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November 21, 2010

Paul van Poppelen
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Re: Professional advice given during the course of the Gospel Rock Neighbourhood Plan (GRNP) process

Mr. van Poppelen:

As you may be aware, the Sunshine Coast Conservation Association (SCCA) is a BC-registered not-for-profit society and a federally registered charity. Our mission is to protect the biodiversity of the greater Sunshine Coast region. We also work to assist member groups, such as the Friends of Gospel Rock Society (FoGRS), in achieving their conservation objectives.

Our associations have a number of concerns with regard to your professional services during the GRNP process. Specifically, our concerns relate to your credentials, knowledge, competency, professional practices and ethics. The primary purpose of this letter is to provide you with an outline of these concerns and an opportunity to respond directly to possibly resolve these issues.

The second purpose of this letter is to summarize your advice where it conflicts with Carmen Cadrin's letter and/or also conflicts with published information on the Conservation Data Centre's website. For example, regarding the email you sent on June 27, 2010, to Gibsons' Mayor and Council, copied to members of the Gospel Rock Working Refinement Committee and myself, you state that, "I wholeheartedly and unreservedly endorse both Carmen's reply and Chris's response to Dan's email." If you do, in fact, agree with the statements from Carmen Cadrin, we believe your written reports to the Gospel Rock Neighborhood Plan process need to be substantially revised.

The following summary is in reference to each of the three papers you authored for the GRNP process between 2007 and 2010 and will also refer to your oral comments during the GRNP process. We hope you will be willing to meaningfully address these matters.

1. Would you please clarify for the record what credentials you have with regard to the use of the Biogeoclimatic Ecosystem Classification (BEC) system? Have you ever undertaken formal training or study in the use of the BEC system or served a related internship under the supervision of an appropriately qualified professional? We would certainly recognize course

work at UBC, BCIT or other Canadian learning institutions or FOREX course modules leading to silviculture survey certification.

It appears to us that you have only a superficial grasp of the use of the BEC system and may be unqualified to describe ecosystems, their importance to conservation and measures ensuring appropriate management.

2. Further to your credentials, we note that you are a Registered Professional Biologist (RPBio). In order to gain this status, were you required to pass an exam or serve an internship and/or were you required to demonstrate competency in the field of ecosystem identification and management? Our understanding is that none of the above was required to obtain your RPBio status; therefore, the public cannot automatically be assured that you are competent to identify and assess ecosystems in the field. If our understanding is incorrect, please provide clarification.

3. If you are not an appropriately qualified professional, would you please explain how you carried out a contract, funded by a property owner in the GRNP study area for submission to the Town of Gibsons, that required use of the BEC system when you apparently have only a layperson's expertise with this system?

4. In your Final Report on the Gospel Rock Neighbourhood Area Blocks 6 and 7: Environmental Assessment Study (2007), the statement is made in the Executive Summary that "...protection or conservation of any landscape...on the property is strictly voluntary and matter for negotiation between land owners and Local Government...."

First, the statement is not correct; a municipality has the authority to determine the land uses that are in the public interest. Municipalities can and often do establish conservation bylaws, in fact are encouraged to do so by the Province of BC (as evidenced by their Conservation Framework publications).

Secondly, the terms of reference for this study require that environmental *values* be identified, which appears to put your statement in a less than professional light. With this statement you are advising the Town, the property owners and the public that only the minimum requirements of law should apply, while neglecting to advise that there are legitimate reasons for concern and opportunities to achieve conservation. We suggest that it would be in the public's interest and the interests of your profession to correct this statement and revise any conclusion based on this statement. We would accept this statement if it were prefaced with the phrase "The property owners feel...."

5. One of the most distressing aspects of your work, in our experience, relates to your disregard of the terms of reference for the three papers you wrote. You say in the introduction to your first paper that "...*claims were made by various participants as to the possibly high ecological value of this area....*" You go on to say that these claims referenced outdated historical information about plant occurrences. Your assertion is incorrect. The SCCA and FOGRS did not reference any historical information.

