accessed July 22, 2010.

<sup>64</sup> Islands Trust Council, Minutes of Quarterly Meeting, March 23-25, 2010, online: <<http://www.islandstrust.bc.ca/tc/pdf/tcminbusmar232010.pdf>>, accessed July 28, 2010.

<sup>65</sup> Sheila Malcolmson, "Re: Proposed Raven Underground Coal Mine (Compliance Coal Corp)", March 30, 2010, online: <<http://www.islandstrust.bc.ca/news/pdf/tcltrmar302010campbell-yap-lekstrom.pdf>>, accessed July 15, 2010.

<sup>66</sup> Judith Lavoie, "Valley weighs costs of coal: Sides at odds over pollution, economic impact in Comox area", Times Colonist, June 15, 2010, online: <<http://www.timescolonist.com/weather/Valley+weighs+costs+coal/3155662/story.html>>, accessed June 28, 2010.

<sup>67</sup> BC Shellfish Growers Association, "Coal mine concerns shellfish growers", Comox Valley Record, March 11, 2010, online: <<http://www.coalwatch.ca/coal-mine-concerns-shellfish-growers>>, accessed July 15, 2010.

<sup>68</sup> Comox Valley Conservation Strategy Steering Committee, "Re: Raven Coal Mine Project", May 14, 2010, online: <[http://www.coalwatch.ca/sites/default/files/CVCS\\_OpenLetterToEAO\\_Raven\\_May2010.pdf](http://www.coalwatch.ca/sites/default/files/CVCS_OpenLetterToEAO_Raven_May2010.pdf)>

David Stapley, "Coal mine data should be open" Letter re: Re: Raven coal mine project, *Comox Valley Record*, June 03, 2010, online:

<[http://www.bclocalnews.com/vancouver\\_island\\_north/comoxvalleyrecord/opinion/letters/95581689.html](http://www.bclocalnews.com/vancouver_island_north/comoxvalleyrecord/opinion/letters/95581689.html)>, accessed July 15, 2010.

<sup>69</sup> Delores Broten (member of the Comox Valley Waterwatch Coalition steering committee), "Concern deep about coal mine", *Comox Valley Record*, May 18, 2010.

<sup>70</sup> Patricia McLaughlin, "Coal concerns Denman group: Re: Proposed Raven coal mine project on Vancouver Island at Buckley Bay", *Comox Valley Record*, March 25, 2010.

<sup>71</sup> Hornby Island Residents' & Ratepayers' Association Minutes of Regular Meeting, At the Community Hall, February 10, 2010, online: <<http://www.hirra.ca/minutes2010.html>>, accessed July 15, 2010.

<sup>72</sup> Comox Valley Project Watershed Society to the Honourable Jim Prentice, Minister of the Environment, Re: CEAR Reference Number 10-03-55529 (Raven Underground Coal Project), July 22, 2010, online:

<<http://www.coalwatch.ca/sites/default/files/ProjectWatershed-MinisterEnvironmentCanada-22Jul2010.pdf>>, accessed July 28, 2010.

<sup>73</sup> Compliance Coal Corporation website, Fanny Bay Open House, October 28, 2009, online: <<http://www.theravenproject.ca/index.php?id=146&sub=146>>, accessed July 15, 2010.

<sup>74</sup> Marcel Tetrault, "Fanny Bay Hall jammed with residents anxious to discuss proposed coal mine operation" *Comox Valley Echo*, December 01, 2009, online:

<<http://www2.canada.com/comoxvalleyecho/news/story.html?id=3564b898-9416-44ed-a683-07919732e4d4>>, accessed July 18, 2010.

<sup>75</sup> News Release, CoalWatch Comox Valley, February 15, 2010, online: <<http://www.ecobc.org/NoCoalMine/>>, accessed July 18, 2010.

<sup>76</sup> Chris Bowers, "Raven mine: death of the Fanny Bay oyster?", *The Flying Shingle*, June 21, 2010, online: <<http://www.FlyingShingle.com/cgi-bin/coranto/viewnews.cgi?id=20100621162575900295>>, accessed June 28, 2010.

<sup>77</sup> Phillip Woolgar, "Masses gather to oppose coal mine", *Alberni Valley Times*, June 17, 2010, online: <<http://www2.canada.com/alberni-valley-times/news/story.html?id=9b51c3e9-4fdd-452f-af54-339c2018d9a1>>, accessed June 28, 2010.



<sup>78</sup> Arnold Begg and Monique Begg, "If you care about Valley then oppose coal idea", *Alberni Valley Times*, June 29, 2010, online: <<http://www2.canada.com/albernivallleytimes/news/opinion/story.html?id=2d09a097-67bd-4d85-9c0a-dc2b5bee9061&k=3761>>, accessed July 15, 2010.

<sup>79</sup> Note that Strategic Environmental Assessments are authorized by s. 49 of the *BC Environmental Assessment Act*. Federal Strategic Environmental Assessments are governed by *Strategic Environmental Assessment: Cabinet Directive on the Environmental Assessment of Policy Plan and Program Proposals*.

<sup>80</sup> *The Bear Coal Project*: The Corporation holds majority interest in 8 coal licenses totaling 5,056 acres (2,046 hectares) at the Bear Coal Deposit, north of the site of the proposed RUC project. This deposit contains approximately 8.5 million tonnes of coal resources. The Corporation has spent \$750,000 on an exploration program for the Bear Coal Project and estimates that 5.0 million tonnes would be accessible by open pit methods for cleaning at the Raven facility. Online: <[http://www.complianceenergy.com/projects/bear\\_coal/exploration.shtml](http://www.complianceenergy.com/projects/bear_coal/exploration.shtml)>, accessed July 13, 2010.

*The Anderson Lake Project*: The Corporation also owns the coal rights to approximately 1,938 acres (784 hectares) 7 km north of Cumberland, 8 km from Campbell River and 10 km from the highway. The Corporation website indicates that there is between 1.7 and 3.96 million tonnes of potential, that it is low volatile Bituminous A thermal coal and would be mined as an open pit. Online:

<[http://www.complianceenergy.com/projects/anderson\\_lake/anderson\\_lake.shtml](http://www.complianceenergy.com/projects/anderson_lake/anderson_lake.shtml)>, accessed July 13, 2010.

<sup>81</sup> Compliance Energy Corporation, "Compliance Energy Announces Updated Resource on Raven Coal Deposit", April 22, 2010, online: <<http://www.complianceenergy.com/sedar/index.html>>, accessed July 28, 2010.

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Tuesday, April 27, 2010

Minutes of the meeting of the board of the Comox Valley Regional District held on Tuesday, April 27, 2010, in the boardroom of the regional district offices located at 550B Comox Road, Courtenay, B.C. commencing at 4:00 p.m.

## MINUTES

### Present:

<b>Chair:</b>	G. Phelps	City of Courtenay
<b>Vice-Chair:</b>	E. Grieve	Puntledge - Black Creek (Electoral Area 'C')
<b>Directors:</b>	L. Baird	Village of Cumberland
	P. Fletcher	Town of Comox
	J. Gillis	Lazo North (Electoral Area 'B')
	L. Jangula	City of Courtenay
	B. Jolliffe	Baynes Sound - Denman/Hornby Islands (Electoral Area 'A')
	M. Presley	City of Courtenay
<b>Alt. Director:</b>	R. Crossley	Town of Comox
<b>Staff:</b>	B. Dunlop	Corporate Financial Officer
	L. Carter	General Manager of Public Affairs and Information Systems
	T. Knight	Manager of Planning Services
	K. Lorette	General Manager of Property Services
	C. Morfitt	Manager of Administration
	D. Oakman	Chief Administrative Officer
	I. Smith	General Manager of Community Services

### A Portion of the Meeting:

B. Leigh Oyster Bay-Buttle Lake (SRD Electoral Area 'D' Director)

### IN-CAMERA MEETING

Gillis/Jolliffe: THAT the board adjourn to an in-camera session pursuant to the following section(s) of section 90 of the Community Charter:

90(1)(c) Labour relations or employee negotiations;

90(1)(e) The acquisition, disposition or expropriation of land or improvements, if the board considers that disclosure might reasonably be expected to harm the interests of the regional district;

90(1)(k) Negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the committee/board, could reasonably be expected to harm the interests of the regional district if they were held in public;

791(2)

CARRIED

Time: 4:01 p.m.

### RISE AND REPORT

The board rose from its in-camera session at 4:20 p.m. and reported the following:

#### **Kensington Island Properties**

THAT the board approve the master development agreement between the Comox Valley Regional District and 34083 Yukon Inc.;

AND FURTHER THAT the board authorizes the chair of the board and the corporate legislative officer to execute the master development agreement;

AND FURTHER THAT after the execution of the master development agreement, the necessary steps be taken to discharge the current master development agreement registered against the titles of the land subject to the Kensington development and to register the new master

development agreement on title;

AND FINALLY THAT the board give fourth reading to Bylaw No. 56, being the "Comox Valley Official Community Plan Bylaw, 1998", Amendment No. 35 and Bylaw No. 57, being the "Comox Valley Zoning Bylaw, 2005", Amendment No. 41.

**Wildwood Marsh**

THAT the board acknowledge that:

- the management of water levels at Wildwood Marsh cannot be accomplished under the Areas A, B and C parks and greenways service;
- the management of water levels at Wildwood Marsh requires a new drainage control to be established;

AND FURTHER THAT the following steps be taken in regard to the issues related to Wildwood Marsh:

1. adjacent property owners be informed that in order for the water levels at Wildwood Marsh to be maintained at levels identified in the Northwest Hydraulics report, the CVRD must:
  - a) establish a new drainage control service funded solely by the adjacent property owners; or
  - b) divest its interests in the Wildwood Marsh property.
2. staff provide the Northwest Hydraulics report available to the public where requested.

**Beulah Creek Parkland Dedication**

THAT the regional board advise Islands Trust it approves of the proposed parkland dedication of 0.65ha adjacent to Beulah Creek for the subdivision of Lot A, Plan VIP87054, Section 11, Nanaimo District by Bernhard Weiss;

AND FURTHER THAT this new park be named Beulah Creek Nature Park upon dedication.

**Islands Trust Development Projects**

THAT the regional board advise Islands Trust that the CVRD would like to be consulted at the design stage for development projects wherever possible, to ensure land to be dedicated as park, reflects the needs and desires of the community, and the goals of the local park system.

The board recessed at 4:21 pm and reconvened at 4:30 p.m.

Director Leigh entered the meeting at 4:30 p.m.

**VARY THE AGENDA**

Gillis/Presley: THAT the board consider item F16 at the beginning of the meeting for the benefit of Director Leigh, as that item relates to a Black Creek – Oyster Bay service.

Section 791(2) CARRIED

**BYLAW NO. 121**

Leigh/Grieve: THAT Bylaw No. 121 being "Black Creek/Oyster Bay Water Local Service Area Bylaw 1995, Amendment No. 9" be adopted.

Section 791(2) CARRIED

Director Leigh left the meeting at 4:35 p.m.

**ADOPTION OF MINUTES**

Fletcher/Jolliffe: THAT the Comox Valley Regional District board minutes dated March 30, 2010 be adopted.

791(2) CARRIED

**REPORTS**

**COMOX VALLEY WATER SUPPLY COMMISSION - APRIL 13, 2010**

Grieve/Jolliffe: THAT the Comox Valley water supply commission minutes dated April 13, 2010 be received.

Section 791(2) CARRIED

Jolliffe/Gillis: THAT \$50,000 of regional water supply strategy funding for 2010 be allocated to the Comox Lake climate change impacts assessment and water quality monitoring project in partnership with the Water and Aquatic Sciences Program at the University of Victoria;

AND FURTHER THAT the Comox Valley Regional District continue to support this project for a further four years.

Section 791(2) CARRIED *Nay: Director Jangula*

**ELECTORAL AREAS SERVICES COMMITTEE - APRIL 19, 2010**

Grieve/Jolliffe: THAT the electoral areas services committee minutes dated April 19, 2010 be received.

Section 791(2) CARRIED

Jolliffe/Grieve: THAT the Agricultural Land Commission be advised that the regional district does not support Agricultural Land Reserve application 3110-20/ALR 2C 10 (Quest Homes Inc.) for the exclusion of approximately 29.54 hectares (73.00 acres) of land from the Agricultural Land Reserve on the parcel legally known as The Fractional South West 1/4 of Section 23, Township 9, Comox District, Plan 552G (Piercy Road).

Jolliffe/Gillis: THAT the motion be amended to remove the phrase: "agricultural land commission be advised that the".

Section 791(2) CARRIED

Vote on main motion, as amended, as follows:

THAT the regional district does not support Agricultural Land Reserve application 3110-20/ALR 2C 10 (Quest Homes Inc.) for the exclusion of approximately 29.54 hectares (73.00 acres) of land from the Agricultural Land Reserve on the parcel legally known as The Fractional South West 1/4 of Section 23, Township 9, Comox District, Plan 552G (Piercy Road).

791(2), 791(3), 791(13) CARRIED

Gillis/Grieve: THAT the Agricultural Land Commission be advised that the regional district does not support Agricultural Land Reserve application 3110-20/ALR 4C 10 (Manseau) for the non-farm use of the Agricultural Land Reserve (ALR) on lands known as Lot 6, District Lot 226, Comox District, Plan 30380 (1592 Constitution Road);

AND THAT the ALR non-farm use application 3110-20/ALR 4C 10 (Manseau) is forwarded to the Agricultural Land Commission for decision approval.

Section 791(2), 791(3), 791(13) CARRIED

Grieve/Gillis: THAT the Agricultural Land Commission be advised that the regional district supports Agricultural Land Reserve application 3110-20/ALR 3C 10 (Horel/Burns/Sullivan) for a homesite severance for the property legally described as Lot 4, Block 2, Township 6, Comox District, Plan 1818 (3615 Winn Road).

Section 791(2), 791(3), 791(13) CARRIED

Grieve/Jolliffe: THAT the board approve the development variance permit DV 3A 10 (Jackson) to reduce the setback from the sight triangle from 4.5 metres (14.8 feet) to 2.35 metres (7.7 feet) on the property described as Lot B (DD EF18887), Block E, Section 4, Nelson District, Plan 1478 (3943 Marine Drive);

AND FURTHER THAT the board authorizes the corporate legislative officer to execute the permit.

Section  
791(2),  
791(3),  
791(13)

CARRIED

Jolliffe/Gillis: THAT the board approve development permit DP 2C 10 (Milford) on the property described as Strata Lot 1, Block 1450, Comox District, Strata Plan VIS6247, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V for the purposes of construction of an alpine cabin;

AND FURTHER THAT the corporate legislative officer be authorized to execute the permit.

Section  
791(2),  
791(3),  
791(13)

CARRIED

Grieve/Gillis: THAT the Section 218 statutory right-of-way agreement associated with the subdivision application (File: 22612 B 05) be finalized to the satisfaction of the regional district and be registered on the Common Property of Strata Plan EPS17.

Section  
791(2),  
791(3),  
791(13)

CARRIED

Grieve/Jolliffe: THAT subject to the registration of the Section 218 statutory right-of-way on the Common Property of Strata Plan EPS 17, the board:

- a. Approve the development variance permit DV 1B 10 (0706030 B.C. Ltd.) to increase the maximum permitted lot coverage to 20.0% on property described as Strata Lot 1, District Lot 224, Comox District, Strata Plan EPS17 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;
- b. Approve the development variance permit DV 2B 10 (Harris) to increase the maximum permitted lot coverage to 20.0% on property described as Strata Lot 8, District Lot 224, Comox District, Strata Plan EPS17 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;
- c. Approve the development variance permit DV 3B 10 (Kirkwood) to increase the maximum permitted lot coverage to 20.0% on property described as Strata Lot 7, District Lot 224, Comox District, Strata Plan EPS17 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;
- d. Approve the development variance permit DV 4B 10 (Gillis & Ho) to increase the maximum permitted lot coverage to 20.0% on property described as Strata Lot 11, District Lot 224, Comox District, Strata Plan EPS17 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V.

AND FURTHER THAT the board authorizes the corporate legislative officer to execute the permits.

Section  
791(2),  
791(3),  
791(13)

CARRIED

Jolliffe/Gillis: THAT the board not approve the development variance permit DV 2A 10 (Barrett & Good) to increase the maximum floor area of the existing secondary dwelling to 152 square metres (1,636 square feet) and to reduce the right side yard setback of the existing secondary dwelling to 3.0 metres (9.8 feet) on property to described as Parcel A (DD 85495N) of Lot 9, Section 29, Township 11, Nelson District, Plan 1928 (3554 Royston Road).

