



**DENMAN ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

**REGULAR BUSINESS MEETING
OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE**
held at 10:30 am on Tuesday, October 22, 2013 at the Denman Seniors Hall,
1111 Northwest Road, Denman Island, BC

LATE ITEMS, ADDITIONS

**AMENDMENTS/ADDITIONS
TO ITEMS:**

10. CORRESPONDENCE

- 10.5 Email dated October 11, 2013 from Pat McLaughlin regarding Application for Shellfish Tenure in Henry Bay - *attached*
- 10.6 Email dated October 14, 2013 from Margie Gang regarding Definition of Dwelling Unit - *attached*

13. NEW BUSINESS

- 13.2 Memorandum dated October 8, 2013 regarding Aquaculture Use Applications submitted by Salish Sea Farms Ltd. - *attached*

From: Pat McLaughlin [patmclaughn@gmail.com]
Sent: October 11, 2013 2:51 PM
To: Laura Busheikin; David Graham
Subject: Emailing: getfile.pdf

Hello;

My apologies if you already have this information about the latest application for a shellfish tenure in Henry Bay. Have you been able to communicate with Mr. Hardy (the applicant) about the need for rezoning approval by the Islands Trust? He does seem determined to fill Henry Bay with the shellfish industry and has no respect for the jurisdiction of the Trust and its mandate to “preserve and protect” the natural environment for all B.C. people, not just the residents.

Is there anything more we could be doing, short of legal action, to see that they follow the rules as well as respect the mandate of the Trust? – nor accept the fact Henry Bay is the only safe anchorage on D.I. - But I repeat myself – sorry!.Regards

Pat

FOR INTERNAL USE	
File Number:	Project Number: 102799
Disposition Number:	Client Number:

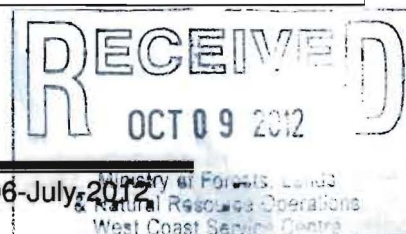
PACIFIC SHELLFISH AQUACULTURE APPLICATION

Ministry of Forests, Lands and Natural Resource Operations
Fisheries and Oceans Canada
Transport Canada

PART I – GENERAL APPLICANT INFORMATION

SECTION A: APPLICANT AND GENERAL INFORMATION

1. Applicant Name(s) (Full Legal Name(s) or Registered Company Name) Salish Sea Farms Ltd.		Applicant Business Information: Telephone: (250) 339-4545 Cell: (250) 703-1969 Fax: (250) 339-7053 Email: richhardy@shaw.ca	
2. Applicant Business Mailing Address: 3320 Comox Road Courtenay BC			Postal Code: V9N 3P8
3. Doing Business as: Salish Sea Farms Ltd.		4. BC Inc #, BC Registration # or BC Society # BC0924578	
5. Physical Business Address (if different from above):			
6. Contact Name (if different from above): Richard Hardy		Contact Business Information: Telephone: (250) 339-4545 Cell: (250) 703-1969 Fax: (250) 339-7053 Email: richhardy@shaw.ca	
7. Agent/ Representative (if applicable): Tom Broadley		Agent/Representative Business Information: Telephone: (250) 339-1313 Cell: (250) 897-5654 Fax: (250) 339-1393 Email: broadley@ieccorporate.com	
8. Business Mailing Address of Agent/Representative: IEC International 2291 Robb Ave Comox BC			Postal Code: V9M 1J2
Letter of Authorization: ☒ Yes ☐ No			



9. Type of Application:

☒ New site	Tenure Type:	☒ Licence of Occupation	☐ Lease	☐ Investigative Permit
☐ Amendment Amendment Type: ☐ Tenure Area ☐ Infrastructure ☐ Production ☐ Species ☐ Other (Describe)	<u>Currently Approved</u> (required only for type of amendment applied for, attach additional page if necessary)	<u>Proposed</u>		
☐ Licence Holder Change	Current Licence Holder Name:			

10. Government Reference Numbers

BC Land File # (Crown land)	DFO Aquaculture Licence #	NWPA #
OR	AND	
Park Use Permit # (Park/Protected land)	Site Reference #	Parcel Identification # (Private land)

SECTION B: SITE AND INFRASTRUCTURE INFORMATION

1. Site Category

☒ Provincial Crown Land	☐ Provincial Park	☐ Private Land
☐ Federal Land	☐ First Nation Reserve	☐ Other

2. Geographic location of site: **Unsurveyed deep water site located west of Denman Island**

3. Site Common Name: **Henry Bay**

4. DFO Area: **14** Sub Area: **15**

5. Canadian Hydrographic Service Chart (CHS) Marine Chart Number (if water-based): **3527** OR

Topographical Map Number (if land-based): _____

6. If the site is surveyed, provide legal description of site (e.g., Land District and Lot Number):

7. If the site is not surveyed, provide metes and bounds description from a surveyed point or geographic coordinate:

Beginning at the SW corner of L211 Bk A, Nanaimo Land District off the Northwest shore of Henry Bay, Denman Island, then 211 meters at 316 deg True to Point of Commencement (PC; Note that the position of DL211 was taken from the public portion of the website <http://apps.gov.bc.ca/pub/ggw/> as 49 deg 35' 25.7" 124 50' 22.9"; shp file of the proposed site NAD83 is attached);
Then 122 meters at 293 deg True;
Then 618 meters at 27 deg True;
Then 116 meters at 117 deg True;
Then 611 meters at 206 deg True returning to PC (refer to Figure 1).

8. Provide GPS coordinates for the center of the application area/tenure:

Latitude: **49° 34.66" N**

Longitude: **124° 50.43" W**

9. Total Area of site (Hectares): **7.3 ha +/-** shp file attached
(Please provide a shape file if available)

10. Culture Type (indicate all that apply):

- ☐ Intertidal Beach culture – culture activities take place between the high water mark and the low water mark (chart datum).
☒ Subtidal on/in bottom culture – culture activity takes place on the sea floor below chart datum. See Part III, Section G.

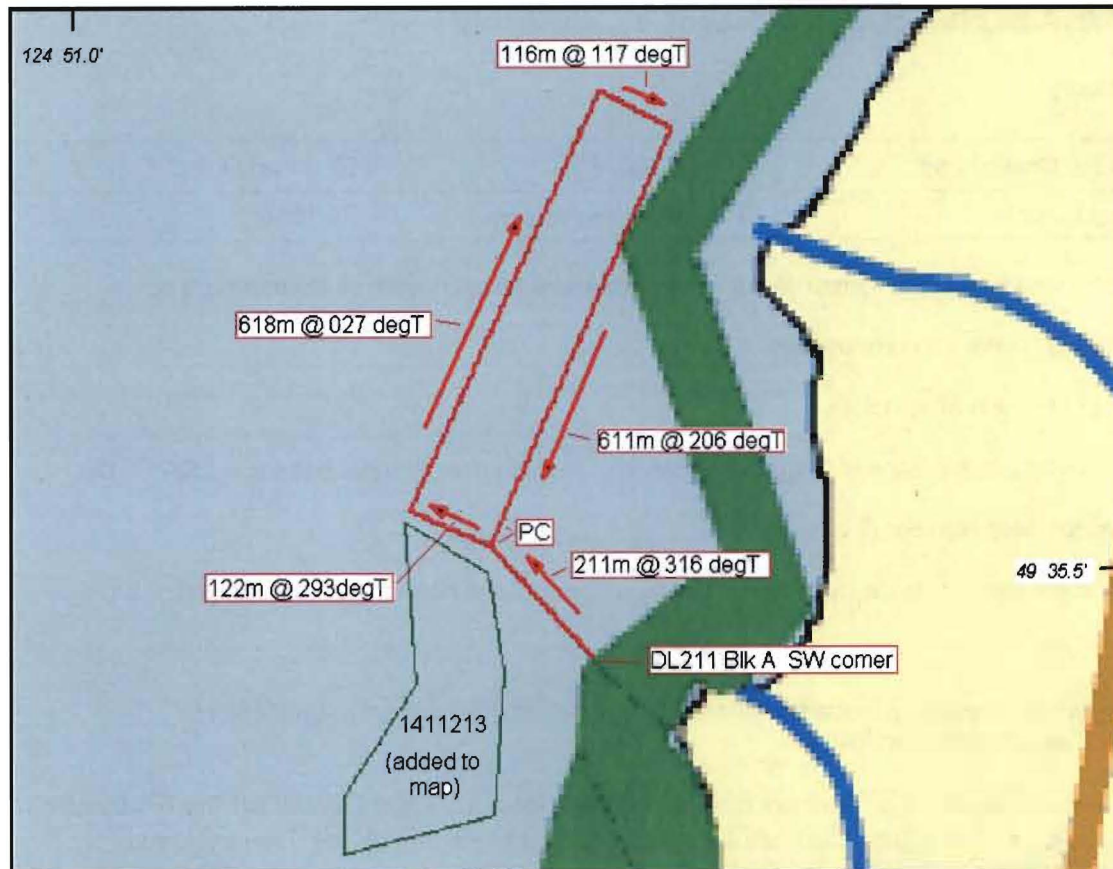


Figure 1. Metes and bounds for the Henry Bay tenure (shp file of the proposed site NAD83 is attached).

- ☐ Deepwater Suspended culture – culture activity takes place on the surface or within the water column.
- ☒ Nursery Operation – culture activity includes juvenile rearing
- ☐ Marine Hatchery operation – culture activity includes spawning adults and larval rearing other than natural setting of spat or juveniles in the marine environment at the application site

NOTE: For a land-based **Hatchery Operation** where the culture activity includes spawning adults and larval rearing other than natural setting of spat or juveniles at the application site, use the application for **PACIFIC FRESH WATER and LAND BASED AQUACULTURE**

11. Physical Structures (Improvements): Complete table below by checking all applicable structures, existing and proposed, and estimated area of the application site that will be covered all existing and planned structures. Where applicable, note the number and dimensions of the structures.

There are specific conditions of licence for shellfish aquaculture that licence holders must adhere to pertaining to the installation, inspection and maintenance of structures and gear. Please review these carefully in the Guide or on the DFO internet site at:

<http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-coq-eng.htm>.

Table 11.1.

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	NEW ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURE
Predator Protection: Predator netting (intertidal beach or subtidal bottom)	☐	✓	16,222 m ² (22% of total area)
Predator netting (suspended culture vertical netting)	☐	☐	
Tubes (eg. Sections PVC or other material used in intertidal areas)	☐	☐ ¹	
Other (describe):	☐	☐	
Intertidal Beach Modification: Rock Walls	☐	☐ ¹	
Trenches	☐	☐ ¹	
Berms	☐	☐ ¹	
Rack and Bag systems ¹	☐	☐ ¹	
Nursery Infrastructure: FLUPSY	☐	☐	
Intertidal remote setting	☐	☐ ¹	
Other (describe):	☐	☐ ¹	
Suspended Culture Gear: Rafts	☐	☐ ¹	
Longlines	☐	☐ ¹	
On/In bottom Subtidal Culture Gear: Containment structure(s) for adults or juveniles Sea Cucumber Nursery Bag Circular oyster cargo mesh bag filled with oyster shell and a temporary seed deployment tube in middle of shell pile	☐	☒ ¹	3,650 m ² (0.05% of total area)

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	NEW ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURE
Other (describe): BIB Cubic vexas mesh bag most of which is submerged into the substrate and retrieved later by emulsifying substrate with pressurized salt water	☐	☒	180 m ² (0.25% of total area)

Table 11.2.

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	TOTAL NUMBER	DIMENSION (m or m ²) of EACH STRUCTURE	NEW ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURE
Work Floats: Product handling or storage	☐	☐			
Living accommodations	☐	☐			
Other (describe):	☐	☐			

Table 11.3.

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED		DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED
Site Marking: Blocks	☐	☐		Navigational Markers	☐	☐
Sinking groundline	☐	☒ ¹		Mooring lines	☐	☐
Other (describe): Submerged Marker Barrels 30 gallon concrete barrels with a rebar pin submerged into the substrate on corners and approximately 100 m spacing	☐	☒		Anchor blocks	☐	☐ ²
				Anchor blocks DEPTH (m):		

¹ Note that certain physical structures may require redesign, relocation, mitigation and/or a fish habitat information survey review and approval **prior** to installation. See Part III, Section G.

² Note that if anchor blocks are located in waters between chart datum and -10 m see note 1.

SECTION C: MAPS AND DIAGRAMS

Attach the following maps and diagrams. They must be submitted to scale and be consistent with the other information in this application. Please refer to the Guide for details and sample diagrams.

a. Location Maps

- i. Provide a photocopy or scanned section of a topographic map (if the site is located on land) **or** a Canadian Hydrographic Service (CHS) Marine Chart (if the site is located in marine waters) at a scale of 1:50,000 to 1:250,000 indicating the general location of area under application, noting the location of significant geographic features, such as a lake, mountain, road, community, etc.
- ii. Provide a photocopy or scanned section of a Canadian Hydrographic Service (CHS) Marine Chart (if the site is located in marine waters), **or** Cadastral map, **or** Topographical map (if the site is located on land) of a scale between 1:20,000 and 1:40,000, showing the general location of the area under application.

b. Operational Diagrams

- i. A 1:5000 scale hydrographic chart (with all measurements in meters) showing the boundaries of the application area, the high and low water marks, all physical structures (improvements) associated with the proposed operation, including any existing substrate modifications (trenches, berms), as indicated in Section B - 11.
- ii. A 1:2000 schematic diagram showing a side view of the proposed operation, which at minimum must illustrate and itemize all structures above the surface. Include all intertidal and underwater structures from the surface of the water at chart datum to the sea bed at the most shallow point of the site that contains or will contain the deepest hanging structures (i.e. where culture gear will hang nearest to the subtidal sea floor).

