

Strait of Georgia Island Tides

Uniting The Salish Sea - From Coast to Coast to Coast

Volume 21 Number 21

October 22-November 4, 2009

\$1 at Selected Retailers

Every Second
Thursday
& Online '24/7' at
islandtides.com

Canadian Publications Mail Product
Sales Agreement N° 40020421



Photo: Henry Schnare, www.henry.ca

Mount Maxwell, Salt Spring Island

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Hornby trustees were in the right, says judge

The BC Supreme Court has dismissed Joan Costello's legal action against the Islands Trust regarding a number of claims and allegations related to her Hornby Island property. In her Reasons for Judgment released September 30, 2009, the Honourable Madam Justice Stromberg-Stein confirms the unique role the Islands Trust plays in preserving and protecting the Islands Trust Area through its land use regulations and states that Ms Costello's claims are 'without any legitimate foundation.'

The lawsuit arose after Ms Costello failed to obtain proper permits for a building and to ensure it was within the height limits in Hornby Island's zoning bylaw. In March 1999, she purchased a Department of National Defence building that was slated for immediate demolition and had it barged to her property on Hornby Island. Before barging the building to her property, Ms Costello did not review the height restrictions outlined in Hornby Island's zoning bylaw or measure the actual height of her newly-acquired building. She did obtain a permit for the building shortly after its arrival on Hornby Island, but the permit was based on erroneous information that she provided to Islands Trust staff about the building's height.

Following unsuccessful attempts to obtain variance permits for the over-height building, Ms Costello advanced a number of claims against the Hornby Island Local Trust Committee (HILTC), the Islands Trust, the

Islands Trust Council and two trustees of the HILTC at the time, Penny Griggs and Tony Law. Her claims included abuse of public office, negligence, breach of trust and mental distress due to actions related to the over-height building and a variety of proposed uses of the Costello property. In a lengthy court case, Ms Costello sought \$1.7 million from the Islands Trust for damages related to her claims.

Madame Justice Stromberg-Stein concludes that trustees and staff of the Islands Trust acted properly in their dealings with Ms Costello, who was responsible for obtaining proper permits and complying with the Hornby Island bylaw.

'The actions of all of the defendants, elected and non-elected, were performed to execute the required duties imposed by the *Islands Trust Act* and Hornby Island bylaws. In all instances, I find the defendants executed these duties. The evidence does not support Ms Costello's claim,' she wrote.

Madame Justice Stromberg-Stein goes on to state that the trustees 'exhibited no bias, and they properly exercised their discretion taking care not to pre-judge the issues, keeping an open mind throughout and trying to find a means to accommodate Ms Costello and the interests of the community ... (Ms Costello) is, plain and simple, the author of her own misfortune.'

The Costello court case involved extended

HORNBY, please turn to page 11

Commentary by Kenneth Green

Carbon capture and storage a pipe dream

Alberta is under fire from environmentalists and foreign governments over its tar sand operations—perhaps with good reason. Producing oil from tar sand produces three times more greenhouse gas emissions than does conventional oil production, and its byproducts are not just unsightly, they're lethal to wildlife, especially migratory birds.

Tar sand production despoils large areas of wilderness in Canada's Boreal Forests, and the Syncrude company's tailing pond is currently the second largest dam on Earth, only exceeded in size by China's Three-Gorges Dam. Tar sand operations also consume large amounts of freshwater and natural gas. There's no question that Alberta's environmental image has been given a large black eye over its tar sands.

In an effort to blunt some of the criticism of the tar sand industry, Premier Ed Stelmach has pledged to spend \$2 billion to help fund deployment of technologies to capture and store carbon dioxide (CO₂) emissions

generated by the oil sands industry, hoping to at least take the greenhouse gas issue off the list of grievances.

However, in many ways, carbon capture and storage (CCS) is, both literally and figuratively, a pipe dream. Rather than producing a viable greenhouse gas control technique, the taxpayers \$2 billion 'investment' will be little more than a free PR campaign for the tar sand industry.

Let's review the problems with the idea of carbon capture and storage (CCS), which make it unlikely as an environmental savior. Land-based CCS consists of three primary activities: capturing carbon dioxide out of an emissions stream, compressing it into a liquid, and then piping that liquid over land, and down into the Earth where, in theory, it will be retained in geological formations for hundreds or thousands of years. It sounds quite simple, until you dig into the details.

CARBON CAPTURE, please turn to page 2

More Island View Beach to stroll on

Most Southern Islanders with time to spare from town chores have turned off the Pat Bay Highway to buy farm stand vegetables and to stroll along Island View Beach. Looking at the spread of islands of the strait from the Saanich Peninsula gives another, rather peaceful, perspective. There will soon be more of it to enjoy. CRD Regional Parks has purchased a parcel of land with important natural and recreational values to add to Island View Beach Regional Park.