Section  
791(2),  
791(3),  
791(13)

CARRIED

Gillis/Grieve: THAT the board consider first and second readings of Bylaw No. 116, being the "Comox Valley Zoning Bylaw, 2005, Amendment No. 46" (Beachcombers School), which proposes to rezone a portion of the property legally described as Parcel F (DD 7386N) of District Lot 43, Newcastle District, (Part of which lot forms a part of District Lot 37G, Section 2A, Nelson District) except that part in Plan 48262 (7375 Island Highway South) from Industrial Light (IL) to Public Assembly One (PA-1);

AND FURTHER THAT the board approve the proposed agency referral list as outlined in Appendix "2";

AND FURTHER THAT Bylaw No. 116, being the "Comox Valley Zoning Bylaw, 2005", Amendment No. 46" (Beachcombers School) proceed to public hearing;

AND FINALLY THAT this public hearing be scheduled for May 26, 2010.

Section  
791(2),  
791(3),  
791(13)

CARRIED

**COMOX VALLEY SPORTS CENTRE COMMISSION - APRIL 20, 2010**

Fletcher/Crossley: THAT the Comox Valley sports centre commission minutes dated April 20, 2010 be received.

Section  
791(2)

CARRIED

Jolliffe/Grieve: THAT the board renew the agreement with Thrifty Foods through its nutrition initiative partnership to be operated by the Comox Valley active communities committee (Active Comox Valley);

AND FURTHER THAT the chair of the board and the corporate legislative officer be authorized to sign the agreement.

Section  
791(6)

CARRIED

Gillis/Presley: THAT the board amend the Comox Valley alcohol policy to include the arena #2 parking lot on Friday September 17, 2010 for the 2010 BC Senior Games.

Section  
791(4)

CARRIED

Baird/Fletcher: THAT the fees and charges bylaw for the Comox Valley recreation complexes be amended to maintain fees at 2009 rates in light of the implementation of the harmonized sales tax (HST);

AND FURTHER THAT the proposed fee schedule for 2011 to 2013 to, in part, make fees equal for swimming admissions at the sports and aquatic centers by 2013, be presented in early 2011.

Section  
791(4)

CARRIED

Gillis/Grieve: THAT the contract for the construction of the renovations at the Comox Valley Sports Centre be awarded to Ledcor Construction Limited in the amount of \$1,268,000 exclusive of taxes.

Section  
791(6)

CARRIED

**COMOX VALLEY WATER COMMITTEE - APRIL 20, 2010**

Gillis/Jolliffe: THAT the Comox Valley water committee minutes dated April 20, 2010 be received.

Section  
791(2)

CARRIED

The board was polled on the following resolution:

Fletcher/Jolliffe: THAT the revised Comox Valley Water Conservation Bylaw be given first, second and third reading at the April 2010 board meeting;

AND FURTHER THAT public feedback be solicited prior to consideration of final approval at the May 2010 board meeting.

Bylaw 1783 DEFEATED

Presley/Jangula: THAT the Comox Valley water conservation bylaw along with the information such as consumption data, water license applications and impacts from large annual snow packs be referred to the Comox Valley water committee and advisory committee for further consideration.

Bylaw 1783 CARRIED

Jolliffe/Fletcher: THAT the Comox Valley water efficiency plan be updated with the new residential consumption amounts for Courtenay and Comox.

Bylaw 1783 CARRIED

**SEWAGE COMMISSION - APRIL 20, 2010**

Grieve/Baird: THAT the sewage commission minutes dated April 20, 2010 be received.

Section 791(2) CARRIED

Fletcher/Jangula: THAT the Town of Comox be requested to construct the Knight Road sewer at 525mm and 600mm diameters;

AND FURTHER THAT the Comox Valley sewerage service agree to pay the actual cost of flushing the Knight Road sewer, as completed each year by the Town of Comox, to a maximum of \$11,500 per year, until flushing is no longer required;

AND FINALLY THAT the requirement for flushing be reviewed on an annual basis.

Section 791(4) CARRIED

**COMMITTEE OF THE WHOLE - APRIL 20, 2010**

Grieve/Presley: THAT the committee of the whole minutes dated April 20, 2010 be received.

Section 791(2) CARRIED

Fletcher/Gillis: THAT a letter be sent to the City of Courtenay, Town of Comox and Village of Cumberland outlining alternatives for participation in part 26, electoral area land use decisions, with a request that each municipality advise the Comox Valley Regional District (CVRD) as to whether it wishes to participate and on what basis;

AND FURTHER THAT the CVRD staff report dated March 26, 2010, and Ministry of Community and Rural Development memorandum dated March 2, 2010 be forwarded to the City of Courtenay, Town of Comox and Village of Cumberland as background information.

Section 791(2) CARRIED

Fletcher/Crossley: THAT the CVRD staff report dated March 26, 2010 regarding municipal participation in part 26 electoral area planning be forwarded to the Ministry of Community and Rural Development to report out on the restructure task regarding 'municipal participation in part 26 planning' and to thank the ministry for its assistance in considering this matter.

Section 791(2) CARRIED

Grieve/Gillis: THAT the fees and charges bylaw for the Comox Valley exhibition grounds be amended to remove goods and services tax and provincial sales tax from schedule A and B in light of the implementation of the harmonized sales tax.

Section 791(4) CARRIED

**BYLAWS AND RESOLUTIONS**

Jolliffe/Gillis: THAT the 2010-2014 financial plan for the Denman Island water service be amended to:

- i. increase the operating revenue for parcel taxes from \$5000 to \$5750 and
- ii. increase the salaries and wages expenditures from \$1332 to \$2082.



Section 791(11) CARRIED

Gillis/Jolliffe: THAT Bylaw No. 116 being "Comox Valley Zoning Bylaw No. 2781, 2005, Amendment No. 46" (Beachcomber School) be given first and second readings concurrently.

Section 791(2), 791(3), 791(13) CARRIED

Jolliffe/Grieve: THAT Bylaw No. 115 being "Denman Island Water Local Service Area Parcel Tax Bylaw, 1997, Amendment No. 3" be given first and second readings concurrently.

Section 791(11) CARRIED

Grieve/Jolliffe: THAT Bylaw No. 115 being "Denman Island Water Local Service Area Parcel Tax Bylaw, 1997, Amendment No. 3" be given third reading.

Section 791(11) CARRIED

Jolliffe/Fletcher: THAT Bylaw No. 115 being "Denman Island Water Local Service Area Parcel Tax Bylaw, 1997, Amendment No. 3" be adopted.

Section 791(11) CARRIED

Grieve/Fletcher: THAT Bylaw No. 127 being "Comox Valley Recreation Complexes Fees and Charges Bylaw No. 12, 2008, Amendment No. 2" be given first and second readings concurrently.

Section 791(4) CARRIED

Jolliffe/Grieve: THAT Bylaw No. 127 being "Comox Valley Recreation Complexes Fees and Charges Bylaw No. 12, 2008, Amendment No. 2" be given third reading.

Section 791(4) CARRIED

Fletcher/Jolliffe: THAT Bylaw No. 127 being "Comox Valley Recreation Complexes Fees and Charges Bylaw No. 12, 2008, Amendment No. 2" be adopted.

Section 791(4) CARRIED

Grieve/Fletcher: THAT Bylaw No. 128 being "Comox Valley Exhibition Grounds Fees and Charges Bylaw No. 2006, Amendment No. 5" be given first and second readings concurrently.

Section 791(4) CARRIED

Jolliffe/Grieve: THAT Bylaw No. 128 being "Comox Valley Exhibition Grounds Fees and Charges Bylaw No. 2006, Amendment No. 5" be given third reading.

Section 791(4) CARRIED

Grieve/Crossley: THAT Bylaw No. 128 being "Comox Valley Exhibition Grounds Fees and Charges Bylaw No. 2006, Amendment No. 5" be adopted.

Section 791(4) CARRIED

**Bylaws 56 and 57 (Kensington Island Properties Ltd)**

Director Joliffe provided information on the Kensington development process and information on the master development agreement that has now been approved.

Jolliffe/Gillis: THAT Bylaw No. 56 being "Rural Comox Valley Official Community Plan, 1998, Amendment No. 35" (Kensington Island Properties Ltd) be adopted.

Section 791(2), 791(3), 791(13) CARRIED

Jolliffe/Gillis: THAT Bylaw No. 57 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 41" (Kensington Island Properties Ltd) be adopted.

Section  
791(2),  
791(3),  
791(13) CARRIED

Jolliffe/Gillis: THAT Bylaw No. 100 being "Electoral Areas Animal Control Regulations Bylaw No. 100, 2010" be adopted.

Section  
791(4) CARRIED

Grieve/Jolliffe: THAT Bylaw No. 101 being "Electoral Areas Unsightly Premises Regulations Bylaw No. 101, 2010" be adopted.

Section  
791(4) CARRIED

Jolliffe/Gillis: THAT Bylaw No. 102 being "Electoral Areas Noise Control Regulations Bylaw No. 102, 2010" be adopted.

Section  
791(4) CARRIED

Gillis/Grieve: THAT Bylaw No. 103 being "Electoral Areas Parks Regulations Bylaw No. 103, 2010" be adopted.

Section  
791(4) CARRIED

Fletcher/Crossley: THAT Bylaw No. 104 being "Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010" be adopted.

Section  
791(2) CARRIED

Grieve/Baird: THAT Bylaw No. 108 being "Regional District Bylaw Compliance Delegation of Authority Bylaw No. 108, 2010" be adopted.

Section  
791(2) CARRIED

Jolliffe/Fletcher: THAT Bylaw No. 113 being "Denman Island Water Local Service Area Conversion and Establishment Bylaw 1993, Amendment No. 1" be adopted.

Section  
791(2) CARRIED

**NEW BUSINESS**

**PUBLIC HEARING - BYLAW NO. 116 (Beachcombers School)**

Gillis/Jolliffe: WHEREAS the following bylaw has received first and second readings by the regional district board: Bylaw No. 116 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 46" (Beachcombers Community School);

AND WHEREAS, pursuant to section 891 of the Local Government Act, it is necessary to hold a public hearing on the aforementioned bylaw;

THEREFORE BE IT RESOLVED THAT:

1. A public hearing will be held on Wednesday, May 26, 2010 at 7:00 p.m.;
2. The location of the public hearing will be at Fanny Bay Community Hall, 7793 South Island Highway, Fanny Bay, B.C.;
3. Director Jolliffe is appointed as chair of the public hearing;
4. Director Gillis is appointed as vice chair of the public hearing;
5. The directors from electoral areas A, B, and C are appointed as delegates to the public hearing; and
6. At least one (1) of the above-named persons must be in attendance at the public hearing.

Section  
791(2),  
791(3),  
791(13) CARRIED

**CORRESPONDENCE - RAVEN UNDERGROUND COAL MINE PROJECT**

Jolliffe/Grieve: THAT the correspondence from Director Jolliffe dated April 20, 2010 regarding the Raven underground coal mine project be received.

Section 791(2) CARRIED

Gillis/Grieve: THAT the related correspondence from John Tapics, Compliance Energy Corporation, dated April 20, 2010 regarding the Raven underground coal mine project be received.

Section 791(2) CARRIED

Jolliffe/Gillis: WHEREAS Compliance Coal Corporation is proposing the Raven Underground Coal Mine Project in the Comox Valley Regional District;

AND WHEREAS the operations of this mine could impact the aquifers used by the surrounding communities for their potable water;

AND WHEREAS the operation of this mine could impact the fin fish, shellfish, and other fisheries in Baynes Sound;

THAT the Comox Valley Regional District board request the province to conduct a comprehensive mapping of the aquifers that could be affected by the proposed mine and that the province use this mapping in its Environmental Assessment;

AND THAT the Comox Valley Regional District board request that the province request the Federal Government to also conduct an Environment Assessment as the proposed mine could impact the fisheries in Baynes Sound;

AND THAT the Comox Valley Regional District board request the Environmental Assessment public consultations be held in at least the following communities: Fanny Bay, Denman Island, Union Bay, Royston, Cumberland, Courtenay, and Comox.

Section 791(2) CARRIED

**ADDENDUM - UPON APPROVAL OF THE BOARD**

Grieve/Fletcher: THAT the addendum be considered.

Section 791(2) CARRIED

**CORRESPONDENCE - COMPLIANCE COAL CORPORATION**

Fletcher/Baird: THAT the correspondence from J. Tapics, Compliance Coal Corporation, dated April 26, 2010 regarding the proposed Raven underground coal project be received.

Section 791(2) CARRIED

**ADJOURN RESTRICTED IN-CAMERA**

Grieve/Jolliffe: THAT the board adjourn to a restricted in-camera session.

CARRIED

Time: 5:25 p.m.

**RISE AND REPORT**

The board rose from its restricted in-camera session at 6:30 p.m.

**TERMINATION**

Grieve/Crossley: THAT the meeting terminate.

CARRIED

Time: 6:31 p.m.

Certified Correct:

\_\_\_\_\_

Chair

Confirmed this 25th day of May, 2010.

\_\_\_\_\_

Deputy Corporate Legislative Officer



## TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

### *REGULAR COUNCIL MEETING* **AGENDA FOR WEDNESDAY JUNE 16, 2010**

Meeting Location: Council Chambers, 1801B Beaufort Avenue, Comox

Call to Order at 5:30 p.m.

Adoption of the Agenda

#### **1. DELEGATIONS: NIL**

#### **2. MINUTES OF MEETINGS:**

- (1) a. Regular Council Meeting Minutes  
*That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday, June 02, 2010, be Approved.*

#### **3. COMMITTEE REPORTS: NIL**

#### **4. UNFINISHED BUSINESS:**

- (5) a. Management Report - June 16, 2010

#### **5. SPECIAL REPORTS: NIL**

#### **6. BYLAWS: NIL**

#### **7. NEW BUSINESS:**

- (7) a. Notice of Motion brought forward by Councillor Patti Fletcher:
1. *That in respect to the Raven Underground Coal Project, Council consider the following requests from the Coalwatch Comox Valley citizens group:*
  2. *That the Town of Comox request the province conduct a comprehensive mapping of the aquifers that could be affected by the proposed mine and that the Province use this mapping in its Environmental Assessment;*

**TOWN OF COMOX**

**REGULAR COUNCIL MEETING AGENDA OF WEDNESDAY JUNE 16, 2010**

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- (7) a. Notice of Motion brought forward by Councillor Patti Fletcher:
  - 3. *That the Town of Comox request that the Federal Government also conduct an independent Environmental Assessment of the proposed mine.*

**8. CORRESPONDENCE:**

- (13) a. Elizabeth McLeod - Comox Valley Harbour Authority - Comox Harbour Revitalization Project

**9. REPORTS FROM MEMBERS OF COUNCIL:**

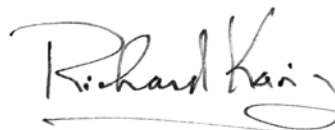
**10. LATE ITEMS:**

**11. MEDIA QUESTION PERIOD:**

**12. PUBLIC QUESTION PERIOD:**

**13. EXCLUDE THE PUBLIC: NIL**

Adjournment



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Chief Administrative Officer



## May 17, 2010 Council Meeting Minutes

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, May 10, 2010 at 4:00 p.m.

### Attending:

Mayor: G. T. Phelps  
Councillors: J. K. Ambler  
D. A. Hillian  
R- R. Leonard  
L. V. Jangula  
J. M. Presley  
M. Theos

Staff: S. Gray, Administrator  
J. Ward, Manager of Corporate Administration  
T. Manthey, Director of Financial Services  
R. Wiwchar, Director of Community Services  
K. Lagan, Director of Operational Services  
D. Bardonnex, Fire Chief

The meeting was called to order at 4:00 p.m.

### 1.00 MINUTES

Moved by Theos and seconded by Hillian that the minutes of the Regular Council meeting held May 10, 2010 be adopted.  
Carried

### 2.00 INTRODUCTION OF LATE ITEMS

Mayor Phelps approved the addition of section 90(1)(n) of the Community Charter to the In Camera resolution.

### 3.00 DELEGATIONS

1. Alan Fletcher re: Development Permit No. 1002-1055 Crown Isle Drive

Alan Fletcher, representing Monterra Developments reviewed the development proposed for 1055 Crown Isle Drive.

2. Michael Pontus - St. Joseph's General Hospital re: Changes to Care

Michael Pontus, President and CEO of St. Joseph's General Hospital, made a presentation regarding proposed changes to the operation of the hospital.