Note: If drawings are larger than 11" x 17", Transport Canada requires that you enclose five (5) copies. For drawings 11" x 17" or smaller, one (1) copy will be sufficient.

a. Location Map

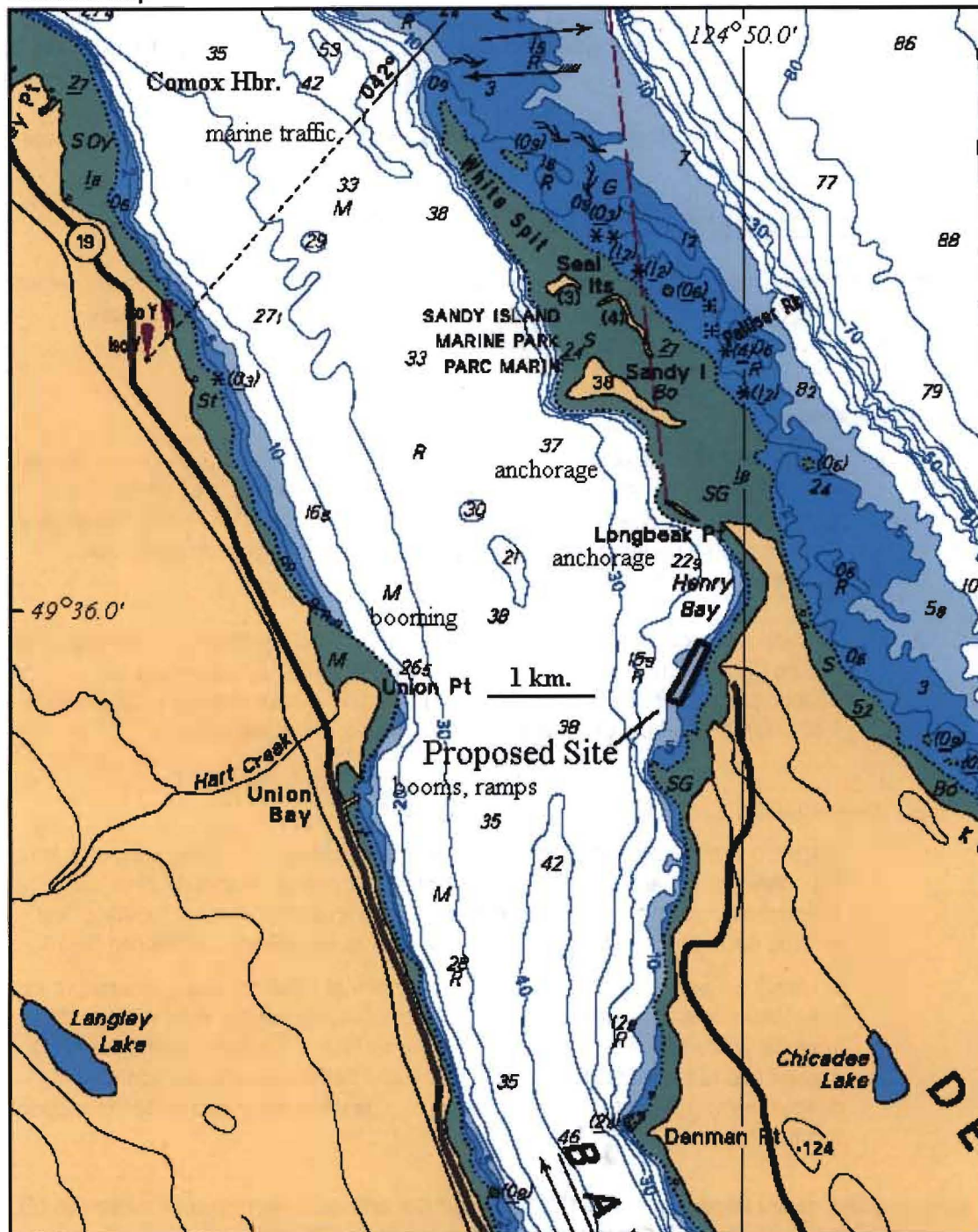


Figure a i. Location map for application area (adapted from CHS Chart 3513)

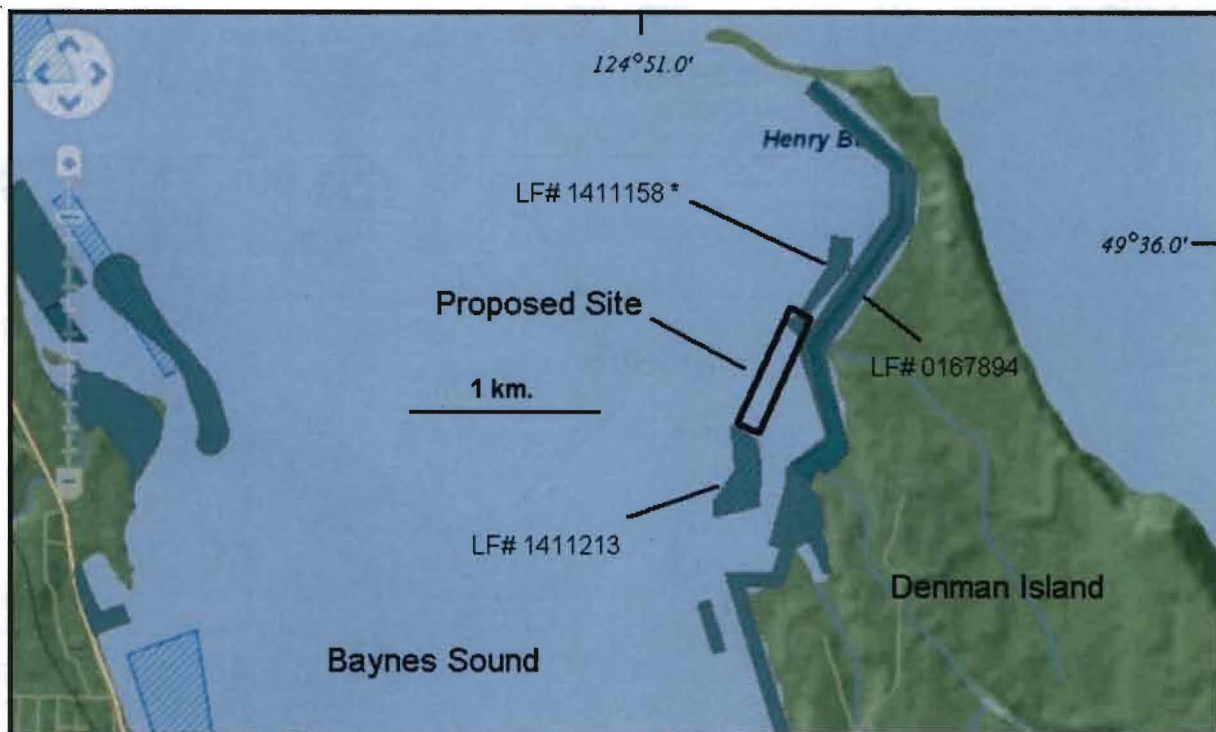


Figure a ii. General area with proposed site added in black (adapted from IMAP website <http://webmaps.gov.bc.ca/imfx>); * note that 1411158 was a previous application but changed to different location

c. Operational Diagrams

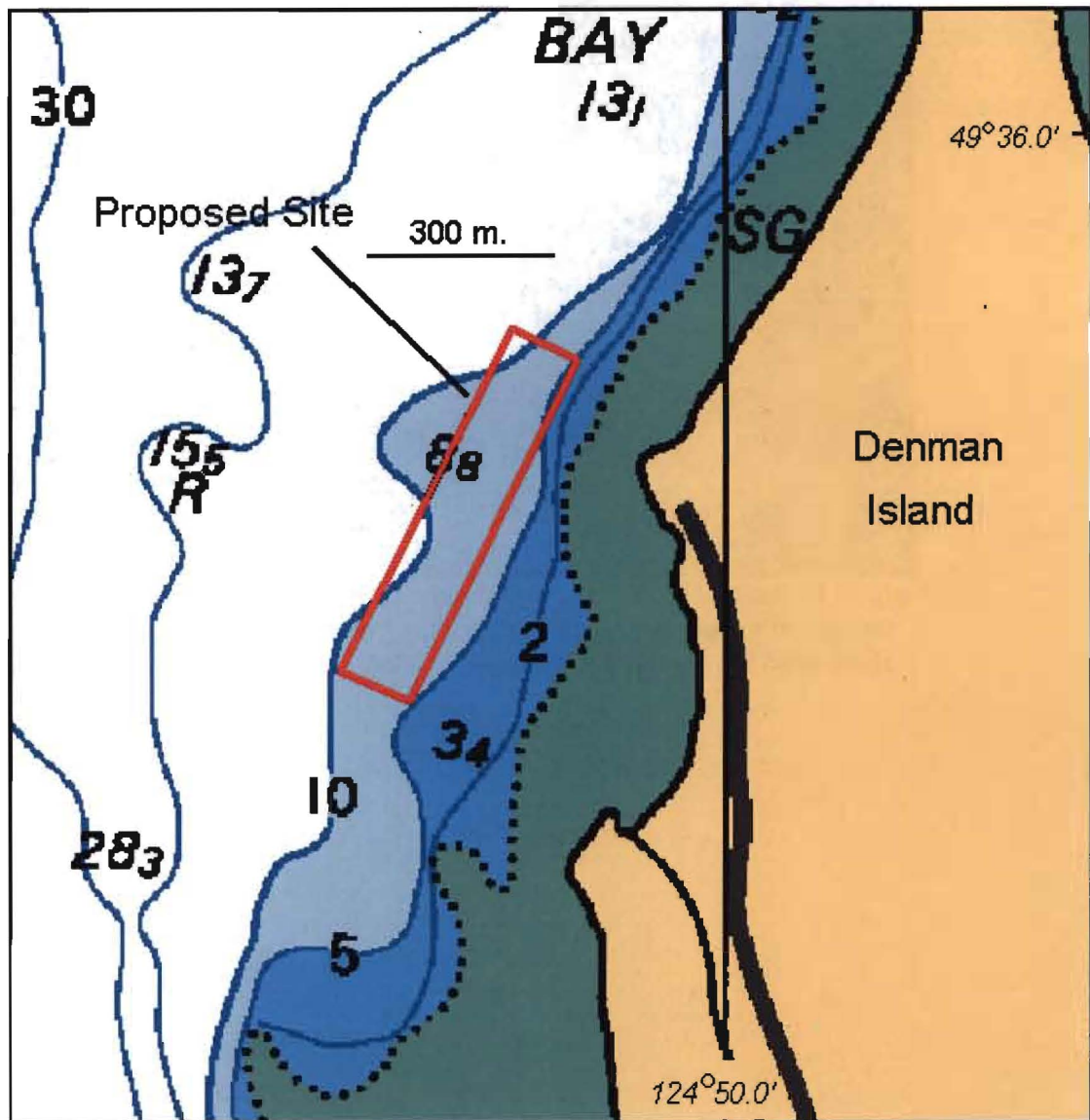


Figure b i. Section of CHS chart 3527 adapted to show application area depth detail.

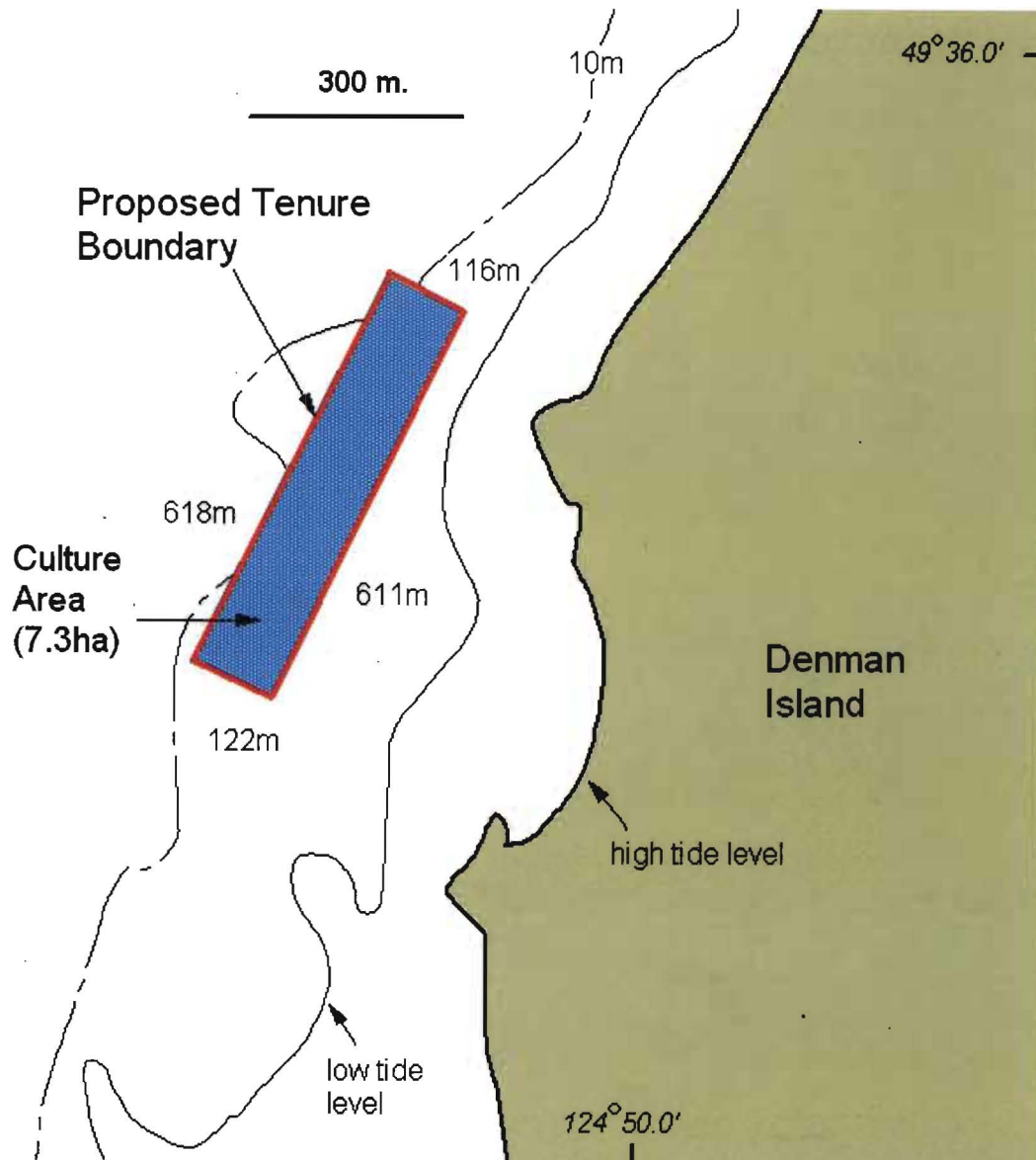
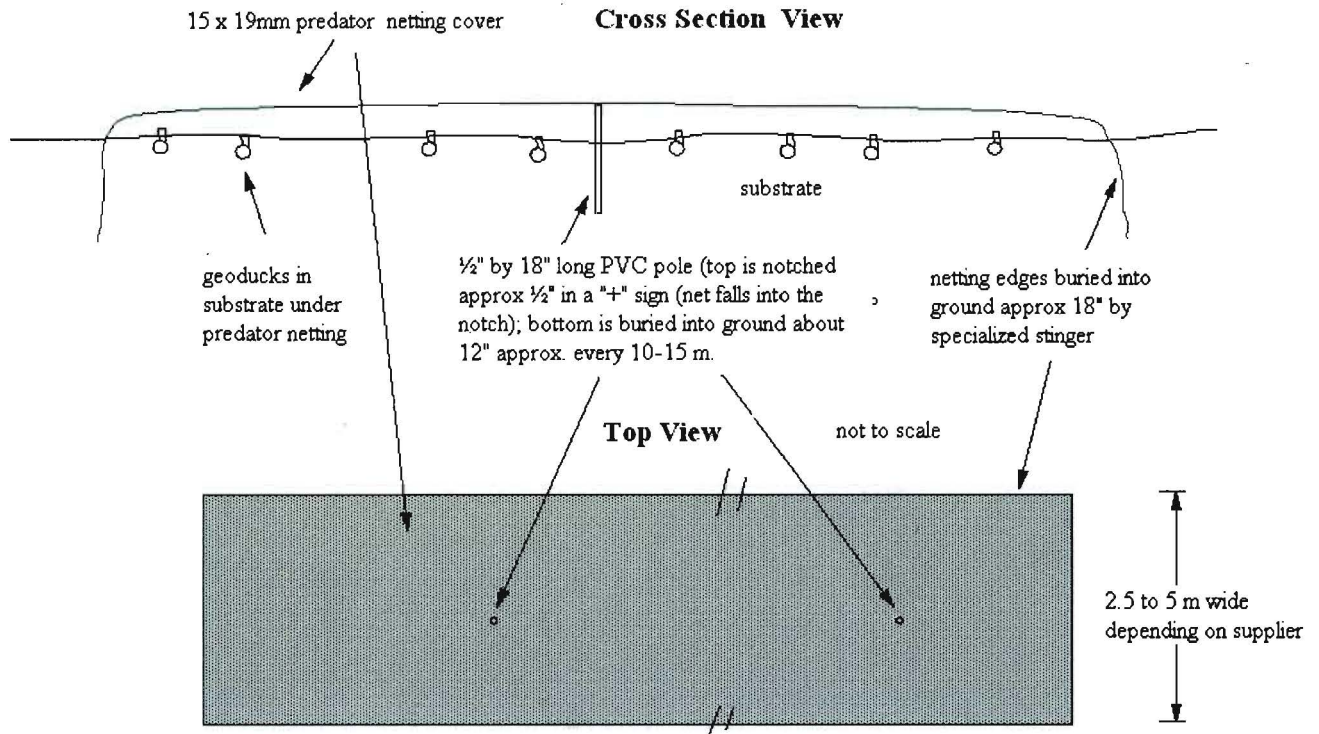


Figure b i contd. Location map for application area (adapted from CHS Chart 3527) showing dimensions. Culture area to contain BIB and predator protection as shown in Figure b ii.