'More than thirty years ago, the CRD identified this land as a priority for our parks system,' said Christopher Causton, CRD Regional Parks Committee Chair. 'The new parcel offers additional public access to the shoreline along Haro Strait and forms a natural buffer between the strait as well as adjacent agriculture and rural residential land uses.'

The CRD has purchased 25.7 hectares of land, which completes the park as one contiguous area. 9.9 hectares of the parcel are deemed to have regional park value; the remaining 15.8 hectares are currently for sale.

'The municipalities and electoral areas gave unanimous authorization to the CRD to borrow \$4.75 million for the land purchase,' said Central Saanich Mayor Jack Mar. 'This benefits not only Central Saanich, but all residents of the Capital Regional District.'

The future use of the RV campground and tenting area within the land parcel will be determined through a planning process starting this fall and will include consultation with the public and the District of Central Saanich. A decision is expected in spring 2010.

Island View Beach Regional Park is a 67.73 hectare park with an expansive beach along the Haro Strait shoreline of the Saanich Peninsula. It features a

ISLAND VIEW, please turn to page 8

Sustainable horticulture labs open

State-of-the-art labs for research into ways to reduce pesticide use opened Friday, October 16 at Kwantlen Polytechnic University. The research will explore beneficial insects, fungi and viruses to control pests in greenhouses, gardens and farmers' fields. The labs and research are supported by the BC Knowledge Development Fund and a new Leading Edge Endowment Fund (LEEF) chair in sustainable horticulture.

'We're building BC's reputation for leadership in environmental protection and the green economy by investing in first-rate researchers and top-notch labs for them to work in,' said Iain Black, Minister of Small Business, Technology and Economic Development. 'By funding a LEEF chair in sustainable horticulture, and the Institute for Sustainable Horticulture's new facilities, we're supporting innovations that will give our growers a green edge.'

The appointment of Deborah Henderson, director of the Institute for Sustainable Horticulture, as LEEF chair was also announced. Henderson has worked closely with private companies, growers associations and government agencies on integrated pest management for several years and will build on this hands-on experience.

'We will develop new biocontrol products from our native strains of viruses and fungi which will target pests in our major crops and landscapes,' Henderson said. 'Food production is changing, and the mass importation of

LABS, please turn to page 9



Photo: Susan Banjavich

With all that rain there had to be a rainbow. Travelling from Tsawwassen to Duke Point, looking north.



Island Tides is available at these **SERIOUS COFFEE** locations — look for the 'Island Tides' yellow boxes or racks inside!

● Sidney—Beacon Avenue

● Nanaimo—Across from the Hospital

● Nanaimo—Hammond Bay Rd

● Nanaimo—South Parkway Plaza

● Mill Bay—Island Highway @ Frayne Rd

● South Duncan—Sun Valley Mall

● Duncan—Cowichan Commons Mall

● Parksville—Heritage Centre Mall

● Courtenay—Southgate Centre, Cliffe Ave

● Port Alberni—Shoppers Drugmart Plaza, 10th Ave

● Campbell River—Island Highway @ Village Willow Point

GOOD READING, GREAT COFFEE — IT'S TIME TO GET SERIOUS!



Bats ~ Pricilla Ewbank

This summer we have had more starlit nights than I can ever remember so I was very aware of bats. Led by Athena George Saturna's local park interpreter, one of Parks Canada's 'last of summer' natural history events was Mammals of the Night.

Renowned BC bat researcher, David Nagorsen talked about *Chiroptera*, the order to which bats belong. *Chiroptera* translates as 'handwing'. A bat's wings are skin that stretches between elongated fingers, arms, legs and tail, providing excellent maneuverability. Bats are the only mammals that fly better than birds. They are most closely related to shrews.

BC has 16 species of the 20 that inhabit Canada. All bats are protected in BC, several are species at risk or blue listed. Bats vary greatly in their habits from the dry interior and to dense forests.

Our most common Gulf Island bat is the Little Brown Bat (LBB)—which is truly its name and distinguishes it from the Big Brown Bat (BBB). It weighs as much as two nickels or 6 grams and a lactating mother bat will eat her weight in insects each night. LBBs use echolocation to feed on the abundant insects over water bodies at night, dawn, and dusk. Bats drink on the fly opening their mouths and scooping up water.

According to Nagorsen, very little bat work has been done in the Gulf Islands. He reported one three-day study done on Salt Spring. Saturna Island naturalists Harvey Janszen and Pam Brown have a cat that catches bats, these they have dried and identified. They have one sighting of a migrating species, Western Red Bat, several LBB and one Yuma bat.

Nagorsen brought a pamphlet about how and where to locate bat houses. From the audience response it became evident that my cedar board-and-batten house is not the only one on Saturna that houses bats in the summer.