### 4.00 COMMITTEE/STAFF REPORTS

#### Fire Report

Moved by Theos and seconded by Hillian that the Fire Report for April 2010 be received for information.  
Carried

#### Development Permit No. 1002 1055 Crown Isle Drive

Moved by Jangula and seconded by Theos that notice be given to the adjacent property owners of proposed Development Permit with Variances No. 1002 as outlined in Report to Council May 17th, 2010, and that the application be returned to Council on June 7th, 2010;

That subject to public input, Development Variance Permit No. 1002, to vary Section 8.31.9 of the City of Courtenay Zoning Bylaw No. 2500, 2007 as they pertain to setbacks from a structure to the front, back and side lot lines, as per the attached Schedule 1; for the property legally described as Lot 36, Block 72, Comox District, Plan VIP61373, be issued to Monterra Developments Ltd.;

That Development Permit No. 1002, to allow construction of an 18 unit multi residential development on the property located at 1055 Crown Isle Drive (Lot 36, Block 72, Comox District, Plan VIP61373), as shown on the map contained in Attachment No. 1, be issued subject to resolution of the Outstanding Condition listed in Item #2 of this resolution;

That the following Outstanding Condition be resolved in advance of issuance of Development Permit No. 1002:

- a. Submission of an irrigation plan to the satisfaction of City staff demonstrating that the proposed works will not conflict with construction of on-site water and sewer servicing;

That the following Condition be resolved prior to issuance of a building permit for each proposed residential unit:

- a. Submission of storm water management plan, satisfactory to the City Engineering Staff, for each phase of the proposed development; and

That conditions of Development Permit No. 1002 be as follows:

- a. Development in conformance with the plans and elevations contained in Attachment Nos. 2-5;
- b. Submission of landscape security in the amount of (125% x \$164,225.00) \$205,281.25;
- c. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- d. Services must be located outside of landscape beds;
- e. All building, site and sign lighting must be full cut off, flat lens in accordance with the City's Dark Skies Policy. Lighting levels must not exceed the levels recommended by the Illuminating Engineering Society of North America. All proposed lighting must be approved by the City prior to installation;
- f. Parking areas must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces.

Carried

Strata Conversion 2255 Kilpatrick

Moved by Ambler and seconded by Presley that Council approve the strata conversion of the existing duplex on Lot 4, Section 66, Comox District, Plan 30260 subject to:

- 1) Completion of a Building Permit for building compliance to the BC Building Code
- 2) Completion of a Plumbing Permit for the conversion of the existing water service to City of Courtenay Engineering Design Standards and Specifications
- 3) Completion of a satisfactory Site Profile in accordance with the Environmental Management Act, Contaminated Sites Regulation.

That once the above conditions are met the Mayor and Manager of Corporate Administration be authorized to sign the Strata Plan.

Carried

Street Names

Moved by Presley and seconded by Theos that the name Nairn and Fife be removed from the City Street Name List, Names for Future Developments, West View Properties (East side of Lerwick Rd);

That Nairn Place be assigned to the future roadway from McDonald Road, and Fife Place be assigned to the future road from the extension of Inverclyde Way; and

That the following names be deleted from the Names for Future Developments:

West View Properties (East side of Lerwick Rd)

-Inverary

West View Properties (West side of Lerwick Rd)

-Chickadee

-Siskew

-Skylark

-Thrush

-Warbler

-Wren

Carried

Cycling Initiatives

Moved by Theos and seconded by Presley that the report on cycling initiatives undertaken by the City of Courtenay be received for information.

Carried

'09 Statement of Financial Information

Moved by Presley and seconded by Ambler that Council approve the 2009 Statement of Financial Information.

Carried

#### 5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

Heritage Minutes

Moved by Presley and seconded by Ambler that the Heritage Advisory Commission minutes of April 28, 2010 be received for information.

Carried

#### 6.00 RESOLUTIONS OF COUNCIL

Incamera Meeting

Moved by Presley and seconded by Ambler that under the provisions of Section 90(1)(b)(k)(n) of the Community Charter, notice is hereby given that a Special In-Camera meeting closed to the public, will be held May 17, 2010 at the conclusion of the Regular Council Meeting.

Carried

Coun. Hillian Raven Underground Coal Mine

Moved by Hillian and seconded by Leonard



WHEREAS Compliance Coal Corporation is proposing the Raven Underground Coal Mine Project;

AND WHEREAS the operations of this mine could impact the aquifers used by the surrounding communities for their potable water;

AND WHEREAS the operation of this mine could impact the fin fish, shellfish, and other fisheries in Baynes Sound;

THAT the City of Courtenay request the province conduct a comprehensive mapping of the aquifers that could be affected by the proposed mine and that the province use this mapping in its Environmental Assessment;

AND THAT the City of Courtenay request that the Federal Government also conduct an independent Environment Assessment of the proposed mine; and

THAT the City of Courtenay request that any Environmental Assessment public consultations be held in at least the following communities: Courtenay, Comox, Cumberland, Fanny Bay, Denman Island, Union Bay, and Royston.

Carried

#### 7.00 UNFINISHED BUSINESS

Mayor Phelps inquired if there were any members of the public wishing to make a submission regarding Development Variance Permit No. 1006, and there were none.

Development Variance Permit No. 1006 2080 Cliffe Ave

Moved by Hillian and seconded by Ambler that Development Variance Permit No. 1006, to vary Sections 8.14.3 and 8.14.6 of the City of Courtenay Zoning Bylaw No. 2500, 2007, being firstly, the frontage of a lot and secondly, the height of a building, for the property legally described as Remainder of Lot 2, Comox District, Plan 15512 (2080 Cliffe Avenue), be issued to Bazett Aerial Imaging Ltd. subject to the following conditions:

- a. The variance is to preserve the right to a building height of 18.0m geodetic on the remainder of Lot 2, Comox District, Plan 15512;
- b. The variance is to reduce the road frontage from 21.18 metres to 0.0 metres;
- c. Development must be in conformance with the plan contained in Attachment No. 2.

Carried

#### 9.00 NEW BUSINESS

Request for Letter of Support Courtenay Museum

Moved by Leonard and seconded by Ambler that Council support the Courtenay & District Museum's efforts to have the Puntledge elasmosaur as the official fossil of British Columbia.

Carried

#### 10.00 BYLAWS

Bylaw No. 2621 Road Closure 19th & cliffe

Moved by Jangula and seconded by Theos that "Road Closure Bylaw No. 2621, 2010" be finally passed and adopted.

Carried

#### 11.00 COUNCIL MEMBER ROUNDTABLE

Councillor Ambler reviewed his attendance at the following events:

- Ø L'Arche Gala event
- Ø Regional District meetings

Councillor Hillian outlined his attendance at the following events:

- Ø Regional District Water Supply Forum
- Ø Comox Valley Chamber of Commerce mixer
- Ø CV Drug Strategy Committee meeting
- Ø Community Justice Centre meeting

Councillor Leonard reviewed the celebration planned for Ruth Masters' 90th Birthday.

Councillor Presley reviewed his attendance at Regional District meetings.

Councillor Jangula reviewed his attendance at the following events:

- Ø L'Arche Gala event
- Ø Regional District meetings

Mayor Phelps outlined his attendance at the following events:

- Ø Boomer's Legacy training
- Ø RCMP Island District Commander meeting
- Ø Airport School visit
- Ø Regional District Water Supply Forum
- Ø Economic Development Society meeting
- Ø Scooter ride with John Higginbotham

- Ø Regional District CAO meeting
- Ø Meeting with Playtime Gaming
- Ø Island Coastal Economic Trust meeting
- Ø Meeting with Chamber of Commerce reps

12.00 ADJOURNMENT

Moved by Jangula and seconded by Presley that the meeting now adjourn at 5:52 p.m.

Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 7th day of June, 2010

Mayor

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**CORPORATION OF THE VILLAGE OF CUMBERLAND****MEETING NO. 13/10/R**

Regular meeting of Council to be held Monday, July 12<sup>th</sup>, 2010 at 5:30 p.m. in the Village Council Chambers.

**AGENDA**

- | <b>1.</b> | <b><u>APPROVAL OF AGENDA</u></b>  | <b>Page #</b> |
|-----------|---|---------------|
| <b>2.</b> | <b><u>ADOPTION OF MINUTES OF COUNCIL MEETING</u></b>  |               |
| 2.1       | Minutes of Regular Meeting held Monday, June 28, 2010.  | 1             |
| <b>3.</b> | <b><u>MOTIONS AND RESOLUTIONS</u></b>   |               |
| <b>4.</b> | <b><u>DELEGATIONS</u></b>   |               |
| 4.1       | Courtenay Youth Music Centres Musical Theatre   |               |
|           | • Darilyn Keen, House and Activity Coordinator  |               |
| <b>5.</b> | <b><u>UNFINISHED BUSINESS</u></b>   |               |
| 5.1       | Past Delegation from June 28 <sup>th</sup> , 2010 Meeting:<br>"Stick in the Mud Club"   |               |
|           | • That the Village of Cumberland become a member of the<br>"Stick in the Mud Club" and sponsor carbon-dating of one stake,<br>at a cost of \$500.   |               |
| 5.2       | Past Delegation from June 28 <sup>th</sup> , 2010 Meeting:<br>Campbell Conner, Coal Watch Comox Valley  |               |
|           | • That Council pass the following 3 Resolutions:  |               |
|           | 1. THAT the Village of Cumberland request the BC Minister of the<br>Environment, to conduct a comprehensive mapping and modeling<br>of the aquifers that may be affected by the proposed mine and that<br>the Province use this information in conducting its environmental<br>assessment and in its determination of the appropriateness, or not,<br>of approving this mine AND FURTHER THAT such mapping be<br>completed prior to any mine development. |               |
|           | 2. THAT the Village Council of Cumberland request the Federal Minister<br>of the Environment to refer the current environmental assessment of<br>the Compliance Coal Corporation's proposed Raven Underground<br>Coal Project near Buckley Bay, BC to an independent expert review<br>panel for a full public hearing. This request is made pursuant to S. 28<br>of the <i>Canadian Environmental Assessment Act based on:</i>                            |               |
|           | • the potential significant adverse environmental effects of this<br>project; and   |               |
|           | • the deep and widespread public concerns associated with this<br>project.  |               |
|           | 3. THAT a public meeting, held by the BCEO during the public period,<br>be conducted in the following communities: Fanny Bay, Denman<br>Island, Cumberland, Courtenay, Qualicum Beach, Port Alberni<br>and Nanaimo.   |               |

MEETING NO. 13/10/R

-2-

**6. CORRESPONDENCE**

**A-18**

4

## 6.1 Comox Valley Regional District

- Service Reviews – Acknowledgement, Representation and Clarification of Issues request

## 6.2 Comox Valley Regional District

8

- Municipal Participation in Part 26 Planning

7. **REPORTS**

## 7.1 Malaview Development Ltd. (Slegg Lumber)

34

Prepared by Judy Walker, Planner

Recommended Resolution:

THAT Council of the Corporation of the Village of Cumberland:

1. Approve of the revision to Malaview Developments pond landscape plan and entrance and perimeter landscape plan as set out in the report by Judith Walker, dated July 6, 2010; and
2. Authorize staff to proceed with processing the revision; entirely at the cost of the owner (including but not limited to Village staff review time, legal costs, consultant costs and registration fees).

## 7.2 Bill 27 Requirements: Process for Including Greenhouse Gas Reduction Targets and Policies in the Official Community Plan

41

Prepared by Judith Walker, Senior Planner

Recommended Resolution:

THAT the Council of the Corporation of the Village of Cumberland approve the proposed process and timing to amend the OCP as set out in Table 1 in the report by Judith Walker, dated July 5, 2010, in order to comply with Bill 27 requirements.

## 7.3 2010-2011 Goals and Objectives

45

Status of Annual Staff Workplan – as of June 30, 2010

Prepared by Anja Nurvo, CAO

## 7.4 Development Cost Charges Bylaw Amendment

50

Prepared by Bob Hoffstrom, P. Eng., Municipal Engineer

## 7.5 Proposed Water Conservation Bylaw No. 922, 2010

52

Prepared by Anja Nurvo, CAO

## 7.5 Councillors Reports

7.5.1 Mayor Fred Bates

54

7.5.2 Councillor Leslie Baird

57

## 7.6 Staff Reports

7.6.1 Update on Recent Activities - June 2010

58

Prepared by David Durrant, Manager of Community Services

Recommended Resolution:

THAT the Council of the Corporation of the Village of Cumberland hereby agrees to close Dunsmuir Avenue from Egremont Road to Street on July 24<sup>th</sup>, 2010 between 10:00 a.m. and 11:00 a.m.

Sixth

for the Freedom of the Municipality event with 19 Wing Comox and

HMCS Quadra.

**MEETING NO. 13/10/R****-3-**

7.6.2 Finance and Administration Department Report-June 2010

60

Prepared by Christine Mathews, Corporate Services Manager

8. **BYLAWS**

## 8.1 "The Corporation of the Village of Cumberland Water Conservation Bylaw No. 922, 2010"

62

- First, second and third reading

8.2 "The Corporation of the Village of Cumberland Development Cost  
Charges Bylaw No. 934, 2010"

71

- First, second and third reading

**9. NEW BUSINESS**

**10. QUESTION PERIOD**

**11. ADJOURNMENT**

**Minutes of the Town of Qualicum Beach Regular Council Meeting held Monday, July 12, 2010, at 7:00 p.m. in the Council Chamber, Municipal Office, 660 Primrose Street, Qualicum Beach, BC**

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PRESENT: Council: Mayor Teunis Westbroek  
Councillor Barry Avis  
Councillor Kent Becker  
Councillor Mary Brouillette  
Councillor Jack Wilson

ALSO PRESENT: Staff: Mark Brown, Chief Administrative Officer (CAO)  
John Marsh, Financial Administrator/Deputy CAO  
Darryl Kohse, Fire Chief  
Bob Weir, Director of Engineering & Utilities  
Paul Butler, Director of Planning  
Luke Sales, Deputy Director of Planning  
Allan Cameron, Superintendent of Public Works, Parks & Bldgs.  
Trudy Coates, Corporate Administrator  
Heather Svensen, Deputy Corporate Administrator

The Mayor called the meeting to order at 7:00 p.m.

#### **ADOPTION OF THE AGENDA**

Council adopted, by unanimous consent, the July 12, 2010 Regular Council meeting agenda, as amended, to:

- (1) Include receipt of additional information, as follows, for:
  - Item 8(4)(b) Regional Growth Strategy:
    - Randall Arendt letter (11 Jul 10)
    - Judi Ainsworth, Chamber of Commerce letter (12 Jul 10)
    - reference copy of the Draft Regional Growth Strategy provided by the Regional District of Nanaimo
  - Item 8(4)(c) Development Variance Permit – 247 Judges Row:
    - Ginny Love letter (12 Jul 10)
    - Nena C. Nicolls letter (12 Jul 10)
  - Item 8(4)(d), 446 Harlech Road – Section 57 Notice on Title, reference attachments to the July 12, 2010 planning memo of Luke Sales
  - Item 8(5)(b), Staff report: Replacement of Removed Trees
  - Item 9(1)&(2), Bylaws No. 590.04/580.58, 431 College Rd, Paul Kyba letter (12 Jul 10)
  - Item 9(4), proposed Town of Qualicum Beach Outdoor Burning Bylaw No. 601, 2007, Amendment (Fire Size & Permits) Bylaw No. 601.03, 2010
  - Item 9(5), Pesticide Use Bylaw No. 650, 2010:
    - Ashley McEachern letter (9 Jul 10)
    - Anastasia Volik letter (9 Jul 10);
- (2) Move item 7(4)(a) Select Committee on Environment Recommendations to Item 7(3)(b); and,
- (3) Amend Item 6(2) Staff recommendation by striking “THAT Council authorizes a 90-day extension on the August 8, 2010 deadline for the conditions related to the issuance of the Development Permit, Development Variance Permit and registration of Section 219 Covenant for 532 Memorial Avenue, subject to the owners confirming that demolition will be completed by October 31, 2010 and providing a security bond by August 6, 2010 in an amount to be determined adequate by the Town, that would be drawn down by

the Town to perform any works related to the conditions that are incomplete by October 31, 2010. “

and replacing it with:

“THAT Council authorizes a 90-day extension on the August 8, 2010 deadline for the conditions related to the issuance of the Development Permit, Development Variance Permit and registration of Section 219 Covenant for 532 Memorial Avenue, subject to the owners confirming that demolition will be completed by October 31, 2010 and providing a security by August 6, 2010 in an amount and form to be determined adequate by the Town, that would be drawn down by the Town to perform any works related to the conditions that are incomplete by October 31, 2010; and that the owner enter into a Section 219 Covenant by August 6, 2010 that will permit the Town to perform any works related to the conditions that are not completed by October 31, 2010.”

### APPROVAL OF THE MINUTES

Council approved, by unanimous consent, the:

- June 14, 2010 Special Council meeting minutes;
- June 14, 2010 Regular Council meeting minutes as corrected; and,
- July 6, 2010 Special Council meeting minutes.

