

# Notes from a Public Information Meeting Held March 7, 2022 at the Juan de Fuca Local Area Services Building 3 – 7450 Butler Road, Otter Point, BC

SUBJECT: Comprehensive Community Development Plan Amendment Application for

Blocks D and E, District Lots 751 and 911, Renfrew District, Plan EPC2056

(Crown Lease #927321)

**PRESENT:** Director Mike Hicks

Staff: Iain Lawrence, Senior Manager, JdF Local Area Services (EP);

Wendy Miller, Recorder

EP – Electronic Participation

**PUBLIC:** Approximately 16 EP; 5 in-person

The meeting was called to order at 6:00 pm.

Director Hicks thanked everyone for coming and advised that public information meetings are normally overseen by staff and that he will be leaving this meeting at 6:30 pm to attend another meeting.

Director Hicks turned the meeting over to Iain Lawrence.

lain Lawrence provided a Territorial Acknowledgment and advised that the Juan de Fuca Land Use Committee (LUC) directed referral of the application to a public information meeting at its meeting of February 15, 2022.

lain Lawrence highlighted the subject property and advised that:

- the subject property was granted status as a Licence of Occupation area by the Province on February 25, 2016
- the Province has recently transferred the Licence of Occupation to a Crown Lease for the subject property
- as part of the environmental review during the Licence approval process, the original marina site was shifted to the west side of the existing breakwater

lain Lawrence highlighted the marina site plan and outlined the uses permitted by Temporary Use Permit TP000008, which expires on July 24, 2022.

lain Lawrence outlined Bylaw No. 4473, which would create the proposed new CM-1 zone, and advised that three submissions were received in response to the notice of public information meeting. The submissions include comments regarding temporary use building permits, public process, environmental impact, fire protection, water provision, and fuel storage. The submissions will be included in a staff report when the proposal is considered next by the LUC.

# Iain Lawrence reported that:

- a building permit was issued for a picnic shelter
- the food truck has received a permit from Island Health
- a liquor license has been issued by the provincial Liquor and Cannabis Regulation Branch
- the marina is now located within the Port Renfrew water service area

- the applicant has applied to be included in the Port Renfrew fire protection service area
- the proposal has been referred to CRD Protective Services and to the Port Renfrew Fire Chief for review

lain Lawrence confirmed that the application representatives were present.

## Director Hicks stated:

- the applicant was required to provide a water tower prior to the property being included in the water service area
- the water tower has been provided and will add capacity to the fire protection area
- the marina area will be serviced by a hydrant

lain Lawrence responded to a question from the public confirming that the CM-1 zone would permit Community Use Services as defined by Bylaw No. 3109. Iain Lawrence read aloud the definition. Proposals for community use services requested by the public would need to be directed to the property owner.

A representative responded to a question from the public advising that public facilities, such as washrooms, are open during business hours.

Sienna Hamilton, Port Renfrew, requested comment on the:

- environmental assessment referenced in the staff report for the proposal
- assessment's findings relative to San Juan River and sediment flow
- assessment's findings relative to eel grass

lain Lawrence reported that the Province required the assessment in 2016 as part of its process of issuing the Licence of Occupation in an area of its jurisdiction.

A representative added that the assessment was required as part of the management plan submission to the Ministry of Forests, Lands and Natural Resource Operations and Rural Development. The management plan included an independent environmental impact assessment, as well as an archeological review. The management plan was referred out by the Province to various government bodies including the Department of Fisheries and Oceans.

lain Lawrence stated that questions related to San Juan River and eel grass habitat should be directed to the Province as the authority that issued the Licence of Occupation.

Clayton Barbon, Port Renfrew, requested comment on sewage treatment.

The representatives stated that:

- sewage treatment is being considered on a different property located adjacent the marina site
- sewage treatment would add to the overall capacity for the community
- holding tanks are currently used to collect grey/black water in the interim
- water consumption has been reduced by not permitting showers although shower facilities exist at the marina
- the food service uses disposal items to further reduce water consumption

lain Lawrence stated that a rezoning application has not been received the referenced adjacent property.