Predator protection netting



Bag in Bottom seed protection (BIB)

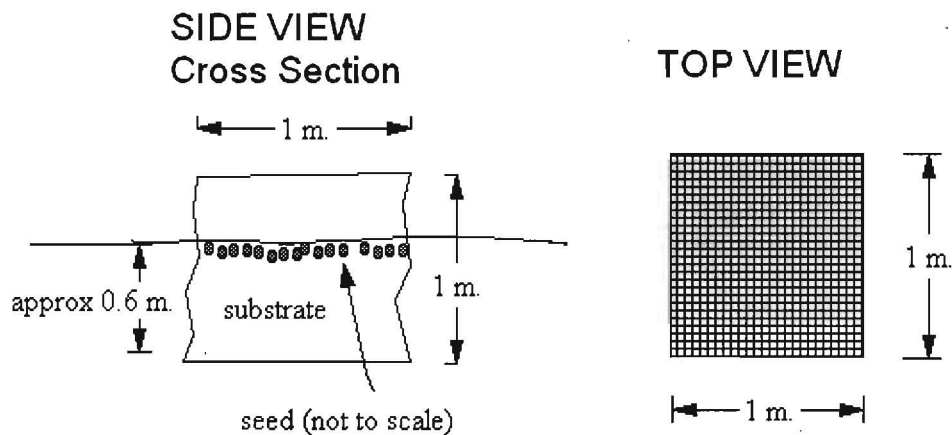


Figure b ii. Diagrams showing proposed seabed culture structures. Predator protection netting will cover product for 2 years of the 9 year cycle so 2 of 9 culture areas will have netting, or up to 22% of total area; BIB protection will cover 0.25% of total area.

Sea Cucumber Nursery

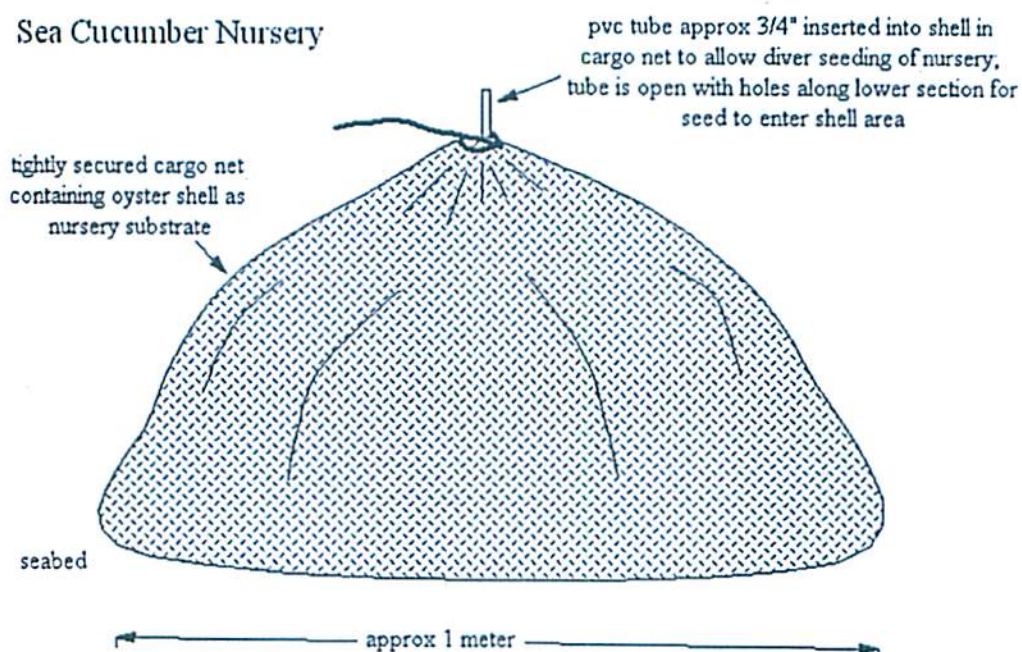


Figure b ii continued. Diagrams showing proposed seabed culture structures. Sea cucumber nursery bag will cover 0.05% of total area.

SECTION D: WATER USE

1. Will fresh water be used at this facility? ☐ Yes ☒ No
2. If yes, and if water source is surface water (not ground), provide name:

3. If you already have a water licence at this site, please provide licence number, or provide date of submission of an application:

PART II – INFORMATION FOR THE BC MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

The following information, along with Part I and Part V, is required for the adjudication of the Provincial Crown Land Tenure application under the BC *Land Act*.

SECTION A: SITING CONSIDERATIONS

Applicants must respond to each consideration and may be required to provide additional information in some situations.

YES NO

☒ ☐ Is the upland property Crown land?

If no, do the proposed structures infringe on the riparian rights of an upland owner? ☐ Yes ☒ No

If yes, has the owner provided written consent for you to occupy the site for the term of the tenure? ☐ Yes ☐ No

If yes, include a copy of the written consent.

☐ ☒ Is the intended use consistent with approved local government bylaws for land use planning and zoning?

Provide the name of the Regional District or Municipality for the area:

Islands Trust

If no, have you discussed your application with local government and have you initiated a re-zoning process? ☐ Yes ☒ No Please provide details:

PART V – INFORMATION FOR ALL AGENCIES

All applicable components of this application package must be complete. Incomplete applications will be returned to applicant. Applicable fees must be submitted at time of application.

Provincial Fees:

Note that the current [fee schedule](#) does not include the taxes that apply.

Forms of Payment:

- Cheques or Money orders must be in Canadian Funds to **Minister of Finance**
- Debit Card (in-person only)
- Visa and MasterCard payments are accepted in-person or over the telephone. To locate a FrontCounter BC office, visit the website at <http://www.frontcounterbc.gov.bc.ca/contact/> or call the toll free number 1-877-855-3222.

FrontCounter BC will not accept personal cheques drawn on US banks, regardless of what currency. Payment will not be accepted even if it has "CDN Funds" handwritten on the cheque.

PLEASE NOTE: Additional items may be required (eg. Advertising, Security Deposit, Proof of Insurance, Letter of Consent). Some items may have additional associated costs or require additional processing time.

The information you provide may be subject to the following legislation: British Columbia *Freedom of Information and Protection of Privacy Act* (FOIPP Act); the federal *Access to Information Act*, and the federal *Privacy Act*. The personal information collected by the Government of BC is collected under the authority of section 26 (c) of the FOIPP Act and will be used to process your application(s) and will be shared only with the necessary government agencies needed to provide you with the service that you have requested. If you have any questions regarding the handling of your personal information, please contact FrontCounter BC at 1-877-855-3222 or by writing to Manager, Provincial Operations, FrontCounter BC at 441 Columbia Street, Kamloops, BC V2C 2T3 and/or the Director, Access to Information and Privacy Secretariat at the Department of Fisheries and Oceans Canada and Transport Canada.

The Province of British Columbia, Fisheries and Oceans Canada, and Transport Canada do not consider the information submitted in this form to be confidential unless it is subject to the privacy protection of the *Freedom of Information and Protection of Privacy Act* or the *Access to Information Act*. I understand that the information supplied will be used to review my applications under the *BC Land Act*, *BC Fisheries Act* (until such time as it is amended) *Federal Fisheries Act* and the *Navigable Waters Protection Act* and information will be shared amongst the other agencies, First Nations and/or with the public.

Signature(s) of
Applicant(s) or
authorized
representative

Name(s) of Applicant(s)
or authorized
representative*

Date



Tom Broadley

July 30, 2012

*If signature is by an authorized representative please supply a letter granting authorization to act on behalf of the applicant.

Submit completed application, and additional supporting information (if applicable) to:

In Person: Any FrontCounter BC office.

Visit <http://www.frontcounterbc.gov.bc.ca> for the location nearest you.

By Mail: FrontCounter BC, 2080a Labieux Road, Nanaimo, BC V9T 6J9

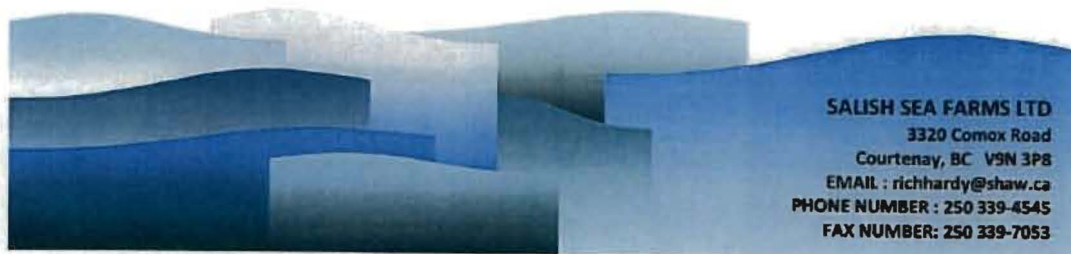
By Email: frontcounterbc@gov.bc.ca

(NOTE: IF FEES ARE APPLICABLE, CLIENT MUST CONTACT FRONTCOUNTER BC BY TELEPHONE WITH CREDIT CARD INFORMATION PRIOR TO SUBMITTING THE APPLICATION ELECTRONICALLY. DO NOT INCLUDE PAYMENT (CREDIT CARD) INFORMATION VIA EMAIL OR FAX.)

PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS

APPLICATIONS ARE NOT TRANSFERABLE

THE SUBMISSION OF THIS FORM DOES NOT IN ANY MANNER CONVEY ANY RIGHTS TO USE OR OCCUPY CROWN LAND AND/OR CONDUCT REQUESTED ACTIVITIES



July 25, 2012

To Whom It May Concern .

RE : Agent Assignment for Subtidal Shellfish Aquaculture Tenure Applications

By conveyance of this letter, please be advised that we have assigned Mr. Tom Broadley of IEC International to serve as our agent for the subtidal shellfish aquaculture applications at the following sites:

- Comox Bar
- Komas Bluff
- Henry Bay
- Willemar Bluff
- Kye Bay
- North Kye Bay

Yours truly,



Mr. Richard Hardy,
Operations Co-Manager

From: Margie Gang [<mailto:margang@telus.net>]

Sent: October-14-13 7:02 AM

To: David Graham; Laura Busheikin; Rob Milne

Subject: about bylaw modification re. guest accommodation issues

Hello David, Laura, and Rob. I regret that I won't be able to attend the next LTC meeting, as I understand that bylaw changes affecting permitted home occupations may be on the agenda. I understand that one possible change may involve temporary use permits, and this may (or may not) be helpful to guest accommodation providers. But I think a much more logical and meaningful change would be to change the definition of "dwelling unit." This was suggested by intern Sean Wright in several places in the report he submitted. Currently, population density here is technically measured by the number of stoves existing on the island. The emphasis on cooking facilities has led to the absurd situation where the number of people living on the island, and the amount of time they spend living here, is irrelevant to density.

"Dwelling unit" could be defined in terms of "...rooms in a building, used or intended to be used as a residence by an individual or a group of individuals living together in common occupancy." This is the only change that would really be necessary to make this island friendly to family and friends of residents, customers of island businesses, and participants in island events. The problems that bylaw #186 causes for our visitor sector could thus be completely resolved, with no impact on overall density. Guest accommodation providers typically have no intention of moving another family into their owner-occupied home, so defining the guest cooking facilities as second full-time residence in that home doesn't correspond to reality.

Sincerely,
Margie Gang



Memorandum

700 North Road Gabriola Island BC V0X 1X3

Telephone (250) 247.2203 FAX: (250) 247.7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date October 8, 2013 File Number

To Denman Island Local Trust Committee

From Rob Milne
Island Planner

Re Aquaculture Use Applications 1414124 & 1414125

Two aquaculture use applications, submitted by Salish Sea Farms Ltd., have been received by this office. The two applications are described below and attached for your information and review.

Proponent: Salish Sea Farms Ltd
Tenure Type: Licence of Occupation, Aquaculture Shellfish
Term of Proposal: 20 years

File: 1414124

BCGS Mapsheet/Location: 92F.056 - Henry Bay, West of Denman Island

Legal Description: Unsurveyed Crown foreshore or land covered by water being part of the bed of Henry Bay, Nanaimo District

Size (Area) ha : 7.294 ha +/-

File: 1414125

BCGS Mapsheet/Location: 92F.057 - Komas Bluff, East side of Denman Island

Legal Description: Unsurveyed Crown foreshore or land covered by water being part of the bed of the Straig of Georgia, Nanaimo District

Size (Area) ha : 118.7 ha +/-

The intent of this memo is to inform you of the applications and provide you with a copy of the reply that is proposed to be submitted in response to the referrals, which is as follows:

Thank you for the referral and the opportunity to comment. Please be advised that the proposed use is not permitted by the current zoning as it does not comply with the currently permitted uses. The area in question must be successfully rezoned to allow the proposed use. We would ask that no license of occupation be approved until such time as the areas in question have been rezoned to allow the use. Previous approvals issued prior to the required rezoning have required Islands Trust enforcement staff to pursue compliance from the lease holders which places an unnecessary burden on our resources.

