

DIRA Dock Committee Report Sept, 2016

Recently the issue re DIRA's obligations to protect the Telus Cable on Lot 257 has come forward. The committee would like to ensure that the community is provided accurate background info.

The Dock Committee was formed in 2005 and has been a large active DIRA volunteer group. It is totally self-supported (unlike other recreational services like Trails or Parks which have yearly tax supported budgets).

Provided below is the background info re DIRA Dock Committee Telus Legal Right-of-Way.

2006 Sept: DIRA Motion: "that Denman Wharf Committee be authorized to initiate a process leading to the acquisition of Water Lot 256" initially for a community emergency dock.

2008 March: DIRA application to Integrated Land Management (ILMB) (now FLNRO) for Water Lot 257. Referral letters were sent out by ILMB to any agency potentially impacted which included DFO, Transport Canada, Navigable Waters, Islands Trust, Telus, and First Nations.

2008 March: Telus letter to ILMB states: "Telus has an active Right-of-Way containing our main fibre cables that provides service not only to our customers on Denman Island but also to Hornby Island adjacent to the property under consideration for a public wharf." "Any DIRA Tenure approval would be subject to the prior rights of Telus and subject to getting a surveyed legal proposed plan detailing how the work would be carried out in relation to the existing ROW."

2008 July: DIRA received a letter from Integrated Land Management (ILMB) stating that two agencies had responded further to ILMB referral letters indicating that they had concerns or objections that had to be addressed. Telus Communications had a prior registered Right-a-Way for a buried cable that needed to be addressed and First Nations objected for numerous reasons which included Archaeological site interests.

2008 July: Integrated Land Management recommended DIRA and Telus negotiate directly to formulate a plan to satisfy Telus rights. This process took over 5 months as DIRA was required get the site legally surveyed and develop a plan with a mitigation suggestion to address Telus concerns and requirements.

2009 April: after year of negotiations, survey & legal consultation, Telus and DIRA came to an agreement

2009 May: DIRA Executive Motion: directed DIRA President Mandryk to write the letter agreeing to Telus mitigation requirements with notations that the letter did not require membership approval further to the committee mandate but that it would be shared with the membership at the next meeting. Telus confirmed with ILMB that they were satisfied and no longer objected to tenure approval. The legal agreement would be between DIRA and ILMB as part of the Crown Lands Tenure approval process.

1. Telus would have uninterrupted access to its ROW.
2. DIRA would provide Telus with 60 day notice before construction starts.
3. DIRA will provide before and after photos of the site.
4. 4. DIRA would agree to these three items for mitigations as put forward by the dock committee
 - a) At all times during construction DIRA will provide temporary construction barriers and install these barriers along the Telus ROW. b) Telus would provide a permanent metal sign and post advising that there is a buried cable on site and no vehicle traffic allowed which DIRA would install as part of the project. c) As a possible solution to Shellfish grower's vehicles crossing over the Telus cable a permanent concrete barrier might be set in place along the northern boundary of the ROW. ILMB would be consulted and that all costs would be bore by

DIRA.

2010: Special Community Information Meeting re Lot 257 Dock plans. All documents made available at the DI Library including all motions, permits and approvals (Island Trust, MOTI access, DFO Environmental, funding applications etc.

2010 March DIRA Membership Motion: (huge turnout) “ That the Dock Committee mandate be extended to allow the dock site to be multi-use including recreational use and the potential for economic activities to be determined by the DIRA membership. The multi-use designation will include both the upper portion of the dock site and the dock area.

2011: Start of Construction Phase: Telus provides and pay for metal sign “Emergency Vehicles Only” Buried Cable, Use at your own risk which was installed at the south end of Lot 257. All other costs be provided by DIRA. A gate was donated, which the dock committee positioned at the north end of site during 2011 construction period with the intent to reposition it to the south at a later date and left unlocked 2011 -2016.

2015 Nov: The issue re DIRA’s legal obligation to Telus was brought forward by a DIRA member with a request for all documentation to be provided by the committee.

2015 Dec: The DIRA Dock Committee met and passed a motion: “To refer this issue to the DIRA Executive.”

2016 Jan: The DIRA Executive Board referred the issue to Forestry, Lands and Naturel Resources (FLNRO) (previously ILMB) and Telus, resulting in an authorized Telus inspection of their Works in February 2016.

2016 April: Telus Letter sent to DIRA from reps Terry Tawse & Lori Moshuk stating: **“Our agreement for the construction maintenance of the community dock included provision for the protection of our Works at the high water mark, by way of the placement of bollards or a concrete barrier that would prevent unauthorized vehicular traffic to the foreshore that could cause damage to our communications system.”**

2016 April: DIRA Chair email directive to the Dock Committee “Obviously this letter (Telus April 6 attached) wants us to do more than what is currently being done, with this in mind, the Executive is now prepared to turn the issue back to the dock Committee **so that Telus’s directions can be carried out.**”

2016 April: Dock Committee Meeting & Motion: to reposition the existing gate (as per the original design plan to best protect Telus cable and provide access to all authorized vehicles). Notice of motion provided to DIRA Executive. Notice to community provided in the Grapevine with copy of Telus letter. Notice posted at dock site re closure of the entire site during construction of the new boat ramp and repositioning of gate.

2016 May: Letter to DIRA from FLNRO ‘Notice of Final Review for Lot 257 Tenure Renewal **“Denman Island Residents Association will continue to maintain the barricade to protect the Telus Right-a-Way”**

2016 June: Dock Committee attends DIRA Executive meeting to provide all updates discuss directives.

2016 July 21, DIRA Executive sends email to the Dock Committee explaining raised concerns and requesting the committee to open the gate an ensure that it would be left open further to negotiations. **The Dock Committee unlocked the gate immediately upon receipt of DIRA Executive directive.**

2016 Aug Sept: Dock Committee has not been involved. DIRA Executive Board has asked to be the lead between the agencies or individuals involved. DIRA Executive should now be trusted to **deal with this matter after relevant documents have been presented and discussed in a safe, legitimate forum.**