Just to review, the SCCA listed information requirements for the study in a letter to the Town of

Gibsons and you were provided a copy. The need for this information was incorporated into the Terms of Reference for your study. The information requested related to:

- a. the amount of protected land in the Coastal Western Hemlock very dry maritime subzone (CWHxm) in both the Chapman Landscape Unit and the Georgia Basin;
- b. the potential for additional lands of this classification to be protected;
- c. the conservation significance of a mid-seral stage forest of the CWHxm 02 ecosystem;
- d. the presence or absence of other ecosystems in the study area that host at-risk plant communities.

Most of these questions were ably answered in the supporting study from Integrated Resource Consultants (IRC-Keystone Wildlife Research, Ltd.), which you claim to have incorporated into the final report. This study found that 8 of the 15 ecosystems that host Red- or Blue-listed plant communities are present in the study area. The IRC study further noted that the forests, both above and below Gower Point Road, are associated with Red- and Blue-listed communities. And finally, the IRC study noted that the Sensitive Ecosystem Inventory recognized these same forests as either sensitive, rare or of ecological concern.

Why do your final report and two subsequent papers not only contradict this information about environmental value but also neglect to answer the questions set out in the terms of reference?

6. With regard to the study you commissioned from Dr. Terry McIntosh (Plant and Vegetation Assessment of the Gospel Rock Area, Gibson, BC, 2007), we note that your first paper claims to have incorporated Dr. McIntosh's work, which "forms part of the report." However, in Dr. McIntosh's professional opinion the forested areas of the study area, including the waterfront lands, "represents one of the few remaining ecosystems of this type that remain within communities along the Sunshine Coast." Furthermore, he states that "development should be designed to protect as much of the natural habitat as possible." He also recognizes the conservation value of the entire waterfront and specifically identifies the bluffs and gullies below Gower Point Road as "of prime conservation value." And finally, Dr. McIntosh stated that the lack of CDC-listed rare plants "...does not lessen the conservation value of the area...."

Could you please explain, considering that you claim to have incorporated Dr. McIntosh's work, why your list of "higher ecological value areas" did not include the areas recognized by him? Would you also explain why your recommendations conflict so significantly with his? Did Dr. McIntosh vet or was he consulted about the conclusions and recommendations of your study?

7. In paragraph 6 of the Executive Summary of your Final Report (and in section 2.5 of the text), species and plant communities on the provincial Red and Blue lists are described merely as "candidates" for protection. Your conclusion is, in essence, that Red and Blue listings should be of no concern to the Town unless provincial or federal governments have made protection mandatory.

Your clients and the public have a right to know that the provincial Red or Blue conservation status, as well as the federal Committee on the Status of Endangered Wildlife in Canada (COSIWIIC) listing system, is entirely science-based and exists for the purpose of informing

decision-makers, managers and the public about scientific information. Your prejudices about how responsible federal or provincial authorities have been are not relevant to the questions at hand. It is the scientific facts that are relevant. Your job was to identify environmental values with reference to verifiable scientific information. Yet you did not provide any scientific data or information about why particular species and/or plant communities found in the study area are provincially and/or federally listed. Neither is there any information about appropriate management of these species and plant communities. This information is readily available through the Conservation Data Centre, the COSIWIC website, the Nature Serve website, etc. In our view, you have been professionally remiss by introducing personal prejudice while neglecting to provide available and relevant scientific information.

We note that the last paragraph of the Executive Summary again reiterates the statement about the “strictly voluntary” nature of conservation options. This statement clearly indicates to us that the entire study (and two subsequent papers) is prejudicial and needs to be corrected.

8. Further to your discussion about the presence of Red- or Blue-listed species in the study area (Section 2.5), you offer a general discussion in which you say, “The simple fact that species are listed does not necessarily mean they actually *are* threatened or of concern...” and you go on to say that a species may be listed because of a lack of information.

