VICTORIA HARBOUR DEFENCE ALLIANCE

August 17, 2011

Honourable Steve Thompson

Minister of Forests Lands and
Natural Resource Operations
P.O. Box 9049, Stn. Provincial Government
Victoria, British Columbia, V8W 9W2

Dear Minister

Re: Charade in Response to our letter concerning Victoria Harbour Water Lot Lease
Reference A. VHDA Letter dated 25 July 2011.

Please find attached a letter which purports to be a reply to Reference A, the correspondence we addressed to you concerning the approval of a water lot lease. The letter, originating from your Lands Technical Office, is a charade. We were alerted to the bogus nature of the letter when it referred to issues such as "boat houses" which we had never mentioned. Further investigation revealed it as a replica of a letter sent by Mr Myles Mana, Director of Authorizations in the ILMB, to a Mr. Don Grovestine, which had nothing to do with the letter we sent to you. This chicanery, this attempt to fob off and manipulate the public, an approach which as we pointed out to you in our original letter appears to be an epidemic in the ILMB, needs to be rectified. It is time to clean out the stables Minister!

We wrote to you because our concerns and queries transcended the purview of any one office or bureau in your ministry. In some cases they involved matters of strategic policy such as transparency and public accountability, and in other cases political matters such as the apparent discounting of a petition signed by 7,000 members of the public that was presented to the Legislative Assembly. I think you will agree these are not matters to be addressed by a functionary in a technical office! What we requested and consider we are entitled to and still require is a proper and comprehensive reply to the serious issues and concerns we raised.

Our President, Mr. Peter Pollen is currently out of town so I am writing on behalf of our group and will take this opportunity to add some comments that he might not. Mr. Pollen is a former civic leader here in Victoria, an elder statesman of civic affairs who is still highly respected and admired in our community. He served both as alderman and four terms as Mayor of Victoria. He initiated projects and donated statues, parks and the Lower Causeway to enhance the harbor for the use and enjoyment of the citizens. He is recognized as perhaps the best mayor Victoria ever had. The corrupt and shabby response to his concerns by those in your ministry would not be taken lightly by many Victorians. I strongly urge you to quickly put this matter to rights, and seriously and comprehensively respond to the matters and questions that have been raised.

Yours Truly

Terry Milne
VHDA
2777, Benson Place, Victoria B.C. V8N 1S5
Attachment:- ILMB Technical Office Letter dated August 9, 2011

ATTACHMENT TO VHDA LETTER dtd 17 AUG 2011

BRITISH COLUMBIA

File: 280-30/179254
128000-20/1405848

August 9, 2011

Peter Pollen, President
Terry Milne, Vice President
Victoria Harbour Defence Alliance
c/o 2777 Benson Place
Victoria, British Columbia
V8S 2W2

Dear Peter Pollen and Terry Milne:

Thank you for your email dated July 25, 2011 regarding the Victoria International Marina project. I am pleased to provide further information on the provincial review of this Crown land tenure application.

In reviewing applications to use Crown land, the Ministry of Forests, Lands and Natural Resource Operations aims to balance social, economic and environmental considerations. Technical information, as well as public input, is considered in the process.

In respect to this application, the decision maker considered a broad range of matters including, but not limited to: land use, size and location; aesthetics; environmental impact; business viability and community economic impacts; parking; visual impacts; public access to and along the shoreline; and harbour congestion and safety.

This project underwent an intensive review process from December 2008 to April 2010, during which many written submissions from the public were received and ultimately used to help form the decision. As a result of the review process, numerous changes were made to the initial project design, including reducing its footprint by 40 percent and requiring the provision of a public paddling corridor. Riparian rights were a major consideration and it was determined that the marina will not impact any other upland owners riparian rights. The City of Victoria also amended its zoning bylaw in respect to this land use. Federal agencies, such as Fisheries and

Ministry of Forests, Lands and Natural Resource Operations West Coast Region

Location:
142-2080 Labieux Road
Nanaimo, BC
V9T 6J9
CANADA

Mailing Address:
142-2080 Labieux Road
Nanaimo, BC V9T 6J9

Tel: 250-751-7220
Fax: 250-751-7224

Oceans Canada and Transport Canada (Navigable Waters), have jurisdiction over this project as well.

I can confirm that, as per Minister Bell's commitment, the tenure documents associated with this marina will include a provision prohibiting the construction of boathouses.

Again, thank you for writing.

Yours truly,

Bonita Wallace
Land Technical Officer

BRITISH
COLUMBIA

File: 280-30/179039
128000-20/1405848

July 27, 2011

Donald G. Grovestine
306-11 Cooperage Place
Victoria British Columbia
V9A 7J9

Dear Donald G. Grovestine:

Thank you for your email dated July 13, 2011 regarding the Victoria International Marina project. I am pleased to provide further information on the provincial review of this Crown land tenure application.

In reviewing applications to use Crown land, the Ministry of Forests, Lands and Natural Resource Operations aims to balance social, economic and environmental considerations. Technical information, as well as public input, is considered in the process.

In respect to this application, the decision maker considered a broad range of matters including, but not limited to: land use, size and location; aesthetics; environmental impact; business viability and community economic impacts; parking; visual impacts; public access to and along the shoreline; and harbour congestion and safety.