SMART ISLANDS from page 8

'Land use and development patterns are critical in reducing GHG emissions,' commented Malcolmson. 'The design and physical arrangement of roads, buildings, and land use patterns directly influence transportation emissions and building energy-use.'

The initiative supports the BC Climate Action Charter, which the Islands Trust

GDP from page 5

It is strange we hear so little of this. Had we been duped by Casino Capitalism; an economy running for ever-higher ROI, bubbles, hedge funds, pyramid schemes, ponzi schemes?

Most governments are busy in stimulus spending, often rebuilding the very institutions in the financial sector whose recklessness brought down such misery on so many. Are we rebuilding in the same model? Do our systems of accounts give us any meaningful sense of how well we are doing?

Now is the time to join Sarkozy's call for a sensible measurement of genuine progress.

We cannot value what we do not measure. We have no real sense of whether we are better

SATURNA from page 3

because so many officers have been called out of their detachments for two months around the Olympics and cannot testify in judicial cases, that there will be less work for our remaining Island officers overall, although they will have no leave time during this interval.

Concert

On October 3 for the third time, Saturna Arts and Concerts hosted the Marc Atkinson Trio at the Community Hall; each time has been memorable. Marc Atkinson, originally from Quadra Island and now residing on Hornby, is masterful on the guitar, as a band leader and as a writer of music. New to the trio are bass player

LABS from page 1

cheap produce from far-away places may not survive global warming and the increasing cost of transportation. To have the security of healthy food and a healthy environment, we need to support our local growers and food systems with the products and markets they need to stay vibrant and viable.'

Government's \$1.25-million endowment for the LEEF regional innovation chair was matched by the Kwantlen Polytechnic University Foundation with funds from private donors.

The Province also invested \$2.2 million in the Institute for Sustainable Horticulture's new facilities; 450 square metres of research labs on the Langley campus, and a 700-square-metre research greenhouse to study the potential for geothermal heat as a clean energy source.

'Kwantlen has long served the agricultural community of southern British Columbia

Breeding females congregate in nursery colonies, liking warmth for maternity roosts as the warmth helps maintain high body temperatures necessary for rapid fetal growth and high milk production. Adult males nest away from the females during reproduction in cooler places. Haggis Farm has one maternity roost and two locations with one bat each—must be males!

Bats have one pup a year which they keep with them for several weeks, sometimes flying to another roost with the pup clinging to the mother's undersides. A mother bat can pick her baby out of the nursery by smell and sound.

In summer, bats have daytime roosts for sleeping and night roosts for digesting their food and resting.

During winter they go into a torpor and lower their body temperature and metabolic rate. Unlike bears and other hibernating mammals they have no fat supply to feed themselves so they must emerge whenever it is warm enough and the bugs are flying for an instant energy revitalization.

A favorite local winter roosting place is in between the sloughing bark and the tree of old alder snags. When logging was done WCB used to demand that snags be taken down in logging areas. That view has now changed completely and the requirement is to leave snags and a small area around them. Bats thrown out of their winter roosting areas have little chance for survival as they have nothing to eat and no body reserves.

Bats are most at risk from habitat destruction. Their slow rate of reproduction makes it difficult for recovery from devastation of nesting sites and draining of natural watercourses and sloughs.

Nagorsen went off to catch a ferry with a hearty round of applause ringing in his ears. ☺

endorsed in 2007, joining 175 other BC local governments in a collective commitment to: move to carbon neutral operations for the organization; measure and report community greenhouse gas emissions (GHG); and promote sustainable, energy efficient communities.

Detailed information on this initiative is available on a new climate change section of the Islands Trust website. ☺

off without knowing if our resource base is healthy, whether our children are informed, engaged and empowered, whether we have healthy food, or whether we live in a secure and sustainable world. Measuring the exchange of cash is not without meaning, but, by itself, it tells us nothing of value.

If you are interested, you can find more detail at www.greenparty.ca in Vision Green and at the website of an excellent organization, GPI-Atlantic: <http://www.gpiatlantic.org>.

Elizabeth E. May is the leader of the Green Party of Canada, candidate in Saanich-Gulf Islands and Officer of the Order of Canada. ☺

Joey Smith and rhythm guitarist, Michael Hamilton. Much of the music played was written by Marc and arranged by Smith who did arrangements for the likes of Glenn Miller.

Innovative, lots of vitality—Atkinsons music sounds as if you have heard it and loved it before but it evolves as you listen. The acoustics in the Community Hall is always marvelous for live music.

Thanks to all of the people in the Arts and Concert Society who bring us such good live music for \$20 a concert. You can drive home and be in your cozy bed within twenty minutes of thanking the artists and stacking chairs! ☺

through its School of Horticulture,' says David Atkinson, Kwantlen Polytechnic University president. 'With the addition of the Institute for Sustainable Horticulture, Kwantlen now has further opportunity to work with local industry on the critical issues of sustainability, urban agriculture and agri-food security.'