All listed species are at risk and of concern; that is precisely why they are listed. In the scientific literature of conservation biology, lack of knowledge is a thoroughly well recognized source of risk and is an entirely legitimate reason to list a species or plant community. The lists are in fact entirely concerned with the issue of risk.

Furthermore, the precept that lack of knowledge should not be used as an excuse to ignore conservation concerns is very well established in modern science and expressed by the *Precautionary Principle*. Also, the fact that federal or provincial governments have not mandated protection or precautionary measures by law is not a valid reason to ignore the needs of at-risk species and plant communities. In fact the opposite is true; governments’ failure(s) to act increases risk to the listed species. We submit that you are offering to the Town of Gibsons prejudiced opinion as scientifically supported fact, a practice which we believe to be highly unethical. Section 2.5 should be entirely rewritten to reflect current scientific perspectives.

9. With regard to your discussion about natural openings, you contend that “active management” will be required to maintain the diverse and sometimes rare plants associated with natural openings. You were very clear in presentations during the GRNP process that it would be expensive for the Town of Gibsons to protect the forested areas of the planning area for ecological purposes because the Town would have to spend money keeping natural openings free of “ingress.”

Can you cite examples within the range of the Coastal Western Hemlock very dry maritime (CWHxm) biogeoclimatic sub-zone where such measures, as you recommend, have been carried out in a mid-seral–stage forest? Regional and provincial parks and eco-gifted lands all have management plans; we are not aware of protection measures such as you cite being carried out on these lands or even being recommended. We believe your recommendation, which had a

dramatic impact on the GRNP Select Committee and Town council, is without precedent or basis in applied biology or scientific literature. Please clarify for the public as well as Gibsons Mayor and Council whether any intervention, aside from the removal of alien species, is required to maintain the ecological values of the standing forest above and below Gower Point Road.

10. We have a number of concerns about your second paper (GRNP Area: Ecosystem and Wildlife Area Use Classification, 2009). You purport to identify “ecosystems,” which you do not do. The conclusions seem editorial with no explanation about how the data support those conclusions. There is neither definition of what “value” or “sensitivity” actually is nor attempt to explain how the data support your conclusions. You use the word “survey” but no survey has taken place, at least not a systematic survey that involves transits and plots. You also use the word “we” in describing conclusions and recommendations, and yet we have no reason to believe these opinions are anyone’s but yours alone.

The additions of categories “0” and “4” are confusing and poorly defined and applied in an inconsistent manner. For example, category 4 represents federal and provincial constraints but not the currently binding constraints within the Official Community Plan. In the interest of clarity, we submit that you should have kept all legal constraints, including those of the OCP, on one map and all field-verifiable environmental values (or sensitivities) on another map. In the case of waterfront below Gower Point Road, you recognize the 15-meter DFO setback as category 4 (DFO restraint) but not the 15-30 meter setback required in the OCP for Franklin and Gower Point Road areas. What is your reason for not recognizing environmental values and constraints established in the OCP?

As your report now stands, you have not acknowledged that both the IRC study and Dr. McIntosh’s study recognize the rocky headlands below Gower Point Road as being of the highest ecological value. Basically, your use of category 4 obfuscates field-verifiable ecological value. We suggest that you need to substantially reorganize your approach with this paper so that recommendations are consistent with recognized ecological values and also to dispel any impression that you are manipulating information for the benefit of a private party.

