



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: July 30, 2014
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road
Mayne Island, BC
V0N 2J0

Pages

1. Call to Order 1:00 PM - 1:30 PM
2. Approval of Agenda
 - 2.1 Additions/Deletions
 - 2.2 Questions from the public on Agenda items
3. Community Information Meeting
none
4. Public Hearing
none
5. Previous Meetings
 - 5.1 Local Trust Committee Minutes
 - 5.1.1 Mayne Island Local Trust Committee
Draft Meeting Minutes of June 25, 2014
(attached) 4 - 12
 - 5.2 Public Hearing Records and Information Meeting
Notes
none
 - 5.3 Section 26 Resolutions-without-meeting
none
 - 5.4 Advisory Planning Commission Minutes
 - 5.4.1 Draft Minutes of Mayne APC July 14,
2014 Meeting (attached) 13 - 14

6.	Business Arising from the Minutes	
6.1	Follow-up Action List (attached)	15 - 16
	FUAL Report dated July 2014	
7.	Delegations	
	none	
8.	Correspondence	1:30 PM - 2:30 PM
8.1	Email letter dated May 29, 2014 from A. Maxwell re: Mayne Isl. Resort Dock (attached)	17 - 17
8.2	Email Letter dated July 16, 2014 from C. McLaren re: Georgina Pt. Rd (attached)	18 - 18
9.	Applications, Permits, Bylaws and Referrals	
9.1	North Pender Island Local Trust Committee Draft Bylaw No. 196 - Referral (attached)	19 - 21
9.2	MA-RZ-2012.1 (Oceanwood) - Staff Report (attached)	22 - 50
9.3	MA-CL-2014.1 (Shaw/Ledcor) & MA-CL-2014.2 (Shaw/Ledcor) (attached)	51 - 109
10.	Local Trust Committee Projects	
10.1	Mayne Bylaws No. 161 and 162 Blackline Version - Memo (attached)	110 - 128
11.	Reports	2:30 PM - 3:30 PM
11.1	Work Program Reports (attached)	129 - 130
	Work Program Report dated July 2014	
11.2	Applications Report (attached)	131 - 132
	Application Report dated July 2014	
11.3	Expense/Budget Reports	133 - 133
	Local Trust Committee Expense Report dated June 2014 (attached)	
11.4	Bylaw Enforcement	
	none	
11.5	Adopted Policies and Standing Resolutions (attached)	

11.6 Mayne Island LTC Web Page

The Mayne Island Local Trust Committee Web page can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/mayne

11.7 Chair's Report

11.8 Trustee Report

12. Other Business

12.1 Upcoming Meetings

The next meeting of the Mayne Island Local Trust Committee will be held on Wednesday, September 3, 2014 at 1:00 pm at the Mayne Island Agricultural Hall.

13. Town Hall Meeting

14. Adjournment

3:30 PM - 3:30 PM



**Mayne Island
Local Trust Committee
Minutes of a Regular Business Meeting**

Date of Meeting: Wednesday, June 25, 2014, 1:00 p.m.
Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island

Members Present: Peter Luckham Chair
Jeanine Dodds Local Trustee
Brian Crumblehulme Local Trustee

Staff Present: Gary Richardson Island Planner
Pat Todd Recording Secretary

Media and Others Present: Approximately nine (9) members of the public

1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:00 pm, recognizing the Local Trust Committee meeting was being held in the Coast Salish Territories and introduced himself, the Local Trustees, and Islands Trust Staff.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The following addition to the agenda was presented for consideration:

9.4 North Pender Island Local Trust Committee Bylaws No. 195 and 197
for Referral Response

By general consent, the agenda was approved as amended.

2.2 Questions from the public on Agenda items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of May 21, 2014

The May 21, 2014, minutes were amended as follows:

Page 5 of minutes – Peter Kennedy (not Kenny)

By general consent, the Mayne Island Local Trust Committee Business Meeting Minutes of May 21, 2014, were adopted as amended.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report June 2014

Planner Richardson reported that the amendments to Official Community Plan and Land Use Bylaw are ongoing and will be presented at the next meeting. All other items have been completed or are on today's agenda.

7. DELEGATIONS

None

8. CORRESPONDENCE

Discussion as to correspondence received by individual Trustees, who to distribute correspondence to and when to forward to staff for inclusion on agenda.

If correspondence to be included on agenda Trustees will forward to Planner Richardson.

Trustee Crumblehulme will forward email from A. Maxwell of May 29, 2014 to Planner Richardson for next meeting's agenda.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 MA-TUP-2013.1 (Mayne Island Resort) Staff Report

Planner Richardson reviewed the application and staff report. A notice and he draft Temporary Use Permit (TUP) was delivered to surrounding property owners and posted on notice boards. The only response to date is email from A. Maxwell of May 29, 2014 regarding advertising of the dock.

Staff is recommending that the draft TUP be issued for a three year term.

Chair Luckham spoke to the signage requirements and that signs are to include maximum of three boats and that it is a private dock.

MA-2014-035

It was Moved and Seconded that Mayne Island Local Trust Committee application MA-TUP-2013.1 (Mayne Island Resort) be amended under 3(d) to state that it is a private dock and no more than three vessels are to be tied up.

CARRIED

The applicant had no objections to the amendment.

Chair Luckham restated that the TUP application would be better as a rezoning application.

MA-2014-036

It was Moved and Seconded that the Mayne Island Local Trust Committee approve MA-TUP-2013.1 (Mayne Island Resort)

CARRIED

9.2 Galiano Island Local Trust Committee Bylaws No. 246, 247 and 248 for Referral Response

MA-2014-037

It was Moved and Seconded that Mayne Island Local Trust Committee interests are not affected by Galiano Island Local Trust Committee Bylaws No. 246, 247 and 248.

CARRIED

9.3 MA-RZ-2012.1 (Oceanwood) Staff Report

Planner Richardson reviewed draft bylaws no. 163 and 164. Draft bylaw 163 places the entire property in the Groundwater Protection Development Permit Area (DPA); the Form and Character of Intensive Residential Development DPA; and the Form and Character of Commercial, Visitor Accommodation and Industrial Development DPA. Draft bylaw 164 places the entire property in a new Comprehensive Development Three (CD3) Zone, which allows for 10 seniors units, 10 vacation accommodation or residential units and 3 staff housing units.

The staff housing and seniors units are considered the amenity in this proposal.

The applicant questioned the flexibility of the construction phases as blocks of 5 units may be more than is needed or too costly.

Discussion regarding:

- Increments of 2 units i.e.: 2 seniors/2tourist
- Deletion of riding stables and agriculture as permitted uses
- Wording to change to "senior accessible"
- Staff to refer to Building Code re: accessible phrasing
- Referral back to APC for comment as there are significant changes to original application.

MA-2014-038

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to amend Draft Bylaws No. 163 and 164 to a) delete Riding Stables and Agriculture as permitted uses; b) to include senior accessible wording; c) amend staging to 2 senior units/2 tourist units and that amended bylaws be referred to the Mayne Island Advisory Planning Commission and referral agencies.

CARRIED

Planner Richardson reviewed the proposed covenant.

MA-2014-039

It was Moved and Seconded that the Mayne Island Local Trust Committee direct staff to enter into a cost recovery agreement with the applicant in order to have an appropriately worded covenant prepared to ensure a geohydrology report is prepared prior to the issuance of a groundwater protection Development Permit.

CARRIED

MA-2014-040

It was Moved and Seconded that the Mayne Island Local Trust Committee direct staff to arrange a Community Information Meeting and Public Hearing for draft bylaws 163 and 164.

CARRIED

9.4 North Pender Island Local Trust Committee Bylaws No. 195 and 197 for Referral Response

MA-2014-041

It was Moved and Seconded that Mayne Island Local Trust Committee interests are not affected by North Pender Island Local Trust Committee Bylaws 195 and 197.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 LUB/OCP Technical Review - Staff Report

Planner Richardson spoke to the extensive report that addresses definitions technical amendments, set-back clarifications, etc.

The report will be presented at the next meeting in Black-line Version to facilitate review of the changes.

Discussion included review of set-backs for Waste Transfer Stations as may need to be increased in consideration of surrounding residential properties. It was suggested that staff review Pender Island work on this item.

MA-2014-42

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to increase setbacks from existing residential developments for properties being zoned for use as a Waste Transfer Station.

CARRIED

10.2 Riparian Area Regulations (RAR)

Planner Richardson spoke to the report and recommendation to use the Simple Assessment Method.

There was discussion as to requirements to address RAR and that there is documentation to show no fish present on the island.

Trustee Crumblehulme read a draft bylaw for RAR.

MA-2014-043

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to draft a Riparian Area Regulation bylaw, incorporating Trustee Crumblehulme's document

CARRIED

MA-2014-044

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to draft Official Community Plan amendments indicating that Village Bay/Deacon Creek be Riparian Area Regulations compliant and that Horton Bay/Hunt Brook and Campbell Bay Creek be excluded due to natural barriers.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 Work Program Report dated June 2014

Discussion as to need to get fallow deer issue back on the work program. To date there has been no word back from the Ministry regarding Secondary Suites.

11.1.2 Federal Marihuana for Medical Purposes Regulation

The LTC reviewed the options for the island.

MA-2014-044

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to add topic of Medical marihuana production facility to the Projects List.

CARRIED

11.2 Applications Report

Applications Report dated June 2014 was received for information.

11.3 Expense/Budget Reports

LTC expense report dated May 2014 was received for information.

11.4 Bylaw Enforcement

None

11.5 Adopted Policies and Standing Resolutions

Received for information.

11.6 Mayne Island LTC Web Page

Staff will update the page according to happenings at today's meeting. The Mayne Island website can be found at:

www.islandstrust.bc.ca/islands/local-trust-areas/mayne

11.7 Chair's Report

Chair Luckham stated that the Islands Trust Council meeting on Saturna Island had exceptional attendance at the dinner and Department of Fisheries and Oceans made a presentation. The Stewardship Awards were presented and Brian Hollingshead received one for his efforts on behalf of islanders and concerns with BC Ferries.

11.8 Trustee Report

Trustee Dodds attended a symposium for the Southern Gulf Islands Early Childhood Education which has conducted a survey as to numbers and needs. There was identification of available resources and gaps in services. It was facilitated by the Mayne Island Early Childhood Education Society.

Trustee Crumblehulme spoke about the participation of San Juan Councilors at Trust Council and restated the interest in increased connection between Southern Gulf Islands and San Juan's. The Pathways Association has now been formalized and can receive funds.

12. OTHER BUSINESS

12.1 Upcoming Meetings

The next meeting of the Mayne Island Local Trust Committee will be held Wednesday July 30, 2014, at 1:00 pm., at the Mayne Island Agricultural Hall.

12.2 SGIEDC Food and Agriculture Strategy Briefing

The CRD Director has been invited to LTC meetings. The invitation will continue to be extended and possibly the Director's alternate could attend.

13. TOWN HALL MEETING

Ian Dow: David Howe, CRD Director, asked that the LTC be informed that he is unable to attend meetings on Wednesdays due to a conflict. Ian expressed appreciation to the Trustees for efforts put forth regarding RAR. He reviewed the reports, documents, studies and court decisions on RAR. He spoke to the conflicting information that has been put forth from Ministry personnel. To date there have been no changes to the regulations in response to of the legal decisions.

There was a discussion as to conflicting information between the laws and Ministry comments. Community has proven that there are no fish and the reports detail the lack of supportable habitat. Options were discussed should further action be necessary.

Ian will forward the information from his presentation to the Trustees.

Dave Maude: Supported the historical information that there are no fish and there have never been fish in Village Bay and he disagrees with “potential of fish” as criteria to impose regulations.

14. ADJOURNMENT

Chair Luckham declared the meeting adjourned at 3:15 p.m.

X

Peter Luckham, Chair

CERTIFIED CORRECT:

X

Pat Todd, Recording Secretary

RECEIVED

JUL 21 2014

ISLANDS TRUST
VICTORIA BC

DRAFT

**MINUTES OF THE MAYNE ISLAND
ADVISORY PLANNING COMMISSION
HELD ON MONDAY JULY 14, 2014 AT 7:00 P.M.
AT THE CHURCH HOUSE**

COPIED TO	
☒	PLANNER
☒	LTC
☒	scd

Present: Rich Tamboline (Chair), Jerry Wise, Sally Manson, Ian Birtwell, Bill Bender, Stephen Cropper, Dave Maude and Trustee Dodds
Pat Todd (recorder)

Regrets: Dennis Emmett

1. CALL TO ORDER: 7:00 p.m.

2. APPROVAL OF THE AGENDA

The agenda was adopted as amend by consensus.

3. APPROVAL OF MINUTES OF A.P.C.: Meeting of April 14, 2014

This item was deferred as the electronic transmission of the draft minutes was not received by the members.

4. BUSINESS ARISING FROM MINUTES: None

5. REFERRALS

5.1 MA-RZ-2012.1 (Oceanwood)

There was a review of the modifications and changes to the original application.

There would be a new zone created, fewer units, changes to the phased construction, the 10 Tourist Accommodation units would have a dual designation of Tourist and/or Residential.

Suggestion was made to request a fire hydrant be installed as an amenity.

There was consensus as to the importance of a geohydrologist's report regarding the water situation. This would be addressed in the Ground Water Development Permit Area for water.

**It was Moved and Seconded that, the Mayne Island
Advisory Planning Commission recommends to the
Mayne Island Local Trust Committee that:**

1. The Staff recommendations in the Staff Report dated June 17, 2014 be accepted;
2. The Mayne Island Local Trust Committee request the applicant install a fire hydrant accessible for emergencies;
3. The definition of a Senior be clarified ;
4. Construction be situated for minimal impact on adjoining properties.

CARRIED

6. TRUSTEES REPORT

Trustee Dodds reported that the TUP for the Mayne Resort dock has been approved. There will be a Public Hearing in September or October for the rezoning application. Riparian Area Regulations are still being addressed. It is anticipated that Horton Bay/Creek and Campbell Bay will be excluded due to natural barriers. Village Bay is still questionable as to inclusion. There remains a great deal of community concern as to these regulations and the application of them as there have never been fish on the island.

7. NEW BUSINESS: none

8. NEXT MEETING: To be announced

ADJOURNMENT: 8:30 pm.

CHAIR

DATE



Islands Trust

Print Date: Jul-23-2014

Follow Up Action Report w/ Target Date

Mayne Island Jun-25-2014

No.	Activity	Responsibility	Target Date	Status
1	Minutes of May 21,2014 adopted as amended.	Lori Foster		Done
2	MA-TUP-2013.1 (Mayne Island Resort) issued as amended.	Sharon Lloyd-deRosario Gary Richardson		Done
3	Place email from Al Maxwell regarding Mayne Island Resort dock on July LTC agenda.	Gary Richardson		Done
4	Galiano Island LTC Bylaws 246, 247 and 248 - Mayne LTCs interests unaffected.	Sharon Lloyd-deRosario		Done
5	MA-RZ-2012.1 (Oceanwood) - Draft Bylaws to be amended - Forwarded to the APC - Done - Amended draft bylaws and policy statement checklist to be put on July 30 LTC agenda - Done - staff to enter into cost recovery agreement to prepare covenant - public hearing to be arranged	Sharon Lloyd-deRosario Gary Richardson		On Going
6	North Pender Island LTC Bylaws 195 and 197 - Mayne LTCs interests unaffected	Sharon Lloyd-deRosario		Done
7	OCP/LUB Technical Review - Draft Bylaws 161 and 162 Amend draft bylaws and put on July 30/14 LTC agenda with blackline copies of OCP and LUB amendments. Schedule public hearing for same day a Oceanwood PH.	Kim Farris		Done

8	RAR - staff to prepare implementation of the RAR on Village Bay Creek only.	Gary Richardson	On Going
9	Medical Marijuana production facility to be added to the project list.	Gary Richardson	Done

From: Al Maxwell [REDACTED]
Sent: May 29, 2014 8:56 PM
To: Brian Crumblehulme
Cc: Al Maxwell
Subject: A question...

Hi Brian,

Do you know if Mayne Island Resort has their dock officially open to all its multiple-owner clients? I ask because in an email I received from them, an advertisement for their fractional-share development, this interesting tidbit popped up:

We take care of all the maintenance and taxes. You just relax and take advantage of the on site amenities – pool, spa, sauna, fitness room, bistro, liquor store, conference/meeting room, library lounge and **new dock**.

Wouldn't that be an instant marina, if all 8 owners of each unit had a boat, and they all arrived at the same time. 8 X 24 or whatever the number is of sold units? Or even 1 owner each, of 32 units...

I'd had a conversation with Murray a couple of weeks ago, and he left me with the impression that only owners of the development had access currently. That would be him and Dave, wouldn't it?

I'll forward the entire email if you like. Maybe you already got it. Don't know where this distribution list started.

In these times when AMIB is lobbying for a marina anywhere it can find space, and where people heavy with cash are bemoaning the fact that no recreational marina exists on this island, while every other island has one, I'm hoping that such does not occur without due process on what such a marina might look like. Green is definitely my colour.

Cheers,
Al (Maxwell)

From: McLaren, Chris [Chris.McLaren@leg.bc.ca]
Sent: Wednesday, July 16, 2014 1:46 PM
To: Jeanine Dodds; Brian Crumblehulme
Subject: Georgina Point Road

Hello Jeanine and Brian,

While Gary and I were on Mayne Island on Sat. July 12 an issue was raised by a constituent about Georgina Point Road.

The concerns were for the safety of the road as erosion has taken place over time and the bank seems to becoming more unstable at this point.

We have raised this issue with MOT and have learned that they are aware of the concerns and we have a contact person in MOT who is working on this issue.

I am sure you are aware of this concern but Gary would like to know if you need any assistance from us in regards to this road.

Please let me know and I will make further inquiries.

Cheers,

Chris

Chris McLaren | Constituency Assistant | Gary Holman, MLA Saanich North and the Islands
2392 Beacon Avenue, Sidney BC | **P:** 250 655-5711 | Toll-free 1 855 955-5711 | **F:** 250 655-7398
Gary's [website](#) | Follow Gary on [Facebook](#) and [Twitter](#)

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Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: North Pender Island Local Trust Area Bylaw No.: 196 Date: July 7, 2014

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mike and Anne Burdett - 4606 Razor Point Road, North Pender Island

PURPOSE OF BYLAW:

The purpose of the bylaw is to permit a waste transfer and composting facility by rezoning a portion of the subject property from *Industrial 1(b)* to *Industrial 3: Waste Transfer Facility*.