## Janice Hiles, Port Renfrew:

- the temporary use permit permitted a picnic shelter and food truck
- food service/structures have exceeded the scale permitted by the temporary use permit
- Bylaw No. 4266 was adopted and establishes environmental protection areas
- questioned if Bylaw No. 4266 affects structures constructed before the adoption of Bylaw No. 4266
- existing structures include a fuel tank
- should the proposed zoning be approved, permanent status would be granted without sewer, water or fire protection

## lain Lawrence stated that:

- new structures for proposed permitted uses would require building permits, as would any changes to existing buildings and structures that have been altered beyond what was approved in a building permit
- sewerage would be addressed through the building permit process
- Bylaw No. 4266 would not affect structures constructed before the adoption of the bylaw
- Bylaw No. 4266 establishes a Shoreline Protection Development Permit Area and includes all land lying 15 m upland of the natural boundary of the ocean
- alteration/construction within that DPA can require environmental and/or geotechnical assessment
- the Province regulates fuel tanks

Director Hicks left the meeting at 6:30 pm.

## The representatives stated that:

- the Province also has environmental protection requirements
- at the time of construction, existing structures met flood construction levels
- the fuel tank is double-walled to capture any potential leaks
- mitigating technology is in place to control fuel release from the tank

lain Lawrence reported that the proposal will be considered next at a meeting of the LUC. To receive notice of that meeting, interest can be emailed to jdfinfo@crd.bc.ca. There is also opportunity to subscribe on the CRD website to receive notice of when an LUC agenda is posted to the web.

The meeting adjourned at 6:32 pm.

From: Lynne Wendy Miller

RZ000276 Plan EPC2056 Port Renfrew comments and questions Subject: Date:

Friday, March 04, 2022 2:56:02 PM

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### Onsite Parking

Restaurant: 1 stall for every 3 seats is required in our OCP. In addition parking for 60 boat slips, boat trailers, retail customers and staff is required. Where will these be located in the CM-1 zone proposed?

### Water and Septic

Where is the VIHA approved septic system for the Marina located now and what upgrades are needed for additional buildings? In 2018 the system was for 3-5 years of development.

When will the Marina be required to legally hook up to PR water? Will water be "trucked" in until that is completed? Will PGM be paying a separate hook up fee for CM1 zone? How will the user fee be established with all these proposed additional services?

## Public Access

Confirmation as agreed at the last public meeting in 2018 that a public trail/ path from Baird staircase to Lot 64 staircase remain open to public. The staircase off Baird has been closed and needs repairs. Signage and adequate barrier is needed to restrict unauthorized motor vehicle access from PGM to frontage road in

Lower Beach camp. What plans are in place for additional refuse at our transfer station.

Who is responsible if there is contamination in the bay from the Marina, restaurant & bathrooms?

Will commitments made by PGM be upheld if the Marina is sold or changes names again?

Lynne Conlin

#### Janice Hiles

In regards to the Public information meeting for RZ000276, comprehensive community plan amendment Application.

I would first like to state that the Information in the newspaper states that the purpose of the meeting is to rezone, to permit a commercial marina. Mike Hicks has stated on line that the application is for the marina, restaurant and fuel supply only.

So let's first be clear neither of these statements is entirely true.

The rezone allows:

- A) a commercial marina
- B) community use services
- C) food service establishments
- D) retail establishments
- E) Any buildings or structures accessory to any of the listed uses.

I would like to bring forward these inconsistencies before I begin.

I have many concerns with changing the temporary permit into a complete permanent rezone.

- Currently this property has no fire coverage. Yet there exists on this proposed piece of property
  a large fuel storage tank and gas running along the docks to a fueling station. This proposal
  states that beyond the restaurant, retail establishments could be created and community
  services, it seems wrong that this can be encouraged when this property is not within the Port
  Renfrew fire District.
- The area of this rezone is a flood risk and a tsunami risk. I would like to see the CRD emergency
  Managements response to this concern. Once again there is a large fuel tank in this risk zone.
- 3) There has been reference to a very outdated Marine protection area based on our very outdated Bylaw 3109( the OCP). No reference has been given to bylaw 4266 and the marine protection it brings in. This bylaw was adopted in September of 2019 I do not understand why the rezone does not have to abide by these new environmental regulations.
- 4) The marina area currently has only a temporary sewage removal system. You are proposing the possibility of more buildings and businesses but have supplied no permanent sewage disposal.
- 5) The access to this marina is very steep and has little or no barriers stopping someone from going into the ocean it seems wrong to expand uses before safe access is looked at.
- 6) Although this parcel has been accepted into the Port Renfrew water district I do not believe at this time that it is hooked up properly.