### BUSINESS ARISING FROM THE MINUTES

(1) **Proposed Raven Underground Coal Mine at Fanny Bay** (June 14, 2010 delegation Campbell Connor, Coalwatch Comox Valley)

Councillor Avis MOVED and Councillor Becker SECONDED, THAT the Town of Qualicum Beach Council requests:

- the Honourable Jim Prentice, Federal Minister of the Environment to refer the environmental assessment of the proposed Raven Underground Coal Mine at Fanny Bay to an independent Review Panel of experts for a full public hearing, pursuant to section 28 of the *Canadian Environmental Assessment Act*;
- the Government of British Columbia to conduct a comprehensive mapping and modeling of the aquifers that could be affected by the proposed Raven Underground Coal Mine at Fanny Bay, and that the Province use this information in its Environmental Assessment; and
- that any Environmental Assessment public consultations be held at least in the following communities: Courtenay, Comox, Cumberland, Fanny Bay, Denman Island, and Qualicum Beach.

**CARRIED**

(2) **Kris Kringle Craft Market** (June 14, 2010 delegation: Frank Pluta, Chief Financial Officer and Veronica Von Conruhds, General Manager & Business Owner of Kris Kringle Craft Market) - Staff report was received for information.

(3) **Tree Cutting in Municipal Parks** (Councillor Wilson’s June 14, 2010 Notice of Motion) Councillor Wilson MOVED and Councillor Brouillette SECONDED, THAT Council refers to staff to prepare a draft policy for Council consideration for staff to inform Council and the Recreation and Parks Commission prior to cutting trees in the Community Park.

**CARRIED**

## PUBLIC INPUT

### Development Variance Permit – 247 Judges Row

The Mayor called for members of the public who wished to speak on the application for a Development Variance Permit at 247 Judges Row. No one indicated an interest in speaking, in addition to the July 12, 2010 letters received from property owners in the neighbourhood: Ginny Love (257 Judges Row) and Nena C. Nicolls (2677 Island Hwy.) opposing the DVP.

## DELEGATIONS

- (1) **Nancy Falconer, Health Promotion Coordinator, Canadian Cancer Society, 750 Hillside Avenue, Victoria** – provided background on the impact of pesticide usage and support for pesticide regulation, and recommended Council adopt the Pesticide Use Bylaw.
- (2) **WITHDRAWN** – Mark McGorman’s presentation on the Town’s Auditor’s Report to be rescheduled.

## PUBLIC INPUT

### Development Variance Permit – 247 Judges Row

The Mayor called again for members of the public who wished to speak on the application for a Development Variance Permit (DVP) at 247 Judges Row. David Vandy, 247 Judges Row resident and representing the DVP applicant:

- spoke in support of their application
- noted they live full-time on the property, have been long-term residents and they have been told they own the only remaining large lot which could be subdivided
- noted the two owners of neighbouring properties who wrote in opposition to the DVP, were not full time residents and rent their properties to short-term vacation tenants
- asked Council to approve their DVP

No other persons indicated an interest in speaking on the 247 Judges Row DVP.

## DELEGATIONS Continued

- (3) **Al & Marilyn Hewer**, regarding 446 Harlech Road, Section 57 Notice on Title, were in attendance and declined the opportunity to speak.
- (4) **Anthony Boni**, Architect/Owner Representative for the Qualicum College Development Permit and Bylaw Amendments appeared before Council to review the applications currently submitted with the Town for the redevelopment of the Qualicum College Inn site.

## CORRESPONDENCE

- (1) Correspondence Log – July 12, 2010
- (2) Moby Amarsi (7 July 2010) – **requesting a 90-day extension on Development Permit for 532 Memorial Ave**

Councillor Avis MOVED and Councillor Becker SECONDED, THAT Council authorizes a 90-day extension on the August 8, 2010 deadline for the conditions related to the issuance of the Development Permit, Development Variance Permit and registration of Section 219 Covenant for 532 Memorial Avenue, subject to the owners confirming that demolition will be completed by October 31, 2010 and providing a



security by August 6, 2010 in an amount and form to be determined adequate by the Town, that would be drawn down by the Town to perform any works related to the conditions that are incomplete by October 31, 2010; and that the owner enter into a Section 219 Covenant by August 6, 2010 that will permit the Town to perform any works related to the conditions that are not completed by October 31, 2010.

**CARRIED**

**COMMITTEE & LIAISON REPORTS**

(1) **General Government** (Mayor Teunis Westbroek)

Mayor Westbroek reported on the Volunteer Recognition reception; Above and Beyond Award recipient Faye Smith; and anticipating receiving the report from VIHA on providing a facility for urgent and primary care.

(2) **Planning & Community Events** (Councillor Barry Avis)

Councillor Barry Avis reported on the following:

- Faye Smith recognition by Fisheries and Oceans
- Notice of Motion

THAT Council reconsider establishing and clearing a viewpoint at Crescent Road W and Balsam Street/Ravine Road.

(3) **Protective Services** (Councillor Kent Becker)

Councillor Kent Becker reported on the following:

• **Select Committee on Public Safety May 12, 2010 Recommendations**

Councillor Becker MOVED and Councillor Avis SECONDED, THAT Council refers back to the Select Committee on Public Safety their May 12, 2010 recommendation: "THAT Council instructs staff to maintain the 50 kmh speed limit on Memorial Avenue, as it is a major collector road; AND FURTHER THAT Council requests the RCMP to increase enforcement."

**CARRIED**

Councillor Becker MOVED and Councillor Brouillette SECONDED, THAT the Town of Qualicum Beach not install a speed bump or non-standard signage on Qualicum Road.

**CARRIED**

Councillor Becker MOVED and Councillor Avis SECONDED, THAT Council instructs staff to maintain the 50 kmh speed limit along the West Island Highway 19A between Memorial Avenue and Bay Street as it is a major collector road; AND FURTHER instructs staff to use the standard single solid yellow line when line painting in the same area, to discourage vehicle passing; AND FURTHER THAT Council requests the RCMP to increase enforcement during the summer months.

**CARRIED**

Council instructed staff to add to the September Select Committee on Public Safety meeting agenda, discussion of pedestrian safety and installing "Caution - People Crossing" signage on Hwy 19A near Bay Street to give notice to drivers.

Councillor Becker MOVED and Councillor Avis SECONDED, THAT Council refers the May 5, 2010 correspondence from Ralph Moore to staff for discussion and consideration of a pilot project in Qualicum Beach for non-standard line-marking to assist drivers when curbside parking.

**CARRIED**

Councillor Becker MOVED and Councillor Avis SECONDED, THAT Council instructs staff to prepare Emergency Preparedness information for review at the September 8, 2010 Select Committee on Public Safety in preparation for the Town holding an Emergency Preparedness session in the Fall.

**CARRIED**

• **Select Committee on Environment June 2, 2010 Recommendation**

Councillor Becker MOVED and Councillor Avis SECONDED, THAT Council supports the concept of a Little Qualicum River Watershed Plan and that, at the next Select Committee on Environment, the Committee discuss further recommendations.

**CARRIED**

(4) **Community Development** (Councillor Mary Brouillette)

Councillor Brouillette reported on the following:

- Shop to Shore Free Shuttle connecting the beach and the Village centre
- Artisans and Vendor Markets in the Village centre on Friday nights
- Volunteer Recognition Reception
- PQ Aero Club Fly-in at the Airport bringing visitors to the community

(5) **Parks & Recreation** (Councillor Jack Wilson)

Councillor Wilson reported on the following:

• **Heritage Forest Commission July 8, 2010 Recommendation**

Councillor Wilson MOVED and Councillor Brouillette SECONDED, THAT Council instructs staff to send letters of appreciation to the Community Development Trust Job Opportunity Program (CDTJOP) and CDTJOP grant forestry workers for the great quality and sensitivity of the work they completed in the Heritage Forest.

**CARRIED**

• **Recreation & Parks Commission July 8, 2010 Recommendation**

Councillor Wilson MOVED and Councillor Becker SECONDED, THAT Council instructs staff to facilitate a pedestrian circular walking route from the Train station to the beach to the Town centre, via Beach Rd, Crescent Rd W, Bay St, and Hwy 19A to Memorial Ave and return to Town Centre, including developing a Walking Tour Brochure providing route information (time, distance, etc.) and installation of signage, when the budget permits.

**MOTION FAILED**

**STAFF REPORTS**

(1) **Chief Administrative Officer** (Mark Brown)

(a) **Monthly Report** - For Information

(2) **Corporate Administration** (Trudy Coates, Corporate Administrator)

(a) **Announcement of Special Council Meeting Motions** - Nil

(b) **2010 Subsidized Rental Applications for the Civic Centre and Community Hall**

Councillor Avis MOVED and Councillor Becker SECONDED, THAT the Original Village Arts Faire be approved for a one-time subsidy for the use of the Community Hall on November 26, 27 and 28, 2010, for their annual craft fair, by charging a reduced rate of \$615.00 plus HST as opposed to the regular rate of \$965.00 plus HST; AND FURTHER THAT the Victoria Symphony be approved for a one-time subsidy for the use of the Civic Centre on December

13, 2010, including stage extension, bleachers, grand piano and sound system for their annual Christmas performance, by charging a reduced rate of \$745.00 plus HST as opposed to the regular rate of \$2,110.00 plus HST; AND FURTHER THAT the Qualicum Beach Seedy Saturday Association be approved for a one-time subsidy for the use of the Civic Centre on February 4, 2011, for their annual garden show, by charging a reduced rate of \$840.00 plus HST as opposed to the regular rate of \$1,260.00 plus HST.

**CARRIED**

- (3) **Financial Administration** (John Marsh, Financial Administrator)
- (a) **Monthly Financial Report** – For Information
  - (b) **Monthly Bylaw Compliance Report** – For Information – Council recognized the service of the Bylaw Enforcement Officer.
  - (c) **Monthly Fire Department Report** – For Information
- (4) **Planning** (Paul Butler, Director of Planning)
- (a) **Construction and Building Permit Monthly Report** – For Information
  - (b) **Regional Growth Strategy**  
 Councillor Avis MOVED and Councillor Becker SECONDED, THAT Council directs staff to provide a letter to the Regional District of Nanaimo indicating that Council supports the draft Regional Growth Strategy dated April 29, 2010 subject to the changes contained in Schedule 'A' to the Planning Department's memo included in the July 12, 2010 Council Agenda.  
**CARRIED**
  - (c) **Development Variance Permit - 247 Judges Row**  
 Councillor Brouillette MOVED and Councillor Avis SECONDED, THAT Council directs staff to issue a Development Variance Permit for 247 Judges Row, as identified in the July 12, 2010 Planning Department's memo to Council, and as amended to add registration of a covenant on title restricting building height to a single-storey rancher as offered in the owner's July 7, 2010 letter.  
**CARRIED**
  - (d) **446 Harlech Road - Section 57 Notice on Title**  
 Councillor Wilson MOVED and Councillor Brouillette SECONDED, THAT staff be directed to file a notice with the Land Title Authority of BC against 446 Harlech Road if the zoning height violation, as identified in the July 12, 2010 Planning Department's memo to Council, has not been corrected by August 12, 2010.  
**CARRIED**
  - (e) **Development Permit No. 1287 - 1000 Ravensbourne Lane (QB Airport)**  
 Councillor Brouillette MOVED and Councillor Avis SECONDED, THAT Council authorizes the issuance of a development permit for 1000 Ravensbourne Lane as attached to the Planning Department's report to the July 12 2010 Regular Council Meeting.  
**CARRIED**
  - (f) **Development Permit No. 1288 - 691 Beach Road**  
 Councillor Wilson MOVED and Councillor Avis SECONDED, THAT Council authorizes the issuance of a development permit for 691 Beach Road as

attached to the Planning Department's report to the July 12, 2010 Regular Council Meeting.

**CARRIED**

- (5) **Public Works, Parks & Buildings** (Allan Cameron, Superintendent)
- (a) **Public Works, Parks & Buildings Monthly Report** – For Information
  - (b) **Replacement of Removed Trees** – For Information

## **BYLAWS**

(1) **Bylaw No. 590.04**

Councillor Becker MOVED and Councillor Wilson SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Official Community Plan Bylaw No. 590, 2005, Amendment (431 College Road) Bylaw No. 590.04, 2010" be introduced and read a first time.

**CARRIED**

Councillor Wilson MOVED and Councillor Brouillette SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Official Community Plan Bylaw No. 590, 2005, Amendment (431 College Road) Bylaw No. 590.04, 2010" be read a second time; AND FURTHER THAT Council hold an official public hearing on August 9<sup>th</sup> at 7:00 p.m. in the Council Chambers, 660 Primrose Street, in regard to the bylaw amendments for 431 College Road.

**MOTION FAILED**

Councillor Wilson MOVED and Councillor Brouillette SECONDED, THAT Council consider second reading of the bylaw entitled "Town of Qualicum Beach Official Community Plan Bylaw No. 590, 2005, Amendment (431 College Road) Bylaw No. 590.04, 2010" at a special meeting in the Council Chamber on July 28, 2010 at 10:00 a.m.; AND FURTHER THAT Council hold an official public hearing on August 9<sup>th</sup> at 7:00 p.m. in the Council Chambers, 660 Primrose Street, in regard to the bylaw amendments for 431 College Road.

**CARRIED**

(2) **Bylaw No. 580.58**

Councillor Brouillette MOVED and Councillor Wilson SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580,1999, Amendment (431 College Road) Bylaw No. 580.58, 2010" be introduced and read a first time.

**CARRIED**

Councillor Wilson MOVED and Councillor Brouillette SECONDED, THAT Council consider second reading of the bylaw entitled "Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999, Amendment (431 College Road) Bylaw No. 580.58, 2010" at a special meeting in the Council Chamber on July 28, 2010 at 10:00 a.m.; AND FURTHER THAT Council hold an official public hearing on August 9<sup>th</sup> at 7:00 p.m. in the Council Chambers, 660 Primrose Street, in regard to the bylaw amendments for 431 College Road.

**CARRIED**

- (3) **Bylaw No. 553.01**  
Councillor Becker MOVED and Councillor Brouillette SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Sign Bylaw No. 553, 1995, Amendment (Special Event Signage) Bylaw No. 553.01, 2010" be read a second time.  
**CARRIED**
- (4) **Bylaw No. 601.03**  
Councillor Brouillette MOVED and Councillor Avis SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Outdoor Burning Bylaw No. 601, 2007 Amendment (Fire Size & Permits) Bylaw No. 601.03, 2010" be introduced and read a first time.  
**CARRIED**  
Councillor Avis MOVED and Councillor Becker SECONDED, THAT Council instructs staff to bring forward for consideration of second reading of the bylaw, an amended version of the bylaw entitled "Town of Qualicum Beach Outdoor Burning Bylaw No. 601, 2007 Amendment (Fire Size & Permits) Bylaw No. 601.03, 2010" to include regulation of outdoor burning to require that fires be extinguished by midnight.  
**CARRIED**
- (5) **Bylaw No. 650**  
Councillor Avis MOVED and Councillor Becker SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Pesticide Use Bylaw No. 650, 2010" be read a second time.  
**CARRIED**
- (6) **Bylaw No. 654**  
Councillor Becker MOVED and Councillor Avis SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Garbage, Food Waste and Recycling Collection Service Rates and Regulation Bylaw No. 654, 2010" be given second reading.  
**CARRIED**
- (7) **Bylaw No. 655**  
Councillor Wilson MOVED and Councillor Becker SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Parks and Recreation Commission Bylaw No. 655, 2010" be read a second time, as amended:
- In section 4(2) by striking ": (a) a minimum of six (6) members shall be residents of the Town of Qualicum Beach; and (b)";
  - In section 8 by striking "February, May, September and November" and inserting "January, March, May, July, September and November".
- CARRIED**
- (8) **Bylaw No. 656**  
Councillor Wilson MOVED and Councillor Avis SECONDED, THAT the bylaw entitled "Town of Qualicum Beach Heritage Forest Commission Bylaw No. 656, 2010" be read a second time.  
**CARRIED**

### COMMENTS FROM THE GALLERY

- Neil Horner, PQB News, commented on using the Noise Bylaw to address late night outdoor fire issues instead of amending the Outdoor Burning Bylaw
- Frank Horner, First Avenue W resident, commented on the schedule for processing the College Inn development
- Scott Tanner, Crescent Road W resident, commented on the procedure for considering second reading of development bylaws
- Zweitse DeWit, Berwick Road S resident, commented on the relationship between the Regional Growth Strategy input, the mandate of the Regional District of Nanaimo, and the Town's Official Community Plan review
- Barbara VanHerd, College Road resident, commented on the College Inn development
- Paul Byam, College Road resident, commented on the College Inn development
- Rod Westaway, Fern Road W resident, commented on a train volunteer greeting program and on the use of pesticides
- Mary Maness, Knight Terrace resident, commented on the College Inn development
- Joan Greaves, Knight Terrace resident, commented on the College Inn development
- Beverly Rasaiah, Burnham Road resident, commented on the College Inn development

Councillor Avis MOVED and Councillor Becker SECONDED, THAT Council extends the meeting past 10:00 p.m.