Professional reports and staff reports are available on the North Pender island webpage:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender.aspx>

Please note this is a referral for a DRAFT bylaw, intended for early input prior to first reading. The recommended resolutions in the attached staff report were not passed, the NPLTC requested more information prior to considering the bylaw further.

GENERAL LOCATION:

4606 Razor Point Road, North Pender Island Local Trust Area

LEGAL DESCRIPTION:

The Fractional North West ¼ of Section 11, Pender Island, Cowichan District, Except the South 26.364 Chains, and Except Parcel A (DD143808I), and Except those parts shown outlined in red on Plans 5632 and 262R, and Except those parts in Plans 5856, 7982 and 20898

SIZE OF PROPERTY AFFECTED:

The proposal is to rezone a 0.95 acre (0.38 ha) area of a 22 acre, split zoned property for a waste transfer facility.

ALR STATUS:

In the ALR. Approved by ALC resolution #413-2013, for 5 Years, and subject to conditions.

OFFICIAL COMMUNITY PLAN DESIGNATION:

The subject area is designated Industrial by the North Pender Land Use Bylaw.

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca and attached to this referral.

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Name: Justine Starke

(Signature)

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: jstarke@islandstrust.bc.ca

PLEASE TURN OVER →

This referral has been sent to the following agencies:

Federal Agencies

Environment Canada

Provincial Agencies

Agricultural Land Commission
BC Assessment Authority
Ministry of Agriculture – Regional Agrologist
Ministry of Community, Sport and Cultural Development
Ministry of Environment
Ministry of Environment, – Water Stewardship Division
Ministry of Transportation & Infrastructure

Regional Agencies

Capital Regional District – Electoral Area Director
Capital Regional District – Environmental Resource Management
Capital Regional District – Infrastructure Engineering
Capital Regional District – Regional Parks and Community Services
Capital Regional District – S. Gulf Islands Ports
Island Health
North Pender Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Town of Sidney
District of North Saanich
District of Central Saanich

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
TE'Mexs Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

North Pender Island

(Island)

196

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

STAFF REPORT

File No.: MA-RZ-2012.1

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

**Re: Proposed Rezoning of Lot 22, Sec. 5 and 6, Plan 29750, Mayne Island
Oceanwood Country Inn – 630 Dinner Bay Road**

Owner: 0747825 B.C. Ltd.
Applicant: Murray Rosengren
Location: 630 Dinner Bay Road

BACKGROUND:

An application for rezoning was made in December 2012. The original application was predominately for seniors housing. After it was determined by a needs study that only a limited number of seniors units will likely be required on Mayne Island in the foreseeable future the application was amended.

The present application is for a mix of housing the details of which are outlined in the proposal section of this report.

The LTC passed the following resolutions at its June 25, 2014 business meeting:

MA-2014-038

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to amend Draft Bylaws No. 163 and 164 to a) delete Riding Stables and Agriculture as permitted uses; b) to include senior accessible wording; c) amend staging to 2 senior units/2 tourist units and that amended bylaws be referred to the Mayne Island Advisory Planning Commission and referral agencies.

MA-2014-039

It was Moved and Seconded that the Mayne Island Local Trust Committee direct staff to enter into a cost recovery agreement with the applicant in order to have an appropriately worded covenant prepared to ensure a geohydrology report is prepared prior to the issuance of a groundwater protection Development Permit.

MA-2014-040

It was Moved and Seconded that the Mayne Island Local Trust Committee direct staff to arrange a Community Information Meeting and Public Hearing for draft bylaws 163 and 164.

Staff has amended the two draft bylaws 163 (OCP) and 164 (LUB) as per the resolution **MA-2014-038**; however one of the requested amendments (seniors accessible wording) is not yet completed. Staff will be working with the CRD building inspector to prepare wording that is consistent with the BC Building code.

Several staff reports have been prepared on this proposal and can be found on the Mayne LTC webpage at:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications.aspx>

THE PROPOSAL:

The existing lot contains a waterfront country guest house which consists of 12 tourist accommodation units, a restaurant, an accessory building/garage and an accessory dwelling unit.

As a result of the LTC's comments at the May 21, 2014 LTC meeting and further discussions with the planner the applicant has amended his proposal as follows:

- The applicant is proposing to keep the existing guest house as is with 12 tourist accommodation rooms and a restaurant.
- The existing accessory dwelling which is limited in size (140 m²) is proposed to remain.
- 10 new units not to exceed 90 m² (969 sq.ft.) to be used as either vacation accommodation units or residential units are being proposed.
- 10 new seniors residential units not to exceed 90 m² (969 sq.ft.) are being proposed.
- 3 staff housing units not to exceed 60 m² (646 sq.ft.) are being proposed.

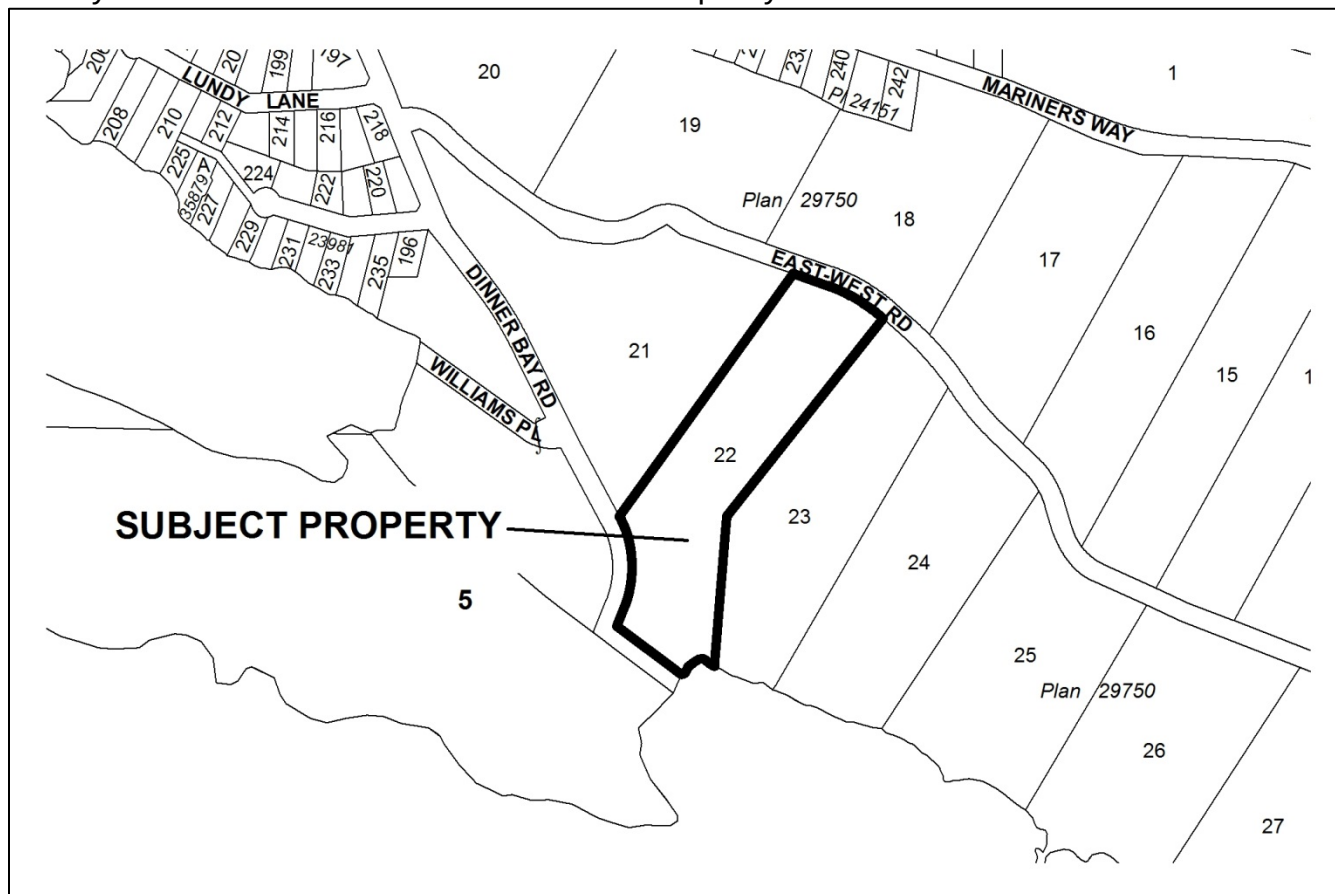
SITE CONTEXT:

The property is a 4 hectare waterfront property with an existing tourist accommodation unit, restaurant, parking structure and caretaker dwelling sited on it. The lot is forested and is surrounded by similar sized lots. The surrounding lots are predominantly used for residential purposes. There is a Japanese garden located on an adjacent Lot across Dinner Bay Road.

Islands Trust Policy Statement:

The policy statement directives checklist for each draft bylaw is attached for the LTCs review.

The groundwater protection DPA has been recommended to ensure the increase in density will not have an adverse effect on water quality.



Map showing location of subject property



Orthophoto showing subject lot



Ortho photo showing subject area

STAFF COMMENTS:

APC Comments have been received and are generally supportive of the proposed bylaws; however they have requested that: a fire hydrant be installed; the definition of senior be clarified; and that construction be situated for minimal impact on adjoining properties.

These items should be discussed at the July 30/14 LTC meeting and further review will be carried out depending on the LTCs direction to staff.

The bylaws have been amended to create more staged structure and permitted uses regarding riding stables and agriculture has been removed.

Staff will be entering into a cost recovery agreement with the applicant to prepare a covenant requiring a hydrology report prior to the LTC issuing a DP. Staff will have a draft covenant prepared for the September 3/14.

Staff will be arranging a CIM and Public Hearing for October 22/14.

Options

- 1) Proceed no further.
- 2) Direct staff to further amend bylaws.
- 3) Give 1st reading to draft bylaws 163 and 164.

RECOMMENDATIONS:

- 1. THAT the Mayne Island Local Trust Committee give draft bylaw 163, cited as Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2014, 1st reading.
- 2. THAT the Mayne Island Local Trust Committee give draft bylaw 164, cited as Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2014, 1st reading.
- 3. That the Mayne Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaws No. 163 and 164 are not contrary to or at variance with the Islands Trust Policy Statement.

Prepared and Submitted by:

Gary Richardson

July 22, 2014

Gary Richardson, Island Planner

Date

Attachments:

Draft Bylaw 163

Draft Bylaw 164

Policy Statement Checklists for Draft Bylaw 163 and 164

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 163**

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2014."

2. SCHEDULES

- a. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended as indicated on Schedule 1, attached to and forming part of this amending bylaw.
- b. Schedule C (Map of Development Permit Areas) of Mayne Island Official Community Plan No. 144, 2007 is amended in accordance Schedules 2 and 3, attached to and forming part of this amending bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 163

SCHEDULE 1

1. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended by inserting the following new Section 2.8.5.

“2.8.5 Development Permits for Groundwater Protection

Development permits for this purpose may vary or supplement bylaw regulations to specify the general character of the development and the siting and form of buildings and structures.

Designation

All lands shown on Schedule C as being a groundwater protection area are designated as a development permit area.

Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

Objectives

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development. It is policy of the Islands Trust Council that local trust committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

General Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

Work Not Requiring a Permit (Exemptions)

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required).
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the local government or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.
- j) Forest management activities, as defined in the Private Managed Forest Land Regulation, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
- m) Construction of fences.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.

2.8.4 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. A qualified professional hydrogeologist or engineer is required to prepare a report and make recommendations for mitigation measures. Once the final report from the is received from the hydrogeologist or engineer by the local trust committee, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The Local trust committee may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The Local trust committee may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.

7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:
 - a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.
 - d) The local trust committee may require that all new dwelling units include an external rainwater harvesting system such which includes the following:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) of sufficient capacity designed for rainwater collection;
 - iii. A pumping system;
 - iv. An overflow handling system.
 - e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with "Non-Potable Water Do Not Drink".
 - f) Where external rainwater harvesting equipment is required as a condition of the permit, the local trust committee shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
8. Where tree removal which is not exempt from the requirement for a permit:
 - a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of

undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

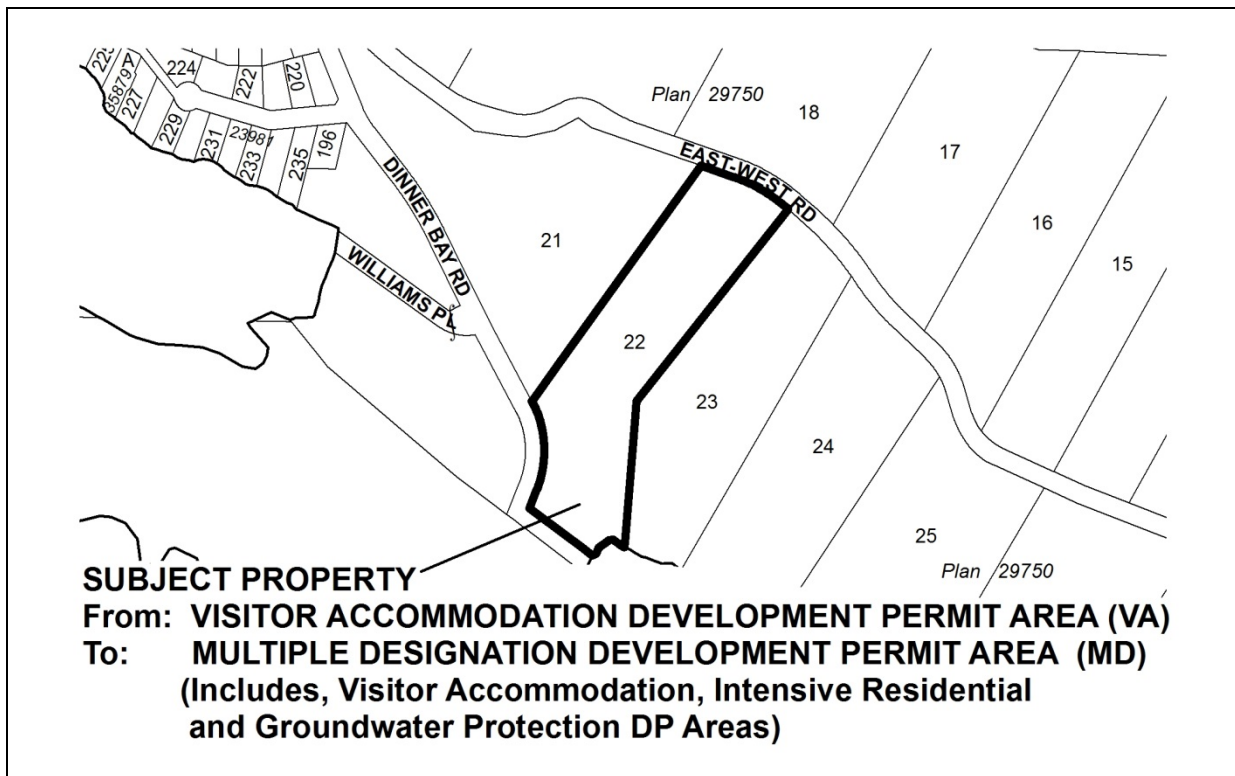
- e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
- 9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
 - 10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
 - 11. The local trust committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 163

SCHEDULE 2

1. Schedule C (Development Permit Area Map) of Mayne Island Official Community Plan No. 144, 2007 is amended placing the following Development Permit designation on the lands shown below.



MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 163

SCHEDULE 3

1. Schedule C (Development Permit Area Map) of Mayne Island Official Community Plan No. 144, 2007 is amended placing a new Development Permit Area in the list of Development Permit Areas as follows:

“Multiple Designation Development Permit (MD) (Includes Visitor Accommodation, Intensive Residential and Groundwater Protection DP Areas)”.

July 9, 2014

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 164

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

The Mayne Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Mayne Island Local Trust Area under the Islands Trust Act, enacts as follows:

A. Schedule A of Bylaw No.146, cited as “Mayne Island Land Use Bylaw No 146, 2008” is amended as follows:

(1) By adding a new Section 5.27 as follows:

“5.27 Comprehensive Development Three (CD3) Zone

The purpose of the Comprehensive Development Three zone is to provide for and regulate the development of a mix of tourist accommodation and ground-oriented residential uses on a specific site in Dinner Bay.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
- (a) Tourist accommodation;
 - (b) Residential;
 - (c) Guest House;
 - (d) Accessory restaurant;
 - (e) Senior citizen residential use;
 - (f) Employee housing;
 - (g) Accessory dwelling unit; and
 - (h) Accessory uses, buildings and structures.

Density

- (2) The maximum lot coverage is 10%.
- (3) One guest house per lot.
- (4) The maximum floor area of a guest house is 836 m² (9000 ft²).
- (5) The maximum number of tourist accommodation units contained within a guesthouse is 12.
- (6) One accessory restaurant, located within a guest house, per lot.
- (7) The maximum floor area of an accessory restaurant use is 56m² (603 ft²).

- (8) The maximum floor area of a tourist accommodation unit sited outside of a guesthouse is 90 m² (969 ft²).
- (9) The maximum number of tourist accommodation units or residential units permitted outside of a guesthouse is 1 tourist accommodation unit or one residential unit except as follows:
 - a. If 2 employee housing units and 2 seniors housing units are constructed and maintained, then the number of tourist accommodation units or residential units permitted is 2;
 - b. If 3 employee housing units and 4 seniors housing units are constructed and maintained, then the maximum number of tourist accommodation units or residential units permitted is 4;
 - c. If 3 employee housing units and 6 seniors housing units are constructed and maintained, then the maximum number of tourist accommodation units or residential units permitted is 6;
 - d. If 3 employee housing units and 8 seniors housing units are constructed and maintained, then the maximum number of tourist accommodation units or residential units permitted is 8;
 - e. If 3 employee housing units and 10 seniors housing units are constructed and maintained, then the maximum number of tourist accommodation units or residential units permitted is 10.
- (10) The maximum number of employee housing units is 3.
- (11) The maximum floor area of accessory employee housing units is 60m² (646 ft²).
- (12) The maximum number of senior citizen residential units is 10.
- (13) The maximum floor area of any seniors residential unit is 90 m² (969 ft²).
- (14) The maximum number of accessory dwelling units per lot is 1.
- (15) The maximum floor area of any accessory dwelling unit is 140 m² (1507 ft²).
- (16) The maximum number of accessory buildings is four per lot, other than an accessory dwelling unit, utility sheds, or woodsheds.