Furthermore, your recommendation for polygon 129 (southwest waterfront terminus of Block 7) does not appear to be supported by any data or research. You claim that this Douglas Fir leading stand cannot persist over time, or, as you stated in public “cannot become old growth.” However, the height of these trees and their ages indicate that this polygon is a highly productive site. The trees are vigorous as is evident in their heights and leader lengths. There are no signs of unusual stress in the stand and no indication of stand-altering pests or diseases. You noted that the soil is acidic but this is not a limiting factor as all coastal soils under closed coniferous canopies are acidic. You note the lack of herbaceous growth under the trees. Again, this is highly typical of closed-canopy second-growth stands. You also noted the thick layer of “duff” which is actually the *moder* humus form that is typical of second-growth stands over more than 20,000 hectares of forest in this landscape unit. Again, it appears that there are no data to support your conclusion. In fact, available data strongly support the opposite conclusion: that this stand is vigorous and can persist over time, if left undisturbed by development.

Your assertion that the road has degraded all the land down to the waterfront may be partially

correct, but the extent of impact that you describe is extreme and unsupported by research or any data collected for this study. Your contention that the road makes this stand extremely dry is not correct as the road intercepts only surface flows. The average annual rainfall for this location is well over a thousand millimetres annually. Douglas Fir stands occur in far drier ecosystems than the CWHxm-02. The Coastal Douglas Fir moist maritime-02 (CDFmm-02) for example, features a Douglas Fir leading stand with cactus in the herbaceous layer. Again, we note that your conclusions for this part of the study area starkly conflict with those of Dr. McIntosh whose expertise and experience in this field are considerably greater than your own.

As for category 0, the definition is meaningless as all lands within the planning area are “substantially influenced by human factors.”

11. Further to the issue of credentials, we note that you retained Suzanne Diamond to identify plants in the study area. We have no problem with her work identifying plants. However, you misrepresented her credentials; she does not have a PhD. You also imply that Ms. Diamond had a role in the writing of your recommendations. Would you please clarify whether Ms. Diamond was or was not party to the report’s recommendations? And finally, please make the data collected by Ms. Diamond available to the public as was done with other supporting studies.

12. Your statements in the report (and before the public in committee meetings) that the area below Gower Point Road is not suitable for conservation is a very bold conclusion considering that this is the last natural undeveloped waterfront within the Town and for many tens of kilometres in either direction from the Town. What criteria did you use to determine that an area is or is not suitable for conservation? How does the field data contribute to satisfying the criteria?

13. With regard to your third paper (GRNP Area: Investigation into the area below Gower Point Road, 2010), we have a number of concerns. First, you somewhat dismissively refer to our organizations as “Bouman *et al*” and previously as “some people.” Putting aside the possibly unintentional disrespect, I will simply point out that the Sunshine Coast Conservation Association is a federally registered charity, and that we work in this instance in support of a registered not-for-profit society, the Friends of Gospel Rock Society. We address Gospel Rock issues through formal participation in public process and correspondence with the Town and various interested parties. We have brought scientific information to bear on the issues of land-use planning, information that you have been provided with and that you have largely chosen to ignore.

Secondly, you are incorrect to say “Following extensive discussion between proponents and opponents...” as no such discussion has yet taken place.

14. Regarding your discussion “Some Background,” we feel that you have constructed a highly prejudiced account. There has never been any dispute about the status of the land as “private.” The dispute has always been about which land uses are appropriately in the public interest. This is an entirely acceptable issue for the public to concern itself with and one elected people have the right to resolve. You also imply that the public has been abusing the property owner by trespassing, which has never been established. The simple fact is that successive

owners have allowed a public use (access to trails and vantage points). Canadian case law recognizes that where a public use has been allowed over time and by successive owners, a “deemed dedication” exists that cannot be arbitrarily terminated by a new owner.

15. A large concern with your paper is that it only recognizes one point of disagreement between yourself and the correspondents (the SCCA and the FoGRS). We have outlined many points of disagreement and you have chosen to discuss only one of these, that being the issue of ecological continuity between the strata above and below Gower Point Road. In point of fact, both areas are identified as predominately the CWHxm-02 ecosystem with a strong component of the “03” ecosystem.

