



BOWEN ISLAND CONSERVANCY

P.O.Box 301
BOWEN ISLAND, BC V0N 1G0

March 13, 2015

Honourable Steve Thomson
Minister of Forests, Lands and Natural Resources Operations
PO Box 9049, STN Prov Govt
Victoria, BC V8W 9E2

Dear Minister Thomson:

Applications for Crown Land Tenures for Residential Private Moorage purposes covering Property Lots 1, 3, 14 and 17 (DL 1548, Group 1, NWD, BCP 43260, Bowen Island Municipality); Land File numbers: Active ILMB File: 2411043 (Lot 17); Decisions Pending ILMB Files: 2410880 (Lot 1), 2410881 (Lot 14), 2410984 (Lot 3)

We ask that the above-referenced applications be rejected.

The Conservancy's position on the applications

Further to our letter of March 7, 2012, stating our opposition to four Residential Private Moorage applications (subsequently approved by your Ministry) at Cape Roger Curtis on Bowen Island, **the Board of the Bowen Island Conservancy strongly opposes the applications referenced above**, which would see additional private docks constructed along the shoreline of Cape Roger Curtis.

The current situation at Cape Roger Curtis

Three of the four docks permitted by your Ministry's approval process have now been constructed. As everyone feared, they have created a blight on what was once a pristine coastline, enjoyed by all for its wildness and beauty. As a result of dragging anchor chains, the construction of the docks has caused severe environmental damage to the eelgrass and kelp beds in the area. Furthermore, the docks serve no functional purpose, since the area is prone to sudden and severe storms and offers no protection for boat moorage (see below). None of the docks are currently used, or have ever been used, for boat moorage, probably because no dwellings have been constructed on the adjacent properties. The owners of The Cape on Bowen Ltd. (the developers of the local residential area) built these first three docks purely as a promotional tool to advertise their waterfront properties.

The construction of the three (soon to be four) docks to date has created an eyesore on the landscape and encouraged destruction of the upland, which is protected by an environmentally sensitive covenant area. The addition of four more docks will only add to the degradation of the beauty and natural environment of this stretch of coastline, spoiling it even more for Island residents and visitors.

Applications inconsistent with the Bowen Island Official Community Plan (OCP)

The Bowen Island Official Community Plan (OCP) designates the coastal area of the Cape Roger Curtis lands as an *environmentally sensitive development permit area*. The map of this area, Schedule B1 of the OCP, clearly indicates the coastal/inland bluff ecosystem along the foreshore. Objective 2 of the OCP states: *“To ensure that new development incorporates a ‘no net impact’ strategy with respect to significant plant, wildlife, and fish habitats.”* The current water lot applications **do not** meet this objective. In addition, Section 2.11 of the OCP includes the following objective 40: *“To encourage the retention of portions of Cape Roger Curtis in a natural state accessible to the public, including ecologically sensitive coastal bluffs, other sensitive ecosystems such as Arbutus and Douglas Fir Woodland, portions of the shoreline, archaeological features, viewpoints, and significant marine shorelines.”*

A covenanted area was placed on these lands as part of the development approval area permit, and was intended to protect the ecology of this coastal bluff. The covenanted area for ocean fronting lands applies to those private and public lands within 30 meters of the natural boundary of Howe Sound. Within that area, owners are generally obligated not to build any structures, disturb soil, cut vegetation, plant any non-native species or use any deleterious substances (such as pesticides) on their land. The intent of the covenant is to maintain the area along the ocean-front in a natural condition. The presence of the existing large docks reduces the protection of this covenanted area and makes a mockery of this covenant. **Additional docks will only compound the problem.**

The number of private moorages along the Cape Roger Curtis foreshore is also contrary to OCP Policy 241, which states: *“The sharing of private docks among property owners is encouraged.”* This policy is consistent with your Ministry’s policy of grouping private moorage facilities (per your Land Use Operational Policy—Private Moorage)

Applications inconsistent with the Land Use Bylaw

The Bowen Island Municipality Land Use Bylaw regulates water use zones and specifically designates this coastal area as WG1 zoning, which includes, as a condition of use, the following: *“Community dock, neighbourhood dock and moorage shall be located such that it will not limit use of or physically divide a beach or negatively impact eelgrass meadows, kelp beds, clam beds or mussel beds.”* These physical and natural features are all present in the areas pertaining to the current applications.