Siting, Size and Location of Uses

- (17) The minimum setback for any building or structure, except a sign, fence, or pumphouse is:
 - (a) 8 metres from any lot line;
- (18) The maximum height of any guest house, dwelling, tourist accommodation unit or seniors residence is 9 metres(29.5 ft.).
- (19) The maximum height of any accessory building or structure is 5 metres(16.4 ft.).
- (20) The maximum height of any accessory building or structure used for agricultural purposes is 15 metres (49 ft.).

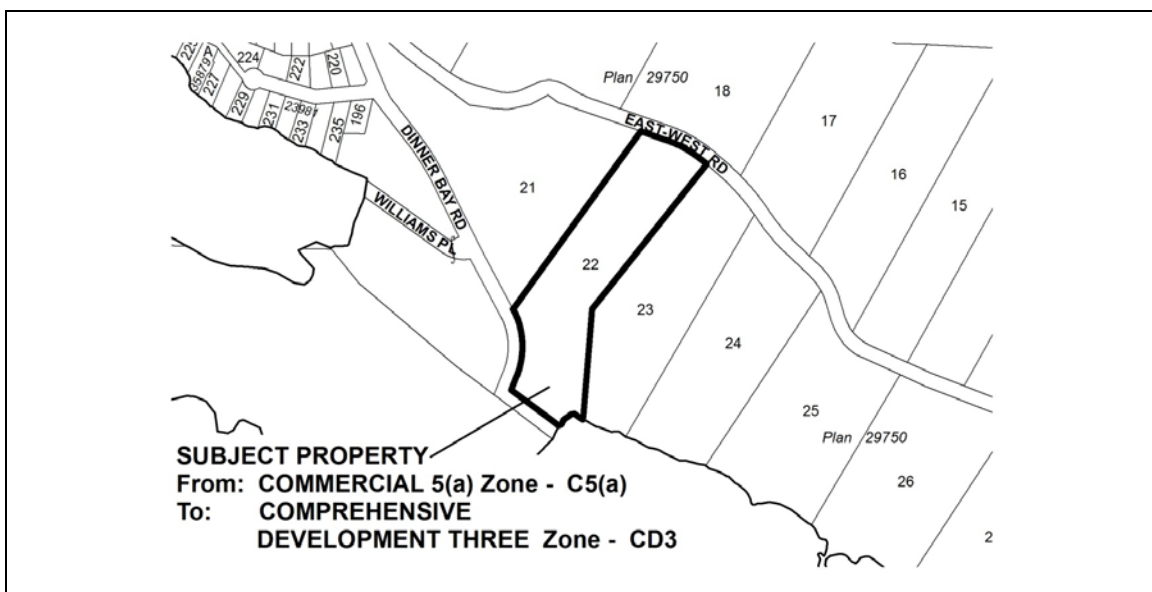
Subdivision Lot Area Requirements

- (18) The minimum lot size is 4 hectares (10 acres).

Conditions of Use

- (19) Outdoor storage areas and tourist accommodation uses, including restaurants and parking areas, must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 metres in height and complying with the provisions of Section 3.8.”
- (2) By removing the site specific regulations from all three columns, from the table located in Subsection 5.1.2 regarding the C5(a) zone.
- (3) By adding “Comprehensive Development 3” to the zone names in Subsection 4.1 (1) and by adding “CD3” to the zone abbreviations in Section 4.1 both are to be added at the end of the list.
- (4) By adding “CD3” to the sign regulations in Subsection 6.5(1) in the table immediately following “CD2”.

- B.** Schedule B of Bylaw No.146, cited as “Mayne Island Land Use Bylaw No 146, 2008” is amended for the land as depicted in the map below:



- B.** This bylaw may be cited for all purposes as the “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2014”.

READ A FIRST TIME THIS	th	DAY OF	20
PUBLIC HEARING HELD THIS	th	DAY OF	20

READ A SECOND TIME THIS th DAY OF 20

READ A THIRD TIME THIS th DAY OF 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF 20

ADOPTED THIS DAY OF 20

DEPUTY SECRETARY

CHAIRPERSON



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 163

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
n/a	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
n/a	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
n/a	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
n/a	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
n/a	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 164

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

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- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

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Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
n/a	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
n/a	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
n/a	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
n/a	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
n/a	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

BRITISH
COLUMBIA

RECEIVED

JUL 15 2014

Applying for a Crown Land Tenure

All applications must include completed application form, general location map, local detail map, appropriate fees and attachments as indicated below.

INFORMATION REGARDING APPLYING FOR CROWN LAND AVAILABLE AT

www.for.gov.bc.ca/Land_Tenures/crown_land_application_information/general_information_for_applications.html

PART 1. NAME(S) AND MAILING ADDRESS

Applicant Name:

FULL LEGAL NAME of Individual(s), Company or Society,
Ministry or Government Agency Your File: _____

Shaw Cablesystems Limited

Contact Name for Company or Ministry Applicants:

VP Engineering Infrastructure, General Counsel and Corporate
Secretary

Applicant Mailing Address:

Shaw Cablesystems Limited

630- 3rd Avenue SW Suite 900

Calgary, AB

postal code T2P 4L4

Applicant Contact Numbers: Phone: 403-536-3979

Daytime Phone: 403-536-3979

Fax: _____

Applicant Email Address: Greg.Kueneman@sjrb.ca

Are you an Agent submitting this application on behalf of your client?

☒ Yes ☐ No

Letter of Agency attached ☒ Yes ☐ No

Agent Name & Mailing Address:

LTS Infrastructure Services, LP (Ledcor)

1607 West Cordova Street, Suite 1200

Vancouver, BC

postal code V6C 1C7

Agent Contact Numbers:

Phone: 508-524-1314

Fax: _____

Agent Email Address:

Todd.Roper@Ledcor.com

Is the Applicant or the Applicant's Spouse a Provincial Government Employee

☐ Yes ☒ No

(FOR OFFICE USE ONLY. To address application processing for Provincial Government Employees go to the Land Procedure: Allocation Procedures - Applications)

For applications made by more than one individual: ☐ Joint Tenants or ☐ Tenants in Common

For your information: Joint Tenants: on the death of one tenant the interest passes to surviving tenant.

Tenants in Common: on the death of one tenant the interest passes to the beneficiaries of the estate.

BC Inc. #, BC Registration # or Society #: A0075382

GST Registration #: 873747836

Age: 19 or over ☒ Yes ☐ No

Canadian Citizen or Permanent Resident ☒ Yes ☐ No

Do you hold another Crown land tenure? ☒ Yes ☐ No If yes, provide File Number: 4404861 Disposition No. 873274

Period of Projected Use:

(Request 30 year tenure)

☐ Two years or less ☐ Two to five years ☐ Five to ten years ☒ Ten to thirty years ☐ More than thirty years

Application Type: ☒ new application ☐ replacement application – file number _____

☐ investigative permit application ☐ amendment application – file number _____

Proposed Use/Tenure Type: (e.g. powerline right of way, gravel quarry licence): Submarine Fiber Optic Cable ROW

FOR OFFICE USE ONLY

(date/time received)

APR 22 2014

File Number:

1414203

Project Number:

137863

Disposition ID:

915706

Client Number:

122713

Ministry of Forests, Lands and
Natural Resource Operations
West Coast Region

PART 2. PURPOSE, LOCATION, AREA

PLEASE SELECT APPROPRIATE PROPOSED LAND USE

Proposed Land Use Program Area	New Application Fees (including GST)	Program Specific Requirements Website
☐ Aggregates & Quarry	\$1,050.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/aggregates/index.html
☐ Agriculture – Intensive	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/agriculturein/index.html
☐ Agriculture - Extensive	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/agricultureex/index.html
☐ Airport – private	*\$50 per hour process time	Contact FrontCounter BC
☐ Alpine Skiing	Type 1 (minor) \$1,050.00 Type 2 (major) contact FrontCounter BC	resort.development/how_process_works/tenure_permits/allocation_by_proposal.htm
☐ Aquaculture – Fin fish	\$5,171.25	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/aquaculture/index.html
☐ Aquaculture – Shellfish	\$1,260.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/aquaculture/index.html
Clean Energy - ☐ Waterpower	Investigative licence...\$525.00 OR	http://www.env.gov.bc.ca/wsd/water_rights/waterpower/index.html
☐ Wind Power	Investigative Permit ...\$525.00	http://www.for.gov.bc.ca/land_tenures/tenure_programs/programs/windpower/index.html
☐ Ocean Energy	Wind Meteorological tower\$525.00 Project\$3,465.00	http://www.for.gov.bc.ca/land_tenures/tenure_programs/programs/oceanenergy/index.html
☐ Commercial - General	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/generalcommercial/index.html
☐ Commercial - Film	\$525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/film/index.html
☐ Adventure Tourism	Non-Motorized \$262.50 Motorized \$3,465.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/adventure_tourism/index.html
☐ Communication Site	\$1,050.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/communicationsites/index.html
☐ Community/ Institutional	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/community/index.html
☐ Federal Reserves	\$3,465.00	Federal Government Only – Contact FrontCounter BC
☐ Ferry Terminals	*\$50 per hour process time	
☐ General Industrial	\$ 525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/generalindustrial/index.html
☐ Golf Course	\$3,465.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/golfcourses/index.html
☐ Grazing	\$ 262.50	for.gov.bc.ca/hra/Legislation/grazing.htm
☐ Head Lease	\$50 per hour process time	Contact FrontCounter BC
☐ Log Handling	\$1,050.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/loghandling/index.html
☐ Marina	\$ 525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/marinas/index.html
☐ Mining	\$ 525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/mining/index.html
☐ Oil and Gas	\$ 525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/oil_gas/index.html
☐ Private Moorage	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/privatemorage/index.html
☐ Provincial Reserves	For Provincial Government Ministries Only	
☒ Utilities (Linear Use)	Less than 25 Km \$1,050.00 More than 25 Km *\$50 per hour Access to single lot \$262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/utilities/index.html
☐ Residential	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/residential/index.html
☐ Roadways – Public	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/roadways/index.html
☐ Roadways – Industrial	\$1,050.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/roadways/index.html

Note: Investigative Permits (available for all program areas): \$525.00 (including GST)

Replacement Application Fees: 50% of above fee or \$210.00 (including GST), as a minimum.

Amendment Fees: Contact [FrontCounter BC](#)

* To be paid at a later date

PART 2 (continued)

General Location of Crown land (i.e. distance from nearest community, Indian Reserve or significant geographic location such as a lake or mountain; location on a named road; etc.):

Please provide a shape file if available.

Area in Hectares: _____ **OR length (km/m):** 2.379 km **width (km/m):** _____

We respectfully request a 100m corridor on either side of the proposed route to allow for flexibility during the installation. Upon completion, as-built will be provided and a 10 m corridor on either side of the line would be requested for the final easement.

PART 3. LEGAL DESCRIPTION OR BOUNDARY DESCRIPTION

If surveyed, give legal description: as provided by the local Land Title Office (e.g., Lot 1 of Section 31, Township 12 W6M Kamloops Division of Yale District Plan 18411). A legal description is found in the Certificate of Title (CofT). A copy of the CofT must be attached to the application. A copy of your Registered Survey Plan, if available, will confirm the dimensions of the place of use.

If unsurveyed: enter description of unsurveyed Crown land and description of boundaries.

Unsurveyed Crown foreshore being part of the bed of Active Pass, between the foreshore of Galiano Island - Warvid Road and the Foreshore of Mayne Island in close proximity to the end of Oyster Bay Road. Please see attached drawings and charts for further details.

Instructions to Describe Unsurveyed Crown Land

- The point of commencement, for unsurveyed parcels, should be described in terms of an existing survey post (e.g., 18 metres west of the S.E. corner of the parcel) or a readily identifiable geographic feature (e.g., a prominent point of land or intersection of two roads) to enable accurate location of the parcel.
- Boundary lines of the area must be, as much as possible, astronomically true north, south, east and west so that a rectangular lot is formed.
- Where the topographic features of the area do not allow for rectangular boundary lines running true north, south, east and west, then boundaries will be permitted in other directions as long as they do not interfere with the orderly survey of other surrounding land.
- The side lines of small parcels fronting on lakes, rivers, tidal waters and on certain surveyed highways shall, where possible, be parallel to each other and perpendicular to the general trend of the features on which the small parcel fronts.
- The sidelines for unsurveyed foreshore shall, as a general rule, be laid out at right angles to the general trend of the shore. This may be varied to suit special conditions, but encroachment on the foreshore fronting adjoining lands shall be avoided. The outside or waterward boundary shall be a straight line or series of straight lines joining the outer ends of the side boundaries. On narrow bodies of water the outside boundary shall not normally extend beyond the near edge of the navigable channel.

1 hectare = 2.471 acres

1 metre = 3.281 feet

100 metres x 100 metres = 10,000 square metres or 1 hectare

PART 4. APPLICATION CERTIFICATION

All applications must be complete. Incomplete applications will be returned to applicant.

Please refer to the specific program requirements (e.g., Aggregates, Commercial, Residential) for information that must be submitted with this application.

All of the following **must** be attached to or enclosed with this application form:

- ☒ **Fees** (in the amount indicated in Part 2) to **Minister of Finance** (cheque or credit card authorization form attached or pay in person with debit card or cash)
- ☒ **General Location Map(s)** at a scale of 1:50,000 to 1:250,000 indicating general location of the area under application and the location of access roads, watercourses and other major landmarks.
- ☒ **Detailed Site Map(s)** outlining in detail the area under application, showing the exact perimeter boundaries of the application area including the dimensions (in metre) and area (ha), including watercourses, district lots etc.
- ☐ **Program Specific Requirements** (i.e. communication site, agriculture, industrial, aquaculture).
Program specific requirements can be confirmed at
[http://www.for.gov.bc.ca/Land Tenures/crown land application information/program areas.html](http://www.for.gov.bc.ca/Land_Tenures/crown_land_application_information/program_areas.html)

PLEASE NOTE: Additional items may be required (e.g. Advertising, Security Deposit, Proof Of Insurance, Letter Of Consent) Please consult Program Policies or contact FrontCounter BC for further information.
Some items may have additional associated costs or require additional processing time.

Applicant or Agent signature(s):

Date: _____

**PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS
- APPLICATIONS ARE NOT TRANSFERABLE -**

NOTE: The information you provide will be subject to the Freedom of Information and Protection of Privacy Act. If you have any questions regarding the treatment of your personal information, please contact the Manager, Privacy, Information Access and Records Management.

The submission of this form does not in any manner convey any rights to use or occupy Crown land.



FORWARD. TOGETHER.

ACTIVE PASS PERMIT APPLICATION DOCUMENTATION

Front Counter B.C.
Suite 142, 2080
Lableux Road
Nanaimo, BC V9T 6J9
250-751-7220



Todd Roper
Director of Marine Services
Todd.Roper@Ledcor.com
508-524-1314

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1.0 INTRODUCTION

1.1 Overview

Shaw is currently considering the installation of a surface laid submarine cable across Active Pass, linking Mayne Island to Galiano Island. Leducor has been contracted by Shaw to complete the permitting and installation of the aforementioned submarine cable system.

This report includes details regarding the specific landing sites selected and the location of the planned submarine cable system. Significant pre-project research and site investigatory work has been completed by Shaw and Leducor during the development of the routes selected. Specifically, Leducor has completed a detailed marine survey, desktop study and research into the regional geology, environmental conditions, and other relevant factors that may affect installation of the proposed cables. This report and the accompanying charts depict the route chosen by Shaw and the specific route requested through the permit process.

1.2 Scope of Work

1.2.1 Site Visit

A site visit was performed in conjunction with this desktop study by representatives of Shaw, Leducor and Terrasond to assess potential cable landing sites. The following criteria were used to locate and assess potential sites:

- Foreshore/beach topography;
- Accessibility;
- Overall route length;
- Access to terrestrial infrastructure;
- Land ownership.

Twenty-two landing sites were investigated. This total includes the existing landing site on each island, and new sites on both public and private lands.

The information obtained during this visit was used to establish preferred landing sites for the Active Pass route. Information relevant to these landing sites is presented in this report.

1.2.2 Desktop Study

The purpose of the desktop study was to gather information to aid in the selection of the most viable route with the minimum amount of risk and environmental impact. The desktop study was used to provide guidance in selecting initial routes and defining the route survey limits. Information obtained during the desktop study relevant to the cable route design and installation includes:

- Potential hazards and obstructions which may affect the cable safety and protection, as well as cable installation and maintenance;
- Weather and seabed conditions relevant to route selection and cable installation;
- Identify existing and planned cable systems;
- Marine activities that may affect the installation of the cable or cable safety.
- Initial investigation into permitting and regulatory authorities;

A variety of data available from the public domain, Canadian Hydrographic Service Charts, and other sources was used during the production of this document. Data sources used to populate the charts and used in the compilation of this report are listed throughout the document and on the charts.

1.2.3 Charting

Overview charts and route profiles in Active Pass have been produced from the results of the survey. They are referenced to North American Datum 1983 (NAD 83), UTM Zone 10 North geodetic parameters. Units are in meters.

The bathymetric contours depicted on the charts and images are relative to the CGVD28 vertical datum, as opposed to chart datum. Full resolution PDF copies are provided as an attachment to this report in Appendix D

Table 1 – Chart Organization

Enclosure No.	Drawing Numbers	Description
1	Sheet 1	Active Pass Route

2.0 CABLE ROUTE DESCRIPTIONS

2.1 Project Location

The proposed cable route links Mayne Island with Galiano Island in south-western British Columbia, Canada. Mayne and Galiano Islands are part of the Canadian Gulf Islands, a group of islands that lie along the southeastern edge of Vancouver Island between the Strait of Georgia to the east and Haro Strait to the south. The islands cover an area of approximately 50 km by 20 km. These islands are separated by salt water channels including Boundary Passage, which forms the international boundary between Canada and the United States.

The channels between the islands link the large body of water of the Strait of Georgia, also known as the Salish Sea, with the Pacific Ocean through Haro Strait and Juan de Fuca Strait. Significant tidal currents are found in the relatively shallow channels separating the islands, and Active Pass, between Mayne Island and Galiano Island, has some of the strongest tidal currents of any of the navigable channels in western Canada.