- 7) Although I see that expanded use of this property is proposed I do not see any allocation for housing for staff. As there is currently no available housing in Renfrew I question how staff would be available for the possible increased uses of this property.
- 8) Each time Port Renfrew expands more pressure is put on the one way bridges through town. I think MOTI needs to look at overall traffic.

I understand that there is pressure to push this rezone forward because the current Temporary Permit is running out.

I know that this restaurant that originally started as a food truck with a picnic table cover has expanded and expanded all while having only a temporary permit. It is a full scale licensed restaurant now. Just because over the last 12 years they have created and changed this property as they saw fit does not mean it has to be accepted as is. The concept of build it and beg forgiveness later is not necessarily what is best for this or any community.

In breaking out this portion of a rezone we are not looking at the overall impact the complete rezone will have on the community. We are not able to consider drainage, sewer, traffic congestion, road safety, and amenities to the community.

This rezone could leave us with property commercially zoned without proper services.

I understand the breakwater and docks were created with permits I do not believe the restaurant was.

I think it is incorrect to push this rezone through as a separate rezone from the complete package.

Janice Hiles

March 4th 2022

From:
To: Wendy Mills
Cc:

Subject: Pacific gateway marina re-zoning application meeting

Date: Monday, March 07, 2022 3:37:46 AM

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### Good evening

To JDF director Mike hicks

Wendy Miller JDF recording secretary Jeff Jones patchedaht First Nations chief

First off my apologies as I cannot attend this meeting in person or by teleconference as I'm a shift worker and my work Schedualer put me on nightshifts this week.

Please ensure this email is presented and read in it's entirety to the rezoning application meeting members March 07/2022

### 1.1 opening

I'd like to open this letter by stating the following information is not only mine but a group of Port Renfrew residents whom have tasked me to ask questions on their behalf

As you may or may not be aware that in recent days several residents are "peeling back the onion skin" on the Bylaws within the JDF electoral district and information pertaining to port renfrew with a fine tooth comb, and the abundance of bylaw amendment and development applications, so to say and exposing more and more questions as they decipher the multitude of Bylaws and amendments meeting minutes new and old it's is not clearly placed within a single Port Renfrew port folio on the CRD meeting minutes web site. I have to agree, as some documents are placed in the general CRD folder, land use committee folders, Bylaw folders, port renfrew utilities, so on and so forth, it's very difficult to keep track and that's where items of importance are buried, not user friendly

## 2.

Another item of importance is the lack of local community meetings, yes covid has put a snarl in the way we meet, but if you can go grocery shopping within any store utilizing covid regulations you can come to port renfrew and have a meetings with local residents.

So this item just popped into my email box was another very important question needs addressing at this meeting it's

Bylaw 4266 - this Bylaw is to basically support and put some serious teeth into the environment and development within the Port Renfrew it is to put some teeth into protecting shoreline areas within the marine protection designation area, riparian areas, and sensitive eco systems, stream and creek identification and protection, etc, etc This Bylaw 4266 was to be implicated into our Bylaw 3109 port renfrew community plan.

However this reading and adoption of the Bylaw has somehow been put on the back burner and stove ignored since May of 2019.

It's is pertinent that before any further development permits are issued or pending permits are in place the original date of May 29, 2019 be adopted as the starting point for adoption of Bylaw 4266

## 3.1 the beginning

So let's begin as to why this information for the re zoning of the Gateway Marina from temporary permit TP000008 to commercial marina is being stated and answers required by residents of Port Renfrew

Port Renfrew has a Bylaw 3109 or the official community plan. An Official Community Plan is a statement of objectives and policies to guide decisions on planning and land use management, within the area of the plan, respecting the purposes of local government And to involve community input on decision making when it comes to

## development

The official community plan was drafted an adoption in only one year, starting in 2003 and comes to adoption in 2004

To say the least the official community plan is outdated, needs immediate attention and upgrading to reflect the enormous amounts of development ongoing in the plan area.