### CARRIED

- Zweitse DeWit, Berwick Road S resident, commented on limitations on comments from the gallery
- Linda Lyndsay, Knight Terrace resident, questioned whether overtime applied for Town representatives attending meetings
- Roy Maloney, Knight Terrace resident, commented on the schedule for the College Inn development
- Scott Tanner, Crescent Road W resident, commented on the use of pesticides

### ADJOURNMENT

Councillor Brouillette MOVED and Councillor Becker SECONDED, THAT Council adjourns the meeting.

### CARRIED

Meeting adjourned: 10:04 p.m.

Certified Correct:

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Trudy Coates,  
 Corporate Administrator

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Teunis Westbroek  
 Mayor

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE MEETING  
HELD AT 10:30 AM, TUESDAY, APRIL 13, 2010  
AT THE MARCUS ISBISTER OLD SCHOOL CENTRE  
5901 DENMAN ROAD, DENMAN ISLAND, BC**

**PRESENT:**

Peter Luckham	Chair
Louse Bell	Local Trustee
David Graham	Local Trustee
Courtney Campbell	Island Planner
Riane daSilva	Recorder

There were five (5) members of the public in attendance.

**1. CALL TO ORDER**

The Chair called the meeting to order at 10:34 am.

**2. APPROVAL OF AGENDA**

The following changes were made to the agenda:

- Add item 7.1, Delegation - Jackie Ward on behalf of Denman/Hornby Equines
- Add item 10.2, DE-RZ-2009.1 (The Point) - staff report dated April 12, 2010
- Add item 12.3, Climate wise islands - staff report dated April 8, 2010
- Add item 12.4, Green Cemetery - staff report dated April 8, 2010

The Denman Island Local Trust Committee approved the agenda as amended, by consensus.

**3. CHAIR'S REPORT**

The Chair took a moment to acknowledge the sad passing of a member of the Northern Islands Trust staff. Valerie Sonstenes worked for the Islands Trust for close to 5 years and was careful and diligent in her work. Everyone involved with the Islands Trust will miss her.

At the recent Islands Trust Council on Hornby a new budget was approved, with a 4.6% tax increase. The Executive did their best to keep the increase as small as possible. However, because of inflation and other economic pressure the 4.6% tax increase is necessary just to break even.

The Chair noted that Trustee Bell and himself recently returned from the Association of Vancouver Island Coastal Communities (AVICC) meeting in Campbell River. The AVICC brings together coastal local governments and lobbies the Union of British Columbia Municipalities (UBCM) which in turn lobbies the Provincial Government on behalf of the smaller government bodies. The

AVICC is in the process of forwarding a resolution to UBCM regarding derelict vessels and barges.

**4. TRUSTEES REPORT**

Trustee Graham reported that he attended the Annual General Meeting of the Denman Island Residents Association where he made a report inviting people to attend this afternoon's public hearing on rezoning of the Hermitage. The deadline for nominations for Stewardship awards is coming up.

Trustee Bell reported that she enjoyed attending the Association of Vancouver Island Coastal Communities. With reference to the Provincial Government's Local Government Elections Task Force, if members of the public have any comments or input to make to the task force the deadline is Thursday, April 15, 2010. The Executive of Islands Trust will be putting forward some recommendations. Trustee Bell also reported that she met with Bruce Joliffe about the Denman Island Agriculture Plan.

**5. MINUTES**

*5.1 Local Trust Committee Meeting Minutes of March 16, 2010 – For Adoption*

The minutes were amended as follows:

- Page 2, last paragraph of Trustee Bell's report should read Ramona de Graaf

The Denman Island Local Trust Committee approved the minutes of its March 16, 2010 business meeting as amended, by consensus.

*5.3 Section 26 Resolutions without Meeting*

There were none.

*5.4 Denman Island Advisory Planning Commission Minutes dated March 16, 2010*

Received for Information

Trustee Bell noted that she had been present for that meeting and was pleased with the Advisory Planning Commission's understanding of the provincial process driving climate change bylaw.

*5.5 Denman Agriculture Plan Steering Committee Minutes dated March 25, 2010*

Received for information.

Trustee Graham said he is pleased to see that they have found their focus.



**6. BUSINESS ARISING FROM MINUTES**

*6.1 Follow-up Action List dated April 1, 2010*

The Island Planner reviewed the Follow-Up Action List. She asked for comments on the draft community profile to be sent by May. Discussion followed.

Trustee Bell noted that for March 16<sup>th</sup>, the item fourth from the bottom and the item last on that page regarding purchasing copies of “A Sensitive Ecosystem Guide” and “The Islands Trust Story” are the same things. Trustee Bell requested that the Island Planner please make sure the costs of those orders goes into the fiscal year of 2009/2010.

A request was made to store the copies of “The Islands Trust Story” and “A Sensitive Ecosystem Guide” at the Old School Trustee Office.

*6.2 Raven Underground Coal Project Memorandum dated March 26, 2010*

Planner Campbell presented the memorandum.

Trustee Bell noted the Chair of Trust Council wrote to the Premier opposing this project. Subsequent there was a letter in the Comox Valley record. The Chair noted that 29 miners lost their lives in Virginia this past week.

**7. DELEGATIONS**

Jackie Ward on behalf of Denman/Hornby Equines Association made a presentation (attached) regarding supporting limited horse trails on Denman Island.

There was discussion regarding this matter.

**8. TOWN HALL DISCUSSION**

None.

**9. CORRESPONDENCE**

None.

**10. APPLICATIONS AND PERMITS**

*10.1 DE-RZ-2009.2 (North Denman Lands) - Letter dated March 30, 2010, from Islands Trust Fund to the Ministry of Environment regarding Lot 1, Plan 35639 (Beaver Pond)*

The Denman Island Local Trust Committee received the Letter. Discussion followed.

10.2 *DE-RZ 2009.1 (The Point)*

The Island Planner introduced a Staff Report dated April 12, 2010

The proponent was asked to speak to the issues of disturbances as a result of road work.

The proponent responded that he has worked within the constraints of the Ministry of Transportation and in consultation and review with local conservation experts.

Trustee Graham thanked the proponent for co-operating with local members of the Denman Conservancy Association.

**DE-034-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give fourth reading to proposed Bylaw 189 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2009”.

**CARRIED**

**DE-035-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give fourth reading to proposed Bylaw 190 “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2009”.

**CARRIED**

**11. REPORTS**

*11.1 Strategic Plan for Local Trust Committees*

The Chair noted that this would be updated in the future.

*11.2 Work Program Reports - Top Priorities Report and Projects Report dated April 1, 2010*

The Island Planner said she will present a staff report later and she will leave discussion/comments until then.

*11.3 Applications Log*

The Island Planner reviewed the Applications Log dated April 1, 2010

*11.4 Trustee and Local Expenses*

*11.4.1 Expenses Report posted to March 22, 2010*

The Denman Island Local Trust Committee received the Expenses Report.

**12. LOCAL TRUST COMMITTEE PROJECTS**

12.1 *Agriculture Plan*

The Island Planner reported that she is working on submitting a grant application (for The Investment Agricultural Foundation) that has a deadline of May 25. The steering committee is bringing in letters of support from “industry” (farmers market, general store, bed and breakfasts, and other consumers of local farmed products) to support that application.

Trustee Bell reported that she had met with Bruce Joliffe (Regional District Representative) to ask for some funding from the Regional District. She reported that the AgriFoods Comox Valley may have ideas for funding.

**DE-036-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to draft a letter to the Comox Valley Regional District Board for the Chair’s signature, to invite them to enter into a funding partnership on the Denman Island Agriculture Plan, and that staff liaise with the Regional District to follow up on the letter.

**CARRIED**

Trustee Graham noted that the Denman Island Economic Enhancement Committee has some money and has identified agriculture as of the highest priority.

**DE-037-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to contact Patricia Gagnon at the Denman Island Economic Enhancement Committee to enter into a discussion regarding Denman Island’s proposed Agricultural Plan.

**CARRIED**

***There was a recess from 12:20 to 12:35pm***

12.2 *Official Community Plan and Land Use Bylaw Targeted Review - Staff Report dated March 25, 2010*

Planner Campbell presented the staff report. Discussion followed.

**DE-038-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend the activity column of the 2<sup>nd</sup> item on the Top Priorities list, “OCP/LUB Targeted Review”, by removing items 6, 7, 16 and 20.

**CARRIED**

**DE-039-2010** It was **MOVED** and **SECONDED** that that the Denman Island Local Trust Committee add “implementing Riparian Areas Regulations” as an item on the Projects list.

**CARRIED**

**ADOPTED**

Trustee Bell noted that Protected Area Network Mapping has been on the list for many years. Trustee Bell doesn't think it's necessary to wait for the Comox Valley Regional District to complete their part. Trustee Bell suggested that it be acknowledged in the Official Community Plan that this mapping already exists as it was done in the Silva Report.

The Chair suggested that minutes from prior meetings that have dealt with the issue of "limiting maximum gross floor area of dwellings" be found and reviewed by staff and sent to the Advisory Planning Commission and eventually the community, for further discussion.

The Island Planner suggested that a series of 3 public meetings be held from August to October, 2010. Trustee Bell suggested doing things a bit differently by enticing people with food or other ways to make it more interesting and bring people out.

*12.3 Climate Wise Islands – Staff Report dated April 8, 2010*

**DE-040-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to amend proposed Bylaw 198 by removing the last bullet in policy 13 and replacing it to read "The Local Trust Committee should support island food production and processing."

**CARRIED**

**DE-041-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to amend proposed Bylaw 198 to include letters rather than bullets in policy 13.

**CARRIED**

**DE-042-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give second reading to proposed Bylaw 198, as amended, cited as "Denman Island Official Community Plan, bylaw 2008, amendment No. 2, 2010."

**CARRIED**

**DE-043-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give third reading to proposed Bylaw 198, as amended, cited as "Denman Island Official Community Plan, bylaw 2008, amendment No. 2, 2010."

**CARRIED**

**DE-044-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee forward proposed Bylaw 198, as amended, cited as "Denman Island Official Community Plan, bylaw 2008, amendment No. 2, 2010" to the Executive Committee for approval and to the Minister of Community and Rural Development for approval.

**CARRIED**

*12.4 Green Cemetary – Staff Report dated April 8, 2010*

**Trustee Bell left the room declaring a bias on the subject at hand**

**DE-045-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give second reading to proposed Bylaw 196 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2010” and proposed Bylaw 197 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2010”.

**CARRIED**

**DE-046-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give third reading to proposed Bylaw 196 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2010” and proposed Bylaw 197 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2010”.

**CARRIED**

**DE-047-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee submit proposed Bylaw 196 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2010” and proposed Bylaw 197 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2010” to the Executive Committee.

**CARRIED**

**DE-048-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee submit proposed Bylaw 196 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2010” to the Ministry of Community and Rural Development.

**CARRIED**

**DE-049-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to write to Jill Hatfield to outline the measures taken as per her recommendations regarding expanding the existing cemetery.

**CARRIED**

**Trustee Bell returned to the room.**

**13. NEW BUSINESS**

*13.1 Covenant Release (2830 Piercy Rd.) - Staff Report April 6, 2010*

**DE-050-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee agree to amend covenant area 4 on 2830 Piercy Road (Lot A, Section 20, Denman Island, Nanaimo District, Plan VIP66448) so that the covenant area be reduced to 15 metres from the top of the bank and appoint Trustee Graham as signatory for the amendment.

**CARRIED**

**14. BYLAWS**

- 14.1 *Proposed Bylaw No. 189 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2009”*

The Island Planner gave a brief update on this proposed bylaw

- 14.2 *Proposed Bylaw No. 190 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2009”*

The Island Planner gave a brief update on this proposed bylaw

- 14.3 *Proposed Bylaw No. 191 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2009”*

The Island Planner gave a brief update on this proposed bylaw

- 14.4 *Proposed Bylaw No. 192 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2009”*

The Island Planner gave a brief update on this proposed bylaw

- 14.5 *Proposed Bylaw No. 195 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2010”*

The Island Planner will present a further staff report at the May 18<sup>th</sup> Local Trust Committee meeting.

- 14.6 *Proposed Bylaw No. 196 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2010”*

This matter was dealt with in earlier item 12.4

- 14.7 *Proposed Bylaw No. 197 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2010” – for consideration of second and third reading and submission to Executive Committee*

This matter was dealt with in earlier item 12.4

- 14.8 *Proposed Bylaw No. 198 cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2010.” – for consideration of second and third reading and submission to Executive Committee and to the Minister of Community and Rural Development for Approval*

This matter was dealt with in earlier item 12.3

**15. ADVISORY PLANNING COMMISSION AND TRANSPORTATION ADVISORY PLANNING COMMISSION REFERRALS**

**DE-051-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request the Advisory Planning Commission to look at section E3 of the Official Community Planner with a view to separating policies on conservation and policies on recreation, and to identifying any further subject material suitable for either section.

**CARRIED**

**16. ISLANDS TRUST WEBSITE**

There was discussion regarding the website.

**Recessed from 1:58pm to 2:18pm to conduct a Public Hearing on Proposed Bylaw No. 193, cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2009” and Proposed Bylaw No. 194 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2009”.**

**17. NEXT MEETING DATE**

Tuesday, May 18, 2010 at 10:30 a.m. at Marcus Isbister Old School Centre, 5901 Denman Road, Denman Island, BC

**18. PROPOSED BYLAWS 193 AND 194**

*Trustee Bell added a further agenda item regarding proposed Bylaws 193 and 194, cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2009*

**DE-052-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give second reading to proposed Bylaw 193, cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2009”

**CARRIED**

**DE-053-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give third reading to proposed Bylaw 193, cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2009”

**CARRIED**

**DE-054-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee refer proposed Bylaw 193, cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2009” to the Executive Committee of Islands Trust.

**CARRIED**

**ADOPTED**

**DE-055-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee refer proposed Bylaw 193, cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2009” to the Minister of Community and Rural Development.

**CARRIED**

**DE-056-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give second reading to proposed Bylaw 194, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2009”.

**CARRIED**

**DE-057-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give third reading to proposed Bylaw 194, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2009”.

**CARRIED**

**DE-058-2010** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee send proposed Bylaw 194, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2009” to the Executive Committee for consideration and approval.

**CARRIED****19. TOWN HALL SESSION**

There were no presentations

**20. ADJOURNMENT**

The Chair adjourned the meeting at 2:25 pm.



**ADOPTED**

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE MEETING  
HELD AT 10:30 A.M. ON WEDNESDAY, DECEMBER 16, 2009  
AT THE MARCUS ISBISTER OLD SCHOOL CENTRE  
5901 DENMAN ROAD, DENMAN ISLAND, BC**

<b><u>PRESENT:</u></b>	Peter Luckham	Chair
	Louise Bell	Local Trustee
	David Graham	Local Trustee
	Courtney Campbell	Island Planner
	Barbara Baird	Recorder

There were two (2) members of the public in attendance.

**1. CALL TO ORDER**

The Chair called the meeting to order at 10:38 am.

**2. APPROVAL OF AGENDA**

The agenda was adopted, by consensus, with the following amendments:

- Add item 4.3: "Infrastructure Grant"
- Add item 4.4: "Phone Book Advertisement"
- Add item 11.2: "Raven Underground Coal Project"

**3. MINUTES**

*3.1 Denman Island Local Trust Committee Special Meeting Minutes Dated November 4, 2009 – For Adoption*

Adopted by consensus.

*3.2 Local Trust Committee Community Information Meeting Notes Dated November 16, 2009 – For Receipt*

The Denman Island Local Trust Committee made the following amendments to the notes dated November 16, 2009:

- Page 1, under "Presentation by Bentley LeBaron..." second bullet point: changed from "Zoning – including encouraging the establishment of various centres in a number of places to allow easier access by foot or bicycle" to read "Zoning – including encouraging the establishment of various

**ADOPTED**

commercial centres in a number of places to allow easier access by foot or bicycle“

- Page 2, bullet point at top of page: changed from “General – including making Denman Island a transition zone...” to read “General – including making Denman Island a transition island...”
- Page 2, under Presentation by Facilitator Pam Shaw, item (2): changed from “An excerpt from the 2008...” to read “Excerpts from the 2008...”
- Page 2, following the Presentation by Facilitator Pam Shaw and the description of the two documents distributed at the meeting: addition of the heading “Community Discussion”

The Denman Island Local Trust Committee received the Community Information Meeting notes dated November 16, 2009 as amended.