The \$7.1-million research facility, Kwantlen's first, will have climate-controlled rooms for rearing insects, specialized rooms for production of beneficial fungi and viruses, a molecular diagnostic lab, and two research labs for study of the insects and microbial biocontrols. The adjacent greenhouse, as well as being used to test alternate energy options such as geothermal heating and cooling systems, will provide 500 square metres of growing space to study production systems for new indoor crops. ☺

Tomatopia ~ Good Life Gardening by Brian Crumblehulme

Thanksgiving saw Mary and I on the ferry heading to the continent for a family celebration and since our daughter was part of the gathering this seemed an opportune time to bestow part of the largess of our garden in her unsuspecting lap.

All the usual vegetables returned her gaze as she peered into the cornucopia but it was the waft of fresh basil that really brought her to life. Wrapped in a damp towel, cradled on a nest of perfect tomatoes the basil savoured the moment.

Then, as she plunged ever-deeper, her hands uncovered a hidden cache—green tomatoes. Eyes narrowed. The smile froze. 'Oh,' she cried, frantically searching for the right word, 'Thank you...'. One gets such a surge of warmth after bestowing that special gift the recipient didn't know they needed.

Two days before the rains I had harvested. For those with water and fertile earth this has been a magnificent year and one of the bounties is tomatoes.

At this end of the beach the serious tomato grower will use a greenhouse but this tool is redundant perhaps one year in five. Thanks in part to the oil patch and all that CO₂, 2009 was such a year. (Which is just as well because only now am I laying the foundations for my greenhouse.)

I sowed my tomato seeds in early March, in pots, in the house. For the first few weeks I had to cover each pot to keep the cats off. The five varieties including a wild one from somewhere in Central America that will grow ten feet tall, if I let it, and produces small cherry-sized fruits of

various colours.

This was the year of the experiment. The first batch of plants were ensconced in a ten-foot-long raised bed surrounded by a plastic tent. Batch two were placed in another plastic tent located over freshly dug clay, and the remainder were unceremoniously clumped in a twenty-foot open bed to fend as they might.

Batch the first produced ripe fruit in early July. The size and yield was modest, consistent and still thriving in the middle of October. Batch two was two weeks later with a similar yield. While batch three, which received little or no water and no support, grew into a jungle which covered all the ground in which they were planted, plus the paths on both sides.

The resulting fruit was large and green with a few over-ripe specimens that fell onto the ground and required forays on hands and knees beneath the vines before the slug stampede got to them.

Batch three explains why it is that twenty-five kilos of green tomatoes are arranged like a carpet on the floor of our living room.

We chopped and froze a few for green tomato chutney, pasta sauce and what have you. Most of the rest are scrutinized daily for telltale signs of blushing, and a token few are given away to those most in need of a conversation piece.

My daughter has not returned phone calls since our visit but I am sure the green tomatoes glowed brilliantly as the centerpiece of a post-Thanksgiving dinner given to urban friends soon after. ☺

LIVE JAZZ from page 2

notated as tones, and some half-tones, with some notes sung in consonance, for very good reason. And it was done that way because it sounded good!

There's always a place for physics in 'analysis' but written rules were drawn to record pleasant notes and eventually sequences of notes with different tonal intervals as 'keys,' and notes were modulated from key to key as a tune progressed, because it pleased the ear and didn't jar it. The sounds dealt with emotion in very special ways which were nowhere more evident than in classic jazz, where pleasure in sound is paramount.

Jazz presentations come and go, often in 3-hour bursts, with each hour having 40 minutes of play and 20 minutes of rest.

Enjoyment of each number—a rollicking stomp, a soul-stretching blues, a popular ditty, a new treatment of a 'swing era' tune—can be palpable. A trumpet player friend of mine once referred to 4/4 syncopated music as 'that finger snapping thing.' It certainly is!

Emotion flows back and forth between players and listeners. It rarely tires, and often inspires. Live jazz is a thing of beauty and a joy which stands in permanence. It is played by skilled artisans because it sounds good! ☺

NOTICE TO THE PUBLIC

Southern Gulf Islands Ferry Advisory Committee Meeting

Monday, November 2, 2009

9:30 a.m. – 1:30 p.m.

**Sidney Pier Hotel, Sallas Room
9805 Seaport Place, Sidney, BC**

Members of the public are welcome to attend the *Southern Gulf Islands Ferry Advisory Committee* meeting. If you have any questions or concerns you wish to raise with the committee or with BC Ferries, please contact the chair of the Ferry Advisory Committee in advance of the meeting.

Minutes of committee meetings are available on BC Ferries' website: www.bcferries.com.

For more information please contact:

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