Unsuitability of the location for any docks

There are strong tidal currents and wave actions along the area of Cape Roger Curtis that make the area impractical and dangerous as a location for docks.

A light storm on June 9, 2014 damaged the constructed dock at lot 13, with the potential for drifting debris into navigational lanes, and creation of a hazard to shipping. Please refer to Appendix 1 for photographs of the damage.

Environment Canada reports that the wind speed on June 9, 2014 was between 0 and 45 km/h, with maximum gusts of 61 km/h, at Pt. Atkinson, a short distance from the Cape Roger Curtis lands. Weather like this, and winds of far stronger force, occurs often in this area.

Bowen Island Mayor and Council’s position

The Bowen Island Council elected in November of 2014 is currently reviewing the tools it has to strengthen our bylaws, in order to ensure that future dock applications are not approved/allow-

ed. During the election campaign, the majority of current Council members indicated their opposition to further docks at Cape Roger Curtis. We encourage your Ministry to work closely with the new Council and to respect the wishes of the residents of Bowen Island, so well demonstrated by the petition of 1385 citizens who object to docks along this beautiful and once pristine coastline.

Request for rejection of applications

We ask that the above-referenced applications for private moorage at Cape Roger Curtis be rejected. In addition, we ask that you reject any future applications.

Yours truly,

For the Board of the Bowen Island Conservancy

A handwritten signature in black ink, appearing to read "Owen Plowman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Owen Plowman, President

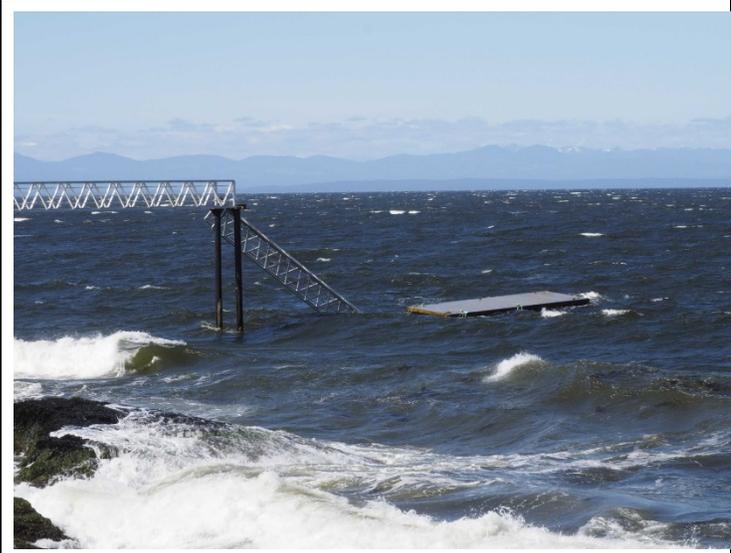
Ellen Coburn
Allene Drake
Andrea Kaufman
Nerys Poole
Bob Turner
Adrian van Lidth de Jeude
Everhard van Lidth de Jeude

Cc:

Jordan Sturdy, MLA, West Vancouver-Sea to Sky
Bowen Island Mayor and Council
Kathy Lalonde, CAO, Bowen Island Municipality
Peter Luckahm, Chair, Islands Trust Council

**Appendix 1: Storm damage to dock Lot 13,
Cape Roger Curtis, Bowen Island**

June 9th, 2014



**Environment Canada Weather Report for Pt. Atkinson
2014-06-09:**

- Wind speed was between 0 and 45 km/h
- Maximum gusts of 61 km/h