### *3.3 Denman Island Local Trust Committee Meeting Minutes Dated November 17, 2009 – For Adoption*

The Denman Island Local Trust Committee made the following amendments to the minutes of its regular business meeting held November 17, 2009:

- Page 4, in the text of resolution DE-115-2009: change the name “Thiona Cubit” to read “Fiona Cubit”
- Page 5, seventh paragraph from top of page: changed from “Trustee Bell stated that she did not feel the Local Trust Committee was ready yet to discuss dates for a public meeting on this application” to read “Trustee Bell stated that she was not ready yet to discuss dates for a public meeting on this application”
- Page 8, paragraph at top of page: changed from “Trustee Graham said it may help the landowner if the Local Trust Committee has made their position legal” to read “Trustee Graham said it may help the landowner if the Local Trust Committee has made their situation conforming”
- Page 8, second paragraph from top of page: changed from “Pat McLaughlan asked if the land use agreement with the Regional District still applies” to read “Pat McLaughlan asked if the land use contract between Kommas Ranch and the Regional District still applies”
- Page 8, second paragraph under section 10.2: changed from “Trustee Graham suggested that it would be appropriate to arrive at a cost estimate after consultation with local groups” to read “Trustee Graham suggested that it would be appropriate to arrive at a cost estimate after consultation with the Steering Committee”.
- Page 8, fourth paragraph from bottom of page, second sentence: changed from “The first goal of the Steering Committee is to develop a plan for securing funding” to read “The first goal of the Steering Committee is to develop broad goals for content and process for an agricultural plan”
- Page 9, first paragraph under item 11.2: changed from “Pat McLaughlan commended Trustee Bell for calling a meeting on the problem with aquaculture and noise for the residents...” to read “Pat McLaughlan

**ADOPTED**

- commended Trustee Bell for calling a meeting on the problem with aquaculture activities for the residents...”
- Page 9, second paragraph under item 11.2: changed from “Trustee Bell asked Island Planner Campbell if she thought members of the Department of Fisheries and Oceans and the Tenure Holder should...” to read “Trustee Bell asked Island Planner Campbell if she thought members of the Department of Fisheries and Oceans and the tenure holders should...”
  - Page 9, fourth paragraph under item 11.2: a new paragraph inserted after the first sentence of the paragraph, to contain the existing sentence “She asked Island Planner Campbell what the tenure holder is asking for, area on the foreshore or off-shore.”
  - Page 9, fifth paragraph under item 11.2: changed from “Island Planner Campbell replied it was for rafts located off-shore” to read “Island Planner Campbell replied it was for rafts located off-shore in the Henry Bay area”

The Denman Island Local Trust Committee adopted the minutes of its regular business meeting held November 17, 2009 by consensus as amended.

### 3.4 *Section 26 Resolutions Without Meeting*

- December 7, 2009

### 3.5 *Denman Island Advisory Planning Commission Minutes Dated November 27, 2009 – For Receipt*

Received.

### 3.6 *Denman Island Advisory Planning Commission Draft Minutes Dated November 27, 2009 – For Receipt*

Received.

## 4. **BUSINESS ARISING FROM MINUTES**

### 4.1 *Follow-Up Action List Dated December 7, 2009*

Island Planner Campbell presented the Follow-Up Action List. She stated that the item under September 11, 2009, to write a letter to Komas Ranch, had been completed.

Trustee Bell requested that the Local Trust Committee be copied on the letter.

Island Planner Campbell stated that research on the sources of funding and preparation of grant applications for the Agriculture Plan would be a top priority for 2010.

**ADOPTED**

Chair Luckham requested that the Agriculture Plan Steering Committee Terms of Reference be circulated to the Local Trust Committee for approval.

4.2 *Proposed Local Trust Committee Meeting Schedule for 2010*

**DE-121-2009** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee schedule meetings on the following dates for 2010:

Monday, January 18  
 Tuesday, February 16  
 Tuesday, March 16  
 Tuesday, April 13  
 Tuesday, May 18  
 Tuesday, June 29  
 Tuesday, August 3  
 Tuesday, September 7  
 Tuesday, October 26  
 Tuesday, December 14

**CARRIED**

4.3 *Infrastructure Grant*

Trustee Bell said the Local Trust Committee had applied for a \$5000 Infrastructure Grant from the provincial government, but the application had been turned down for 2009 but rolled over to 2010.

4.4 *Phone Book Advertisement*

The draft phone book advertisement was endorsed by the Local Trust Committee.

5. **DELEGATIONS**

None declared.

6. **TOWN HALL DISCUSSION**

None.

7. **CORRESPONDENCE**

None.

**8. APPLICATIONS AND PERMITS***8.1 DE-RZ-2009.1 (The Point) – Staff Report Dated December 7, 2009*

Island Planner Campbell presented the Staff Report dated December 7, 2009 on the rezoning application.

**Henning Nielsen** explained the request to reduce the lot size to 45 hectares to ensure that there would be land available for road allocations.

Trustee Bell noted that on page 5 of the Staff Report, the name “Carl Goodwin” should be changed to read “Karl Goodwin”.

There was a discussion about the creation of a park at the area known as the Rope Trail and the importance of ensuring that it does become a park and not just private land zoned park.

Island Planner Campbell said she would forward the public hearing notes to the Comox Valley Regional District Parks Department when they are available, and follow up with their offer to take the park donation proposal to the Regional District Board at that time.

**DE-122-2009** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee not consider final adoption of proposed Bylaw No. 189, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2009”, and proposed Bylaw No. 190, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2009”, until the Comox Valley Regional District, or similar agency, has agreed to accept the future donation of the area to be zoned park (PK) in order to provide public access to the land in perpetuity.

**CARRIED**

**DE-123-2009** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee not adopt proposed Bylaw No. 189, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2009”, and proposed Bylaw No. 190, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2009”, until a conservation covenant held by an organization agreeable to the Denman Island Local Trust Committee has been registered on the more western of the two areas proposed for Conservation zoning.

**CARRIED**

**DE-124-2009** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give second reading to proposed Bylaw No. 189, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2009”.

**CARRIED**

**ADOPTED**

**DE-125-2009** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give second reading to proposed Bylaw No. 190, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2009”, as amended, by replacing “50 hectares” with “45 hectares”.

**CARRIED**

**DE-126-2009** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee refer proposed Bylaw No. 190, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2009”, as amended, to the Agricultural Land Commission and the Ministry of Agriculture and Lands, and instruct staff to schedule a Public Hearing for proposed Bylaw No. 189, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2009”, and proposed Bylaw No. 190, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2009”,.

**CARRIED**

A short discussion ensued regarding a possible date for the Public Hearing.

## 9. **REPORTS**

### 9.1 *Strategic Plan for Local Trust Committees*

Chair Luckham said finances are challenged and that it may not be possible to do all that is on the Strategic Plan.

### 9.2 *Work Program Reports – Top Priorities Report and Projects Report Dated December 7, 2009*

Island Planner Campbell presented the Top Priorities Report and the Projects Report.

### 9.3 *Applications Log Dated December 7, 2009*

Island Planner Campbell presented the Applications Log.

Trustee Bell said she would like to see the rezoning process completed by next summer for DE-ALR-2008.3.

Island Planner Campbell noted that the farm plan had not yet been received.

### 9.4 *Trustee and Local Expenses – Expenses Report Posted to November 20, 2009*

**DE-127-2009** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee release up to \$1000 between now and March 31, 2010 for use in forwarding work on the Agriculture Plan.

**CARRIED**

#### 9.5 *Chair's Report*

Chair Luckham gave a short report of recent activities and said the Islands Trust meeting on Salt Spring Island had been good. He noted that phase one of the climate change program is complete.

#### 9.6 *Trustees' Report*

Trustee Bell reported that contract planner Pam Shaw has moved on to goals and targets in the climate change program. She thanked Chair Luckham and Trustee Graham for the year and the work that had been accomplished.

Trustee Graham said he had been ably supported by Islands Trust staff in his work for the Local Trust Committee.

### 10. **LOCAL TRUST COMMITTEE PROJECTS**

#### 10.1 *Agriculture Plan*

Island Planner Campbell said she would forward the Terms of Reference to the Local Trust Committee this week for endorsement.

#### 10.2 *Official Community Plan Targeted Review*

Island Planner Campbell presented a verbal update.

A short discussion followed on setting priorities for Official Community Plan targeted review.

#### 10.3 *Climate Change*

A discussion followed on the proposed timeline.

### 11. **NEW BUSINESS**

#### 11.1 *Planner Office Hours Schedule 2010*

Island Planner Campbell presented the planner office hours schedule for 2010 and said that she and two other planners from the Northern Office would alternate attendance.

11.2 *Raven Underground Coal Project*

Island Planner Campbell informed the Local Trust Committee about a stakeholder advisory group that the Raven Underground Coal Project had put together. She advised that the Local Trust Committee is welcome to sit on this advisory group, and that meetings will begin in January.

Trustee Bell said residents of the island were concerned about effects on health, air and water quality and transportation corridors.

Trustee Graham said the problem with taking part in a meeting as a stakeholder is that it gives the appearance of supporting the project. He said the main objection to the project as a whole is the effect of burning the coal on global greenhouse gas emissions.

The Local Trust Committee decided to not join the Raven Underground Coal Project stakeholder advisory group.

**Henning Nielsen** said political pressure at the highest level would be the only way to stop the project.

12. **BYLAWS**

12.1 *Proposed Bylaw No. 189, Cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2009”*

Considered in 8.1

12.2 *Proposed Bylaw No. 190, Cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2009”*

Considered in 8.1

12.3 *Proposed Bylaw No. 191, Cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2009”*

No new information

12.4 *Proposed Bylaw No. 192, Cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2009”*

No new information

12.5 *Bylaw No. 185, Cited as “Denman Island Official Community Plan, 2008” – for Endorsement of Version with Photographs and Sketches*



The Local Trust Committee endorsed the version of the Official Community Plan with photographs and sketches.

**13. TRANSPORTATION ADVISORY PLANNING COMMISSION  
AND ADVISORY PLANNING COMMISSION REFERRALS**

Nothing new was presented.

Trustee Bell noted that this agenda item is where the Local Trust Committee would send a subject to the Advisory Planning Commission. She asked that the word “referrals” be added to the agenda item heading.

**14. ISLANDS TRUST WEBSITE**

*14.1 Denman Page*

No changes were requested.

**15. NEXT MEETING DATE**

Dealt with above.

**16. TOWN HALL SESSION**

**Henning Nielsen** brought up the subject of the Raven Underground Coal Project, and stated again that only strong pressure at a high political level could stop the project.

Discussion followed among the Local Trust Committee members on how best to apply such pressure.

It was agreed that Trustee Graham would draft a letter for the Local Trust Committee to send to Premier Campbell and Minister Penner, with a copy to the coal company behind the Raven project.

Trustee Bell said she would like to see the Chair and Trustee reports moved to the early part of the Local Trust Committee meetings so that the public can hear them. She suggested that they be included under item 3.

Trustee Bell asked that Island Planner Campbell comment on the proposed meeting with the Department of Fisheries and Oceans and Fiona Cubit, regarding the management of shellfish leases.

**ADOPTED**

Island Planner Campbell replied that she was going to bring back a report and get more direction before proceeding with putting a meeting together.

Trustee Bell suggested that there was a need to get a better sense of the level of community concern.

**Henning Nielsen** said there is a high level of activity all week and that the smell is bad in the spring and summer months. He said residents had tried to discuss their concerns with the owners of the leases.

Trustee Bell said the Islands Trust would like to assist, but that the Local Trust Committee needs good, objective information.

**Henning Nielsen** said the Local Trust Committee could help to de-escalate the controversy and make it less confrontational.

Trustee Bell said the meeting might be a good idea, but would require good facilitation.

**Henning Nielsen** said it was important to put pressure on government to make the Islands Trust a referral when granting or modifying the leases.

Trustee Bell agreed, and suggested that it would be good for the government agencies to come and work cooperatively with the community and leaseholders to resolve difficulties.

**Henning Nielsen** asked if clustering ideas and settlement patterns will be part of the Greenhouse Gas Plan.

Chair Luckham replied that he believed they would be.

Trustee Bell said eco-village ideas are included, and that mitigation would be an important part of achieving the reduction goals.

## 17. **ADJOURNMENT**

Chair Luckham adjourned the meeting at 12:03 pm.

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Recorder

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Chair



**Islands Trust Council  
Minutes of Quarterly Meeting  
March 23-25, 2010, Hornby Island**

**PRESENT:**

Executive Committee: Sheila Malcolmson, Chair (Gabriola)  
Louise Bell, Vice Chair (Denman)  
Peter Luckham, Vice Chair (Thetis)  
Gary Steeves, Vice Chair (North Pender) (March 23, March 24 till 10:30 a.m.)

Local Trustees: David Graham, Denman  
Louise Decario, Galiano  
Sandy Pottle, Galiano  
Joyce Clegg, Gambier  
Jan Hagedorn, Gambier  
Fred Hunt, Hornby  
Tony Law, Hornby  
Jen Gobby, Lasqueti  
Susan Morrison, Lasqueti  
Jeanine Dodds, Mayne  
Colin Shew, Mayne  
Derek Masselink, North Pender  
George Ehring, Salt Spring  
Christine Torgrimson, Salt Spring  
John Money, Saturna  
Beverley Neff, Saturna  
Wendy Scholefield, South Pender  
Sue French, Thetis

Municipal Trustees: Alison Morse, Bowen  
Nerys Poole, Bowen

Staff: Linda Adams, Chief Administrative Officer  
Craig Elder, Director, Administrative Services  
Mac Fraser, Director, Local Planning Services  
Marie Smith, Executive Coordinator  
Lisa Dunn, Director, Trust Area Services

**Absent:** David Greer, South Pender Island  
Deborah Ferens, Gabriola Island  
Gary Steeves, North Pender Island (March 24-25)

**TUESDAY, MARCH 23, 2010**

Trustees Absent: Deborah Ferens, Gabriola Island, David Greer, South Pender Island

**Call to Order/Notice of New Items**

The meeting was called to order at 1:35 p.m.

Chair Malcolmson welcomed everyone and acknowledged that the meeting was being held in traditional Coast Salish Territory.

**Resolution TC 100/10**

It was Moved by Trustee Gary Steeves and Seconded:

*That the Islands Trust Council meeting be closed to the public subject to Sections 90(1)(c),(g) and (i) of the Community Charter in order to consider matters related to labour relations and other employee relations, litigation affecting the Islands Trust, and receipt of advice that is subject to solicitor-client privilege; that CAO Linda Adams be invited to attend the entire meeting, and that Islands Trust staff be invited to attend Parts 2, 3, 4 and 5 of the meeting.*

**CARRIED**

The meeting was closed to the public at 1:44 p.m.

The meeting was reopened to the public at 3:30 p.m.

**2010-11 Budget Overview**

Administrative Services Director Craig Elder provided Trust Council with an overview of the 2010/11 budget materials, followed by an opportunity for trustees to discuss and ask questions about staffing, programs and other expenses in more detail.

CAO Linda Adams addressed questions and provided information about the proposed Legislative Services Manager position and explained why the functions this position would undertake are currently not being fulfilled by other staff who's priorities have changed.

Trustees expressed the need to carry out local trust committee activities, support for the necessary resources to carry out our legislated object, support and concern regarding the proposed Legislative Services Manager position, suggested cuts to various programs, and concern with proposing a tax increase and public perception.

The meeting recessed at 5:41 p.m.

**WEDNESDAY, MARCH 24, 2010**

The meeting reconvened at 8:15 a.m.

Trustees Absent: David Greer, South Pender Island, Deborah Ferens, Gabriola Island

**Information and Decision Items**

Trustee Law requested that New Business be moved up on the agenda to be dealt with following the Delegation and Town Hall Session at 11:15 a.m.

By general consent, the agenda was approved as amended.

## 1. General

### 1. Trust Council Follow-Up Action List

The Trust Council Follow-up Action List dated March 2010 was provided as information.

### 2. Resolutions Without Meeting

RWM 03-09 was provided as information: *That Islands Trust Council Bylaw No. 133, cited as "Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2009" be adopted.*

RWM 04-09 was provided as information: *That Islands Trust Council Bylaw No. 134, cited as "North Pender Island Local Trust Area Development Approval Information Bylaw No. 134, 2009" be adopted.*

### 3. Previous Minutes of Islands Trust Council

By unanimous consent, the minutes of the December 2009 Trust Council meeting were approved as amended.