What you have described is a different history of disturbance and a different extent of alien plant species presence. Also, what is visible in these strata are ecosystem responses to different disturbances, not a progression from one ecosystem to another. The ecosystem identification remains the same regardless of the level of disturbance. We assert that any professional with expertise in ecosystem identification and management should know this to be true.

Your investigation appears to be primarily a list of plants with some data describing the percentage of ground cover that these plants provide. How exactly does this information translate into a determination that an area’s ecosystem cannot persist over time and that the area has no value for conservation? We submit that you have not provided any data whatsoever to support conclusions of this nature.

16. The subject of at-risk plant communities comes up in all of your papers, emails and public comments. In each case you go to great lengths to discount any application of concern about at-risk plant communities in the Gospel Rock planning area. We find your views on this subject to be substantially outdated and not informed by currently available scientific information. In other words, your expressed opinions fall far short of the level of expertise legitimately expected by the public of a professional. We will leave this subject for a review by your peers but for now we offer the following observations.

Your discussion of at-risk plant communities is general and editorial. You claim that there is no way to determine whether or not a Red-listed plant community will eventually evolve and that in the case of the Gospel Rock property it probably won’t. It is true that some at-risk communities may not be expressed on a given site type. It is also true that on some sites, the environmental conditions are so severe that only one kind of plant community can evolve. What is the specific situation in the Gospel Rock planning area? What data have you collected that supports your contention that at-risk plant communities will not occur and are therefore not a concern in the planning area? In this matter, we suggest that you are editorializing without support of currently available scientific information or information collected in the field.

17. Regarding your treatment of Gospel Rock waterfront polygons, there are a number of highly questionable statements that require a frank explanation. You describe the waterfront itself as a degrading influence (edge effect) that tends to prevent succession of the ecosystem into old-growth condition. As far as we know, this concept is entirely novel. However, if you can cite any scientific peer-reviewed literature to support this position, we will reconsider our

skepticism. For the record, natural forested waterfront is an increasingly rare situation in our region. In fact, there is very little remaining natural forested waterfront between Port Melon and Smuggler's Cove Provincial Park and none inside the Town of Gibsons other than at Gospel Rock.

The interface of ocean and land is very dynamic and legitimately special. It is doubtless true that some species require interior forest conditions and would not thrive at the Gospel Rock waterfront. Still other species have undoubtedly evolved to thrive in this very situation. Again, we wonder what experience you have in interpreting these interface ecosystems. Have you ever studied or reviewed the scientific literature about succession of plant communities in coastal waterfront ecosystems? Do you have a frame of reference that describes plant community composition in the various successional stages? Can you cite any references describing circumstances where forest succession has been permanently obstructed? If not, we suggest your comments about the "value" or "sensitivity" of the waterfront polygons are not scientifically based and should be acknowledged as speculation.

Your statement that these polygons have been permanently altered and will never recover is remarkably presumptuous. If there is one feature of BC's west coast forests that stands out above all others, it is that these forests are extraordinarily resilient. Any professional claiming that a vigorous mid-seral forest in coastal BC is "permanently" degraded such that natural succession cannot occur is on very shaky ground. Again, we wonder what credentials you have that would support, without any field documentation or reference, such a bold statement.

And finally, you appear to be entirely confused in your discussion about BEC polygon mapping and classification. Your final paragraph on page 6 states, "*Conservation of populations below the minimum patch size is invariably expensive and has an almost guaranteed failure rate.*" Of what "population" are you speaking? Are you speaking of an ecosystem, a plant community or an animal population? You note "minimum patch size" but the reference is to mapping standards not principles of ecosystem dynamics. You conclude that conservation of small patches is "invariably expensive." It is not acceptable to make such a statement without explanation or documentation of exactly what this expense is, how it is generated and who bears this cost. Furthermore, what documentation or scientific reference do you have to justify the statement that protection of these waterfront parcels would be "almost a guaranteed failure"? For a layperson reading this paragraph, the only intelligible statement is that significant expenses would be incurred and failure would be the most likely result. Again, you are editorializing, not presenting scientific information, and this editorializing gives the impression that you are constructing rationales for the benefit of private parties.