#### 4.1

So Let's begin:

We will seek questions and requests answers on both Temporary Permits TP000008 2016 -February 25

2019 - July 10

We are talking about District lot 751, 911, plan EPC2056,

#### 5.1

The first TP000008 was issued in February of 2016, that permit basically laid out the playing field and goal posts for the applicant to construct a marina to meet community needs, however the zoning at the time designated it as Marine 1, meaning under our 3109 official community plan - no log sort or booming grounds permits, all other uses were silent as stated in the first TP0000008 application

Within the language of the first TP000008 it also referenced various sections of the Local Government Act 492,493,495,496,497 this essentially takes our official community plan 3109 under temporary use permits the the strict regulations within and relaxes those regulations to allow development in an open forum to be freely developed by applicants to a degree

#### 61

However there is two items within the first TP000008 that are binding

The first is

3-(g) in default of compliance with any of the provisions within this permit, the permit shall lapse. The second is

7. This Permit is NOT a building permit

The applicant provided 3 maps, an over view, an closer view, a map with specific small buildings, offices and restrooms, fish processing, food services location and dock facilities

This application for a temporary use permit was approved by the land use committee and the developer got started construction

## 7.1

However this allowed the fox into the hen house so to say, the applicant was to begin construction of buildings not applicable or permitted in the first TP 000008 issued immediately blasting, backfilling and construction began from a simple 4 post gazebo to the enormous structure as we see it in place today

The applicant had free rein no permits or inspection from the JDF land use committee

For 3 years this grew into an enormous marine area with a large gazebo structure, washroom facilities, offices fish cleaning, food services

It became a thriving business, charter fisherman are abundant in this marina however it was in violation of its zoning regulations as it was to be no more than a private marina under current zoning. Yet it was largely ignored by those who knew of its prior zoning which was private marina and subsequently grew and expanded into what it is today

## 8.

The second TP 000008 was issued in July of 2019, as the applicant failed to meet re-zoning requirements and was subject to closure so a second TP 0000008 was granted by the Land use committee

However this is we're it gets interesting as pointed out to me, by a concerned resident

The language and subsections and information within differ greatly from the original TP 00008 application from

2016, to 2019 temporary use applications

9.1

Item 3 (e) stands out first as a new addition

It reads

3(e) that the mobile food services be operated in accordance to island health requirements for food services facilities, including permits to operate a water system.

Alsc

3(f) no additional structures or modifications to structures to be constructed on the said lands for use under this permit until such a time as authorized by bylaw.

3-(I) in default of compliance with any provisions of this permit, the permit shall lapse.

7. This permit is NOT a building permit

10.1

So for an over view of where this is going let's review the first TP000008 - 2016,

The applicant shows maps of basic buildings, etc

This permit is the foundation and the playing field with goal posts permanently engraved in stone

11.1

The second extension (2019) TP000008 also too has similar maps, however in the second application the first map clearly shows a large structure which is in non compliance with the original TP 2016, application, the fourth map is the same map as in the first application however there is no reference to specific structures as those structures were never intended to be constructed.

This in short has created great community animosity towards the applicant, the JDF land use board and area directors who sat back blindly and permitted construction of something completely different than in the original application TP 000008 - 2016

This is in reference to item

3.(I) in default of compliance with any provisions of this permit, the permit will lapse.

## 12.1 other structures

There are other multitude of other structures built within the 2019 application such as offices, retail and a washroom facility with wheelchair access,

These other structures clearly violate item

3(f) that no additional structures or modifications to structures be constructed on the lands for use under this permit, until such a time as authorized under bylaw.

The JDF land use committee knew full well that additional structures were constructed or modified within the 2019 TP extension application and sat back and let the applicant continue business as usual with enacting item:

3(I) in default of compliance with any provisions of this permit, the permit shall lapse

This is another non compliance item

## 13.1 washroom facilities

Which brings us to the establishment of wash room facilities

Currently onsite is a separate male and female washrooms, these are functional washrooms supplied by water ( water from where?) and the waste is discharged into what?

Septic system?

Community sewer?

Holding tank?

It is being asked by community members to Please point out as to which bylaw meeting approved such facilities? This existing facility is not mentioned in either the 2016, or 2019 TP000008 application or approved in either,

Therefore it is non conforming with the permit. An falls under item 3(f) no additional structures to be constructed or modified to existing structures 3(I) if default of compliance of the permit, the permit shall lapse

This is another non compliance item

14

Bylaw 4442 - expansion of the port renfrew water services area - amendments to bylaw 1747 Furthermore and this is a big item and is very suspect on how it was adopted and carried without any public consultation or amendments to the official port renfrew community bylaw plan 3901

Bylaw 4442- adopted as recently as December 08/2021.