The response deadline for referral comments is October 25, 2013. The Local Trust Committee may wish to pass a resolution to include a comment in the referral responses. **Islands Trust staff will be meeting with representatives from ILMB in early November, 2013.**

Attachments- Crown lease File 1414124 application package
Crown lease File 1414125 application package

K:\LTC\Northern Denman\LTC Projects\Aquaculture\October 8 staff memo Salish Sea Farms.docx



Government
of Canada

Gouvernement
du Canada

FOR INTERNAL USE	
File Number:	Project Number: 102799
Disposition Number:	Client Number:

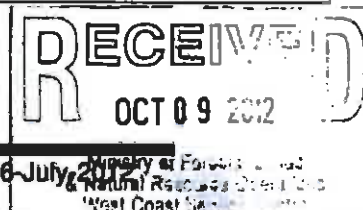
PACIFIC SHELLFISH AQUACULTURE APPLICATION

Ministry of Forests, Lands and Natural Resource Operations
Fisheries and Oceans Canada
Transport Canada

PART I - GENERAL APPLICANT INFORMATION

SECTION A: APPLICANT AND GENERAL INFORMATION

1. Applicant Name(s) (Full Legal Name(s) or Registered Company Name) Salish Sea Farms Ltd.		Applicant Business Information: Telephone: (250) 339-4545 Cell: (250) 703-1969 Fax: (250) 339-7053 Email: richhardy@shaw.ca	
2. Applicant Business Mailing Address: 3320 Comox Road Courtenay BC		Postal Code: V9N 3P8	
3. Doing Business as: Salish Sea Farms Ltd.	4. BC Inc #, BC Registration # or BC Society # BC0924578		
5. Physical Business Address (If different from above):			
6. Contact Name (If different from above): Richard Hardy	Contact Business Information: Telephone: (250) 339-4545 Cell: (250) 703-1969 Fax: (250) 339-7053 Email: richhardy@shaw.ca		
7. Agent/ Representative (If applicable): Tom Broadley	Agent/Representative Business Information: Telephone: (250) 339-1313 Cell: (250) 897-5654 Fax: (250) 339-1393 Email: broadley@leccorporate.com		
8. Business Mailing Address of Agent/Representative: IEC International 2291 Robb Ave Comox BC		Postal Code: V9M 1J2	
Letter of Authorization: ☒ Yes ☐ No			



9. Type of Application:		
☒ New site Tenure Type: ☒ Licence of Occupation ☐ Lease ☐ Investigative Permit		
☐ Amendment Amendment Type: ☐ Tenure Area ☐ Infrastructure ☐ Production ☐ Species ☐ Other (Describe)	<u>Currently Approved</u> (required only for type of amendment applied for, attach additional page if necessary)	<u>Proposed</u>
☐ Licence Holder Change	Current Licence Holder Name:	
10. Government Reference Numbers		
BC Land File # (Crown land)	DFO Aquaculture Licence #	NWPA #
OR Park Use Permit # (Park/Protected land)	AND Site Reference #	Parcel Identification # (Private land)

SECTION B: SITE AND INFRASTRUCTURE INFORMATION

1. Site Category

☒ Provincial Crown Land	☐ Provincial Park	☐ Private Land
☐ Federal Land	☐ First Nation Reserve	☐ Other

2. Geographic location of site: **Unsurveyed deep water site located west of Denman Island**

3. Site Common Name: **Henry Bay**

4. DFO Area: 14 Sub Area: 15

5. Canadian Hydrographic Service Chart (CHS) Marine Chart Number (if water-based): 3527 OR

Topographical Map Number (if land-based): _____

6. If the site is surveyed, provide legal description of site (e.g., Land District and Lot Number):

7. If the site is not surveyed, provide metes and bounds description from a surveyed point or geographic coordinate:

Beginning at the SW corner of L211 Bk A, Nanaimo Land District off the Northwest shore of Henry Bay, Denman Island, then 211 meters at 316 deg True to Point of Commencement (PC; Note that the position of DL211 was taken from the public portion of the website <http://apps.gov.bc.ca/pub/ggw/> as 49 deg 35' 25.7" 124 50' 22.9"; shp file of the proposed site NAD83 is attached);
Then 122 meters at 293 deg True;
Then 618 meters at 27 deg True;
Then 116 meters at 117 deg True;
Then 611 meters at 206 deg True returning to PC (refer to Figure 1).

8. Provide GPS coordinates for the center of the application area/tenure:

Latitude: 49° 34.66" N

Longitude: 124° 50.43" W

9. Total Area of site (Hectares): 7.3 ha +/- shp file attached
(Please provide a shape file if available)

10. Culture Type (indicate all that apply):

- ☐ Intertidal Beach culture – culture activities take place between the high water mark and the low water mark (chart datum).
☒ Subtidal on/in bottom culture – culture activity takes place on the sea floor below chart datum. See Part III, Section G.



Figure 1. Metes and bounds for the Henry Bay tenure (shp file of the proposed site NAD83 is attached).

- ☐ Deepwater Suspended culture – culture activity takes place on the surface or within the water column.
- ☒ Nursery Operation – culture activity includes juvenile rearing
- ☐ Marine Hatchery operation – culture activity includes spawning adults and larval rearing other than natural setting of spat or juveniles in the marine environment at the application site

NOTE: For a land-based **Hatchery Operation** where the culture activity includes spawning adults and larval rearing other than natural setting of spat or juveniles at the application site, use the application for **PACIFIC FRESH WATER and LAND BASED AQUACULTURE**

11. Physical Structures (Improvements): Complete table below by checking all applicable structures, existing and proposed, and estimated area of the application site that will be covered all existing and planned structures. Where applicable, note the number and dimensions of the structures.

There are specific conditions of licence for shellfish aquaculture that licence holders must adhere to pertaining to the installation, inspection and maintenance of structures and gear. Please review these carefully in the Guide or on the DFO internet site at:

<http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-coq-eng.htm>.

Table 11.1

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	NEW/ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURE
Predator Protection: Predator netting (Intertidal beach or subtidal bottom)	☐	☒	16,222 m ² (22% of total area)
Predator netting (suspended culture vertical netting)	☐	☐	
Tubes (eg. Sections PVC or other material used in Intertidal areas)	☐	☐	
Other (describe):	☐	☐	
Intertidal Beach Modification: Rock Walls	☐	☐	
Trenches	☐	☐	
Berms	☐	☐	
Rack and Bag systems	☐	☐	
Nursery Infrastructure: FLUPSY	☐	☐	
Intertidal remote setting	☐	☐	
Other (describe):	☐	☐	
Suspended Culture Gear: Rafts	☐	☐	
Longlines	☐	☐	
On/In bottom Subtidal Culture Gear: Containment structure(s) for adults or juveniles Sea Cucumber Nursery Bag Circular oyster cargo mesh bag filled with oyster shell and a temporary seed deployment tube in middle of shell pile	☐	☒	3,650 m ² (0.05% of total area)

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	NEW ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURE
Other (describe): BIB Cubic vexar mesh bag most of which is submerged into the substrate and retrieved later by emulsifying substrate with pressurized salt water	☐	☒	180 m ² (0.25% of total area)

Table 11.2.

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	TOTAL NUMBER	DIMENSION (m or m ²) of EACH STRUCTURE	NEW ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURE
Work Floats: Product handling or storage	☐	☐			
Living accommodations	☐	☐			
Other (describe):	☐	☐			

Table 11.3.

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED
Site Marking: Blocks	☐	☐	Navigational Markers	☐	☐
Sinking groundline	☐	☒ ¹	Mooring lines	☐	☐
Other (describe): Submerged Marker Barrels 30 gallon concrete barrels with a rebar pin submerged into the substrate on corners and approximately 100 m spacing	☐	☒	Anchor blocks	☐	☐ ²
			Anchor blocks DEPTH (m):		

¹ Note that certain physical structures may require redesign, relocation, mitigation and/or a fish habitat information survey review and approval prior to installation. See Part III, Section G.

² Note that if anchor blocks are located in waters between chart datum and -10 m see note 1.

SECTION C: MAPS AND DIAGRAMS

Attach the following maps and diagrams. They must be submitted to scale and be consistent with the other information in this application. Please refer to the Guide for details and sample diagrams.

a. Location Maps

- i. Provide a photocopy or scanned section of a topographic map (if the site is located on land) or a Canadian Hydrographic Service (CHS) Marine Chart (if the site is located in marine waters) at a scale of 1:50,000 to 1:250,000 indicating the general location of area under application, noting the location of significant geographic features, such as a lake, mountain, road, community, etc.
- ii. Provide a photocopy or scanned section of a Canadian Hydrographic Service (CHS) Marine Chart (if the site is located in marine waters), or Cadastral map, or Topographical map (if the site is located on land) of a scale between 1:20,000 and 1:40,000, showing the general location of the area under application.

b. Operational Diagrams

- i. A 1:5000 scale hydrographic chart (with all measurements in meters) showing the boundaries of the application area, the high and low water marks, all physical structures (improvements) associated with the proposed operation, including any existing substrate modifications (trenches, berms), as indicated in Section B - 11.
- ii. A 1:2000 schematic diagram showing a side view of the proposed operation, which at minimum must illustrate and itemize all structures above the surface. Include all intertidal and underwater structures from the surface of the water at chart datum to the sea bed at the most shallow point of the site that contains or will contain the deepest hanging structures (i.e. where culture gear will hang nearest to the subtidal sea floor).

Note: If drawings are larger than 11" x 17", Transport Canada requires that you enclose five (5) copies. For drawings 11" x 17" or smaller, one (1) copy will be sufficient.

a. Location Map

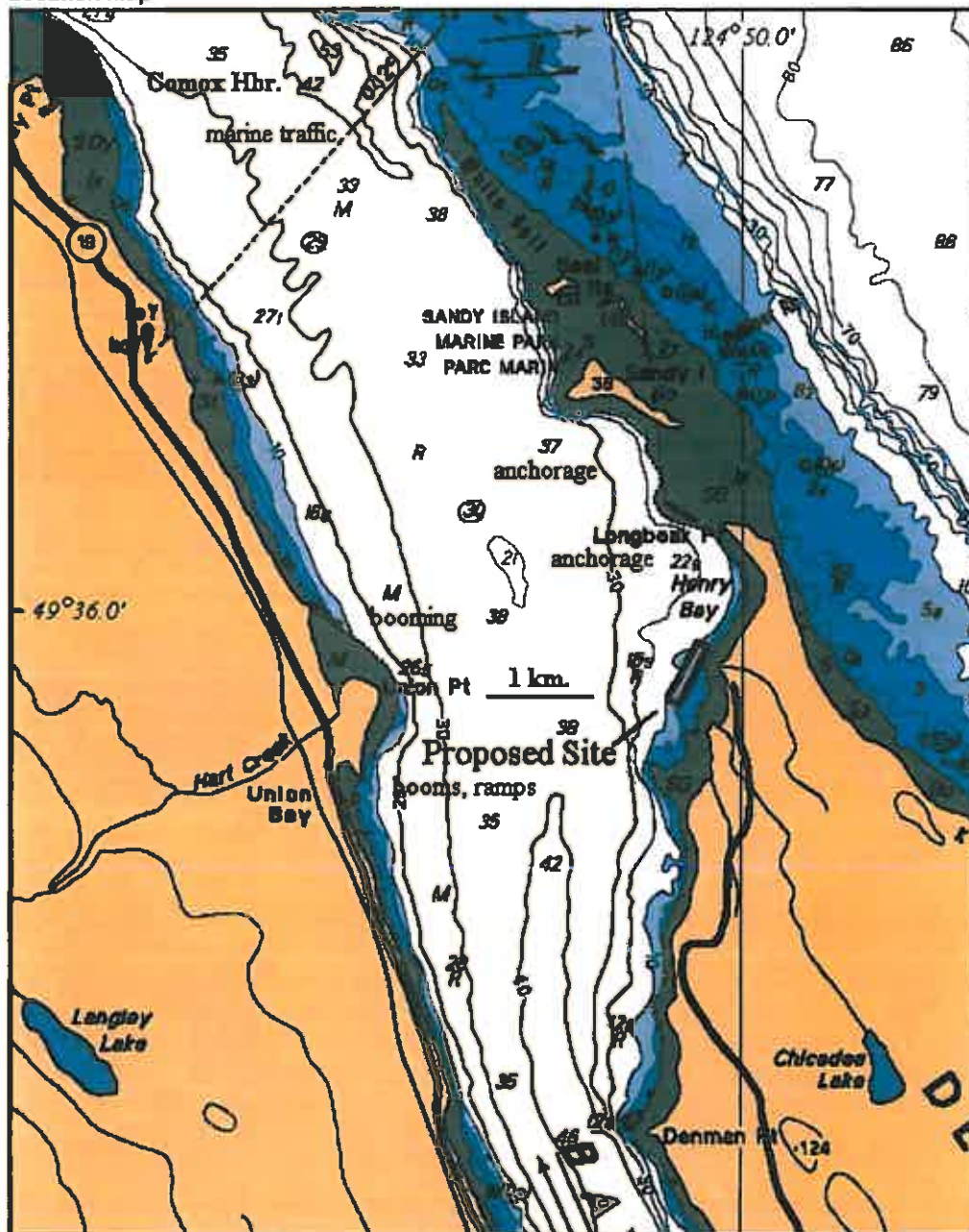


Figure a 1. Location map for application area (adapted from CHS Chart 3513)

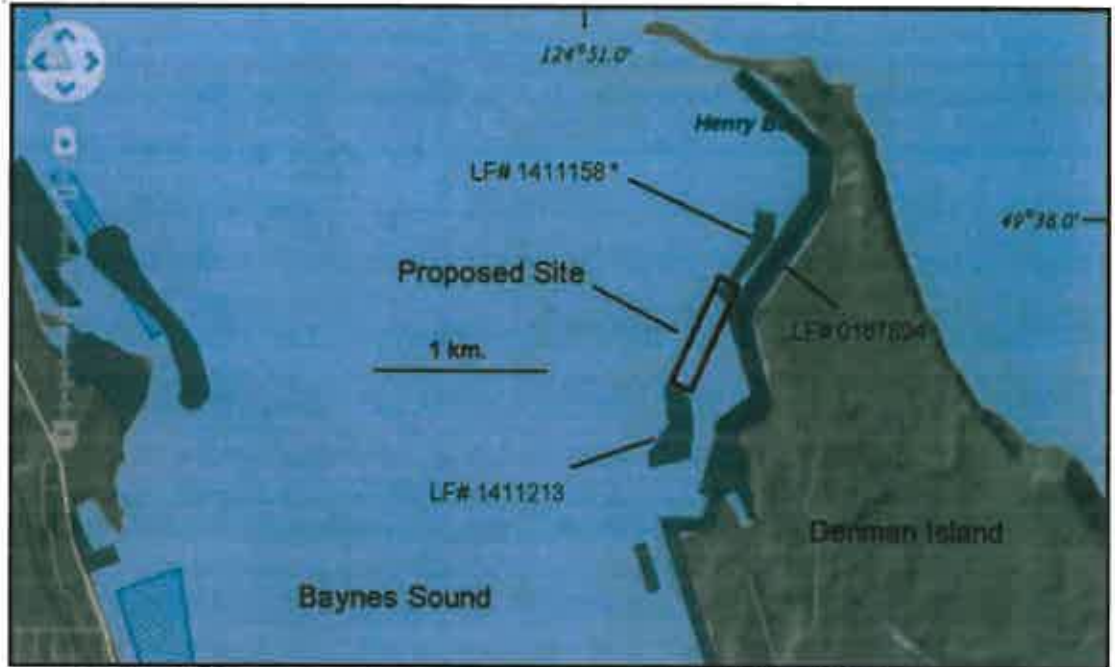


Figure a II. General area with proposed site added in black (adapted from IMAP website <http://webmaps.gov.bc.ca/imfx>); * note that 141158 was a previous application but changed to different location