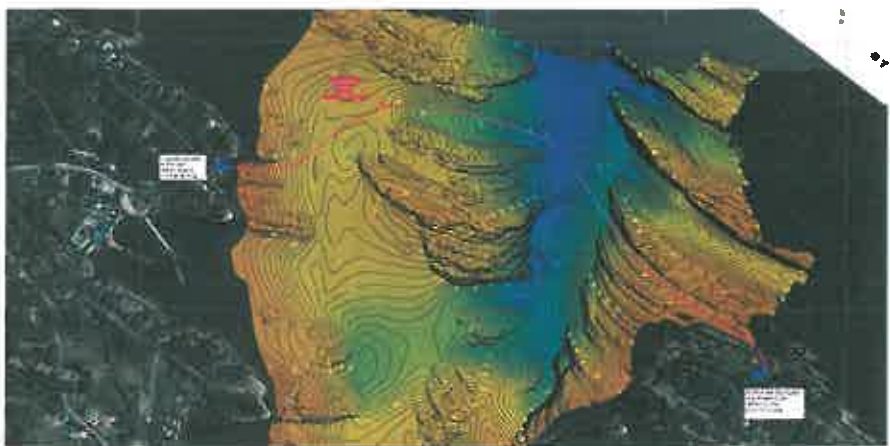


Overview of the Gulf Islands, project location shown in magenta.

2.2 Mayne Island to Galiano Island Routes (Active Pass)

The primary route across Active Pass runs generally east-west from Georgina Point on Mayne Island to Rip Point on Galiano Island.

Route	Mayne Island Landing	Galiano Island Landing	Length	Max Depth
Primary	Georgina Point	Rip Point	2.378 km	96 m



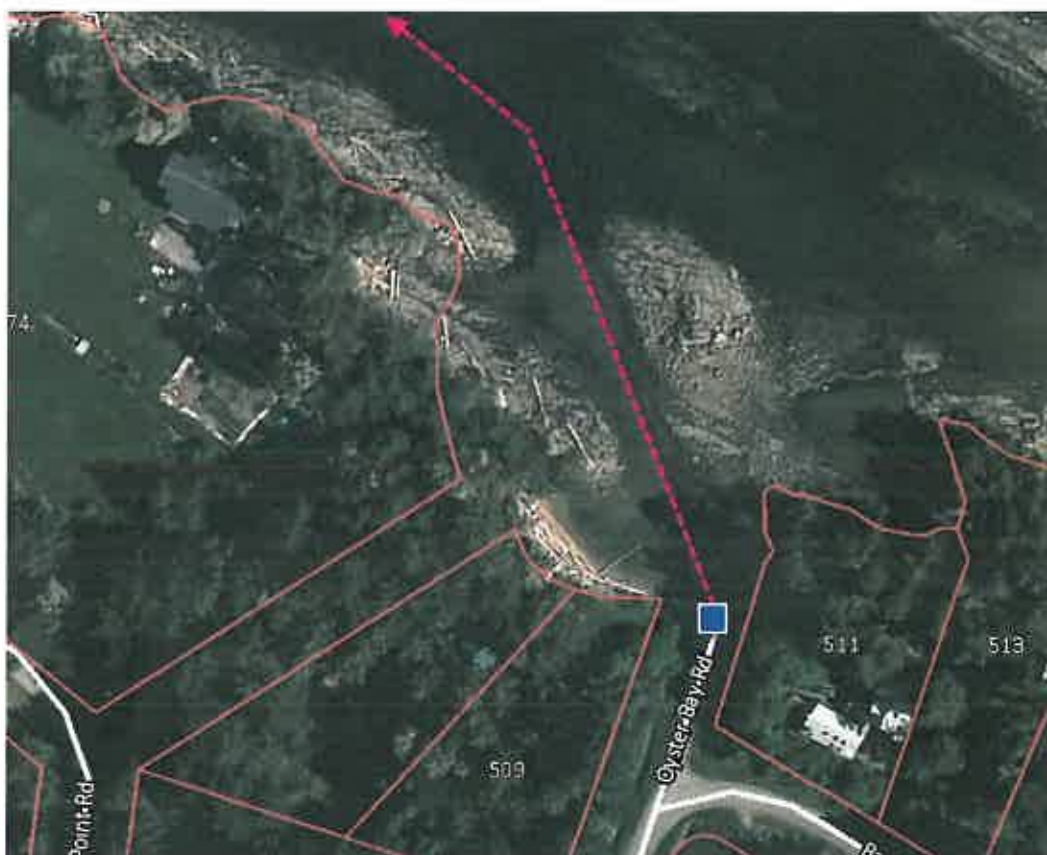
Proposed Cable Routes between Mayne Island and Galiano Island.

Figure note: Proposed cable route is in magenta.

2.2.1 Oyster Bay Road Landing Site - Mayne Island

The proposed landing site on Mayne Island is located east of Georgina Point in a public right-of-way at the end of Oyster Bay Road.

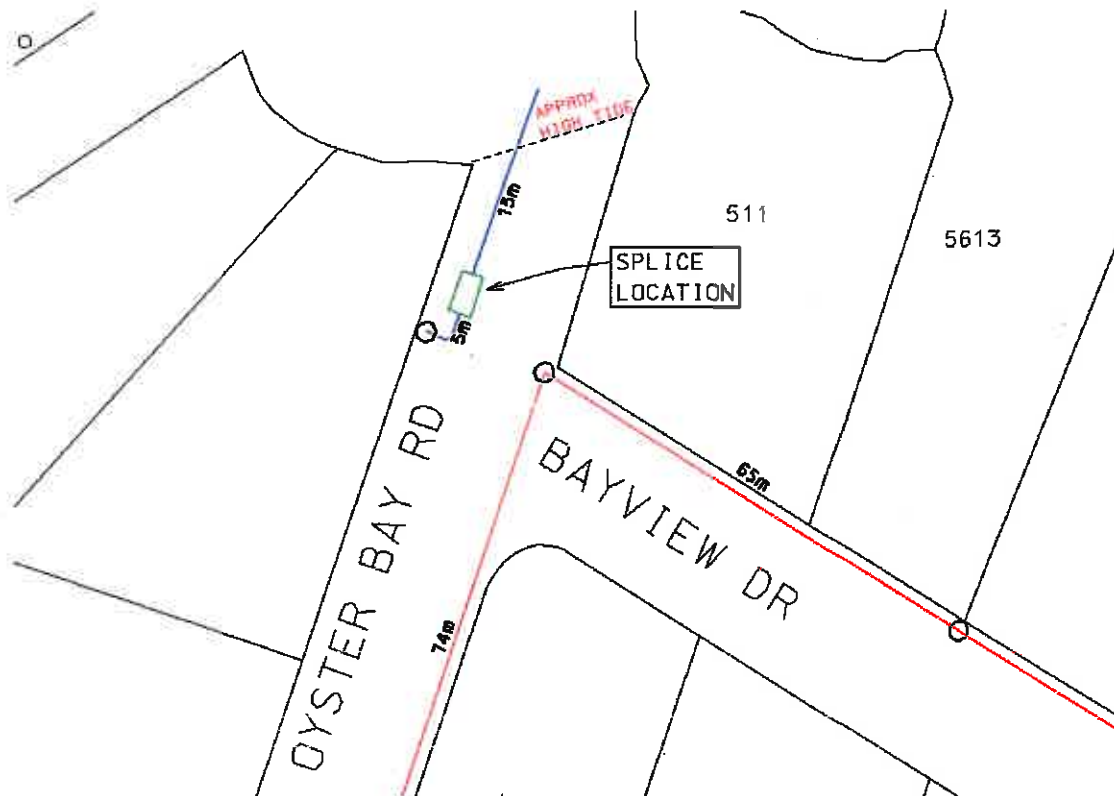
Address:	N/A
Approximate Latitude:	48° 52' 21.24" N
Approximate Longitude:	123° 17' 12.31" W



Landing site (top), beach view (left), upland view to the east-southeast (right). Proposed cable route is in magenta
Aerial ortho-photography and parcel boundary information provided by Capital Regional District, <http://crdatlas.ca/>



Oyster Bay Road - Landing site (left), beach manhole location, (right) upland view of manhole location.



Oyster bay Road - Property view of landing site location

2.2.2 Rip Point Landing Site - Galiano Island

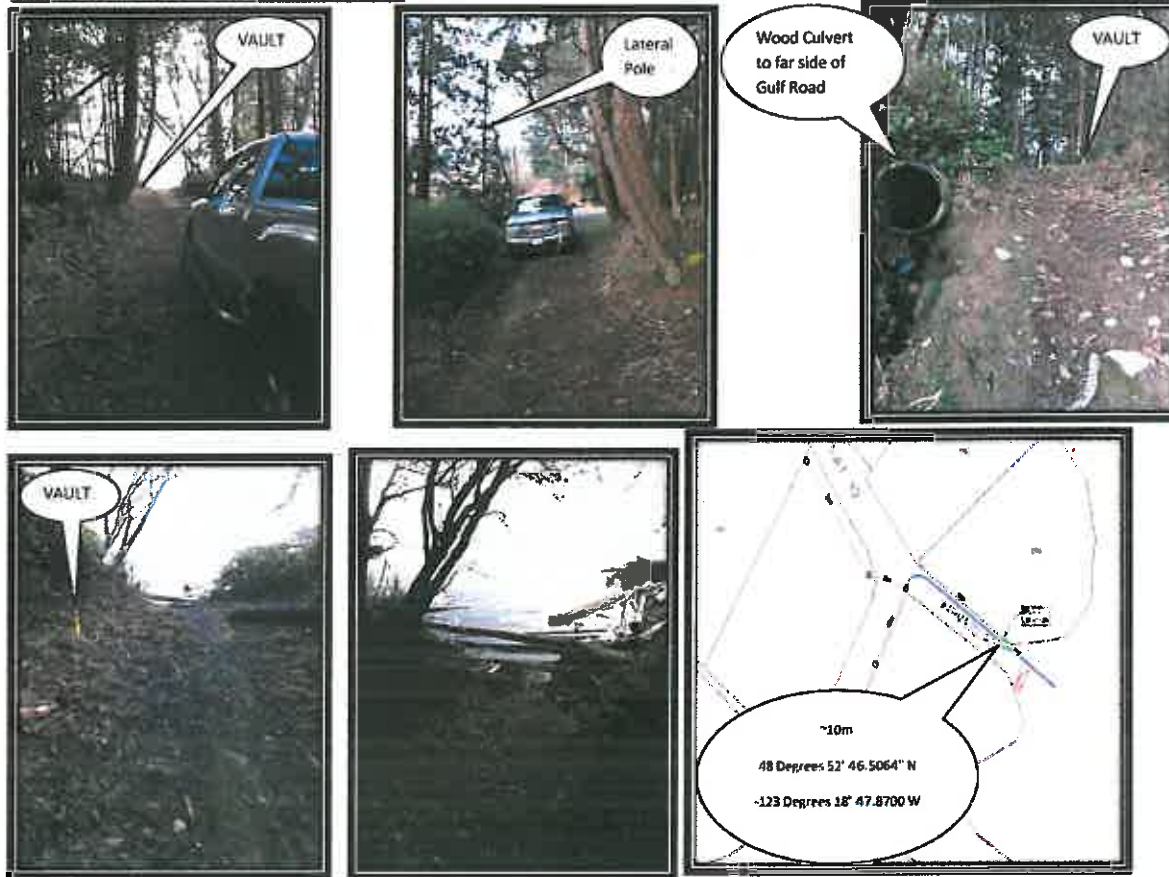
The proposed landing site on Galiano Island is located south of Rip Point. The landing site is in a public right-of-way adjacent to Warmaid Road. The beach is characterized by a sand beach on the north side of the ROW and exposed bedrock to the south.

Address:	N/A
Approximate Latitude:	48° 52' 46.5" N
Approximate Longitude:	123° 18' 47.9" W



Landing site (top), beach view (left), upland view to the east-southeast (right). Wood logs would be removed during cable landing and replaced upon completion. Cable route shown in magenta and red.

GAIANO ISLAND - SITE - LANDING - Warmaid Road



Warmaid Road landing site photos

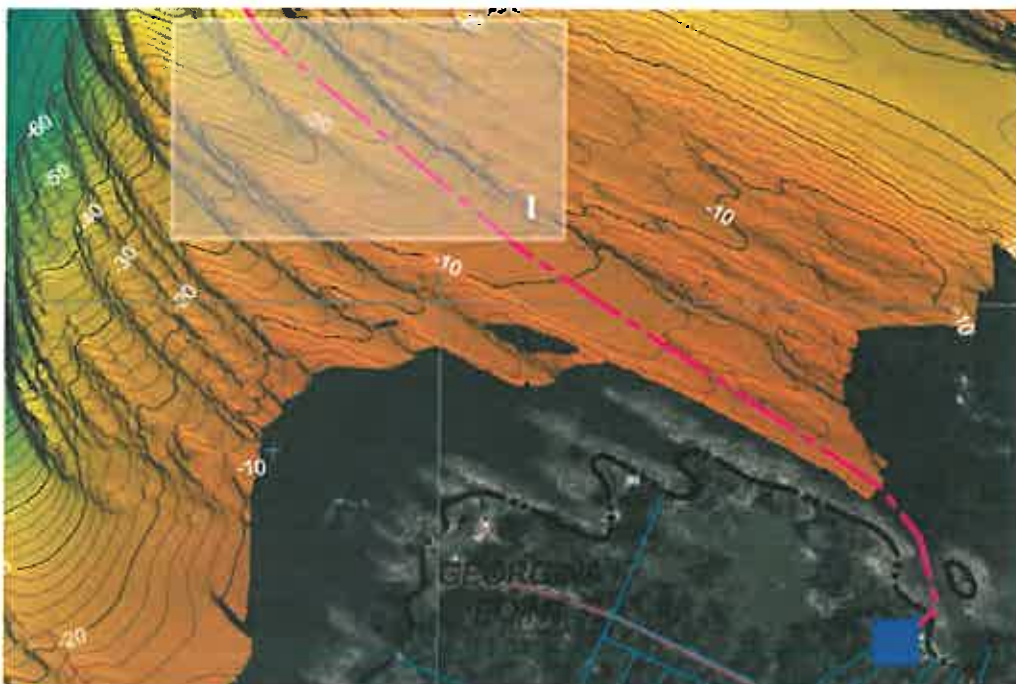
2.2.3 Active Pass Route Description

The proposed route between Mayne and Galiano begins east of Georgina Point at a public right of way at Oyster Point Road. The surficial geology in this area is characterized by alternating 1-2 m high exposed ridges and sand/gravel channels.

The cable is routed northwest down a channel between two ridges, the width of the channel varying between 20 and 40 meters wide. The channel bed appears to be sand and gravel. The ridges on either side provide good protection for the cable.

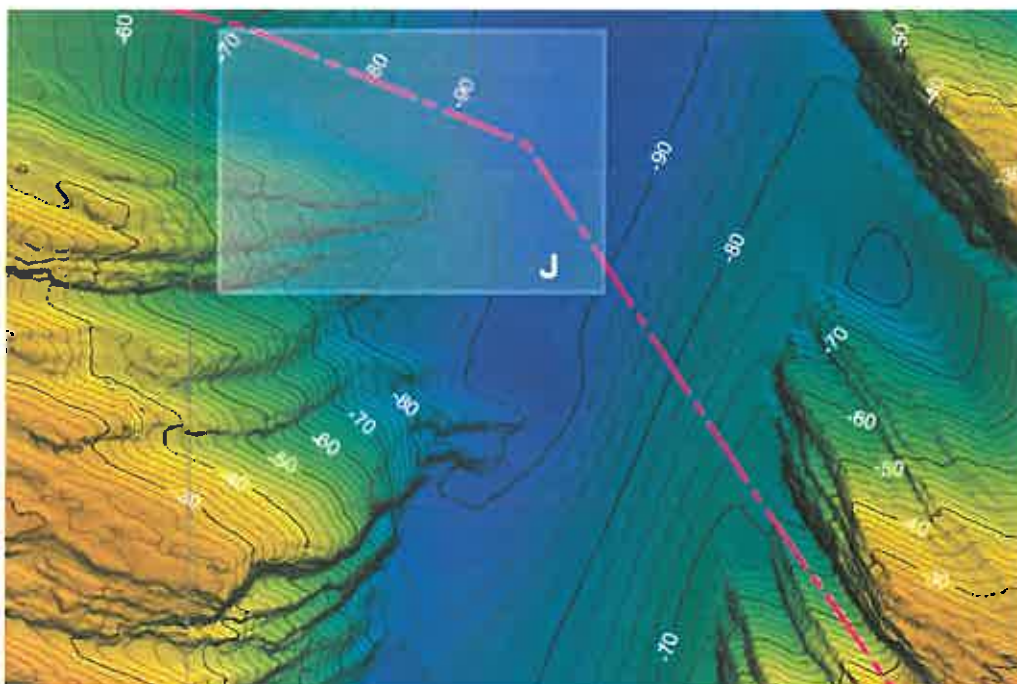
At approximately 70 m water depth, the exposed ridge features end and give way to the main center channel of Active Pass. Sediments are expected to be gravels. The route continues northwest through the deepest part of the channel, 96 meter depth, before turning more westerly 70 meters north of similar exposed rock ridges on the west side of the channel.

The route continues west and southwest around the exposed rock feature and across a benign and relatively flat seabed. The route turns west again at the approach to the landing site. The approach is through a 20 meter wide channel between exposed rock ridges. The beach in the area is sand and gravel with numerous large drift logs. The high waterline is approximately at the toe of a 4-6 meter gravel and rock bluff.



Mayne Island landing Site, Active Pass.

Aerial ortho-photography and parcel boundary information provided by Capital Regional District, <http://crdatlas.ca/>

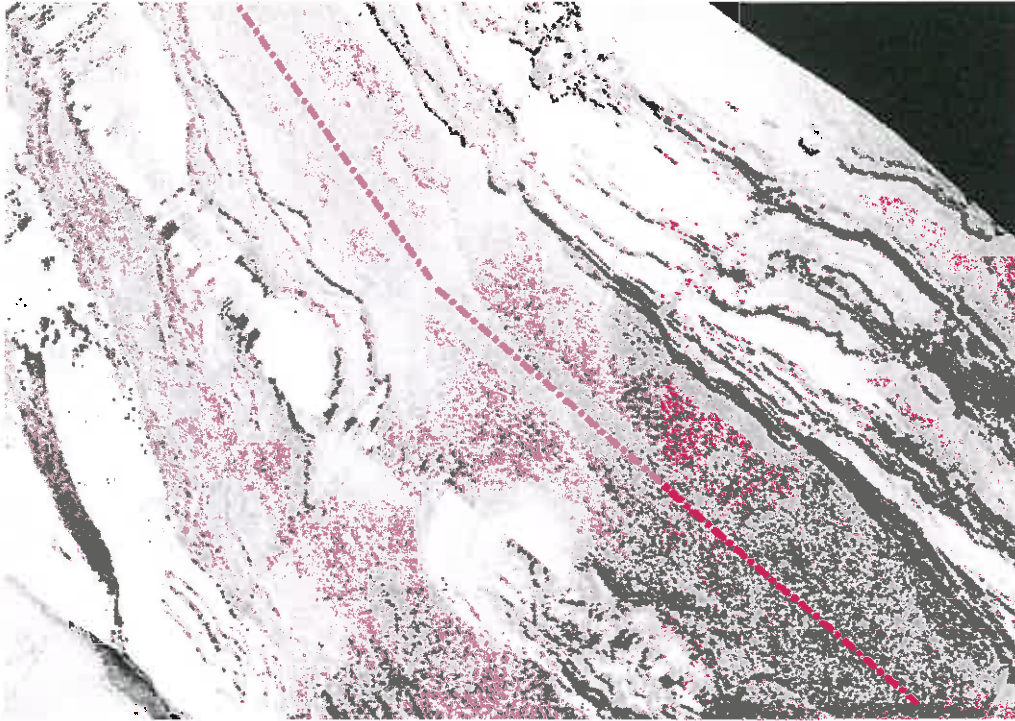


Active Pass Route, center channel.