## 2. Trust Area Services

### 1. Trust Fund Board Report

The Trust Fund Board quarterly report was provided as information, highlighting the accomplishments as of March 2010 in the areas of Strategic Planning/Administration, Covenant and Property Acquisition, Property and Covenant Management, Communications and Fundraising.

Council expressed its appreciation for the work done by Acting Islands Trust Fund Manager Shawn Black during his time with the Trust. Trust Fund Manager Jennifer Eliason will be returning from maternity leave in April.

### 2. Islands Trust Fund & Local Planning Services Coordination Policy

#### Resolution TC 101/10

It was Moved by Trustee George Ehring and Seconded:

*To amend the Section B.II.1 of TFB Policy 96010 and TC Policy 3.3.ii - Islands Trust Fund and Local Planning Services Coordination Policy as follows:*

These procedures are to be followed unless they would unreasonably interfere with the functions of the TFB or a LTC, or would be inconsistent with the legal obligations of the TFB or a LTC. If staff in either unit determine just cause for these procedures not to be adhered to, the TFB Manager shall consult the TFB Chairperson and/or the LPS Regional Planning Manager shall consult the relevant LTC Chairperson. If agreement is not reached, the Local Trust Committee Chairperson will promptly notify the Chief Administrative Officer of the Islands Trust.

Trust Fund Board Chair Torgrimson advised that additional changes to the TFB policy would need to be approved by the Trust Fund Board prior to adoption by Council.

#### Resolution TC 102/10

It was Moved by Trustee Christine Torgrimson and Seconded:

*To Table the Motion.*

CARRIED  
UNANIMOUSLY

This item will be deferred to the June Council meeting pending review and incorporation of further revisions.

**3. NAPTEP Program – Denman and Hornby Local Trust Areas**

Bylaw No. 136 will designate the Hornby Island and Denman Islands Local Trust Areas as areas for which tax exemptions may be provided under Part 7.1 of the *Islands Trust Act*. Work continues on reaching 100% NAPTEP coverage, to include Bowen Island Municipality and Lasqueti Island Local Trust Area.

Resolution TC 103/10

It was Moved by Trustee Tony Law and Seconded:

*That Islands Trust Council Bylaw No. 136, cited as "Islands Trust Council Designation of Natural Area Protection Tax Exemption Areas Bylaw No. 136, 2010," be read a first time.*

CARRIED  
UNANIMOUSLY

Resolution TC 104/10

It was Moved by Trustee Tony Law and Seconded:

*That Islands Trust Council Bylaw No. 136, cited as "Islands Trust Council Designation of Natural Area Protection Tax Exemption Areas Bylaw No. 136, 2010," be read a second time.*

CARRIED  
UNANIMOUSLY

Resolution TC 105/10

It was Moved by Trustee Tony Law and Seconded:

*That Islands Trust Council Bylaw No. 136, cited as "Islands Trust Council Designation of Natural Area Protection Tax Exemption Areas Bylaw No. 136, 2010," be read a third time.*

CARRIED  
UNANIMOUSLY

**4. Director of Trust Area Services Report**

Provided as information.

**5. Trust Programs Committee Report**

The Trust Programs Committee report was presented, highlighting the top work program priorities as of March 2010: 1) Indicator Program (formerly Measuring Our Progress); 2) Community Stewardship Awards; and 3) Policy Statement.

Resolution TC 106/10

It was Moved by Trustee Tony Law and Seconded:

*That Islands Trust Council endorse the Trust Programs Committee report dated March 2010 as presented.*

CARRIED  
UNANIMOUSLY

## 6. Islands Trust Policy Statement

The Islands Trust Policy Statement is fundamental to the operations of the Islands Trust and a review of it is overdue. This initiative represents a first step in assessing the Policy Statement and related Trust Council policies and recommending next steps for Council's consideration.

### Resolution TC 107/10

It was Moved by Trustee Tony Law and Seconded:

*That the Islands Trust Council establish a task force as a subcommittee of the Trust Programs Committee to conduct a preliminary assessment of the Trust Policy Statement and make recommendations regarding further actions.*

CARRIED  
UNANIMOUSLY

## 7. BC Ocean and Coastal Strategy – Briefing

Provided for information.

## 8. Freighter Traffic and Anchoring in the Southern Gulf Islands – Briefing

Provided for information.

## 9. Assoc. of Vancouver Island Coastal Communities – 2010 Resolutions

Executive Committee has decided to present two resolutions about marine issues to the Union of BC Municipalities (UBCM) at its convention in September. The topics are: "Derelict and Abandoned Vessels" and "Southern Strait of Georgia National Marine Conservation Area Reserve". The resolutions will be considered at the Association of Vancouver Island Coast Communities Convention in April for endorsement to forward to UBCM.

## 3. Local Planning

### 1. Local Planning Committee Report

The Local Planning Committee report was presented, highlighting the top work program priorities as of March 2010 1) Community Housing; 2) Riparian Area Regulation Implementation; and 3) Protocol with the Ministry of Transportation and Infrastructure.

### Resolution TC 108/10

It was Moved by Trustee Gary Steeves and Seconded:

*That Islands Trust Council endorse the Local Planning Committee report dated March 2010 as presented.*

CARRIED  
UNANIMOUSLY

### 2. Director of Local Planning Services Quarterly Report

Provided as information.

### 3. OCP/LUB Status Report

A status report regarding the scheduled review of Official Community Plans (OCPs) and Land Use Bylaws (LUBs) by Local Trust Committees was provided as information and discussed by trustees.

Staff was directed to add Bowen Island Municipality's OCP status to future reports.

Meeting recessed at 10:00 a.m.

Meeting reconvened at 10:15 a.m.

Trustee Gary Steeves left the meeting.

## **Delegations and Town Hall Session**

In memory of Hornby resident and musician Tempest Gale Grace, an audio recording of her song, "Calling All People" was played for Trust Council.

### 1. Denman/Hornby Equines Association

On behalf of the Denman/Hornby Island Equines Associations, Jackie Ward and Ralph Walton requested Council to allow trail access for horses to Islands Trust Fund Nature Reserves on Denman Island.

Trust Fund Board Chair Christine Torgrimson explained that the 19 nature reserves in the Trust Area are owned by the Islands Trust Fund in cooperation with numerous conservancies and do not currently allow horse trails on any of the properties. The focus of the Islands Trust Fund is to protect sensitive ecosystems on lands that are fragile and there is concern that horses can cause damage to sensitive plant species. The Trust Fund Board is the decision making body and not Trust Council.

### 2. Denman Islands Concerned Citizens

On behalf of the Denman Island Concerned Citizens, Patti Willis presented their concerns regarding the proposed Raven Underground Coal Mine Project and its implications for Denman Island.

### 3. Gulf Islands Alliance

On behalf of the Gulf Islands Alliance, Graham Brazier addressed Trust Council regarding the proposed Raven Coal Project.

### 4. Ramona de Graaf, BC Shore Spawners Alliance

Ramona de Graaf, Coordinator of the BC Shore Spawners Alliance, provided a presentation to trustees regarding land use planning and critical fish habitat.

## **7. New Business**

### **1. Proposed Raven Coal Mine, Vancouver Island**

Concerns about the Raven Underground Coal Project have been raised by islanders, particularly those on Denman and Hornby islands. A letter from the Chair would ensure that the province is aware of these concerns and the impact on efforts to encourage communities to reduce greenhouse gas emissions at the local level.

#### **Resolution TC 109/10**

It was Moved by Trustee Tony Law and Seconded:

*That the Islands Trust Council request the Chair to write to the Premier of British Columbia and the Minister of State for Climate Action expressing opposition to the proposed Raven Underground Coal Project, noting that the Islands Trust and the Province of British Columbia are both signatories to the British Columbia Climate Action Charter which states that reducing greenhouse gas emissions is a common goal of the parties to the Charter and noting concerns about potential impacts upon the environment of the Trust Area.*

Denman Trustee Graham noted that the Denman Island Local Trust Committee has written a letter to the Province letter expressing its concern with this project.



Resolution TC 110/10

It was Moved by Trustee Peter Luckham and Seconded:

To Amend the Motion as follows:

*That the Islands Trust Council request the Chair to write to the Premier of British Columbia and the Minister of State for Climate Action, and the Minister of Energy, Mines and Petroleum Resources expressing opposition to the proposed Raven Underground Coal Project, noting that the Islands Trust and the Province of British Columbia are both signatories to the British Columbia Climate Action Charter which states that reducing greenhouse gas emissions is a common goal of the parties to the Charter and noting concerns about potential impacts upon the environment of the Trust Area.*

On the Amendment

CARRIED  
UNANIMOUSLY

On the Motion as Amended

CARRIED  
UNANIMOUSLY

## **2. Islands Trust Partnership with International Year of Biodiversity**

Resolution TC 111/10

It was Moved by Trustee George Ehring and Seconded:

*That the Islands Trust Council apply to partner with the United Nations International Year of Biodiversity and designate Trustees Ehring and Greer as its spokespersons for this initiative.*

This initiative will help increase community awareness of the importance of biodiversity, and greater awareness of many of the unique initiatives taken by the Islands Trust and the Trust Fund Board that are related to the protection of biodiversity.

Trustee Ehring noted the work of Trustee Greer in preparing this request, including the editing of the booklet presented. Trustees expressed their appreciation to Trustee Greer for his work in bringing this forward to Council.

CARRIED  
UNANIMOUSLY

## **3. Natural Boundary of the Sea**

Resolution TC 112/10

It was Moved by Trustee Jan Hagedorn and Seconded:

*That the Islands Trust Council direct staff to inform trustees at a future Trust Council meeting of the definitions and interpretations of the natural boundary of the sea, edge of vegetation and toe of erosion as noted in the Islands Trust Land Use Bylaws and as generally interpreted by involved governmental, First Nations and land development professions.*

Trustee Bell noted this has been driven by the number of sea walls being built in the Trust Area.

CARRIED  
UNANIMOUSLY

Meeting recessed at 12:18 p.m.  
Meeting reconvened at 1:35 p.m.

## 5. Organizational/Finance

### 1. Financial Planning Committee Report

The Financial Planning Committee report was presented, highlighting the top work program priorities as of March 2010: 1) Finalize the 2010/11 Budget; 2) Conduct the 2009/10 Year End and Audit Preparation and 3) Review of Trustee Remuneration.

#### Resolution TC 113/10

It was Moved by Trustee Alison Morse and Seconded:

*That Islands Trust Council endorse the Financial Planning Committee report dated March 2010 as presented.*

CARRIED  
UNANIMOUSLY

#### Resolution TC 114/10

It was Moved by Trustee Alison Morse and Seconded:

*That the Islands Trust Council authorize a subcommittee to review trustee remuneration.*

CARRIED  
UNANIMOUSLY

### 2. Director of Administrative Services Report

Provided as information.

### 3. December 31, 2009 Financial Statement and Report

#### Resolution TC 115/10

It was Moved by Trustee Alison Morse and Seconded:

*That Islands Trust Council approve the September 30, 2009 Quarterly Financial Report as presented.*

CARRIED  
UNANIMOUSLY

### 4. Financial Forecast to March 31, 2010 – Briefing

This briefing was presented for information.

### 5. Revenue Anticipation Borrowing Bylaw

All local governments adopt a borrowing bylaw, as required in the *Local Government Act*, to cover unexpected situations where they might have to borrow money at short notice. Expenditures are carefully managed to ensure they do not exceed the budgeted revenues and no borrowing has been required by the Islands Trust for several years.

#### Resolution TC 116/10

It was Moved by Trustee Alison Morse and Seconded:

*That Islands Trust Council Bylaw No. 137, cited as "Revenue Anticipation Borrowing Bylaw, 2010-2011" be Read a First Time.*

CARRIED  
UNANIMOUSLY

Resolution TC 117/10

It was Moved by Trustee Alison Morse and Seconded:

*That Islands Trust Council Bylaw No. 137, cited as "Revenue Anticipation Borrowing Bylaw, 2010-2011" be Read a Second Time.*

CARRIED  
UNANIMOUSLY

Resolution TC 118/10

It was Moved by Trustee Alison Morse and Seconded:

*That Islands Trust Council Bylaw No. 137, cited as "Revenue Anticipation Borrowing Bylaw, 2010-2011" be Read a Third Time.*

CARRIED  
UNANIMOUSLY

Resolution TC 119/10

It was Moved by Trustee Alison Morse and Seconded:

*That Islands Trust Council Bylaw No. 137, cited as "Revenue Anticipation Borrowing Bylaw, 2010-2011" be forwarded to the Minister of Community and Rural Development for approval consideration.*

CARRIED  
UNANIMOUSLY

**2010-11 Budget Debate and Approval**

Chair Malcolmson asked if trustees had any changes to the 2010-11 budget as proposed by the Financial Planning Committee that they wished Council to consider.

Resolution TC 120/10

It was Moved by Trustee Peter Luckham and Seconded:

*To amend the proposed 2010-11 budget by adding \$5,000 to the Local Trust Committee Expense budget.*

IN FAVOUR – 20

OPPOSED – 3

(Shew – Mayne; Money – Saturna; Morse – Bowen)

CARRIED

Resolution TC 121/10

It was Moved by Trustee Peter Luckham and Seconded:

*To amend the proposed 2010-11 budget by adding \$45,000 to Communications to be spent on Riparian Area Regulation and Greenhouse Gas Emission Reduction communications.*

Trustees discussed the need for communications materials in order to explain new bylaws about Riparian Area Regulations and to encourage community reduction of greenhouse gas emissions. Some noted that this was core work for the Islands Trust. Others noted concern in increasing the budget after the Financial Planning Committee had gone to great lengths to keep the increase at the proposed level.

IN FAVOUR – 12

(Poole-Bowen; Decario-Galiano; French-Thetis; Bell-Denman; Luckham-Thetis; Hunt-Hornby; Law-Hornby; Malcolmson-Gabriola; Masselink-North Pender; Torgrimson-Salt Spring; Ehring-Salt Spring; Gobby-Lasqueti)

OPPOSED – 11

(Money-Saturna; Graham-Denman; Shew-Mayne; Dodds-Mayne; Morrison-Lasqueti; Scholefield-South Pender; Neff-Saturna; Morse-Bowen; Pottle-Galiano; Hagedorn-Gambier; Clegg-Gambier)

CARRIED

Resolution TC 122/10

It was Moved by Trustee Louise Decario and Seconded:

*To amend the proposed 2010-11 budget by removing \$75,000 for the Legislative Services Manager position.*

Trustees expressed both support for the Legislative Services Manager position and concern on costs to increase staff at a time constituents are expecting fiscal responsibility by keeping any tax increase to a minimum. The merits of the position were acknowledged as necessary for the organization and concern expressed as to why many legislative responsibilities have not been kept up to date. Support was expressed to continue senior staff work in advocacy areas, knowing in order to achieve this that this new position would have to be in place to take care of legislative requirements.

On the motion

(Pottle-Galiano; Decario-Galiano; Shew-Mayne; Hagedorn-Gambier; Clegg-Gambier; Gobby-Lasqueti; Scholefield-South Pender; Torgimson-Salt Spring

IN FAVOUR – 8

OPPOSED - 15

(Dodds-Mayne; Money-Saturna; Neff-Saturna; Hunt-Hornby; Law-Hornby; Morrison-Lasqueti; Poole-Bowen; Bell-Denman; Malcolmson-Gabriola; Luckham-Thetis; Morse-Bowen; French-Thetis; Ehring-Salt Spring; Graham-Denman; Masselink-North Pender)

MOTION FAILED

**5. Organizational/Finance (continued)**

**6. 2010/2011 Financial Plan Bylaw**

The proposed 2010-11 budget as amended would represent an increase in property tax of 4.6% or approximately \$2.77 per \$100,000 of assessed property value. A typical residential property assessed at \$450,000 can expect a property tax increase of approximately \$12.45 as a result of the Islands Trust's budget decision.