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Donald G. Grovestine

I can confirm that, as per Minister Bell's commitment, the tenure documents associated with this marina will include a provision prohibiting the construction of boathouses.

Again, thank you for writing.

Yours truly,

Myles Mana
Director, Authorizations

VICTORIA HARBOUR DEFENCE ALLIANCE (VHDA)

July 25, 2011

Honorable Steve Thompson
Minister of Forests, Lands &
Natural Resource Operations
P.O. Box 9049, Stn. Provincial Government
Victoria, British Columbia, V8W 9W2

Dear Minister:

Re: Approval of Victoria Harbour Water Lot Lease for Mega Yacht Marina

The seemingly precipitous offer by your ministry for the tenure of water lot 1 in Victoria Harbour for the purpose of constructing a marina is a matter of concern and surprise to us because, just last year, ILMB regional director Heather Macknight stated that, before any offer was issued, it would be necessary to ensure that the application first met the criterion of "diligent use" as specified by Federal authorities. So far Transport Canada, which among other endeavours is conducting a safety management study of harbour air operations, has not approved the proposed marina. We do not know whether the proposed use will be considered safe or practicable, yet it would seem that your ministry has decided to proceed anyway. Your sudden offer of tenure at this time is unfathomable.

Diligent use, of course is not the only criterion that the proposed marina should meet. Your government's own "Strategic Policy for Crown Land Allocation" stipulates five principles, namely ensuring that land values are managed for the public benefit, economic and environmental needs are identified, the interests of First Nations are recognized, decisions are transparent and that public accountability is maintained. From our perspective none of these principles has been met either by your Ministry or the Land Bureau. There have been many anomalies and errors in the way government directories and bureaus have handled the marina application. Leaving aside Federal improprieties in this matter, for a review of errors and questionable practices involving the province's ILMB, we can do no better than refer you to the June 2010 issue of Focus Magazine and the article by Sam Williams, a copy of which is enclosed. After reading this, it should come as no surprise that there is grave concern over your Ministry's sudden announcement of tenure. To quote Victoria MP Denise Savoie, "it will provide enrichment to a small group of investors at the expense of a diminishing public good"

What we have asked for previously and now request once more is a full and transparent exposure of all aspects of this land allocation. We wish to know why and how it will serve the public interest, and how the public will benefit in some way despite the loss of a highly valued facilities and their natural ambiance.

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Specific questions include:

1. Has a detailed cost/benefit analysis of the marina economics been completed? If it has, then in the interests of public accountability it should be made transparently public. If such is not the case, then please explain how it has been decided that the proposed development will be to the public's benefit.

2. Why has the Province suddenly offered tenure of 45 years when the previous projection was for 30 years? No doubt that will compensate the developer for the reduced number of slips resulting from the City's rezoning, but again, how will this be to the public's benefit?

3. Information we have gleaned indicates that the developer plans to realize sufficient return from the sale of just one of the marina slips to cover the cost of renting the public water lot for the entire 45 year duration of the lease. Considering the public loss that will be suffered, including the blocking of a public recreational area and waterway and the disruption and decrement of the West Song walkway, this deal appears to be an outrageous dereliction of the responsibility of managing land values for the benefit of the public. Please provide a transparent breakdown of the entire business plan behind this deal.

4. Considerations for your Ministry include both environmental issues and the degree of scarcity of a particular asset. Even in the major commercial Port of Vancouver provision has been made for retaining the magnificent Stanley Park recreation and nature facility. Here in Victoria's tiny harbour, mainly serving the tourist industry, the West Song waterway and walkways comprise one of the few remaining recreational and natural areas. Over seven thousand citizens and tourist alike have petitioned the Province not to block, disrupt and despoil this favorite and valuable recreational area. Numerous local polls clearly indicate the vast majority of Greater Victorians do not want this area to be developed. Has your Ministry given any consideration to the petitions, polls, and countless representations and submissions by public users of the water and walkways to halt this development? If so please explain why you are ignoring the wishes of the public and why is it to its benefit for you to do so.

5. We have learned that local First Nations have withdrawn their objections to the marina in response to employment/financial offers from the developer. As the interests of First Nations is a major responsibility of your Ministry when allocating Crown land, we would like to know what steps you are taking to ensure these interests will be safeguarded after the developer has sold the leases and departed.

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6. Furthermore, in the event of a financial failure of the marina will the developer's responsibilities toward the First Nations not then devolve upon the tax payer?

Why has your Ministry decided to pre-empt Transport Canada's review of essential air and vessel safety issues posed by the development of the marina, which, if as apparently shallow as the last one, could be subject to further judicial review.

In the interests of the Province's own policy of public accountability, transparency and commitment to the public benefit, a detailed response to the above questions is earnestly and respectfully requested.

Peter Pollen
President

Terry Milne
Vice President

cc
Bruce Strongitharm,
Gary Townsend,
Duncan Williams
Myles Mana
Dave Lutes
Walter Van Bruggen

Media
Carla Wilson – Times Colonist
Focus Magazine
Monday Magazine

City of Victoria
Mayor Dean Fortin & Councillors