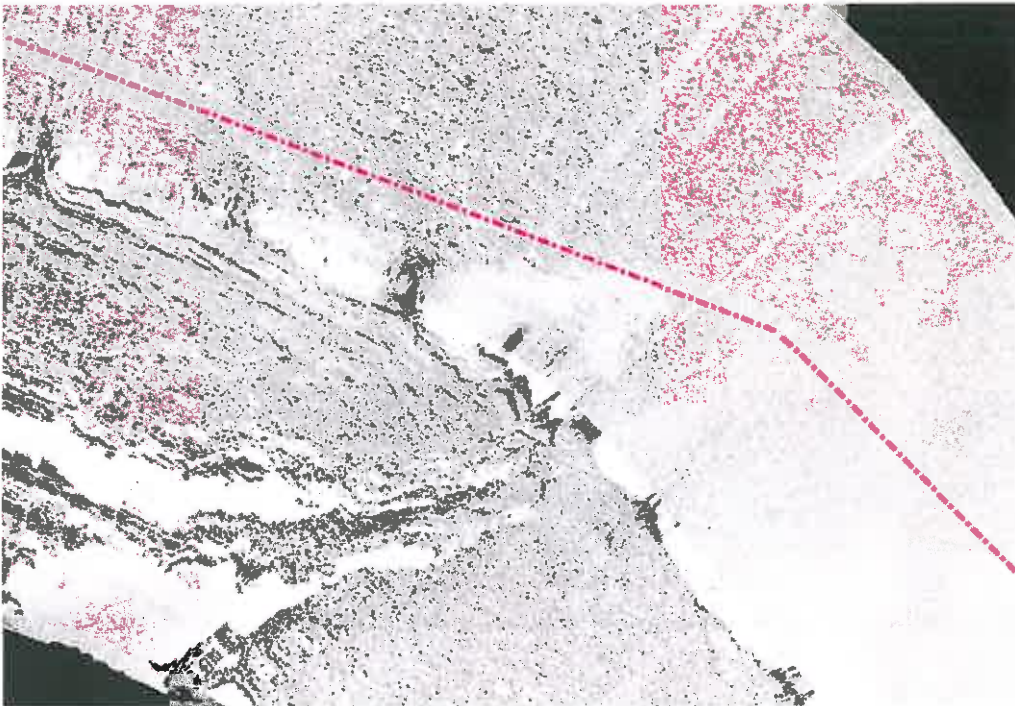
Aerial ortho-photography and parcel boundary information provided by Capital Regional District, <http://crdatlas.ca/>

Galiano Island landing site, Active Pass.

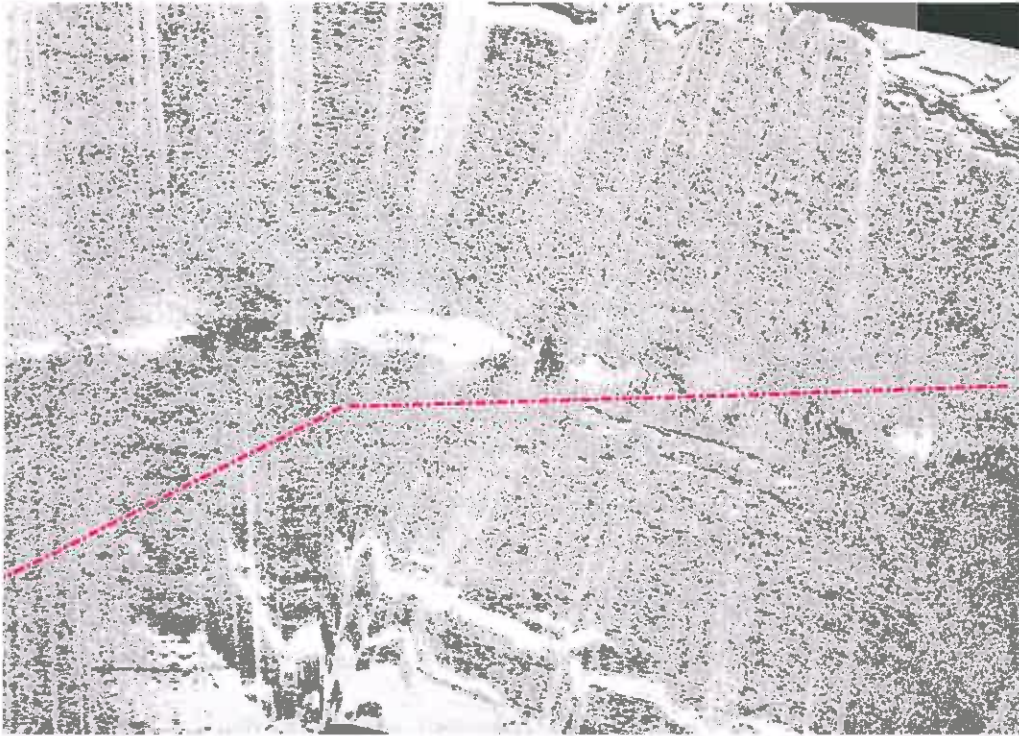
Aerial ortho-photography and parcel boundary information provided by Capital Regional District, <http://crdatlas.ca/>



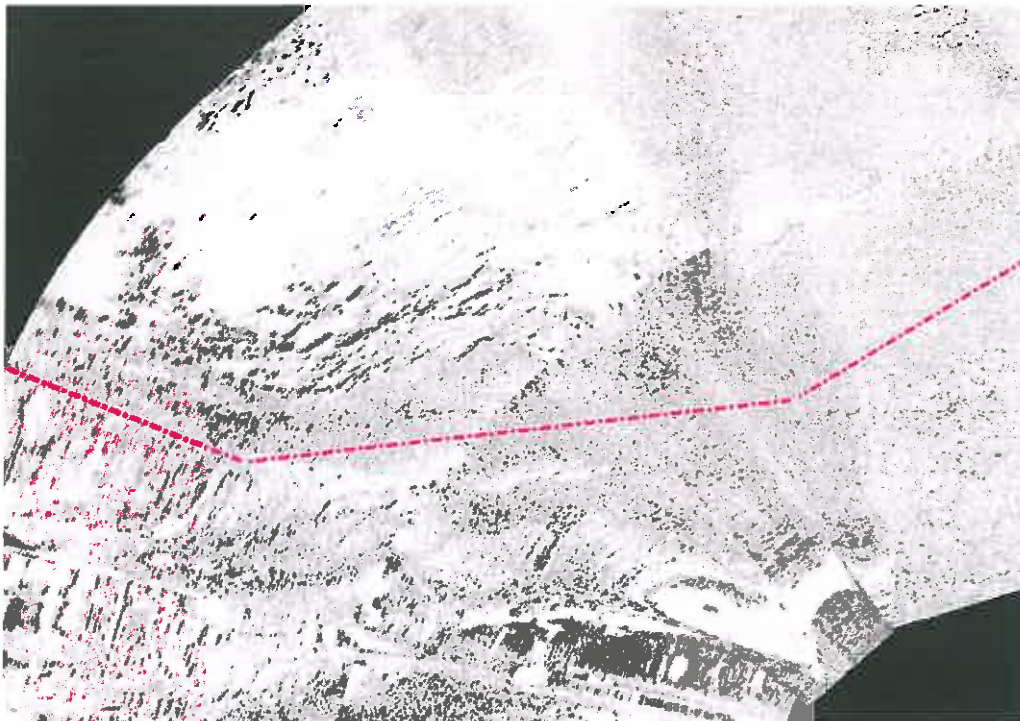
Sand channel through exposed rock ridges on the east side of Active Pass.



Likely gravel/cobble bottom along route with exposed rock to the south.



Relatively benign, likely sand/gravel bottom.



Sand channel between two exposed rock outcrops adjacent to the Rip Point landing.

3.0 ENVIRONMENTAL CONDITIONS

3.1 Climate

Climate and weather conditions are presented here to aid in planning of installation and maintenance of a cable system. The installation is scheduled to occur during the summer months of 2014. A summer construction window is preferred in order to take advantage of the longer daylight hours and the favorable weather conditions. Fall and winters in the area typically bring more wind and higher sea states, which pose significant challenges to the installation vessels station-keeping capabilities.

The southwest coast of British Columbia has what is typically described as a humid Mediterranean climate, with dry warm summers and mild wet winters. The windward outer coast of Vancouver Island receives the greatest amount of annual rainfall in Canada. The Georgia Basin, which includes the east coast of Vancouver Island and the Gulf Islands, lies in the rain-shadow of Vancouver Island and the Olympic Peninsula and has considerably less rainfall and a greater quantity of sunshine.

The average maximum temperature on Mayne Island is 6.8° C in December and 22.6° C in August (see **Error! Reference source not found.**).

), and its annual rainfall is less than half of what is recorded on the west coast of Vancouver Island. The winds primarily blow out of the west (27%) and southeast (18%), with an average wind speed of 3.1 m/s (11.2 km/h) recorded at Victoria International Airport (see **Error! Reference source not found.**).

Climate Normals and Averages from 1971-2000

Climate Normals and Averages from 1971-2000, Mayne Island Station 1014931												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Daily Average (°C)	4.6	5.2	7.0	9.4	12.3	14.7	16.8	16.9	14.4	10.3	6.6	4.3
Daily Maximum (°C)	7.3	8.5	10.8	13.9	17.3	20.0	22.5	22.6	19.8	14.2	9.5	6.8
Daily Minimum (°C)	1.8	1.9	3.2	4.9	7.2	9.4	11.0	11.1	9.0	6.5	3.7	1.8
Extreme Maximum (°C)	14	17	19	24.5	30	30.5	32	30	29.5	24	16.5	13.5
Extreme Minimum (°C)	-10	-12	-5	-1.5	0	3.5	4.5	5	2	-4	-14	-11
Rainfall (mm)	111.1	83.8	70.9	46.9	40.7	35.2	22.1	28.1	32.6	75.8	129.5	120.4
Snowfall (cm)	9.8	6.6	1.8	0	0	0	0	0	0	0.3	3.3	10.0
Extreme Daily Rainfall (mm)	68.6	48.8	34.8	36.4	23.4	27.8	20.3	72.1	27.0	58.9	55.0	69.5
Extreme Daily Snowfall (cm)	14.5	16.3	15.2	0	0	0	0	0	0	4.0	16.0	56.0

*Table note: Climate normals or averages are used to summarize or describe the average climatic conditions of a particular location. The climate normals and extremes offered here are based on Canadian climate stations with at least 15 years of data from 1971 to 2000. Values and dates in bold indicate all-time extremes for the location. Table compiled from **Environment Canada, 2012** (www.climate.weatheroffice.gc.ca).*

3.2 Weather

Environment Canada provides current and historical weather data online, www.weatheroffice.gc.ca

The nearest weather stations for current weather are Victoria International Airport and Vancouver International Airport. For historical data, Mayne Island is the nearest weather station.

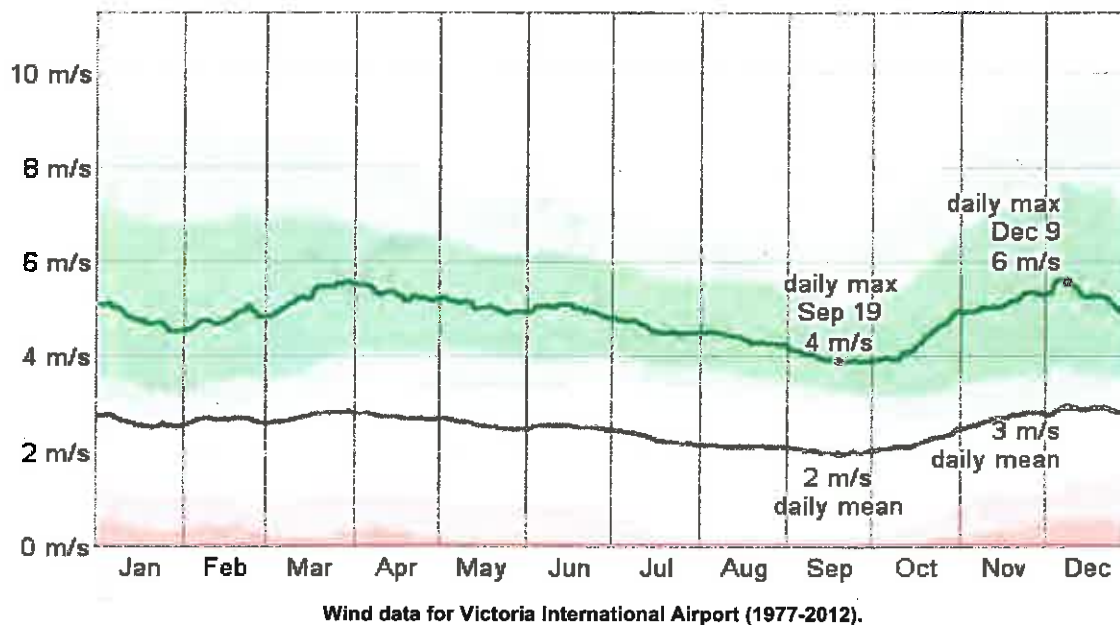


Figure note: Figure obtained from Weatherspark.com. The average daily minimum (red), maximum (green), and average (black) wind speed with percentile bands (inner band from 25th to 75th percentile, outer band from 10th to 90th percentile).

4.0 OCEANOGRAPHY

Tides, winds, and freshwater run-off are the primary forces for mixing, water exchange, and circulation in the Strait of Georgia and the channels running through the Gulf Islands. Tidal flow enters the Strait of Georgia predominantly from the south creating vigorous mixing in the narrow, shallow straits and passes of the Strait of Georgia.

Freshwater inflows are dominated by the Fraser River, which accounts for roughly 80% of the freshwater entering the Strait of Georgia. Fraser River run-off and that of other large rivers on the mainland side of the Strait are driven by snow and glacier melt and their peak discharge period is generally in June and July. Rivers that drain into the Strait of Georgia off Vancouver Island (such as the Chemainus, Cowichan, Campbell, and Puntledge rivers) peak during periods of intense precipitation, generally in November (Waldichuck 1957).

4.1 Tides

Tides in the area around southern Vancouver Island (Juan de Fuca Strait, Haro Strait and Strait of Georgia) are complex. Tides near Victoria and the southern end of Haro Strait are predominately diurnal,

whereas tides in Strait of Georgia are mainly semidiurnal. Mayne Island, lying between these two regimes is a mix of both. Nominal tide range in the study area is 3.65 m.

Fisheries and Oceans Canada has predicted tides at stations Georgina Point (#7525), Village Bay (#7141) and Hope Bay (#7360), at <http://www.waterlevels.gc.ca/eng/find/zone/9>

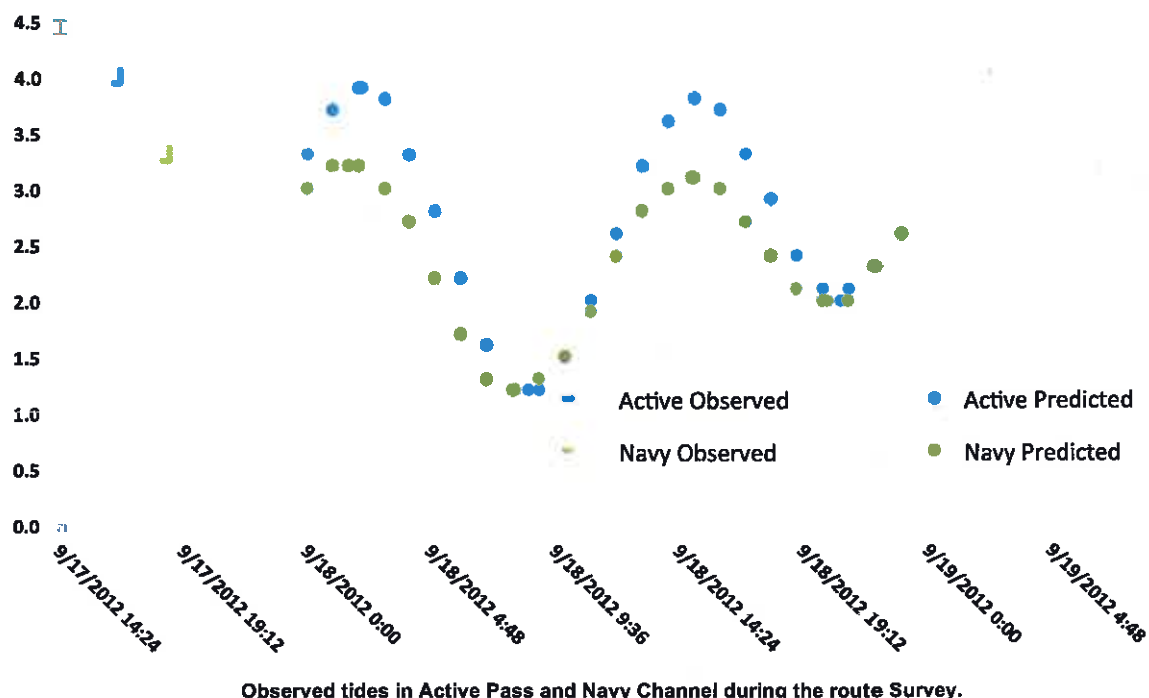


Figure note: Figure generated from observed tide data from gauges set during the route survey by TerraSond.