Resolution TC 123/10

It was Moved by Trustee David Graham and Seconded:

*That Islands Trust Council Bylaw No. 138, cited as "Islands Trust Financial Plan Bylaw, 2010/2011" be Read a First Time.*

IN FAVOUR - 14

Poole-Bowen; Bell-Denman; Graham-Denman; Malcolmson-Gabriola; Hunt-Hornby; Law-Hornby; Gobby-Lasqueti; Morrison-Lasqueti; Masselink-North Pender; Neff-Saturna; Ehring-Salt Spring; Torgimson-Salt Spring; French-Thetis; Luckham-Thetis;

OPPOSED – 9

Morse-Bowen; Pottle-Galiano; Decario-Galiano; Hagedorn-Gambier; Clegg-Gambier; Dodds-Mayne; Shew-Mayne; Money-Saturna; Scholefield-South Pender

CARRIED

Resolution TC 124/10

It was Moved by Trustee David Graham and Seconded:

*That Islands Trust Council Bylaw No. 138, cited as "Islands Trust Financial Plan Bylaw, 2010/2011" be Read a Second Time.*

IN FAVOUR - 14

Poole-Bowen; Bell-Denman; Graham-Denman; Malcolmson-Gabriola; Hunt-Hornby; Law-Hornby; Gobby-Lasqueti; Morrison-Lasqueti; Masselink-North Pender; Neff-Saturna; Ehring-Salt Spring; Torgimson-Salt Spring; French-Thetis; Luckham-Thetis;

OPPOSED – 9

Morse-Bowen; Pottle-Galiano; Decario-Galiano; Hagedorn-Gambier; Clegg-Gambier; Dodds-Mayne; Shew-Mayne; Money-Saturna; Scholefield-South Pender

CARRIED

Resolution TC 125/10

It was Moved by Trustee David Graham and Seconded:

*That Islands Trust Council Bylaw No. 138, cited as "Islands Trust Financial Plan Bylaw, 2010/2011" be Read a Third Time.*

IN FAVOUR - 14

Poole-Bowen; Bell-Denman; Graham-Denman; Malcolmson-Gabriola; Hunt-Hornby; Law-Hornby; Gobby-Lasqueti; Morrison-Lasqueti; Masselink-North Pender; Neff-Saturna; Ehring-Salt Spring; Torgrimson-Salt Spring; French-Thetis; Luckham-Thetis;

OPPOSED – 9

Morse-Bowen; Pottle-Galiano; Decario-Galiano; Hagedorn-Gambier; Clegg-Gambier; Dodds-Mayne; Shew-Mayne; Money-Saturna; Scholefield-South Pender

CARRIED

Resolution TC 126/10

It was Moved by Trustee David Graham and Seconded:

*That Islands Trust Council Bylaw No. 138, cited as "Islands Trust Financial Plan Bylaw, 2010/2011" be forwarded to the Minister of Community and Rural Development for approval consideration.*

IN FAVOUR - 16

Morse-Bowen; Poole-Bowen; Bell-Denman; Graham-Denman; Malcolmson-Gabriola; Hunt-Hornby; Law-Hornby; Gobby-Lasqueti; Morrison-Lasqueti; Masselink-North Pender; Neff-Saturna; Money-Saturna; Ehring-Salt Spring; Torgrimson-Salt Spring; French-Thetis; Luckham-Thetis;

OPPOSED – 7

Pottle-Galiano; Decario-Galiano; Hagedorn-Gambier; Clegg-Gambier; Dodds-Mayne; Shew-Mayne; Scholefield-South Pender

**3. Local Planning (continued)**

**4. Local Planning Services Time Tracking Report Format**

Islands Trust Local Planning staff keep track of the time spent on a variety of planning tasks, with breakdowns according to each Local Trust Area. This resolution proposes a new system to reporting and displaying the results to ensure they are meaningful and useful to trustees and staff. This data set would be presented to each local trust committee prior to each quarterly Trust Council meeting then rolled into a presentation at the Council level.

Resolution TC 127/10

It was Moved by Trustee George Ehring and Seconded:

*That the Islands Trust Council approve the format of the proposed suite of Time Tracking reports for all Local Trust Committees, Regions and the Trust Council.*

Some trustees expressed concern that the time and effort used by staff to track their time to produce the data may not be worthwhile.

20 – IN FAVOUR

3 – OPPOSED

(Graham – Denman; Hagedorn – Gambier; Money – Saturna)

CARRIED

**5. Bylaw Enforcement Investigations Report – Briefing**

A Briefing summarizing bylaw investigation activity up to February 24, 2010 was provided as information.

## 6. Food Security

Trust Council's Strategic Plan indicates that local food security is an important element in supporting the socio-economic diversity of island communities. Local Trust Committees and Island Municipalities can support local food security by including supportive policies in their OCPs and by considering how land use regulations affect food security on islands.

### Resolution TC 128/10

It was Moved by Trustee George Ehring and Seconded:

*That the Islands Trust Council request the Local Planning Committee to lead the development of Food Security policies and development of the September Trust Council workshop on Food Security.*

CARRIED  
UNANIMOUSLY

## 7. Bylaw Notice Dispute Adjudication Joint Registry

The BC Cabinet has now approved Orders in Council that will enable six local trust committees to proceed. The next step is for Council to authorize an agreement with the registry that is currently operating on the North Shore of Vancouver. Each local trust committee that wishes to participate in the initiative will also need to adopt a bylaw that authorizes the program and is specific to its land use regulations.

### Resolution TC 129/10

It was Moved by Trustee George Ehring and Seconded:

*That the Islands Trust Council authorizes the Chair and Secretary to execute the North Shore Bylaw Notice Dispute Adjudication Registry Agreement in a form substantially similar to the draft agreement dated for reference as March 24, 2010 and that staff be requested to forward the agreement to the Minister of Community and Rural Development for approval.*

CARRIED  
UNANIMOUSLY

## 6. Executive

### 1. Executive Committee Report

The Executive Committee report was presented, highlighting the top work program priorities as of March 2010: 1) Strategic Planning; 2) Communications; and 3) Organizational Effectiveness.

### Resolution TC 130/10

It was Moved by Trustee Louise Bell and Seconded:

*That Islands Trust Council endorse the Executive Committee Report dated March 2010 as presented.*

CARRIED  
UNANIMOUSLY

### 2. Chief Administrative Officer's Report

Presented for information.

**3. 2008-2011 Islands Trust Strategic Plan**

A updated Strategic Plan was presented with amendments to *activities, phases and success measures* that reflect current progress and the approved 2010-2011 budget.

Resolution TC 131/10

It was Moved by Trustee Louise Bell and Seconded:

*That the Islands Trust Council endorse the activities, phases and success measures identified for 2010-2011 in the document entitled "Islands Trust Council Strategic Plan 2008-2010 – adopted September 2009, updated March 24, 2010."*

CARRIED  
UNANIMOUSLY

**4. Administrative Fairness Complaints – 2009 Report**

Presented for information.

**5. Legislative Services/Corporate Secretary Services – Briefing**

Provided for information as part of the 2010-11 Budget session.

**7. Correspondence**

No items.

**8. Summary/Updates**

**1. Trustee Updates**

**a. BC Ferries**

A written update was provided by Trustee Tony Law for information.

**b. Gulf Islands National Park**

Trustee Wendy Scholefield, Islands Trust's liaison to the Gulf Islands National Park Reserve Advisory Committee provided a verbal report on recent activities, noting she will be providing a more detailed report at the June Council meeting on Saturna Island.

**2. Priorities Chart**

By general consent the Priorities Chart dated March 2010 was approved as presented.

**3. Trust Council – Plan for Continuous Learning 2008-11**

Provided for information.

#### 4. Quarterly Trust Council Meetings Schedule

Staff requested that trustees decide whether to hold the December 2010 Council meeting in Victoria, Salt Spring Island or Gabriola Island so that logistical arrangements could be arranged.

##### Resolution TC 132/10

It was Moved by Trustee Alison Morse and Seconded:

*That the Islands Trust Council endorse holding the December 2010 Trust Council meeting in Victoria, BC.*

IN FAVOUR – 19

OPPOSED – 4

(Bell – Denman; Law – Hornby; Malcolmson- Gabriola; Gobby – Lasqueti)

CARRIED

#### 5. 2010 Calendar: April - December

A calendar for 2010 noting proposed Trust Council, Council committees, local trust committees and other meetings and activities of interest was provided as information.

#### 6. Proposed June 2010 Trust Council Agenda Program

A draft agenda program for the June 2010 Trust Council meeting on Saturna Island was provided for information.

#### 7. Disposition of Delegations and Town Hall Requests

##### Resolution TC 133/10

It was Moved by Trustee Louise Bell and Seconded:

*That Islands Trust Council request the Chair to write to the Delegation participants and thanking them for their submissions.*

CARRIED

UNANIMOUSLY

#### Planning Session

Staff provided progress updates to Trust Council on Riparian Area Mapping, GHG Emissions Reduction and Sensitive Ecosystem Mapping.

The meeting recessed at 5:30 p.m.



**THURSDAY, MARCH 25, 2010**

The meeting reconvened at 8:20 a.m.

Trustees Absent: David Greer, South Pender Island, Deborah Ferens, Gabriola Island;  
Gary Steeves, North Pender Island.

**Community Housing Task Force Update**

Task Force Chair Tony Law outlined a report on the products produced by the Community Housing Task Force, including a website, seniors' housing strategy and community housing tool kit. Trustees commented on the report and provided updates on what their communities are doing to address affordable housing on their islands.

**Resolution TC 134/10**

It was Moved by Trustee George Ehring and Seconded:

*That the Islands Trust Council receives the report "Islands Trust Community Housing 'Tool Kit': A Guide to Tools Available to Support Development of Affordable Housing in the Trust Area" and distributes the report to local trust committees and Bowen Island Municipality for consideration when developing policies and procedures with regard to community housing.*

*That the Islands Trust Council approves the extension of the Community Housing Task Force for the 2010/11 Fiscal Year to assist local trust committees in reviewing recommendations from the 'Tool Kit' and considering their implementation.*

This new tool kit will assist trustees and planning staff by providing easy access to many suggestions for supporting and restoring socio-economic diversity in island communities through land use decisions.

**CARRIED**  
**UNANIMOUSLY**

**Team Meetings**

Team meetings were held with trustees and senior planning staff to review regional issues of the respective Northern, Southern and Central Planning teams

Meeting adjourned at 10:30.p.m. Next meeting: June 15-17, 2010 on Saturna Island.

Sheila Malcolmson, Chair  
Chair, Islands Trust Council

Marie Smith  
Deputy Secretary and Recorder



## BEAR COAL PROJECT

[COMOX JOINT VENTURE](#)  
[BEAR COAL PROJECT](#)  
[INTRODUCTION](#)  
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[RAVEN UNDERGROUND COAL PROJECT](#)  
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[SEDAR FILINGS](#)

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### Introduction

The Bear Coal Deposit consists of 8 coal licenses totaling 2,046 hectares. During 2005, the Company exercised its option to acquire coal leases that cover 100% of the Bear Coal Deposit. Under the terms of the agreement, the Company paid a total of \$215,000 and granted a royalty of 2.5% of the coal sales, FOB mine site.

After the joint venture agreement with Itochu Corporation and LG International, Compliance holds a 60% interest in the Bear Coal Project, which is approximately 10 km to the northwest of the Raven Project. The Bear Coal Project contains approximately 8.5 million tonnes of coal resources, these resources are not NI43-101 compliant.





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Comox Joint Venture Basin Coal Anderson Lake

## BEAR COAL PROJECT

COMOX JOINT VENTURE  
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 EXPLORATION  
 NEXT STEPS  
 RAVEN UNDERGROUND  
 COAL PROJECT  
 BASIN COAL PROJECT  
 ANDERSON LAKE DEPOSIT

SEDAR FILINGS

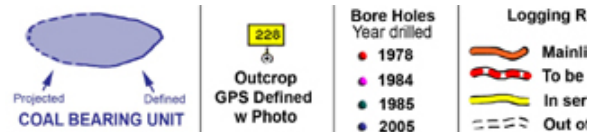
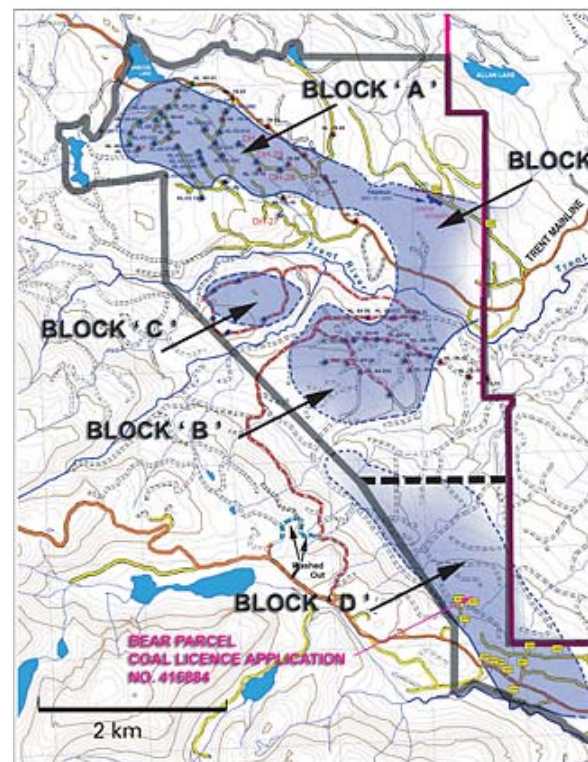
STOCK QUOTE

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## Exploration

Compliance completed a \$750,000 exploration program on block A and block B of the Bear metallurgical coal deposit. A total of 20 drill holes were completed in block A while block B saw 9 holes drilled.

ResourceEye Geological Services Inc. prepared a geological report that updated the resource estimates to include this 2005 summer drilling program. While not 43-101 compliant, this report confirmed 5.0 million tonnes would be accessible by open pit methods. Some additional infill drilling will be required to upgrade this report to a 43-101 status.



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## BEAR COAL PROJECT

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**ANDERSON LAKE DEPOSIT**

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### Next Steps For Bear

The Bear has been put on hold pending the results of the 2009 exploration drill program on the Raven Metallurgical coal deposit. The Bear is approximately 10 km apart from the Raven and it is anticipated that it would be developed in conjunction with the Raven deposit. Recent showing between the two deposits provide encouragement that this area could host in excess of 100 million tonnes of metallurgical coal.

The Bear Coal Project, which is approximately 10km to the northwest of the Raven Project, contains approximately 8.5 million tonnes of coal resources. These resources are not NI 43-101 compliant. An infill drill program will be needed to upgrade these resources to NI 43-101 compliant. No time frame has been determined as to when an infill drill program will take place.



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## ANDERSON LAKE COAL DEPOSIT

[COMOX JOINT VENTURE](#)  
[BEAR COAL PROJECT](#)  
[RAVEN UNDERGROUND  
COAL PROJECT](#)  
[BASIN COAL PROJECT](#)  
[ANDERSON LAKE DEPOSIT  
PROPERTY](#)

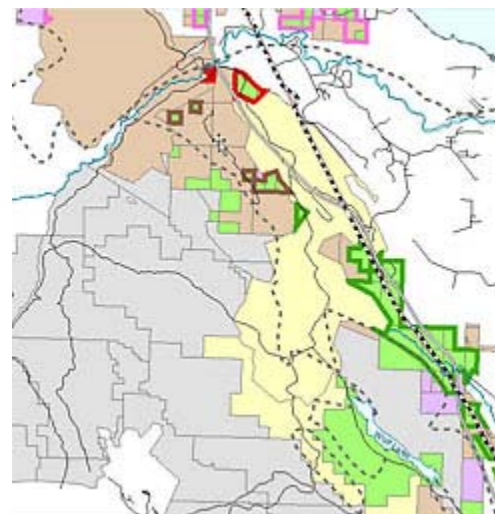
 [SEDAR FILINGS](#)

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### Introduction

The Company owns 100% of the coal rights application that cover approximately 1,938 acres on Vancouver Island known as the Anderson Lake property. The property has good access with existing logging roads and is located 7km north of Cumberland, British Columbia.





Comox Joint Venture Basin Coal Anderson Lake

## ANDERSON LAKE COAL DEPOSIT

COMOX JOINT VENTURE  
BEAR COAL PROJECT  
RAVEN UNDERGROUND  
COAL PROJECT  
BASIN COAL PROJECT  
ANDERSON LAKE DEPOSIT  
PROPERTY

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### Property Location

8 km from Campbell River and 10km from the highway.

### Resource Ownership

Compliance Energy Corporation has applied for the rights to 865 ha of Crown Coal Licences.

### Surface Ownership

Timberwest

### Coal Quality

The coal is a low volatile Bituminous A thermal coal. 2005 sample tested at surface show a 10.0% Ash, Moisture 3.3%, VM. 14.87, F.C. 72.0, Sulphur 0.9%, FSI ½, BTU 13,000.

### Resources

Assessment Reports of 1979 and 1983 report 3.96 million tonnes and 1.7 m tonnes of open-pit potential up to 10:1 ratio. Drilled holes: 29.

### Current Status

Further in-fill drilling, trenching required to up-grade the resource to the proven category. Low budget expenditure.

### Zoning

None- Forestry land use – large holdings.

### Permits Required

Ministry of Energy and Mines – Mine Permit.

### Other Facts

The property is a low stripping ratio high quality thermal coal close to tidewater. One main seam present of about 1.7 to 2.0 m average thickness All open-pit potential. Some surface coal trenching in 2005 proved a +2.0 m thick coal seam.