Please rewrite this discussion for the record and clearly acknowledge that the Town will not necessarily incur any expenses by leaving the currently existing protective bylaws in place. As well, please identify any references or data that would indicate that conservation of the waterfront area would be a "failure."

18. With regard to the correspondence from Carmen Cadrin of July 24, 2010, you stated in an email to the GR Working Refinement Committee, Mayor and Council and myself that you "wholeheartedly" agreed with her. However, your written papers conflict in a number of ways

with the information she provides. This is a significant problem because Ms. Cadrin is a senior ecosystem biologist whose job as a public servant is to provide the best currently available scientific information about ecosystems and conservation priorities to other professionals, decision makers and the public. She is, for all intents and purposes, a recognized authority on these matters. We accept your statement that you agree with her and request that you revise or amend your work with the Gospel Rock Neighborhood Plan accordingly in the subject areas outlined below:

- Please acknowledge in a letter to the Refinement Committee, Gibsons Mayor and Council and the owners of Block 7 (the parties) that two imperiled ecosystems have been recognized within the planning area by the Conservation Data Centre; the first is the so called “Arbutus Dryland Forest” and the second is the area below Gower Point Road.
- Ms. Cadrin has clearly recognized, as did the SCCA at the outset of the planning process, that there are extensive conservation concerns about the lack of protection and the lack of opportunity to protect lands within the Coastal Western Hemlock very-dry maritime biogeoclimatic subzone (CWHxm). Please confirm this circumstance in your above-noted letter to the parties.
- Would you please note in your letter to the parties that conservation of the two sensitive ecosystems noted above is a relatively high priority (Priority 2 of 6 categories)? And also, please confirm for the parties that the question of what should be conserved relates to what is available, i.e., that the best of what is left, no matter the age or stand structure, is the highest priority for conservation.
- Could you please inform the parties that the presence of alien invasive species does not preclude the development of “old growth” or the conservation of ecosystems, and also that eradication of alien invasive species is a priority and is being accomplished in many jurisdictions throughout the province, as outlined in Ms. Cadrin’s letter.
- Further to your opinion in the first paper that the natural openings of the dry land forest will require “active management,” would you please review this statement in light of Ms. Cadrin’s opinion that “...the removal of natural vegetation is not recommended...” and advise the parties accordingly.

19. With regard to numerous statements in all three of your papers that at-risk plant communities cannot be identified in mid-seral–stage forests and that mid-seral–stage communities do not necessarily have conservation value, we ask that you review the information on the Conservation Data Centre website on this subject (<http://www.env.gov.bc.ca/atrisk/faq4.html#5>). In your letter to the above-mentioned parties, would you please clarify that at-risk plant communities can be identified in mid-seral–stage ecosystems and do have conservation value.

Also, please verify for the parties that conservation of the host ecosystem of at-risk plant communities, e.g. CWHxm-02 or CWHxm-03, is the proper and most effective way to conserve at-risk plant communities.

A closing comment: We note that in a letter to the Gospel Rock Select Standing Committee (July 6, 2009) Mr. Sander Van Der Vorm, owner of Block 7, states “...*Environmental reports have proven that none of our lands are environmentally sensitive.*” Mr. Van Der Vorm is, of course, not correct in this statement. However, we view his statement as a fair summary of a layperson’s interpretation of your reports to GRNP Select Committee and the Refinement Working Committee. This misinterpretation should be of concern to you, as it is to us. We are concerned that inaccurate information has been provided by you to the Town of Gibsons and the public.

Please accept this letter as an opportunity to correct your work and dispel any apprehension of bias and/or ignorance.

Sincerely,

Daniel Bouman

for:

Sunshine Coast Conservation Association and

Friends of Gospel Rock Society