4.2 Currents

The velocity of the tidal currents in the north entrance of Active Pass is 4 to 5 knots at springs. The 2012 current tables for Active Pass show the maximum flood current at 6.6 knots, and maximum ebb current at -5.6 knots. An example of Active Pass predicted currents is shown in **Error! Reference source not found.** Current tables for Active Pass are available on the Fisheries and Oceans Canada web site, www.tides.gc.ca/eng/data/table/3000?year=2012

The neap tide cycle occurs approximately every two weeks when the sun and moon are at right angles to each other and result in smaller tides and subsequently weaker tidal currents. Tidal currents are roughly half during these periods.

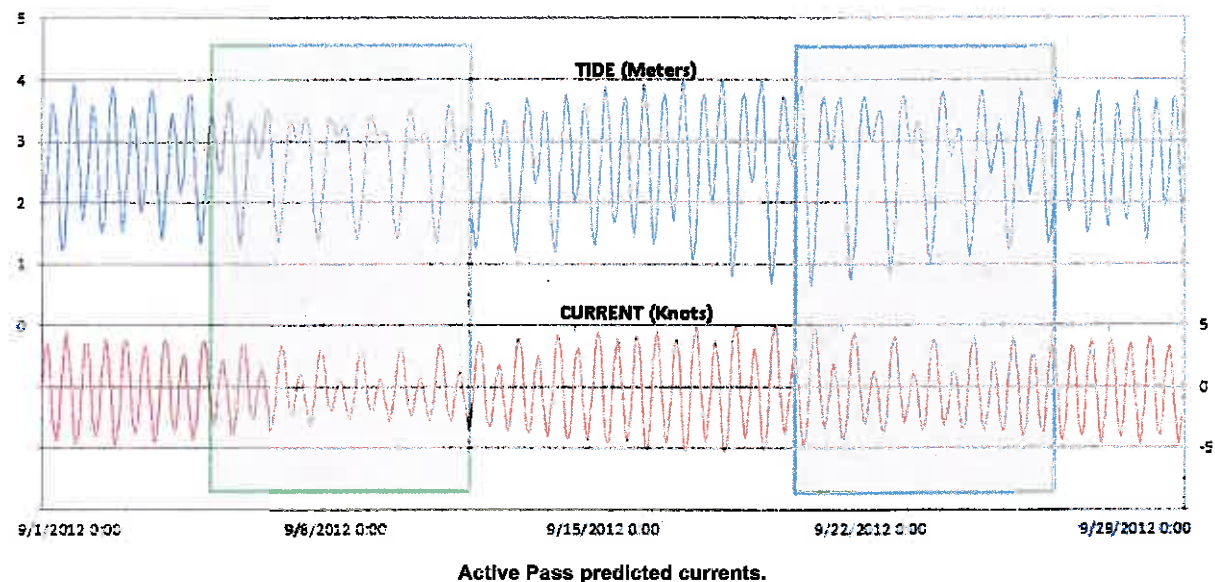


Figure note: Figure generated from data from Tides and Current program.

5.0 MARITIME CONSIDERATIONS

5.1 Submarine Cables

Submarine cables in the area include power transmission cables and existing telecommunication cables. Charted cable locations are shown in green in the figures below. It was not ascertained if the charted locations represent a corridor or a physical location.

During the route survey, as many as five cables were located at the west side of Active Pass (in orange) and these are assumed to be power transmission cables. No cables were located where the proposed cable will cross.

The existing Shaw cables in Active Pass were not identified during the route survey, but the landing sites were found during the site visit. Approximate locations are shown in blue in the figure below.



Existing cable locations.

Figure note: Orange lines represent power cables. Green lines represent existing communications cables. Magenta on North portion of drawing represents the proposed Shaw route.

5.2 Obstructions

No manmade obstructions were identified during the route survey.

Fairway Bank (48°52.7'N., 123°18.1'W.), lies approximately in the middle of the eastern entrance to Active Pass, and has a least depth of 9.1 m.

5.3 Wrecks

The CHS charts show no wrecks, restricted areas, or obstructions in the study area or along the proposed route.

5.4 Navigation Charts: Buoys and Beacons

The Canadian Hydrographic Service charts of the project area are Chart 3442, 3473 and 3477.

5.5 Canadian Hydrographic Service Notice to Mariners

Notice to Mariners provides mariners with up-to-date maritime information affecting navigational safety, new hydrographic information, changes in channels and aids to navigation, and other important data. The Canadian Hydrographic Service in several different formats, including temporary changes, monthly updates, and chart corrections, posts the documents.

Notice to Mariners is available online, www.notmar.gc.ca.

6.0 SHIPPING AND OTHER ACTIVITIES

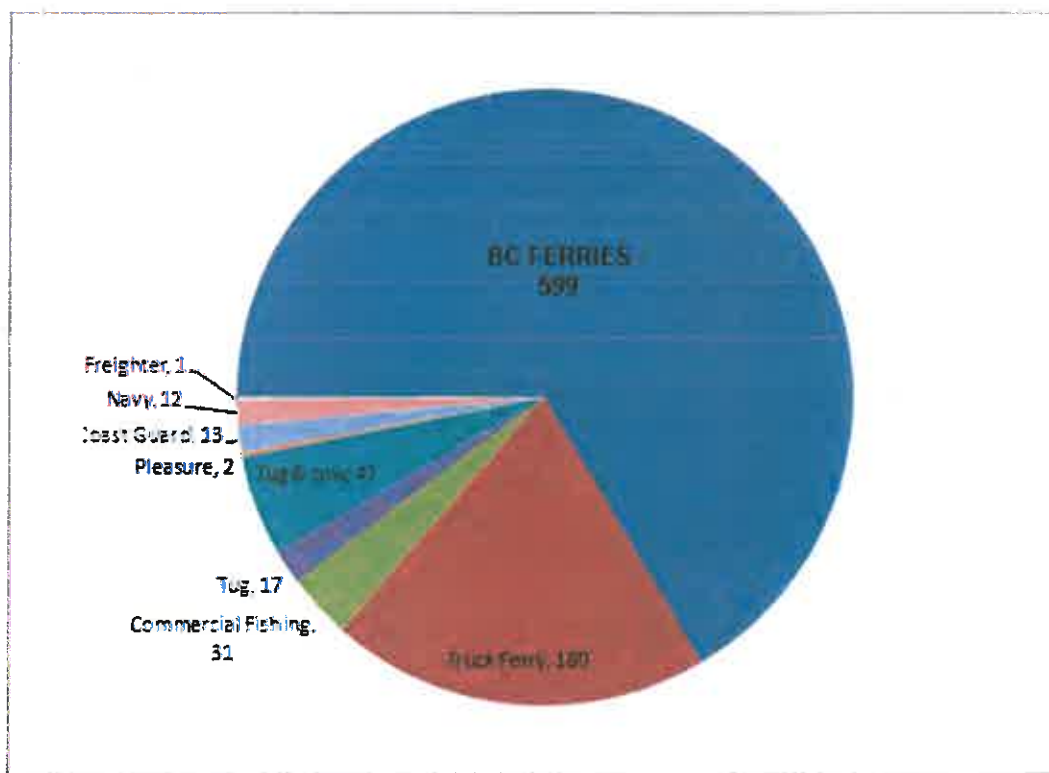
Information on ferry movements and other large vessel traffic in Active Pass can be monitored on VHF Channel 16. Large vessels are required to call in to the Marine Communications and Traffic Services

(MCTS) center when approaching Active Pass. The call-in locations are Gossip Shoal, north of the pass, and Portlock Point south of the pass. Ferries announce via VHF when they are entering the pass from either direction. MCTS on VHF Channel 11 can be contacted for information about ferries or large vessels approaching Active Pass or Navy Channel.

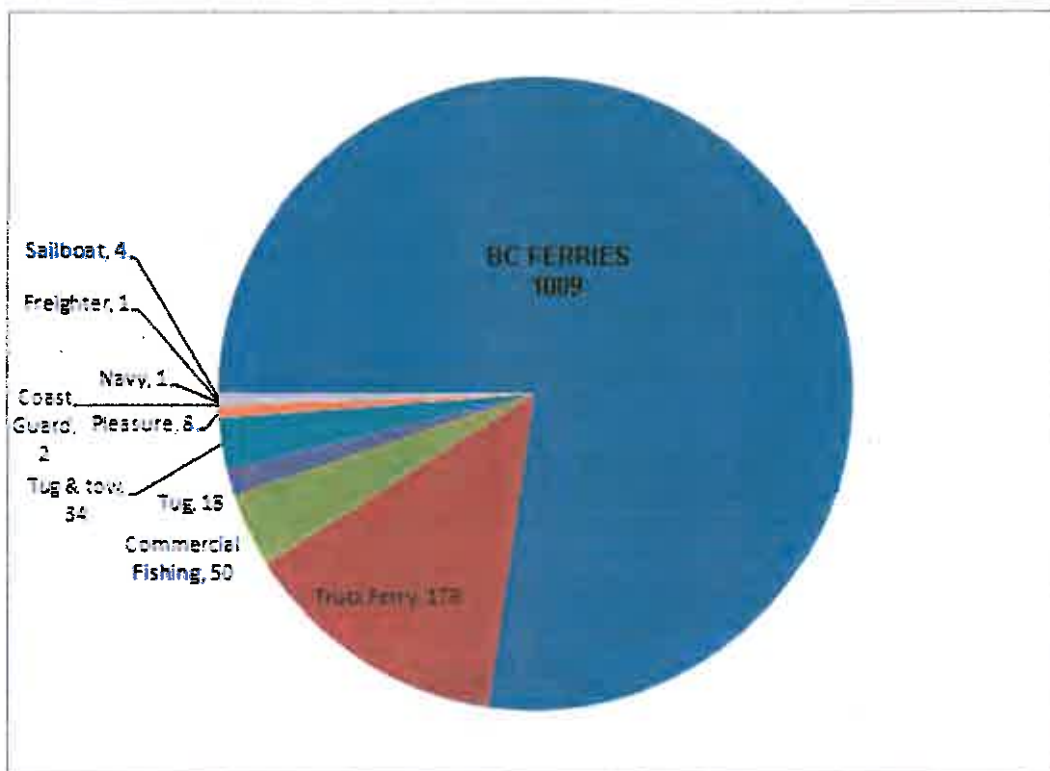
Vessel traffic statistics for large vessels (>20 m LOA) were obtained from the MCTS Victoria (Canadian Coast Guard) for March 2010 and July 2010. March 2010 saw a total of 902 transits through Active Pass, an average of 30 per day, of which 86% were either BC Ferries (passenger and vehicle) or truck ferries (see **Error! Reference source not found.**). July 2010 saw 1306 transits through Active Pass, an average of 42 per day, of which 91% were either BC Ferries or truck ferries. BC Ferries traffic accounts for most of the difference between the March and July figures.

Large commercial fishing boats and tugs towing barges account for most of the other traffic through Active Pass.

Navy Channel has very little large vessel traffic, aside from BC Ferries service to Saturna Island. Data from the MCTS for July 2010 shows transits by six (6) tug and tows, one (1) deep sea freighter, three Coast Guard vessels and twenty-two (22) water taxis (service to at-anchor vessels in Plumper Sound).



Vessel traffic through Active Pass in March, 2010.



Vessel traffic through Active Pass in July, 2010.

6.1 Commercial, Ferry Traffic

6.1.1 BC Ferries

BC Ferries operates ferries between the mainland and Vancouver Island, and between the Gulf Islands. The Galiano Island dock is at Sturdies Bay at the eastern entrance to Active Pass.

Active Pass sees over 20 ferry transits daily in winter. In summer there is 70% increase in ferry traffic through Active Pass as the number of sailings on the mainland route doubles. BC Ferries does not operate through Active Pass between midnight and 6 AM.

Coordination with BC Ferries will take place prior to any installation activity. The BC Ferries Marine Superintendent, Southern Gulf Islands, should be consulted prior to scheduling any activities in either Active Pass or Navy Channel (Captain Lewis MacKay 250-537-0334).

More information is available online through the BC Ferries web site, www.bcferrries.com

6.1.2 Seaspan Ferries

Seaspan Ferries Corporation (www.seaspan.com) operates daily scheduled truck ferries between Swartz Bay, on Vancouver Island, and Tilbury Terminal, in Delta, British Columbia. There are 4-6 transits through Active Pass daily with no apparent seasonal variation. The current (July 2012) truck ferry schedule is available on the Seaspan web site. Coordination with Seaspan Ferries should take place prior to installation. The Seaspan Marine Superintendent, Mike Blake (604-940-7240) should be consulted prior to scheduling any activities in Active Pass.

6.2 Commercial, Other Traffic

In general, deep sea vessels headed to and from the Port of Vancouver use Boundary Passage and there is relatively little traffic through Active Pass. As shown in **Error! Reference source not found.** and **Error! Reference source not found.**, there is approximately one (1) tug and tow daily through Active Pass.

Plumper Sound, between Pender and Saturna Islands, is a holding anchorage for deep sea vessels headed to Vancouver. Vancouver bound traffic will use Boundary Passage, to the south, but very occasional traffic (1-2 per month) may be expected to use Navy Channel as these vessels leave anchorage and head for the port of Chemainus.

Tug and tow traffic through Navy Channel in July 2010 consisted of four (4) transits.

Gulf Island Water Taxi (<http://saltspring.com/watertaxi/>; Tel: 250-537-2510; watertaxi@saltspring.com) operates a water taxi service from Ganges Harbour and Swartz Bay to the Gulf Islands using 12 m LOA passenger-only vessels. The taxi routes for scheduled service are shown in **Error! Reference source not found.**. The taxi operates a shuttle service for high school students from September through June and has weekday morning (6-8 AM) and afternoon (4-6 PM) service to each of the islands shown in the route map.

Scheduled Water Taxi Routes



Gulf Island water taxi routes

Gulf Island Water Taxi also provides as needed medical transportation (ambulance) and service to commercial deep-sea freighters anchored in Plumper Sound. The water taxis, being small vessels, do not necessarily call in to the MCTS. In July 2010 there were twenty-two (22) taxi trips from Swartz Bay to Plumper Sound.

In addition to Gulf Island Water taxi, on-demand passenger-only water taxi service to and between the Gulf Islands is provided by Island Camping (www.islandcamping.ca, 250-656-4826), Dockside Dive Charters (www.dockside-charters.com, 250-217-4488),

6.3 Commercial Fishing

Due to the frequent ferry traffic, no large scale commercial fisheries take place in Active Pass. Large fishing boats transit the Pass and account for ~30-40 transits monthly (see **Error! Reference source not found.** and **Error! Reference source not found.**).

6.4 Recreational Use

The Gulf Islands are a year-round recreational playground for fishing, boating, kayaking, whale watching and more. Many of the small harbours in the Gulf Islands are destinations for cruisers, sail and powered, and provide dock and anchorage facilities. In the study area, Miners Bay, Village Bay and Dinner Bay (Mayne Island) offer anchorage and dock facilities to recreational boaters. However, small boats can be expected to anchor anywhere along the coastline, and some private docks exist, notably in Davidson Bay (North Pender Island).

6.5 Recreational Fishing

Fishing is undertaken on a recreational scale all areas of the Gulf Islands. The entrances to Active Pass are particularly popular for salmon fishing and it is common at certain times of the year to find numerous small boats congregated at both entrances to Active Pass. Fishing is primarily conducted from sport-boats with rod and reel. Trips are commonly a few hours. Recreational fishing is not expected to pose a risk to the cable system. Public notices should be made prior to the installation process to allow recreational boater to be aware of and avoid installation activities.

6.6 Facilities

Village Bay on Mayne Island is the nearest access port to the proposed cable routes. Village Bay is serviced by BC Ferries several times daily from either Swartz Bay on Vancouver Island, or Tsawwassen on the mainland. Ferry schedules should be consulted as some ferries may be too small to accommodate larger trucks.

Sturdies Bay on Galiano Island and Otter Bay on North Pender Island are serviced by BC Ferries and offer vehicle access to these islands. Again, Ferry schedules should be consulted as some ferries may be too small to accommodate larger trucks.

The closest metropolitan areas are Vancouver and Victoria. Vancouver, British Columbia, is about 30 km north of the Tsawwassen Ferry Terminal (Highway 17). Victoria, British Columbia, is 30 km south of the Swartz Bay Ferry Terminal (also Highway 17). Both Vancouver and Victoria have large commercial airports, with international connections.

Scheduled air service to the Gulf Islands is by float equipped aircraft. Saltspringair (www.saltspringair.com; 877-537-9880) operates four scheduled flights daily to/from Vancouver Harbour and Vancouver Airport (YVR) to/from the outer Gulf Islands.

Seair Seaplanes (www.seairseaplanes.com; 800-447-3247) offers twice daily scheduled service to/from Vancouver Airport (YVR) to/from Pender Island (Port Washington), Galiano Island (Montague Harbour) and Mayne Island (Miners Bay).

Charter float plane service can also be arranged from Pat Bay Air (patbayair.com; 866-654-0646) Seair Seaplanes and Saltspring Air. Float plane facilities are located at Victoria Harbour, Victoria Airport (YYJ), Vancouver Harbour, Vancouver Airport (YVR) as well as various harbours in the Gulf Islands.

7.0 RISK ASSESSMENT

Recommendations

With any submarine cable system, it is necessary to identify and understand the risks involved with installing and operating the cable system and to mitigate those risks where possible. The route survey, site visits and this desktop study all serve to locate the most economically viable route with a minimum of risk. While due diligence has been done to identify risks associated with this system, Leccor and TerraSond cannot guarantee that all such risks have been identified.