c. Operational Diagrams

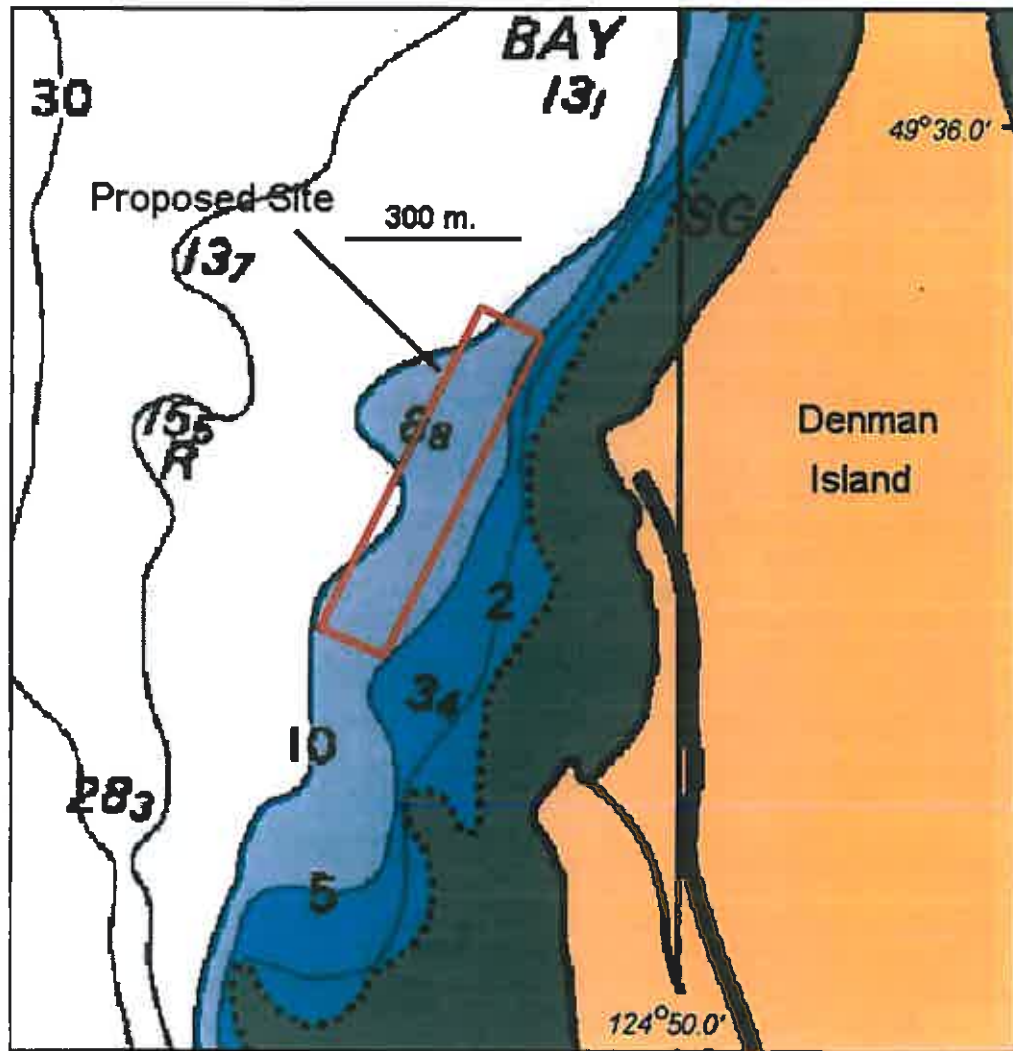


Figure b i. Section of CHS chart 3527 adapted to show application area depth detail.

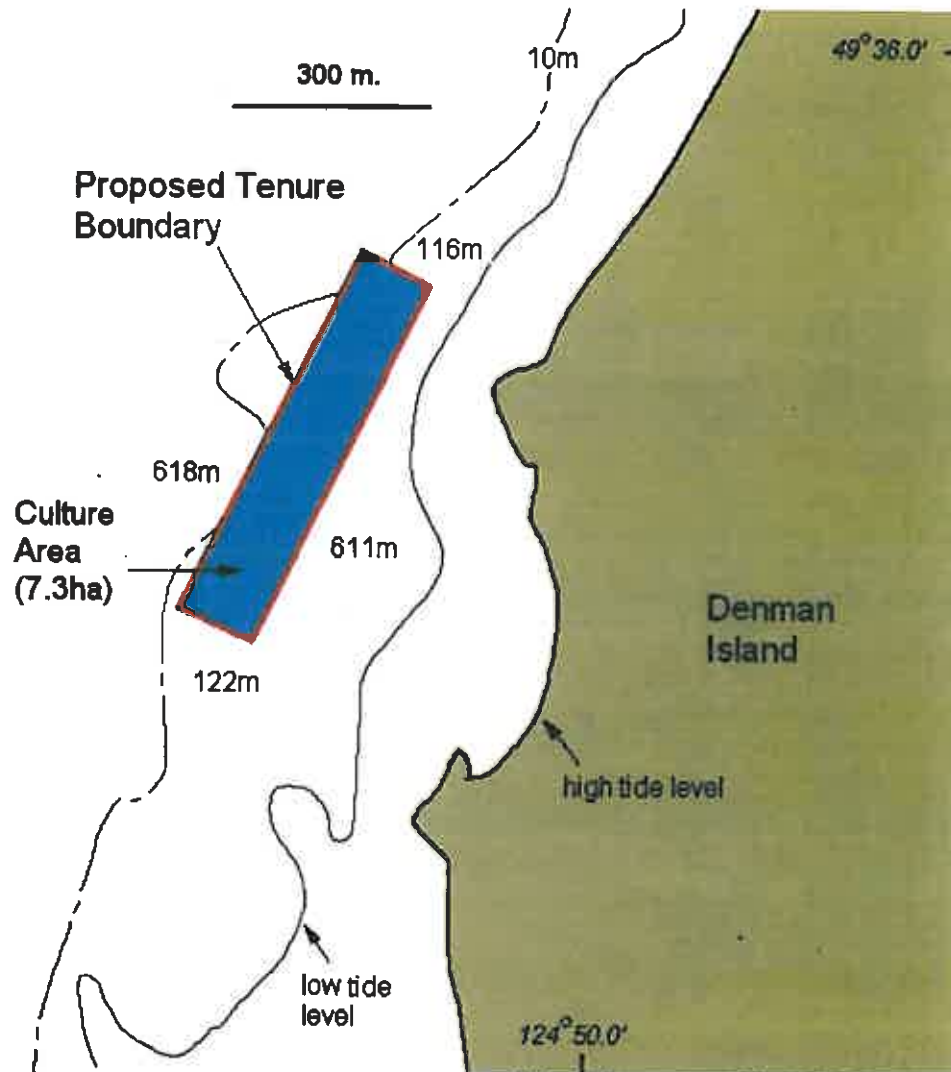
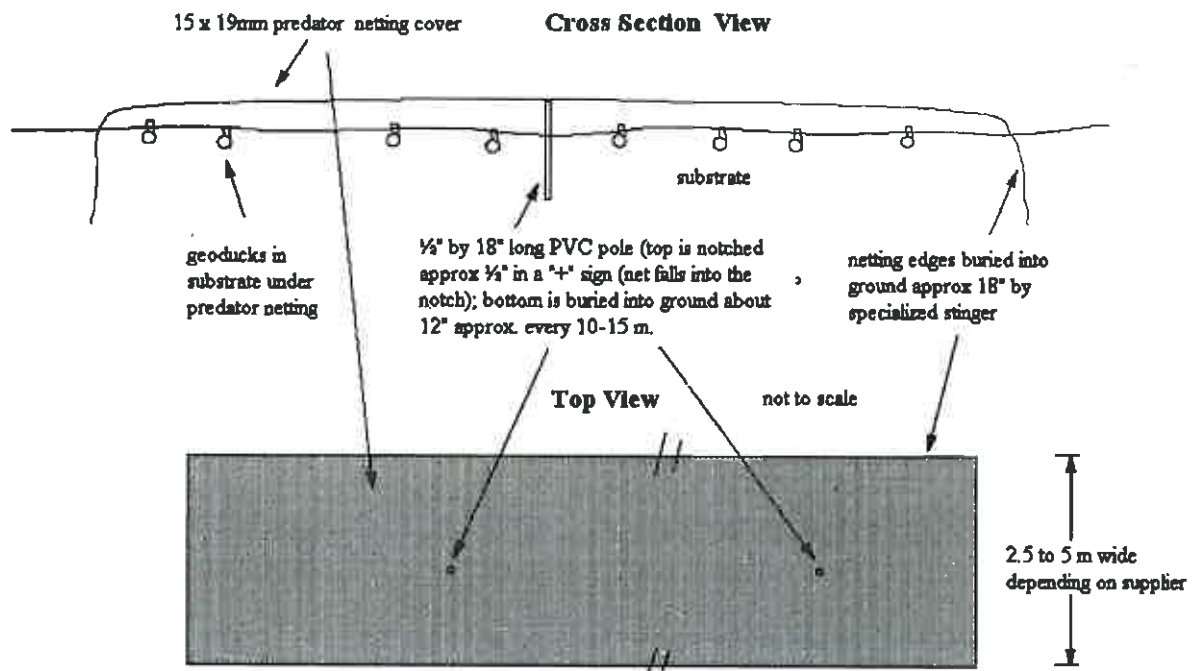


Figure b i contd. Location map for application area (adapted from CHS Chart 3527) showing dimensions. Culture area to contain BIB and predator protection as shown in Figure b ii.

Predator protection netting



Bag in Bottom seed protection (BIB)

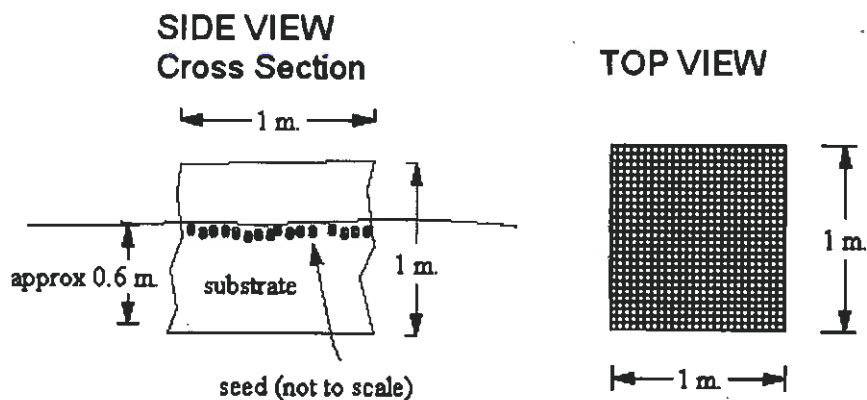


Figure b ii. Diagrams showing proposed seabed culture structures. Predator protection netting will cover product for 2 years of the 9 year cycle so 2 of 9 culture areas will have netting, or up to 22% of total area; BIB protection will cover 0.25% of total area.

Sea Cucumber Nursery

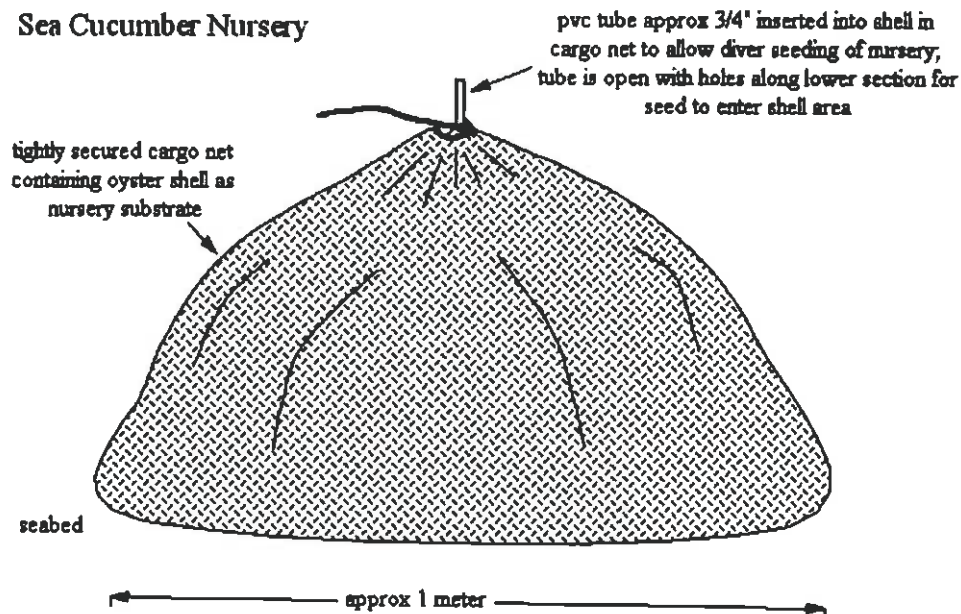


Figure b II continued. Diagrams showing proposed seabed culture structures. Sea cucumber nursery bag will cover 0.05% of total area.

SECTION D: WATER USE

1. Will fresh water be used at this facility? ☐ Yes ☒ No
2. If yes, and if water source is surface water (not ground), provide name:

3. If you already have a water licence at this site, please provide licence number, or provide date of submission of an application:

SECTION E: FIRST NATIONS CONSIDERATION

Please describe any contact you may have had, including the name of the First Nation(s) and individuals contacted. Consult the consultative Area Database (CAD) Public Map Service for First Nations contact information instructions and supporting information – http://ftp.geobc.gov.bc.ca/pub/outgoing/CAD/CAD_Public_Map_Service-User_Guidance-Technical_Instructions.pdf.

In collaboration with Manatee Holdings Ltd., the proponent is an economic development company owned by the K'ómoks First Nation. To date, the K'ómoks First Nation has verbally communicated to a number of neighbouring First Nations and First Nation organizations about their intentions of pursuing geoduck aquaculture within the core territory of the K'ómoks First Nation. Recently, The K'ómoks First Nation has signed protocol agreements with the Sliammon and Hamolco First Nations. As well, the K'ómoks First Nation are members of the Nanwakolas Council, A-Tlegay Fisheries Society, and the Aboriginal Aquaculture Association. Over the last 6 months the K'ómoks First Nation has communicated their intentions to Chief and Councillors of the Campbell River and Cape Mudge bands, Dallas Smith (Nanwakolas) and Richard Harry (Aboriginal Aquaculture).

It should be further noted that the K'ómoks First Nation have recently signed an Agreement in Principle with the Federal and Provincial governments with regards to Treaty, and the Province of British Columbia and the K'ómoks have also signed an Interim Measures Agreement for Aquaculture purposes.

The K'ómoks First Nation will continue to take a pro-active approach with respect to First Nation consultation and will be sending formal letters of intent to neighbouring First Nations and their respective organizations. Copies of these letters, and any follow up actions, will be forwarded.



PART II – INFORMATION FOR THE BC MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

The following information, along with Part I and Part V, is required for the adjudication of the Provincial Crown Land Tenure application under the BC *Land Act*.

SECTION A: SITING CONSIDERATIONS

Applicants must respond to each consideration and may be required to provide additional information in some situations.

YES NO

☒ ☐ Is the upland property Crown land?

If no, do the proposed structures infringe on the riparian rights of an upland owner? ☐ Yes ☒ No

If yes, has the owner provided written consent for you to occupy the site for the term of the tenure? ☐ Yes ☐ No

If yes, include a copy of the written consent.

☐ ☒ Is the intended use consistent with approved local government bylaws for land use planning and zoning?

Provide the name of the Regional District or Municipality for the area:

Islands Trust

If no, have you discussed your application with local government and have you initiated a re-zoning process? ☐ Yes ☒ No Please provide details:



Government
of Canada

Gouvernement
du Canada

PART IV – INFORMATION FOR TRANSPORT CANADA

The following information, along with Part I and Part V, is required for the adjudication of the NWPA approval under the *Navigable Waters Protection Act*.