How this bylaw came to be:

Documents CRD district board meeting July 14 / 2021 -page 07 - subsection 8.2 - 21.535

"In July 14/2021 the CRD district board meeting" Bylaw 4442 was slipped through without proper consultation or discussion the area JDF Director, moved bylaw 4442, and presented it three times, it was seconded by alternative area director, it was unanimously passed and referred to the the JDF director for approval Bylaw 4442 was adopted December 8 2021 and presented to the applicant (gateway marina) to officially join the newly extended Port Renfrew water supply local services area

The above mentioned information and documentation can be found in CRD district board minutes from July 14, 2021, subsection 8.2, it can be best described as a questionable deal to specifically benefit the advancement of the applicant and the pending rezoning application as we see it, and will benefit other area developers and that my friends as described by another port renfrew resident is a bunch of bullshit, and now this has come to light, many port renfrew residents felt injustice has occurred by our area director within this application. No community consultation, discussion, feedback or a Bylaw amendments included

This Bylaw must be repealed immediately and JDF area director be tasked to why the area director personally moved the bylaw 4442 for a first, second and third readings all at one time, was seconded by another alternate director and was was pushed through in alternate channels rather than proper process.

Then this bylaw was sent to the JDF area director for approval then was presented into this application for rezoning under subsection background information

Pretty questionable ethics

15.1 Pacific gateway marina: water services

Which brings us to water services to the pacific gateway location:

For years and years there has been a unlawful water connection to the port renfrew water services area. This connection is located at the end of Baird road, and services the gateway marina from the only cabin at the end of that road, for years the owner of that cabin has been providing free unmetered water which over the course of inception totals millions of gallons of community water, this is a well known item of contention within the community of port renfrew.

This unlawful water connection has never been mentioned in either the 2016, or 2019 TP 0000008 applications. So again

2016 TP000008 is a non compliance

Only recently as December 8 2021 bylaw 4442 adopted to coverup the past unlawful water connection issues with the pacific gateway application

This is again referred to

2016 -TP application

3(g) in default of compliance with any provisions with this permit, the permit shall lapse

2019 - TP application

3(I) in default of any compliance with any provisions of this permit, the permit shall lapse

Again a serious non compliance issue with the unlawful supply of water to the pacific gateway marina

### 16.1 marine protection area

Let's shift focus onto the marine protection area of the official community plan bylaw 3109 port renfrew 4.2 marine protection area

A marine protection area is established 300 meters out into the San Juan harbor in all directions. The only provision currently prohibited is

4.2.1 there shall be no log booms permit to operate in this area

This is the only non permit activity, all other activities are permitted. There is no teeth in this part of the official community plan bylaw 3109.

With no teeth or accountability, the applicant applied to the ministry of lands air and water to construction of a break water in water lot 751, that was approved, however significant in filling of the bay by blast rock of the old road leading from little beach to the marina occurred, this was a non compliant item and is outside of the applicants application area.

#### 17.1 Environmental concerns:

It is without a doubt that the creating of the breakwater as it it today has altered the marine habitat in the little beach area by preventing the historic tidal flushing, what once not long ago a area in abundance of elk grasses, is now a barren mud flat devoid of most marine life,

Photographs of within TP0000008 application in 2019 show an over view of the breakwater and the bottom of the little Bay Area, only three years later the photograph on the port renfrew Facebook page provided by JDF director clearly shows in only 3 years the significance of infilling of sands and mud Irreparable harm to the marine ecosystem.

That is why it is essential to adopt immediately Bylaw 4266 -2019 Marine Protection as an amendments to Bylaw 3109 port renfrew official community plan. This would have given teeth to a non compliance with future development permits.

## 18.1

## Patchedaht First Nations:

There are identifying burial caves and significant archaeological sites within the applicants plan area, damage has occurred to some locations,

Theses sites are not mentioned in either the 2016 or the 2019 TP00000008 application for development permits, They are a separate issue and are being discussed with the First Nations outside of this application. The applicant continued blasting after the fact of identifying theses archeological sites.