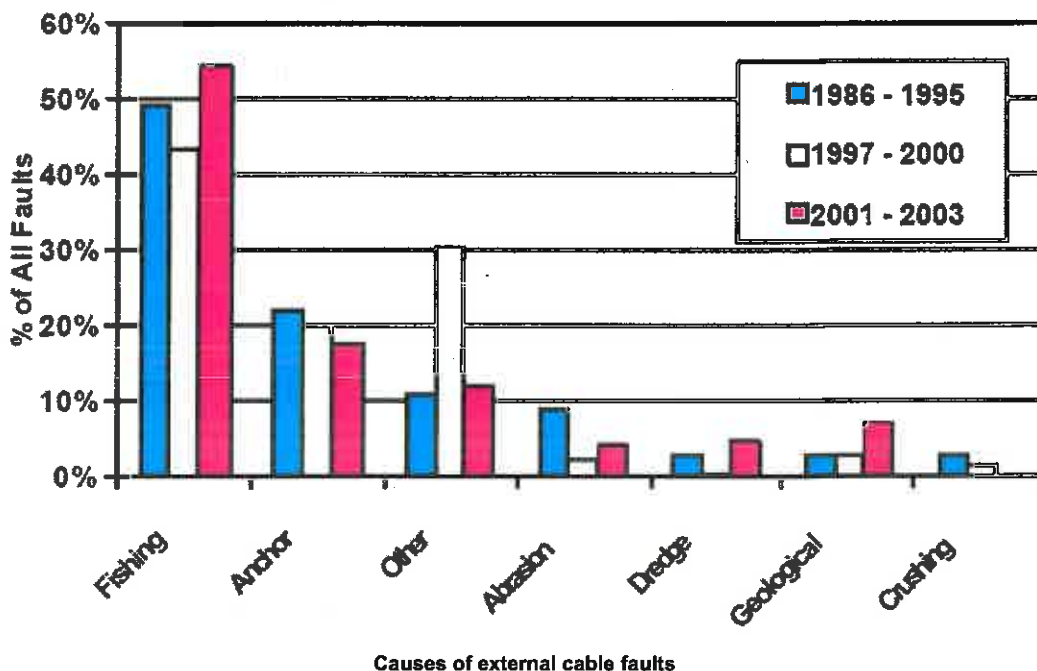


Figure Note: Figure obtained from E. Kordahi, et al., 2004.

The proposed cable route poses very limited risk, primarily due to the lack of commercial fishing and other bottom contact activities. The following list presents possible risks and actions to be taken to minimize the potential of external cable fault:

- BC Ferries** – BC Ferries operates large and small ferries through Active Pass and Navy Channel. Although the possibility of any of these ferries anchoring in the vicinity of the proposed cable routes is very small, BC Ferries should be made aware of the presence of the cable and provided as-built drawings of the cable in order to avoid anchoring within a prescribed distance. The Canadian Coast Guard as well as the Canadian Hydrographic Service should be notified in order to issue Local Notices to Mariners and depict the cable location on future chart editions.
- Tug and tow** – Both Active Pass, and to a lesser extent Navy Channel, see tug and tow traffic regularly. The risk to the cable from these activities lies in the potential for poorly managed tow cables to drag on the bottom.
- Small Vessel Anchoring** – The proposed primary landing sites for the Navy Channel cable at Piggot Bay Road on Mayne Island and Davidson Bay on North Pender Island are at risk for

damage due to small vessel anchoring. The same is true for the proposed primary landing site for the Active Pass Cable at Reserve Point. The cable should be buried with diver jet burial and/or protected with split pipe.

- **Marine and Waterfront Construction** – Construction activities near the landing sites is unlikely, but local residents and municipal authorities should be made aware of the cables so as to avoid such activity in the future. Signage at the landing sites noting the cable crossing should be posted conspicuously and as-built drawings made available.
- **Fishing and Boating Activity** – No large scale commercial fishing activities and bottom contact fisheries were identified during the research and will present minimal risk due to fishing activities. Signage at the landing site and other means public awareness should be used to inform the boating public of the presence of a submarine cable.
- **Abrasion** – Subsurface currents in Active Pass, and to a lesser extend Navy Channel, are significant. Armoured cable the entire length as well as split-pipe protection in the near shore areas should be used to mitigate such risk.
- **Natural and Geo Hazards** – Natural hazards pose a risk to any cable system, albeit typically very small related to other risks. Data collected in the route survey were used to select a cable route that minimized the exposure to natural hazards and steep slopes.

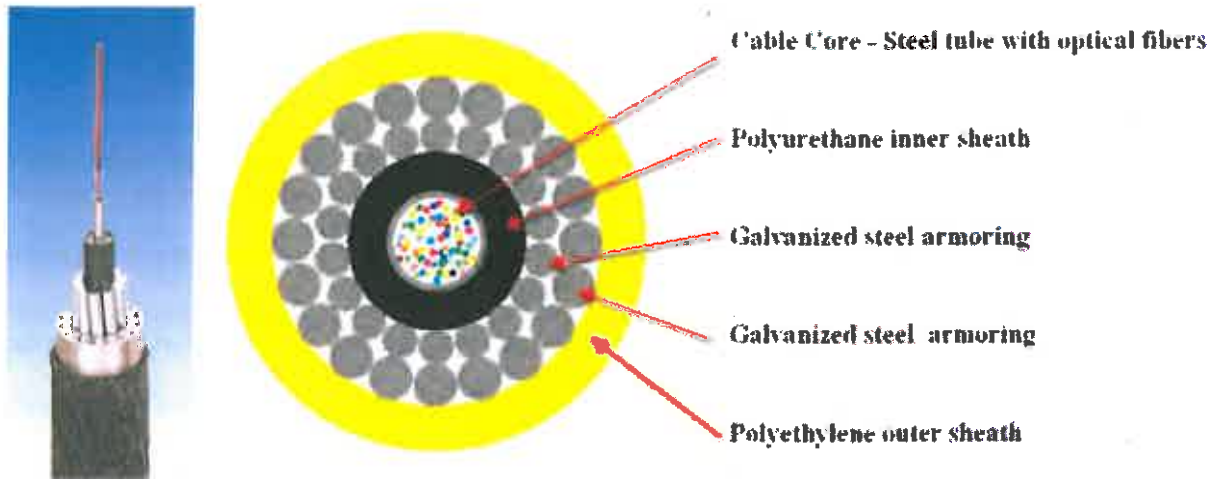
8.0 CABLE ENGINEERING CONSIDERATIONS

8.1 Beach Manhole

The cable will begin and end at a beach manhole (BMH). The beach manhole anchors the marine cable, allows transition from terrestrial to marine cable, and provides an access point for maintenance. Suitable locations for the beach manholes were identified and are depicted on the accompanying charts. The exact final location of the BMH on both sides of the pass have been determined and approved by upland permitting authorities.

8.2 Cable Type

Conventional double armor marine telecom cable will be used. This cable is more robust than armored terrestrial cable or other variants. The total cable length from BMH to BMH for the proposed routes is 2.378 km. This cable length accommodates for slack in the cable to allow it to conform to the bottom and alleviate suspensions over abrupt terrain. The suggest order length for the cable is 3.0 km providing additional slack to accommodate vessel abnormalities during lay operations. Additionally, spare cable should be ordered with the primary cable order equal to the largest cable span. This would provide Shaw with the ability to provide emergency restoration in the event of a cable failure. Typical cross section of double armored cable is shown below.



Typical double armoured cable construction.

Figure note: Figure obtained from NEXAN.

8.3 Shore End Protection

Due to the presence of vessel activity, drift logs, varying water levels and wave action, protection of the cable using cast iron articulated pipe sleeves will be implemented at both landing sites. Articulated pipe is a cast iron casing that is installed in half-meter sections by divers. Diver safety depths limit installation of this protection. For the Active Pass Submarine Cable System, 150 meters of articulated split pipe will be installed. The installation will commence at or in close proximity to the beach manhole and will extend seaward 150 meters. The pipe will be buried through the near shore tidal area with light equipment at low water. Beyond the low water mark, diver jet burial will be utilized to bury the cable to a target depth of 1 meter. Logs and near shore debris will be temporarily moved to accommodate the cable landing activities. Once the installation is complete the driftwood removed will be placed back in position.



Cast iron split pipe protection.

8.4 Scope of Work

As previously mentioned, Shaw is seeking permission to install a submarine fiber optic cable system across Active Pass. Below is a list of the required work tasks that will be completed during the installation process.

- Installation of one 4'x4'x6' concrete manhole in accordance with the attached approved permit applications.
- Installation of 2.379 KM of double armor fiber optic cable across active pass in accordance with the route survey charts attached to this document. The cable will be installed via surface lay operations with no burial outside the 15 meter contour.
- Installation of approximately 150 meters of articulated steel split pipe cable protection on both near shore approaches from the beach manhole seaward.
- Removal of driftwood logs and debris at the landing site to accommodate the cable landing. All items removed from the landing site will be replaced upon completion of the work.
- Excavation and diver jet burial from the high water mark to a water depth of approximately 15 meters. Excavation equipment shall be used as needed to excavate from the high water mark to the low water mark at low tides only. No heavy equipment will be used in the water. From the low water mark, divers will utilize diver jet burial (pressurized water stream) in efforts to bury the cable to a target depth of 1 meter.
- Excavation of a trench from the beach manhole to the high water mark in accordance with the attached approved permits.
- Restoration of the foreshore area to its preconstruction condition.

Sharon Lloyd-deRosario

From: Becky McErlean
Sent: July-15-14 9:55 AM
To: Sharon Lloyd-deRosario
Subject: FW: Province of BC Referral Request on a Utilities application for a (insert tenure type)
Attachments: Maynelisland_ActivePass.dbf; Maynelisland_ActivePass.shp;
Active_Pass_Support_Package_.pdf; application.pdf

One more

Becky McErlean
Planning Team Assistant
Islands Trust
700 North Road, Gabriola Island, BC V0R 1X3
Phone: 250-247-2206 Fax: 250-247-7514
www.islandstrust.bc.ca

Preserving Island communities, culture and environment

From: Becky McErlean
Sent: July-15-14 9:25 AM
To: Lori Foster
Subject: FW: Province of BC Referral Request on a Utilities application for a (insert tenure type)

And another

Becky McErlean
Planning Team Assistant
Islands Trust
700 North Road, Gabriola Island, BC V0R 1X3
Phone: 250-247-2206 Fax: 250-247-7514
www.islandstrust.bc.ca

Preserving Island communities, culture and environment

From: FrontCounterBC@gov.bc.ca [<mailto:FrontCounterBC@gov.bc.ca>]
Sent: July-02-14 2:24 PM
To: Becky McErlean
Cc: Linda Prowse
Subject: Province of BC Referral Request on a Utilities application for a (insert tenure type)

Islands Trust - Northern Island Office
Becky McErlean

Utilities

Referral Number: 71094504 - 003

Reference Number: Forests, Lands and Natural Resource Operations / 1414203

Request Sent: July 2, 2014

Response Due: August 1, 2014

You are invited to comment on the following Crown land application. A response is optional. If no response is received by the deadline, the application and adjudication process will move ahead.

Shaw Cablesystems Limited has applied to install an submarine cable from the foreshore Galiano Island (Warmid Rd) to Mayne Island (near Oyster Bay Rd), a distance of 2.3km. The width of the corridor would be 200m during the installation phase and would be reduced to 10m once the exact corridor is established. The term requested is 30 years. The purpose of the project is to provide communication to the Gulf Islands via fibre optics cable. The cable is designed to be "self-sinking", so once it is installed, it becomes established beneath the ocean floor, with minimal impact on marine habitat and no impact to navigation. At the terminal ends, 150 m articulated steel split pipe would be buried to a depth of 1 m to protect the cable. Above the high watermark, the cable goes into a manhole that is under the jurisdiction of Ministry of Transportation and Infrastructure.

This is a Crown Land (enter tenure type) application for Utilities - Telecommunications Line purposes.

Proponent: Shaw Cablesystems Limited

Tenure Type: Utility Licence of Occupation (interim) - Statutory Right of Way

Intended Land Use/background context: Submarine Communication Cable

BCGS Mapsheet: 92B084

Legal Description: Unsurveyed Crown foreshore or land covered by water being part of the bed of Active Pass, Cowichan District, containing 40 hectares, more or less.

Size (Area) in ha. (approx.): 40 ha

Schedule/Term Of Proposal: As long as required.

Please [Click Here](#) to respond to this referral. You must be logged in using your BCeID account to view associated information. Note that forwarding or otherwise distributing this email will provide access to the associated information only if the receiver has a corresponding account.

For "how-to" instructions on how to respond to this request, please visit <http://www.frontcounterbc.gov.bc.ca/ereferrals.html> for instructional videos. To obtain a BCeID, please visit <https://www.bceid.ca/>

For technical assistance with e-Referrals, please contact FrontCounter BC at 1-877-855-3222.

For more information regarding this referral, please contact the "Email Coordinator" given within the referral.

Note that it can take an extended period of time to connect from the BCeID login to the e-Referrals website, this is normal. Avoid re-clicking the "Next" button or you could extend this connection time.

Please do not reply to this email.

Cyndy Grant

FrontCounterBC
Authorizations Forester

(250) 956-5039
Cyndy.Grant@gov.bc.ca



Applying for a Crown Land Tenure

All applications must include completed application form, general location map, local detail map, appropriate fees and attachments as indicated below.

INFORMATION REGARDING APPLYING FOR CROWN LAND AVAILABLE AT
www.for.gov.bc.ca/Land_Tenures/crown_land_application_information/general_information_for_applications.html

PART 1. NAME(S) AND MAILING ADDRESS

Applicant Name:
 FULL LEGAL NAME of Individual(s), Company or Society,
 Ministry or Government Agency Your File: _____
Shaw Cablesystems Limited

Contact Name for Company or Ministry Applicants:
VP Engineering Infrastructure, General Counsel and Corporate Secretary

Applicant Mailing Address:
Shaw Cablesystems Limited
630 - 3rd Avenue SW Suite 900
Calgary, AB postal code T2P 4L4

Applicant Contact Numbers: Phone: 403-536-3979
 Daytime Phone: 403-536-3979 Fax: _____

Applicant Email Address: Greg.Kueneman@sjrb.ca

Are you an Agent submitting this application on behalf of your client?

☒ Yes ☐ No

Letter of Agency attached ☒ Yes ☐ No

Agent Name & Mailing Address:

LTS Infrastructure Services, LP (Ledcor)

1607 West Cordova Street, Suite 1200

Vancouver, BC postal code V6C 1C7

Agent Contact Numbers:

Phone: 508-524-1314

Fax: _____

Todd Roper

Agent Email Address:

Todd.Roper@Ledcor.com

Is the Applicant or the Applicant's Spouse a Provincial Government Employee

☐ Yes ☒ No

(FOR OFFICE USE ONLY. To address application processing for Provincial Government Employees go to the Land Procedure: Allocation Procedures - Applications)

For applications made by more than one individual: ☐ Joint Tenants or ☐ Tenants in Common

For your information: Joint Tenants: on the death of one tenant the interest passes to surviving tenant.

Tenants in Common: on the death of one tenant the interest passes to the beneficiaries of the estate.

BC Inc. #, BC Registration # or Society #: A0075382

GST Registration #: 873747836

Age: 19 or over ☒ Yes ☐ No

Canadian Citizen or Permanent Resident ☒ Yes ☐ No

Do you hold another Crown land tenure? ☒ Yes ☐ No If yes, provide File Number: 4404861 Disposition No. 873274

Period of Projected Use:

(Request 30 year tenure)

☐ Two years or less ☐ Two to five years ☐ Five to ten years ☒ Ten to thirty years ☐ More than thirty years

Application Type: ☒ new application ☐ replacement application – file number _____
☐ investigative permit application ☐ amendment application – file number _____

Proposed Use/Tenure Type: (e.g. powerline right of way, gravel quarry licence): Submarine Fiber Optic Cable ROW

FOR OFFICE USE ONLY

(date/time received)

APR 22 2014

File Number:

1414 2014

Project Number:

137864

Disposition ID:

Client Number:

1000-00-0000
 Ministry of Forests, Lands and
 Natural Resource Operations
 West Coast Region

PART 2. PURPOSE, LOCATION, AREA

PLEASE SELECT APPROPRIATE PROPOSED LAND USE

Proposed Land Use Program Area	New Application Fees (including GST)	Program Specific Requirements Website
☐ Aggregates & Quarry	\$1,050.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/aggregates/index.html
☐ Agriculture – Intensive	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/agriculturein/index.html
☐ Agriculture – Extensive	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/agricultureex/index.html
☐ Airport – private	*\$50 per hour process time	Contact <u>FrontCounter BC</u>
☐ Alpine Skiing	Type 1 (minor) \$1,050.00 Type 2 (major) contact <u>FrontCounter BC</u>	resort.development/how_process_works/tenure_permits/allocation_by_proposal.htm
☐ Aquaculture – Fin fish	\$5,171.25	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/aquaculture/index.html
☐ Aquaculture – Shellfish	\$1,260.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/aquaculture/index.html
Clean Energy - ☐ Waterpower	Investigative licence...\$525.00 OR Investigative Permit ...\$525.00 Wind Meteorological tower Project\$3,465.00	http://www.env.gov.bc.ca/wsd/water_rights/waterpower/index.html http://www.for.gov.bc.ca/land_tenures/tenure_programs/programs/windpower/index.html http://www.for.gov.bc.ca/land_tenures/tenure_programs/programs/oceanenergy/index.html
☐ Wind Power		
☐ Ocean Energy		
☐ Commercial - General	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/generalcommercial/index.html
☐ Commercial - Film	\$525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/film/index.html
☐ Adventure Tourism	Non-Motorized \$262.50 Motorized \$3,465.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/adventure_tourism/index.html
☐ Communication Site	\$1,050.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/communicationsites/index.html
☐ Community/ Institutional	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/community/index.html
☐ Federal Reserves	\$3,465.00	Federal Government Only – Contact <u>FrontCounter BC</u>
☐ Ferry Terminals	*\$50 per hour process time	
☐ General Industrial	\$ 525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/generalindustrial/index.html
☐ Golf Course	\$3,465.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/golfcourses/index.html
☐ Grazing	\$ 262.50	for.gov.bc.ca/hra/Legislation/grazing.htm
☐ Head Lease	\$50 per hour process time	Contact <u>FrontCounter BC</u>
☐ Log Handling	\$1,050.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/loghandling/index.html
☐ Marina	\$ 525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/marinas/index.html
☐ Mining	\$ 525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/mining/index.html
☐ Oil and Gas	\$ 525.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/oil_gas/index.html
☐ Private Moorage	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/privatemoorage/index.html
☐ Provincial Reserves	For Provincial Government Ministries Only	
☒ Utilities (Linear Use)	Less than 25 Km \$1,050.00 More than 25 Km *\$50 per hour Access to single lot \$262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/utilities/index.html
☐ Residential	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/residential/index.html
☐ Roadways – Public	\$ 262.50	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/roadways/index.html
☐ Roadways – Industrial	\$1,050.00	for.gov.bc.ca/Land_Tenures/tenure_programs/programs/roadways/index.html

Note: Investigative Permits (available for all program areas): \$525.00 (including GST)

Replacement Application Fees: 50% of above fee or \$210.00 (including GST), as a minimum.

Amendment Fees: Contact FrontCounter BC

* To be paid at a later date

PART 2 (continued)

General Location of Crown land (i.e. distance from nearest community, Indian Reserve or significant geographic location such as a lake or mountain; location on a named road; etc.):

Please provide a shape file if available.