SECTION A: SITING CONSIDERATIONS

Applicants may be required to provide additional information in some situations.

SECTION B: ADDITIONAL TRANSPORT CANADA INFORMATION

- 1.a) Waterway Name: Baynes Sound off NW Denman Island
- b) Width(m): ~3.3 km in Baynes Sound at site, Denman Island to Vancouver Island;
- c) Depth Range(m): To ~38m in Baynes Sound off site; Proposed Site -3.4m to- 20m below 0 tide

2. Nearest Community: **Denman Island**

3. Is this Work: ☒ Proposed ☐ Existing ☐ Modification of Existing Work

4. To help with the review process, please include the following:

- ☐ Photographs at the site of the proposed/existing work and surrounding area
- ☐ Environmental Assessment documents (if any)



Government
of Canada

Gouvernement
du Canada

PART V – INFORMATION FOR ALL AGENCIES

All applicable components of this application package must be complete. Incomplete applications will be returned to applicant. Applicable fees must be submitted at time of application.

Provincial Fees:

Note that the current fee schedule does not include the taxes that apply.

Forms of Payment:

- Cheques or Money orders must be in Canadian Funds to **Minister of Finance**
- Debit Card (In-person only)
- Visa and MasterCard payments are accepted in-person or over the telephone. To locate a FrontCounter BC office, visit the website at <http://www.frontcounterbc.gov.bc.ca/contact/> or call the toll free number 1-877-855-3222.

FrontCounter BC will not accept personal cheques drawn on US banks, regardless of what currency. Payment will not be accepted even if it has "CDN Funds" handwritten on the cheque.

PLEASE NOTE: Additional items may be required (eg. Advertising, Security Deposit, Proof of Insurance, Letter of Consent). Some items may have additional associated costs or require additional processing time.

The Information you provide may be subject to the following legislation: British Columbia *Freedom of Information and Protection of Privacy Act* (FOIPPA Act); the federal *Access to Information Act*, and the federal *Privacy Act*. The personal Information collected by the Government of BC is collected under the authority of section 26 (c) of the FOIPPA Act and will be used to process your application(s) and will be shared only with the necessary government agencies needed to provide you with the service that you have requested. If you have any questions regarding the handling of your personal Information, please contact FrontCounter BC at 1-877-855-3222 or by writing to Manager, Provincial Operations, FrontCounter BC at 441 Columbia Street, Kamloops, BC V2C 2T3 and/or the Director, Access to Information and Privacy Secretariat at the Department of Fisheries and Oceans Canada and Transport Canada.

The Province of British Columbia, Fisheries and Oceans Canada, and Transport Canada do not consider the information submitted in this form to be confidential unless it is subject to the privacy protection of the *Freedom of Information and Protection of Privacy Act* or the *Access to Information Act*. I understand that the information supplied will be used to review my applications under the BC *Land Act*, BC *Fisheries Act* (until such time as it is amended) Federal *Fisheries Act* and the *Navigable Waters Protection Act* and information will be shared amongst the other agencies, First Nations and/or with the public.



Government
of Canada

Gouvernement
du Canada

Signature(s) of
Applicant(s) or
authorized
representative

Name(s) of Applicant(s)
or authorized
representative*

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____



Tom Broadley

July 30, 2012

*If signature is by an authorized representative please supply a letter granting authorization to act on behalf of the applicant.

Submit completed application, and additional supporting information (if applicable) to:

In Person: Any FrontCounter BC office.

Visit <http://www.frontcounterbc.gov.bc.ca> for the location nearest you.

By Mail: FrontCounter BC, 2080a Labeux Road, Nanaimo, BC V9T 6J9

By Email: frontcounterbc@gov.bc.ca

(NOTE: IF FEES ARE APPLICABLE, CLIENT MUST CONTACT FRONTCOUNTER BC BY TELEPHONE WITH CREDIT CARD INFORMATION PRIOR TO SUBMITTING THE APPLICATION ELECTRONICALLY. DO NOT INCLUDE PAYMENT (CREDIT CARD) INFORMATION VIA EMAIL OR FAX.)

PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS

APPLICATIONS ARE NOT TRANSFERABLE

THE SUBMISSION OF THIS FORM DOES NOT IN ANY MANNER CONVEY ANY RIGHTS TO USE OR OCCUPY CROWN LAND AND/OR CONDUCT REQUESTED ACTIVITIES



Government
of Canada

Gouvernement
du Canada



July 25, 2012

To Whom It May Concern:

RE : Agent Assignment for Subtidal Shellfish Aquaculture Tenure Applications

By conveyance of this letter, please be advised that we have assigned Mr. Tom Broadley of IEC International to serve as our agent for the subtidal shellfish aquaculture applications at the following sites:

- Comox Bar
- Komeas Bluff
- Henry Bay
- Willenar Bluff
- Kye Bay
- North Kye Bay

Yours truly,

Mr. Richard Hardy,
Operations Co-Manager



Government
of Canada

Gouvernement
du Canada

FOR INTERNAL USE	
File Number: 1414125	Project Number: 102796
Disposition Number: 908052	Client Number: 259901

107656

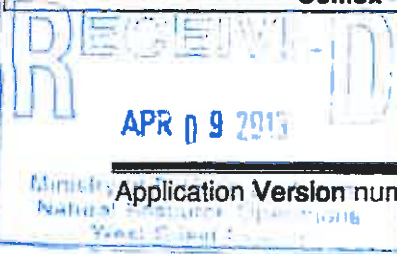
PACIFIC SHELLFISH AQUACULTURE APPLICATION

Ministry of Forests, Lands and Natural Resource Operations
Fisheries and Oceans Canada
Transport Canada

PART I - GENERAL APPLICANT INFORMATION

SECTION A: APPLICANT AND GENERAL INFORMATION

1. Applicant Name(s) (Full Legal Name(s) or Registered Company Name) Sallish Sea Farms Ltd.		Applicant Business Information: Telephone: (250) 339-4545 Cell: (250) 703-1969 Fax: (250) 339-7053 Email: richhardy@shaw.ca	
2. Applicant Business Mailing Address: 3320 Comox Road Courtenay BC		Postal Code: V9N 3P8	
3. Doing Business as: Sallish Sea Farms Ltd.	4. BC Inc #, BC Registration # or BC Society # BC0924578		
5. Physical Business Address (if different from above):			
6. Contact Name (if different from above): Richard Hardy		Contact Business Information: Telephone: (250) 339-4545 Cell: (250) 703-1969 Fax: (250) 339-7053 Email: richhardy@shaw.ca	
7. Agent/ Representative (if applicable): Tom Broadley		Agent/Representative Business Information: Telephone: (250) 339-1313 Cell: (250) 897-5654 Fax: (250) 339-1393 Email: broadley@ieccorporate.com	
8. Business Mailing Address of Agent/Representative: IEC International 2291 Robb Ave Comox BC		Postal Code: V9M 1J2	
Letter of Authorization: ☒ Yes ☐ No			



Resubmission



Application Version number: DRAFT 1.3

Effective Date: 06 July 2012

9. Type of Application:		
☒ New site Tenure Type: ☒ Licence of Occupation ☐ Lease ☐ Investigative Permit		
☐ Amendment Amendment Type: ☐ Tenure Area ☐ Infrastructure ☐ Production ☐ Species ☐ Other (Describe)	<u>Currently Approved</u> (required only for type of amendment applied for, attach additional page if necessary)	<u>Proposed</u>
☐ Licence Holder Change	Current Licence Holder Name:	
10. Government Reference Numbers		
BC Land File # (Crown land)	DFO Aquaculture Licence #	NWPA #
OR Park Use Permit # (Park/Protected land)	AND Site Reference #	Parcel Identification # (Private land)

SECTION B: SITE AND INFRASTRUCTURE INFORMATION

1. Site Category

☒ Provincial Crown Land	☐ Provincial Park	☐ Private Land
☐ Federal Land	☐ First Nation Reserve	☐ Other

2. Geographic location of site: **Unsurveyed deep water site located east of Denman Island**

3. Site Common Name: **Komas Bluff**

4. DFO Area: 14 Sub Area: 10

5. Canadian Hydrographic Service Chart (CHS) Marine Chart Number (if water-based): **3527 OR**

Topographical Map Number (If land-based): _____

6. If the site is surveyed, provide legal description of site (e.g., Land District and Lot Number):

7. If the site is not surveyed, provide metes and bounds description from a surveyed point or geographic coordinate:

Beginning at the NE corner of DL210, Nanaimo Land District off Komas Bluff on the Northeast shore of Denman Island, then 575 meters at 019 deg True to Point of Commencement (PC; Note that the position of DL210 was taken from the public portion of the website <http://apps.gov.bc.ca/pub/ggw/> as 49 deg 32' 30.5" 124 45' 07.3"; shp file of the proposed site NAD83 is attached;

Then 2225 meters at 329 deg True;

Then 424 meters at 342 deg True;

Then 1477 meters at 320 deg True;

Then 300 meters at 080 deg True;

Then 1729 meters at 139 deg True;

Then 2363 meters at 155 deg True;

Then 175 meters at 261 deg True returning to PC (refer to Figure 1).

8. Provide GPS coordinates for the center of the application area/tenure:

Latitude: **49° 33.766" N**

Longitude: **124° 45.658" W**

9. Total Area of site (Hectares): **118.7 ha +/-** shp file attached
(Please provide a shape file if available)

10. Culture Type (indicate all that apply):

- ☐ Intertidal Beach culture – culture activities take place between the high water mark and the low water mark (chart datum).
- ☒ Subtidal on/in bottom culture – culture activity takes place on the sea floor below chart datum. See Part III, Section G.

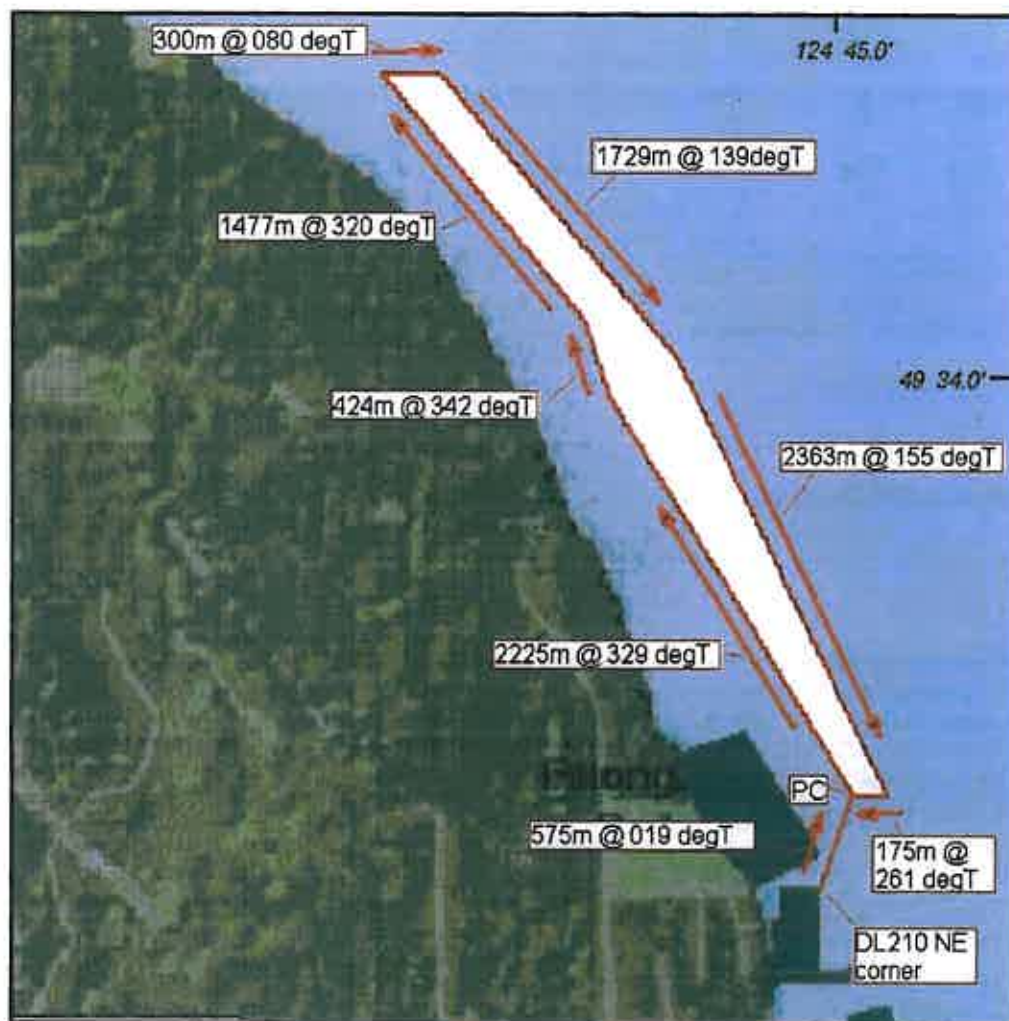


Figure 1. Metes and bounds for the Komas Bluff tenure (shp file of the proposed site NAD83 is attached).

- ☐ Deepwater Suspended culture – culture activity takes place on the surface or within the water column.
- ☒ Nursery Operation – culture activity includes juvenile rearing
- ☐ Marine Hatchery operation – culture activity includes spawning adults and larval rearing other than natural setting of spat or juveniles in the marine environment at the application site

NOTE: For a land-based Hatchery Operation where the culture activity includes spawning adults and larval rearing other than natural setting of spat or juveniles at the application site, use the application for **PACIFIC FRESH WATER and LAND BASED AQUACULTURE**

11. **Physical Structures (Improvements):** Complete table below by checking all applicable structures, existing and proposed, and estimated area of the application site that will be covered all existing and planned structures. Where applicable, note the number and dimensions of the structures.

There are specific conditions of licence for shellfish aquaculture that licence holders must adhere to pertaining to the installation, inspection and maintenance of structures and gear. Please review these carefully in the Guide or on the DFO Internet site at:

<http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-cog-eng.htm>.

Table 11.1.

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	NEW ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURES
Predator Protection: Predator netting (intertidal beach or subtidal bottom)	☐	☒	263,778 m ² (22% of total area)
Predator netting (suspended culture vertical netting)	☐	☐	
Tubes (eg. Sections PVC or other material used in intertidal areas)	☐	☐	
Other (describe):	☐	☐	
Intertidal Beach Modification: Rock Walls	☐	☐	
Trenches	☐	☐	
Berms	☐	☐	
Rack and Bag systems ¹	☐	☐	
Nursery Infrastructure: FLUPSY	☐	☐	
Intertidal remote setting	☐	☐	
Other (describe):	☐	☐	
Suspended Culture Gear: Rafts	☐	☐	
Longlines	☐	☐	
On/In bottom Subtidal Culture Gear: Containment structure(s) for adults or juveniles	☐	☐	

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	NEW ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURE
Sea Cucumber Nursery Bag Circular oyster cargo mesh bag filled with oyster shell and a temporary seed deployment tube in middle of shell pile			59,350 m ² (0.05% of total area)
Other (describe): BIB Cubic vexar mesh bag most of which is submerged into the substrate and retrieved later by emulsifying substrate with pressurized salt water	☐	☒	2,931 m ² (0.25% of total area)

Table 11.2.