## 19.1 Finally in closing:

If an individual or applicant can simply skirt around Bylaw 3109 the official community plan and sections within the Temporary Use Permits both 2016, 2019 by utilizing the local government act subsections 492,493,495,496,497 without and ignore for the past 6 years the language within those permits creating non compliance in several sections, should the applicant be allowed to proceed with further applications? Should the applicant be permitted to receive the Rezoning as the applicant seeks?

Should the applicant be allowed to proceed when knowing full well the the buildings constructed today are not that of the original acceptance development temporary use plan 2016?

Did the IDF land use committee followup with inspections on construction of those buildings? Should the applicant be allowed to continue to be non compliance with those current structures?

Should the JDF land use committee and area director and members allow the application to progress knowing full well there is non compliance in several areas within both temporary use permits,

Should the JDF land use committee permit the applicant to bylaw 4442 - port renfrew water supply local services which was adopted without consultation with committees and approved fast tracked to appease the applicant and to burry the knowledge of the unauthorized water connection that has served gateway marina for over six years,

knowing full well this is in contravention creating non compliance? Should the applicant be permitted to proceed based upon non compliance?

Should the applicant be permitted to have washrooms onsite knowing full well that there is non compliance with new construction TO000008 -2019 septic field, holding tank, community sewer,? were permits approved, did the applicant make amendments to the TP0000008 - 2016 or 2019 for these existing washrooms? Should the applicant be permitted to proceed based upon non compliance?

20.1

final thoughts

my personal thought is this;

This application for rezoning the gateway marina should be paused.

Why

I'll tell you why, there are significant non compliance issues when dealing with each individual situation. First off

- 1. Unauthorized water connection from the cabin at the end of Baird road to the pacific gateway marina, this connection has been known by all parties including community members and is a contentious point to local residents whom pay for their water quarterly and a marina would use significant more water but who pays? Been going on since the inception of the marina and only just recently a greasy bylaw 4442 acceptance into port renfrew water system local services was adopted without proper procedures, communication of bylaw amendments.
- 2. Construction of unauthorized buildings, these buildings as we see today are completely different than those that were presented in the 2016 temporary use permit TP0000008 map #3 and what is onsite today, apples to oranges difference.

Was there consultation, permits, JDF land use committee inspections?

### 3. Washrooms facilities

The original washrooms were porta potties, this was because there was no water connection for washrooms. The current washroom structure is significant and is not mentioned in either the 2016 or the 2019 temporary use permit applications, therefore is non compliant

## 4. Marine protection area

Within bylaw 3019 official community plan

There is a small subsection for marine protection area, the only non use not permitted is the booming if logs. This subsection on marine protection is wide open for interpretation and must be closed up by adopting Bylaw 4266 which will permit a 15 meter wide (from the high tide line and foreshore topography) a buffer strip preventing further damage not only the marine environment but sensitive ecosystems, area streams and creeks. This bylaw has been put on the back burner since 2019 and needs to re-enacted and adopted into bylaw 3109 the official community plan.

21.1

So a final thought

Did or has non compliance occur?

And is the JDF land use committee going to stand behind their written and documented compliance regulations within both the 2016 and 2019 temporary use permits as presented TP0000008

Quote

"In default of compliance with any of the provisions within this permit, the permit will lapse

Quote

That no additional structures or modifications to existing structures be constructed on the lands for a use under this permit until such a time as authorized by bylaw

Ouote

This permit is NOT a building permit

So were building permits obtained for the structures as we see them today, was their inspections by JDF staff? Meeting and bylaw amendments or variance as to the scope of the buildings as we see today?

So with everything presented in this email will it be presented as a whole, not have sections edited, blacked out or removed as to not to include the reader in all subsections.

Will the JDF land use committee and area director of the JDF electoral area stand by their bylaws?

I guess we wait and see if they JDF land use committee stand by their bylaws and language within the temporary use permits or bow to the applicant and the application and the implications of knowing full well the deficiencies as described above are not to be dealt with and the rezoning application is permitted to proceed

The residents of Port Renfrew patiently wait and see

Sincerely

I'm just the messenger

Scott Phillips

Port Renfrew resident and spokesperson for others who contributed to these questions that need to be addressed as a whole