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	TOTAL NUMBER	DIMENSION (m or m ²) of EACH STRUCTURE	NEW ESTIMATED TOTAL AREA (m ²) OF SITE COVERAGE BY STRUCTURE
Work Floats:	☐	☐			
Product handling or storage					
Living accommodations	☐	☐			
Other (describe):	☐	☐			

Table 11.3.

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED
Site Marking:	☐	☐	Navigational Markers	☐	☐
Blocks					
Sinking groundline	☐	☒ ¹	Mooring lines	☐	☐
Other (describe):	☐	☒	Anchor blocks	☐	☐ ²
Submerged Marker Barrels					
30 gallon concrete barrels with a rebar pin submerged into the substrate on					

corners and approximately 100 m spacing						
				Anchor blocks DEPTH (m):		

¹ Note that certain physical structures may require redesign, relocation, mitigation and/or a fish habitat information survey review and approval prior to installation. See Part III, Section G.

² Note that if anchor blocks are located in waters between chart datum and -10 m see note 1.

SECTION C: MAPS AND DIAGRAMS

Attach the following maps and diagrams. They must be submitted to scale and be consistent with the other information in this application. Please refer to the Guide for details and sample diagrams.

a. Location Maps

- i. Provide a photocopy or scanned section of a topographic map (if the site is located on land) or a Canadian Hydrographic Service (CHS) Marine Chart (if the site is located in marine waters) at a scale of 1:50,000 to 1:250,000 indicating the general location of area under application, noting the location of significant geographic features, such as a lake, mountain, road, community, etc.
- ii. Provide a photocopy or scanned section of a Canadian Hydrographic Service (CHS) Marine Chart (if the site is located in marine waters), or Cadastral map, or Topographical map (if the site is located on land) of a scale between 1:20,000 and 1:40,000, showing the general location of the area under application.

b. Operational Diagrams

- i. A 1:5000 scale hydrographic chart (with all measurements in meters) showing the boundaries of the application area, the high and low water marks, all physical structures (improvements) associated with the proposed operation, including any existing substrate modifications (trenches, berms), as indicated in Section B - 11.
- ii. A 1:2000 schematic diagram showing a side view of the proposed operation, which at minimum must illustrate and itemize all structures above the surface. Include all intertidal and underwater structures from the surface of the water at chart datum to the sea bed at the most shallow point of the site that contains or will contain the deepest hanging structures (i.e. where culture gear will hang nearest to the subtidal sea floor).

Note: If drawings are larger than 11" x 17", Transport Canada requires that you enclose five (5) copies. For drawings 11" x 17" or smaller, one (1) copy will be sufficient.

a. Location Map

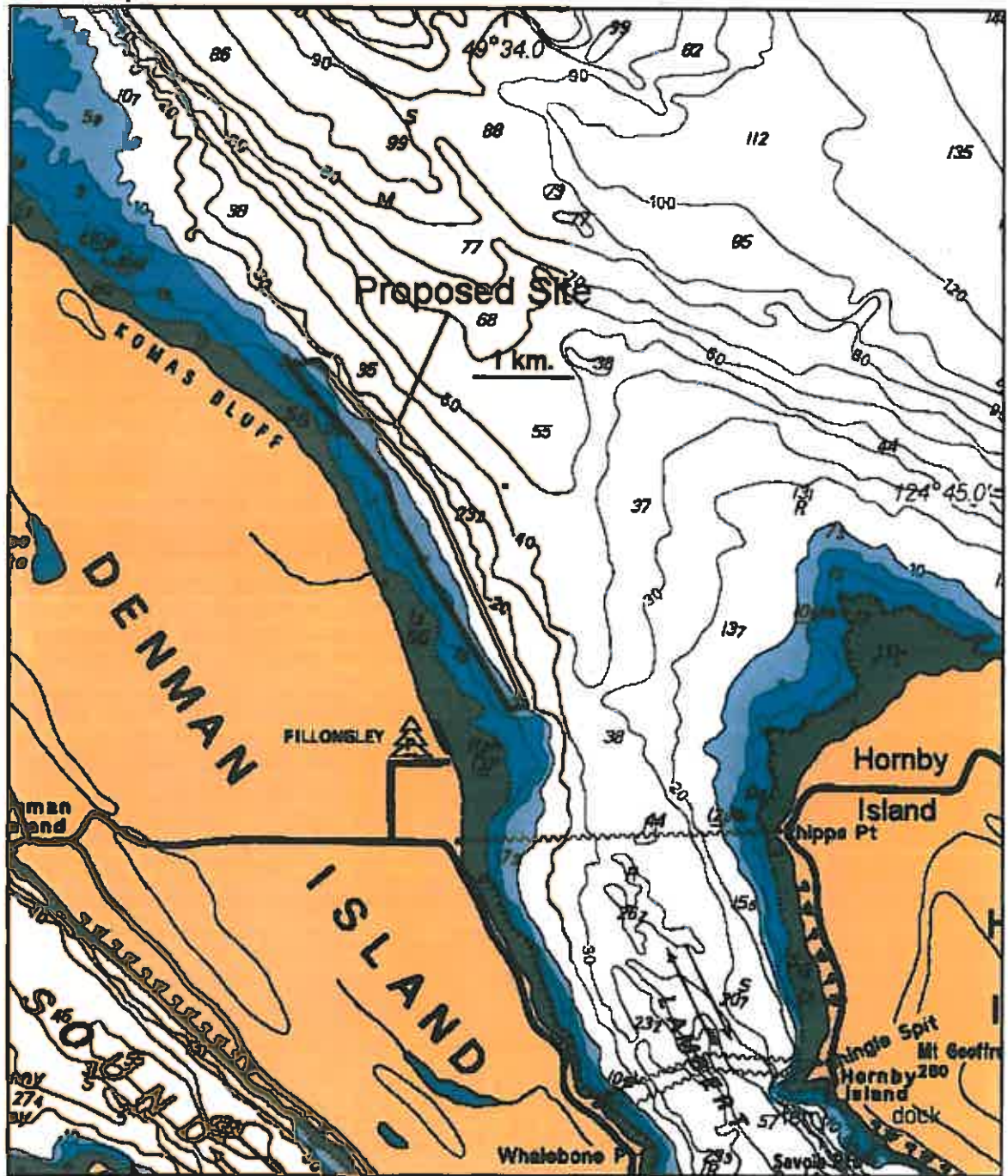
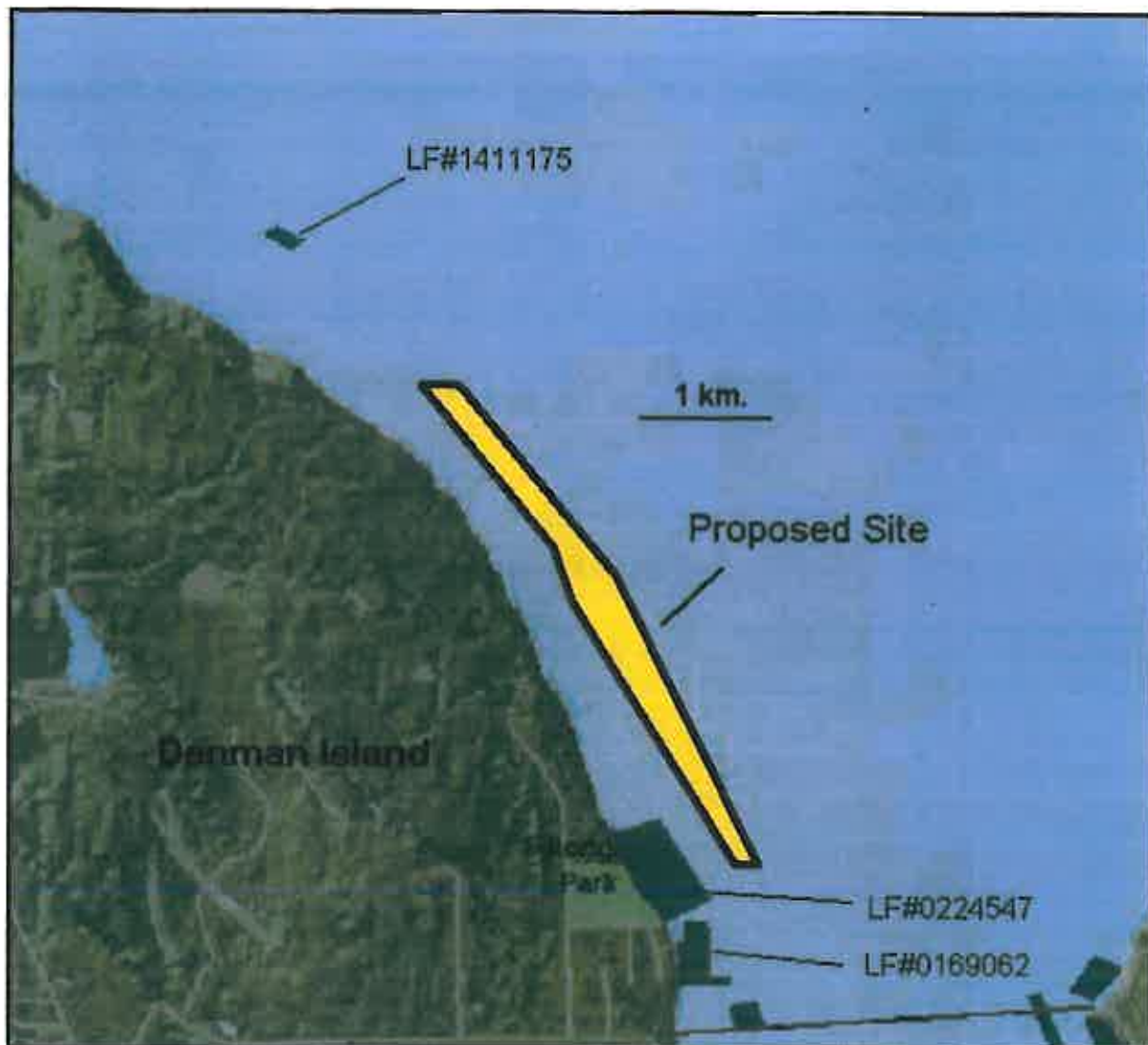


Figure a i. Location map for application area (adapted from CHS Chart 3513)



**Figure a II. General area with proposed site added and highlighted in yellow
(adapted from IMAP website <http://webmaps.gov.bc.ca/lmfx>)**

c. Operational Diagrams

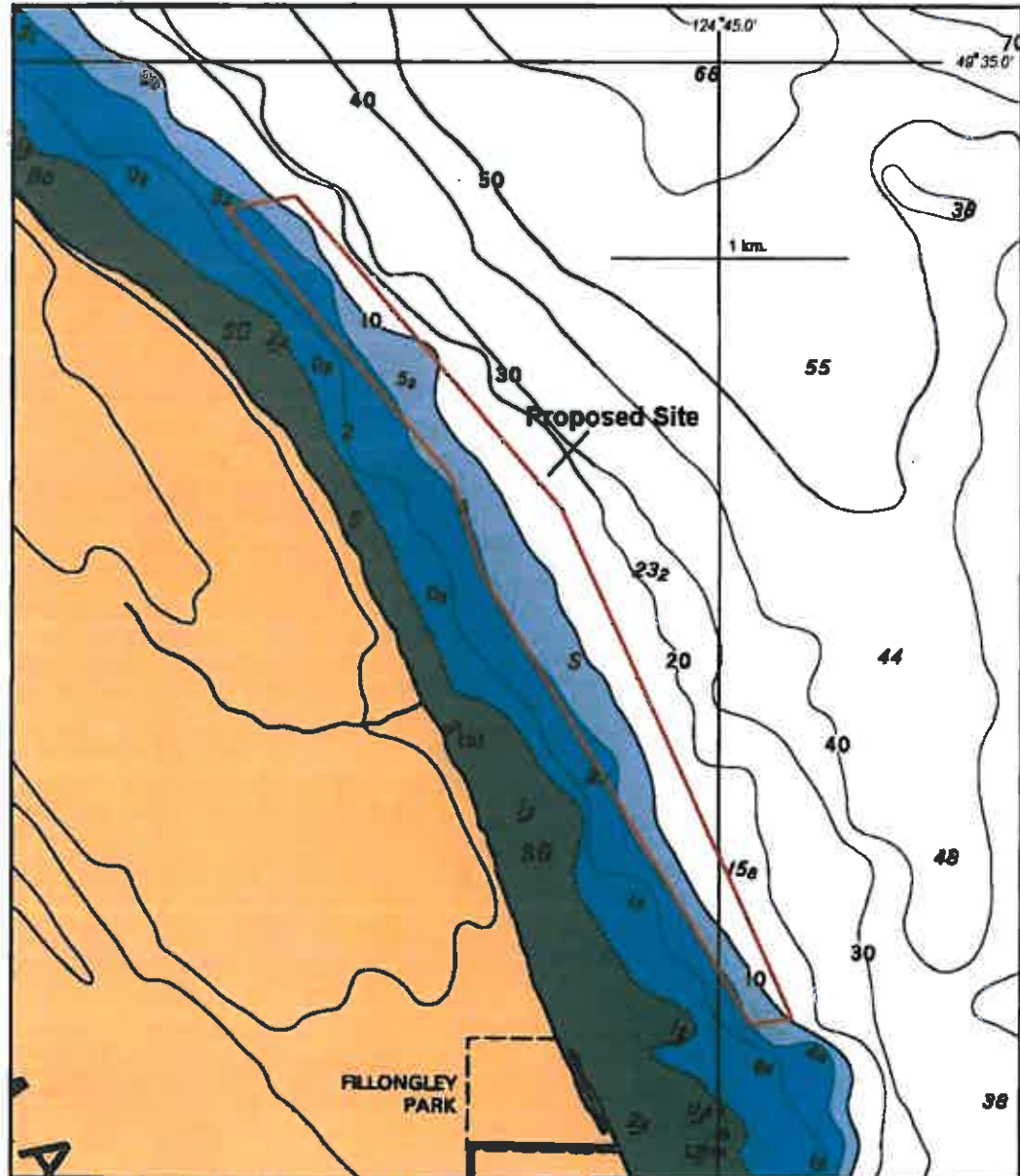


Figure b i. Section of CHS chart 3527 adapted to show application area depth detail.

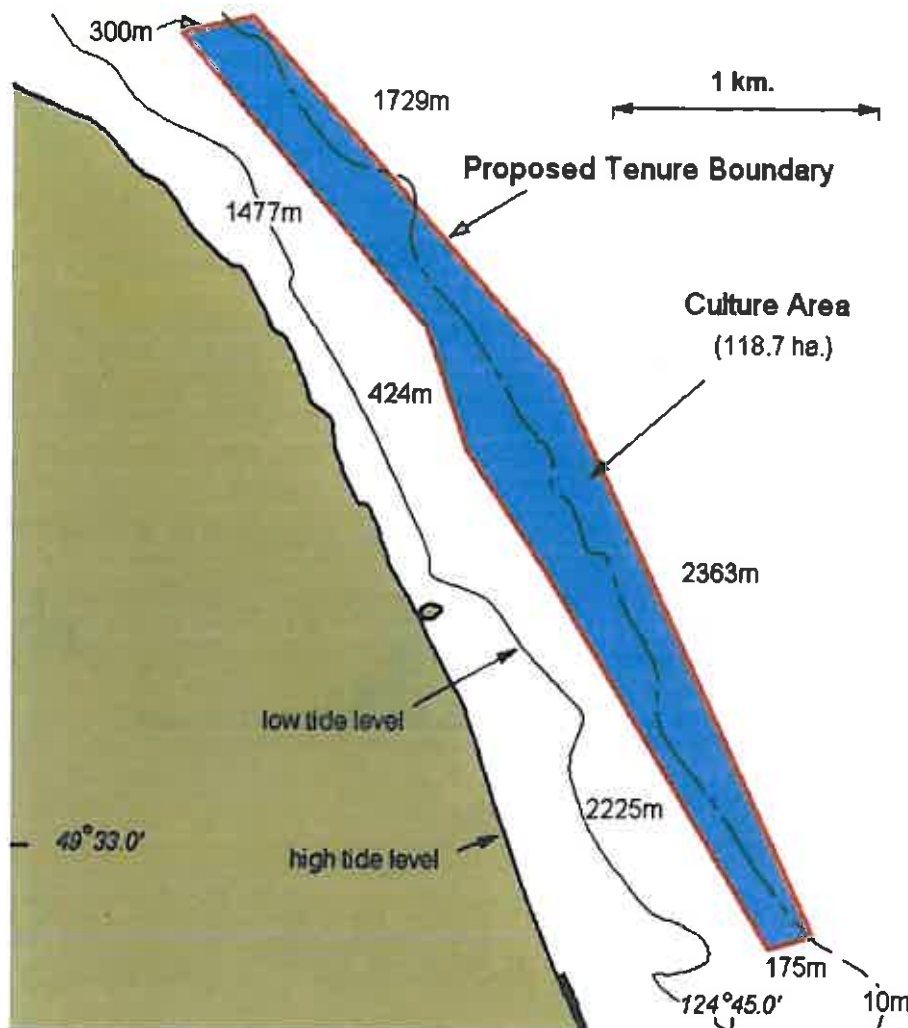
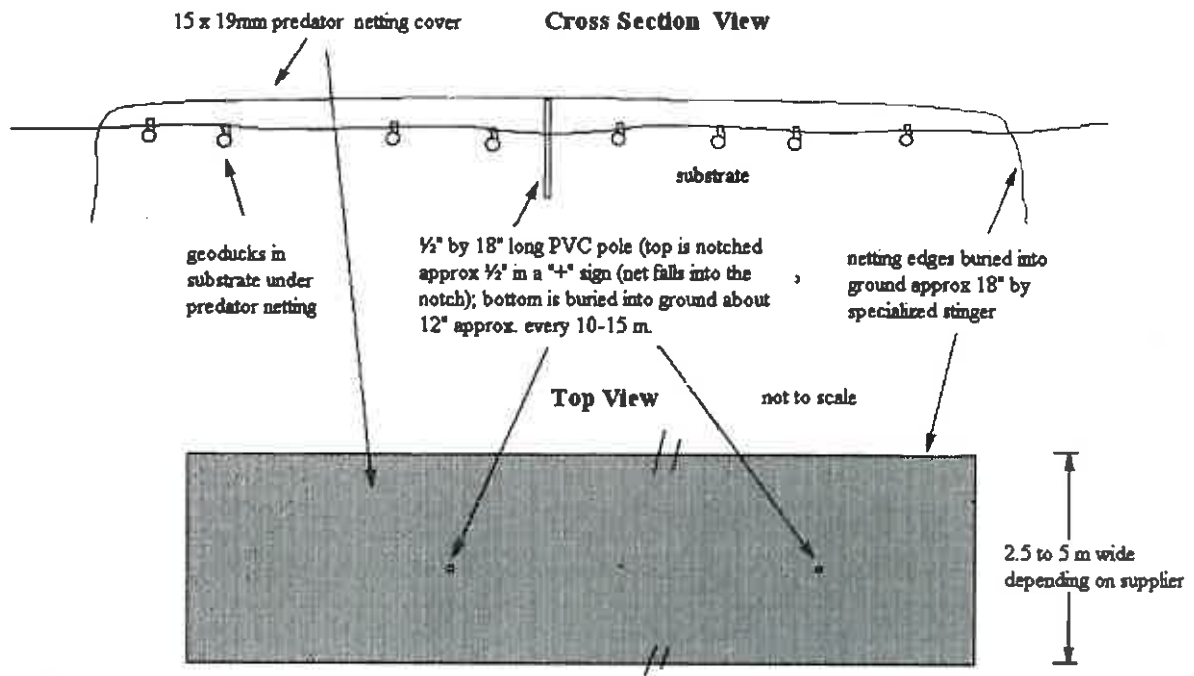


Figure b I contd. Location map for application area (adapted from CHS Chart 3527) showing dimensions. Culture area to contain BIB and predator protection as shown in Figure b II.

Predator protection netting



Bag in Bottom seed protection (BIB)

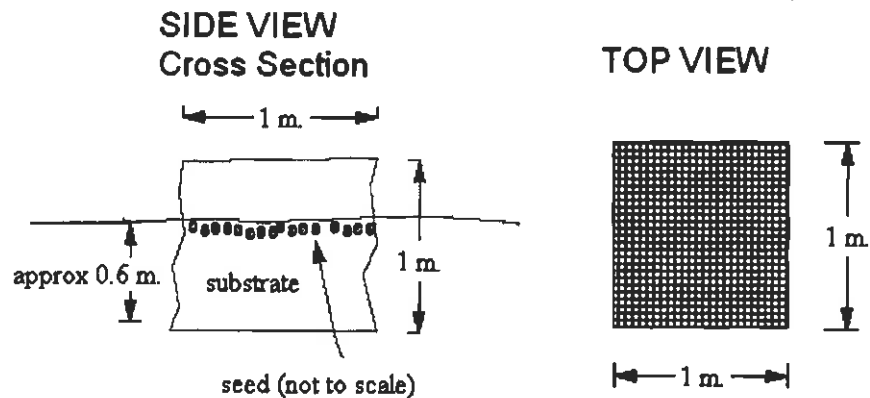


Figure b ii. Diagrams showing proposed seabed culture structures. Predator protection netting will cover product for 2 years of the 9 year cycle so 2 of 9 culture areas will have netting, or up to 22% of total area; BIB protection will cover 0.25% of total area.

Sea Cucumber Nursery

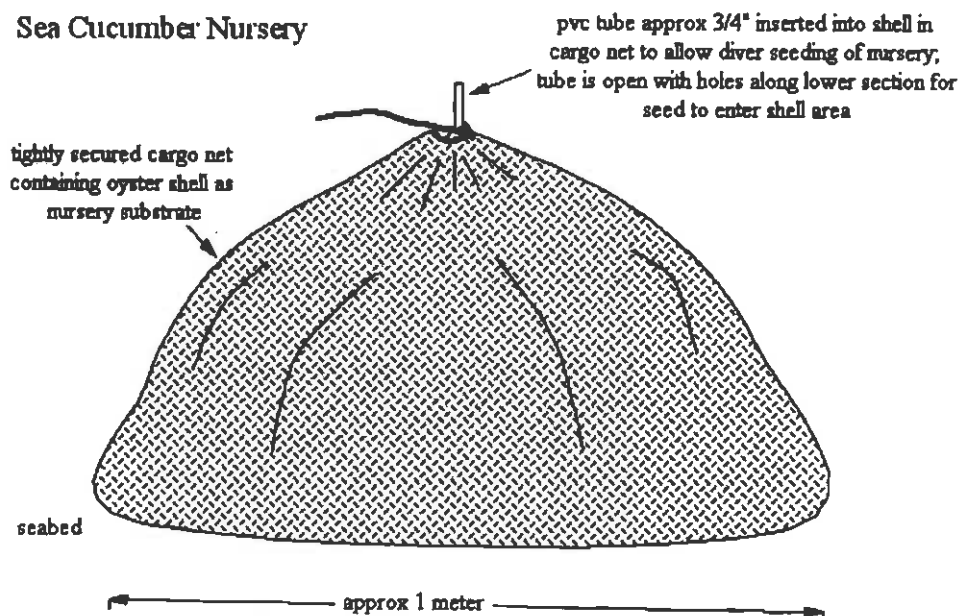


Figure b II continued. Diagrams showing proposed seabed culture structures. Sea cucumber nursery bag will cover 0.05% of total area.

SECTION D: WATER USE

1. Will fresh water be used at this facility? ☐ Yes ☒ No
2. If yes, and if water source is surface water (not ground), provide name:

3. If you already have a water licence at this site, please provide licence number, or provide date of submission of an application:

SECTION E: FIRST NATIONS CONSIDERATION

Please describe any contact you may have had, including the name of the First Nation(s) and individuals contacted. Consult the consultative Area Database (CAD) Public Map Service for First Nations contact information instructions and supporting information – http://ftp.geobc.gov.bc.ca/pub/outgoing/CAD/CAD_Public_Map_Service-User_Guidance-Technical_Instructions.pdf.

In collaboration with Manatee Holdings Ltd., the proponent is an economic development company owned by the K'ómoks First Nation. To date, the K'ómoks First Nation has verbally communicated to a number of neighbouring First Nations and First Nation organizations about their intentions of pursuing geoduck aquaculture within the core territory of the K'ómoks First Nation. Recently, The K'ómoks First Nation has signed protocol agreements with the Sliammon and Hamolco First Nations. As well, the K'ómoks First Nation are members of the Nanwakolas Council, A-Tlegay Fisheries Society, and the Aboriginal Aquaculture Association. Over the last 6 months the K'ómoks First Nation has communicated their intentions to Chief and Councillors of the Campbell River and Cape Mudge bands, Dallas Smith (Nanwakolas) and Richard Harry (Aboriginal Aquaculture).

It should be further noted that the K'ómoks First Nation have recently signed an Agreement in Principle with the Federal and Provincial governments with regards to Treaty, and the Province of British Columbia and the K'ómoks have also signed an Interim Measures Agreement for Aquaculture purposes.

The K'ómoks First Nation will continue to take a pro-active approach with respect to First Nation consultation and will be sending formal letters of intent to neighbouring First Nations and their respective organizations. Copies of these letters, and any follow up actions, will be forwarded.



PART II – INFORMATION FOR THE BC MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

The following information, along with Part I and Part V, is required for the adjudication of the Provincial Crown Land Tenure application under the BC Land Act.

SECTION A: SITING CONSIDERATIONS

Applicants must respond to each consideration and may be required to provide additional information in some situations.

YES NO

☒ ☐ Is the upland property Crown land?

If no, do the proposed structures infringe on the riparian rights of an upland owner? ☐ Yes ☒ No

If yes, has the owner provided written consent for you to occupy the site for the term of the tenure? ☐ Yes ☐ No

If yes, include a copy of the written consent.

☐ ☒ Is the intended use consistent with approved local government bylaws for land use planning and zoning?

Provide the name of the Regional District or Municipality for the area:

Islands Trust

If no, have you discussed your application with local government and have you initiated a re-zoning process? ☐ Yes ☒ No Please provide details:



Government
of Canada

Gouvernement
du Canada

PART IV – INFORMATION FOR TRANSPORT CANADA

The following information, along with Part I and Part V, is required for the adjudication of the NWPA approval under the *Navigable Waters Protection Act*.

SECTION A: SITING CONSIDERATIONS

Applicants may be required to provide additional information in some situations.

SECTION B: ADDITIONAL TRANSPORT CANADA INFORMATION

- 1.a) Waterway Name: Strait of Georgia off NE Denman Island
- b) Width(m): ~20 km in Georgia Strait, Denman Island to Texada Island area;
- c) Depth Range(m): To ~390m in Georgia Strait; Proposed Site -2m to- 20m below 0 tide
2. Nearest Community: **Denman Island**
3. Is this Work: ☒ Proposed ☐ Existing ☐ Modification of Existing Work
4. To help with the review process, please include the following:
- ☐ Photographs at the site of the proposed/existing work and surrounding area
 - ☐ Environmental Assessment documents (if any)



Government
of Canada

Gouvernement
du Canada

PART V – INFORMATION FOR ALL AGENCIES

All applicable components of this application package must be complete. Incomplete applications will be returned to applicant. Applicable fees must be submitted at time of application.

Provincial Fees:

Note that the current fee schedule does not include the taxes that apply.

Forms of Payment:

- Cheques or Money orders must be in Canadian Funds to **Minister of Finance**
- Debit Card (In-person only)
- Visa and MasterCard payments are accepted In-person or over the telephone. To locate a FrontCounter BC office, visit the website at <http://www.frontcounterbc.gov.bc.ca/contact/> or call the toll free number 1-877-855-3222.

FrontCounter BC will not accept personal cheques drawn on US banks, regardless of what currency. Payment will not be accepted even if it has "CDN Funds" handwritten on the cheque.

PLEASE NOTE: Additional items may be required (eg. Advertising, Security Deposit, Proof of Insurance, Letter of Consent). Some items may have additional associated costs or require additional processing time.

The information you provide may be subject to the following legislation: British Columbia *Freedom of Information and Protection of Privacy Act* (FOIPP Act); the federal *Access to Information Act*; and the federal *Privacy Act*. The personal information collected by the Government of BC is collected under the authority of section 26 (c) of the FOIPP Act and will be used to process your application(s) and will be shared only with the necessary government agencies needed to provide you with the service that you have requested. If you have any questions regarding the handling of your personal information, please contact FrontCounter BC at 1-877-855-3222 or by writing to Manager, Provincial Operations, FrontCounter BC at 441 Columbia Street, Kamloops, BC V2C 2T3 and/or the Director, Access to Information and Privacy Secretariat at the Department of Fisheries and Oceans Canada and Transport Canada.

The Province of British Columbia, Fisheries and Oceans Canada, and Transport Canada do not consider the information submitted in this form to be confidential unless it is subject to the privacy protection of the *Freedom of Information and Protection of Privacy Act* or the *Access to Information Act*. I understand that the information supplied will be used to review my applications under the BC *Land Act*, BC *Fisheries Act* (until such time as it is amended) Federal *Fisheries Act* and the *Navigable Waters Protection Act* and information will be shared amongst the other agencies, First Nations and/or with the public.



Government
of Canada

Gouvernement
du Canada

**Signature(s) of
Applicant(s) or
authorized
representative**

**Name(s) of Applicant(s)
or authorized
representative***

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____



Tom Broadley

July 30, 2012

*If signature is by an authorized representative please supply a letter granting authorization to act on behalf of the applicant.

Submit completed application, and additional supporting information (if applicable) to:

In Person: Any FrontCounter BC office.

Visit <http://www.frontcounterbc.gov.bc.ca> for the location nearest you.

By Mail: FrontCounter BC, 2080a Lableux Road, Nanaimo, BC V9T 6J9

By Email: frontcounterbc@gov.bc.ca

(NOTE: IF FEES ARE APPLICABLE, CLIENT MUST CONTACT FRONTCOUNTER BC BY TELEPHONE WITH CREDIT CARD INFORMATION PRIOR TO SUBMITTING THE APPLICATION ELECTRONICALLY. DO NOT INCLUDE PAYMENT (CREDIT CARD) INFORMATION VIA EMAIL OR FAX.)

PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS

APPLICATIONS ARE NOT TRANSFERABLE

THE SUBMISSION OF THIS FORM DOES NOT IN ANY MANNER CONVEY ANY RIGHTS TO USE OR OCCUPY CROWN LAND AND/OR CONDUCT REQUESTED ACTIVITIES