Area in Hectares: _____ OR length (km/m): 1.690 KM width (km/m): _____

We respectfully request a 100m corridor on either side of the proposed route to allow for flexibility during the installation. Upon completion, as-built will be provided and a 10 m corridor on either side of the line would be requested for the final easement.

PART 3. LEGAL DESCRIPTION OR BOUNDARY DESCRIPTION

If surveyed, give legal description: as provided by the local Land Title Office (e.g., Lot 1 of Section 31, Township 12 W6M Kamloops Division of Yale District Plan 18411). A legal description is found in the Certificate of Title (CofT). A copy of the CofT must be attached to the application. A copy of your Registered Survey Plan, if available, will confirm the dimensions of the place of use.

If unsurveyed: enter description of unsurveyed Crown land and description of boundaries.

Unsurveyed Crown foreshore being part of the bed of Navy Channel, between the foreshore of Pender Island - Armadale Road and the Foreshore of Mayne Island in close proximity to the end of Piggott Road. Please see attached drawings and charts for further details.

Instructions to Describe Unsurveyed Crown Land

- The point of commencement, for unsurveyed parcels, should be described in terms of an existing survey post (e.g., 18 metres west of the S.E. corner of the parcel) or a readily identifiable geographic feature (e.g., a prominent point of land or intersection of two roads) to enable accurate location of the parcel.
- Boundary lines of the area must be, as much as possible, astronomically true north, south, east and west so that a rectangular lot is formed.
- Where the topographic features of the area do not allow for rectangular boundary lines running true north, south, east and west, then boundaries will be permitted in other directions as long as they do not interfere with the orderly survey of other surrounding land.
- The side lines of small parcels fronting on lakes, rivers, tidal waters and on certain surveyed highways shall, where possible, be parallel to each other and perpendicular to the general trend of the features on which the small parcel fronts.
- The sidelines for unsurveyed foreshore shall, as a general rule, be laid out at right angles to the general trend of the shore. This may be varied to suit special conditions, but encroachment on the foreshore fronting adjoining lands shall be avoided. The outside or waterward boundary shall be a straight line or series of straight lines joining the outer ends of the side boundaries. On narrow bodies of water the outside boundary shall not normally extend beyond the near edge of the navigable channel.

1 hectare = 2.471 acres

1 metre = 3.281 feet

100 metres x 100 metres = 10,000 square metres or 1 hectare

PART 4. APPLICATION CERTIFICATION

All applications must be complete. Incomplete applications will be returned to applicant.

Please refer to the specific program requirements (e.g., Aggregates, Commercial, Residential) for information that must be submitted with this application.

All of the following **must** be attached to or enclosed with this application form:

☒ **Fees** (in the amount indicated in Part 2) to **Minister of Finance** (cheque or credit card authorization form attached or pay in person with debit card or cash)

☒ **General Location Map(s)** at a scale of 1:50,000 to 1:250,000 indicating general location of the area under application and the location of access roads, watercourses and other major landmarks.

☒ **Detailed Site Map(s)** outlining in detail the area under application, showing the exact perimeter boundaries of the application area including the dimensions (in metre) and area (ha), including watercourses, district lots etc.

☐ **Program Specific Requirements** (i.e. communication site, agriculture, industrial, aquaculture).

Program specific requirements can be confirmed at

[http://www.for.gov.bc.ca/Land Tenures/crown land application information/program areas.html](http://www.for.gov.bc.ca/Land_Tenures/crown_land_application_information/program_areas.html)

PLEASE NOTE: Additional items may be required (e.g. Advertising, Security Deposit, Proof Of Insurance, Letter Of Consent) Please consult Program Policies or contact FrontCounter BC for further information. Some items may have additional associated costs or require additional processing time.

Applicant or Agent signature(s):

Date: _____

**PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS
- APPLICATIONS ARE NOT TRANSFERABLE -**

NOTE: The information you provide will be subject to the Freedom of Information and Protection of Privacy Act. If you have any questions regarding the treatment of your personal information, please contact the Manager, Privacy, Information Access and Records Management.

The submission of this form does not in any manner convey any rights to use or occupy Crown land.



FORWARD. TOGETHER.

NAVY CHANNEL PERMIT APPLICATION DOCUMENTATION



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Suite 142, 2080
Labieux Road
Nanaimo, BC V9T 6J9
250-751-7220

Todd Roper
Director of Marine Services
Todd.Roper@Ledcor.com
508-524-1314

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1.0 INTRODUCTION

1.1 Overview

Shaw is currently considering the installation of a surface laid submarine cable across Navy Channel, linking Mayne Island and North Pender Island. Leducor has been contracted by Shaw to complete the permitting and installation of the aforementioned system.

This application includes details regarding the specific landing sites selected and the location of the planned submarine cable location. Significant pre-project research and site investigatory work has been completed by Shaw and Leducor during the development of the route selected. Specifically, Leducor has completed a detailed marine survey, desktop study and research into the regional geology, environmental conditions, and other relevant factors that may affect installation of the proposed cables. This report and the accompanying charts depict the route chosen by Shaw and the specific route requested through the permit process.

1.2 Site Visit Details

1.2.1 Site Visit

A site visit was performed in conjunction with this desktop study by representatives of Shaw, Leducor and Terrasond to assess potential cable landing sites. The following criteria were used to locate and assess potential sites:

- Foreshore/beach topography;
- Accessibility;
- Overall route length;
- Access to terrestrial infrastructure;
- Land ownership.

The information obtained during this visit was used to establish preferred landing sites for the Navy Channel route. Information relevant to the preferred landing sites is presented in this application.

1.2.2 Desktop Study

The purpose of the desktop study was to gather information to aid in the selection of the most viable route with the minimum amount of risk. The desktop study was used to provide guidance in selecting initial routes and defining the route survey limits. Information obtained during the desktop study relevant to the cable route design and installation includes:

- Potential hazards and obstructions which may affect the cable safety and protection, as well as cable installation and maintenance;
- Weather and seabed conditions relevant to route selection and cable installation;
- Identify existing and planned cable systems;
- Marine activities that may affect the installation of the cable or cable safety.
- Initial investigation into permitting and regulatory authorities;

A variety of data available from the public domain, Canadian Hydrographic Service Charts, and other sources was used during the production of this document. Data sources used to populate the charts and used in the compilation of this report are listed throughout the document and on the charts.

1.2.3 Charting

Overview charts and route profiles for Navy Channel have been produced from the results of the survey. They are referenced to North American Datum 1983 (NAD 83), UTM Zone 10 North geodetic parameters. Units are in meters.

The bathymetric contours depicted on the charts and images are relative to the CGVD28 vertical datum, as opposed to chart datum. Full resolution PDF copies are provided as an attachment to this report in Appendix D

Chart Organization

Enclosure No.	Drawing Numbers	Description
1	Sheet 1	Navy Channel Route

2.0 CABLE ROUTE DESCRIPTIONS

2.1 Project Location

The proposed cable route links North Pender and Mayne Island in south-western British Columbia, Canada. Mayne and North Pender Islands are part of the Canadian Gulf Islands, a group of islands that lie along the south-eastern edge of Vancouver Island between the Strait of Georgia to the east and Haro Strait to the south. The islands cover an area of approximately 50 km by 20 km. These islands are separated by salt water channels including Boundary Passage, which forms the international boundary between Canada and the United States.

The channels between the islands link the large body of water of the Strait of Georgia, also known as the Salish Sea, with the Pacific Ocean through Haro Strait and Juan de Fuca Strait. Significant tidal currents are found in the relatively shallow channels separating the islands.

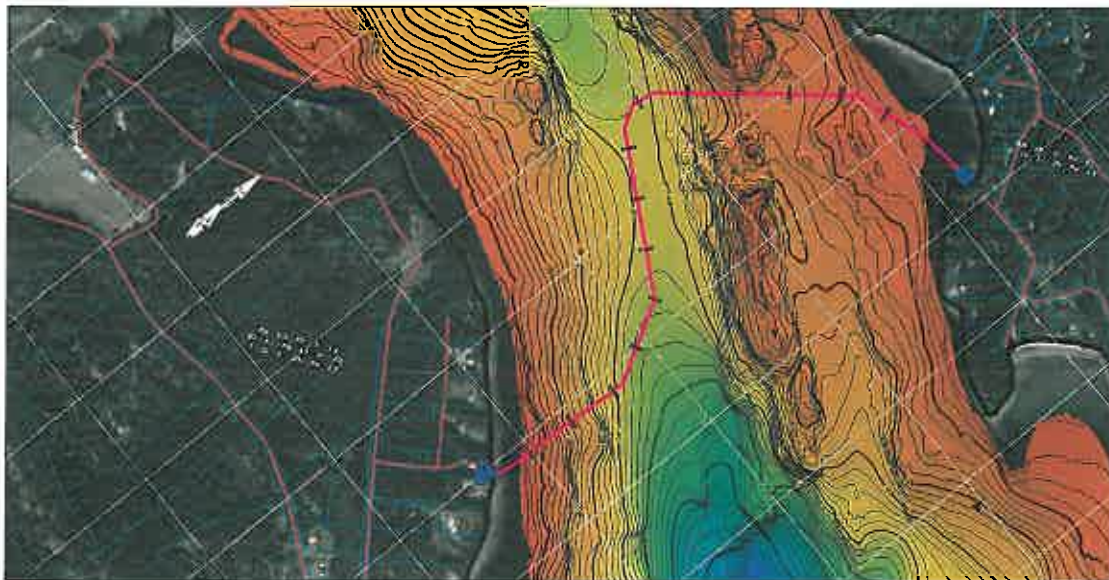


Overview of the Gulf Islands, project location shown in magenta.

2.2 North Pender Island to Mayne Island Route (Navy Channel)

The proposed submarine cable route for Navy Channel is shown as the magenta line in the illustration below. The route connects North Pender and Mayne Island across Navy Channel. The route runs generally northeast from North Pender Island via a public access point on Tracy Road, east of Conconi Reef to Piggot Bay Road in Gallagher Bay on Mayne Island. On North Pender Island, Shaw will utilize the same site as their existing submarine cable. Currently the existing Shaw cable is severely damaged and in dire need of repair. The new proposed route will shorten the overall submarine cable route length required while providing greater capacity to the Islands.

Route	North Pender Landing	Mayne Island Landing	Length	Max Depth
Primary	Tracy Road	Gallagher Bay	1.690 km	47 m



Proposed Cable Route across Navy Channel

Figure note: Proposed cable route is in magenta.

2.2.1 Davidson Bay Landing Site

The proposed landing site on North Pender is located at the end of the public right of way associated with Tracy Road. The site is home to the existing Shaw submarine cable system that is currently damaged. The images below show the site in detail.

Address:	Tracy Road, North Pender Island
Approximate Latitude:	48° 48' .56" N
Approximate Longitude:	123° 17' 09" W





Existing and Proposed Shaw Cable Landing Site Tracy Road. Yellow line represents cable route.



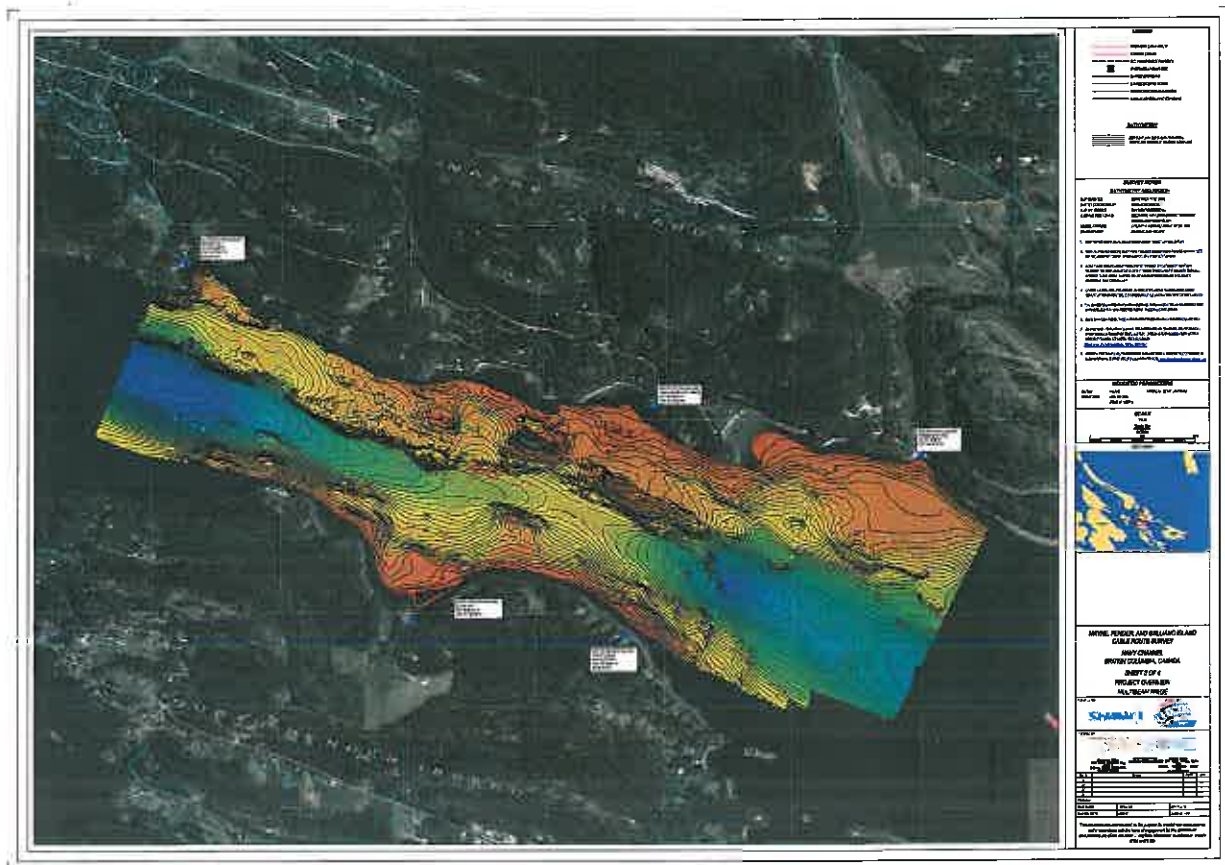
Existing and Proposed Shaw Cable Landing Site Tracy Road. Yellow line represents cable route. Bank will be directionally drilled with a 4" casing installed to base of bank.



View from top of bluff on Tracy Road. Approximate location of cable landing.



Orange line represents Shaw's existing system. Yellow line represents proposed new route.



2.2.2 Gallagher Bay Landing Site

The proposed landing site on Mayne Island is located in Gallagher Bay at the end of Piggot Bay Road. The landing site is in the public right-of-way. The beach is characterized by sand and gravel through the inter-tidal zone with large rocks and logs at the high water line. The landing location in Gallagher Bay is ideally suited due to its close proximity to existing infrastructure and the relatively gentle slope of the beach and near shore area.

Address: Piggot Bay Road ROW
Approximate Latitude: 48° 49' 32.0" N
Approximate Longitude: 123° 17' 05.4" W



Primary landing site (top), beach view (left), upland view to the west(right).
Aerial ortho-photography and parcel boundary information provided by Capital Regional District, <http://crdatlas.ca/>

2.2.3 Navy Channel Primary Route Description

The primary route through Navy Channel begins at the public right of way on Tracy Road. The beach at this location consists of hard rock formations with rock cobble outcrops.

The topography slopes quickly to the 10-meter contour where the route heads northwest towards the center of the channel.

The center channel appears to be primarily gravelly mud or sand. The route cuts west-northwest across the main channel past an exposed bedrock outcrop and then turns to the northwest, heading up slope to the Gallagher Bay landing site.

3.0 ENVIRONMENTAL CONDITIONS

Climate and weather conditions are presented here to aid in planning of installation and maintenance of a cable system. The moderate climate in the project area allows for installation and maintenance at any time of the year, however the summer months with longer daylight hours and more favorable weather would be preferable from a weather standpoint.

3.1 Climate

The southwest coast of British Columbia has what is typically described as a humid Mediterranean climate, with dry warm summers and mild wet winters. The windward outer coast of Vancouver Island receives the greatest amount of annual rainfall in Canada. The Georgia Basin, which includes the east coast of Vancouver Island and the Gulf Islands, lies in the rain-shadow of Vancouver Island and the Olympic Peninsula and has considerably less rainfall and a greater quantity of sunshine.

The average maximum temperature on Mayne Island is 6.8° C in December and 22.6° C in August (see .

), and its annual rainfall is less than half of what is recorded on the west coast of Vancouver Island. The winds primarily blow out of the west (27%) and southeast (18%), with an average wind speed of 3.1 m/s (11.2 km/h) recorded at Victoria International Airport.

Climate Normals and Averages from 1971-2000

Climate Normals and Averages from 1971-2000, Mayne Island Station 1014931												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Daily Average (°C)	4.6	5.2	7.0	9.4	12.3	14.7	16.8	16.9	14.4	10.3	6.6	4.3
Daily Maximum (°C)	7.3	8.5	10.8	13.9	17.3	20.0	22.5	22.6	19.8	14.2	9.5	6.8
Daily Minimum (°C)	1.8	1.9	3.2	4.9	7.2	9.4	11.0	11.1	9.0	6.5	3.7	1.8
Extreme Maximum (°C)	14	17	19	24.5	30	30.5	32	30	29.5	24	16.5	13.5
Extreme Minimum (°C)	-10	-12	-5	-1.5	0	3.5	4.5	5	2	-4	-14	-11
Rainfall (mm)	111.1	83.8	70.9	46.9	40.7	35.2	22.1	28.1	32.6	75.8	129.5	120.4
Snowfall (cm)	9.8	6.6	1.8	0	0	0	0	0	0	0.3	3.3	10.0
Extreme Daily Rainfall (mm)	68.6	48.8	34.8	36.4	23.4	27.8	20.3	72.1	27.0	58.9	55.0	69.5
Extreme Daily Snowfall (cm)	14.5	16.3	15.2	0	0	0	0	0	0	4.0	16.0	56.0

Table note: Climate normals or averages are used to summarize or describe the average climatic conditions of a particular location. The climate normals and extremes offered here are based on Canadian climate stations with at least 15 years of data from 1971 to 2000. Values and dates in bold indicate all-time extremes for the location. Table compiled from *Environment Canada, 2012* (www.climate.weatheroffice.gc.ca).

3.2 Weather

Environment Canada provides current and historical weather data online, www.weatheroffice.gc.ca

The nearest weather stations for current weather are Victoria International Airport and Vancouver International Airport. For historical data, Mayne Island is the nearest weather station.

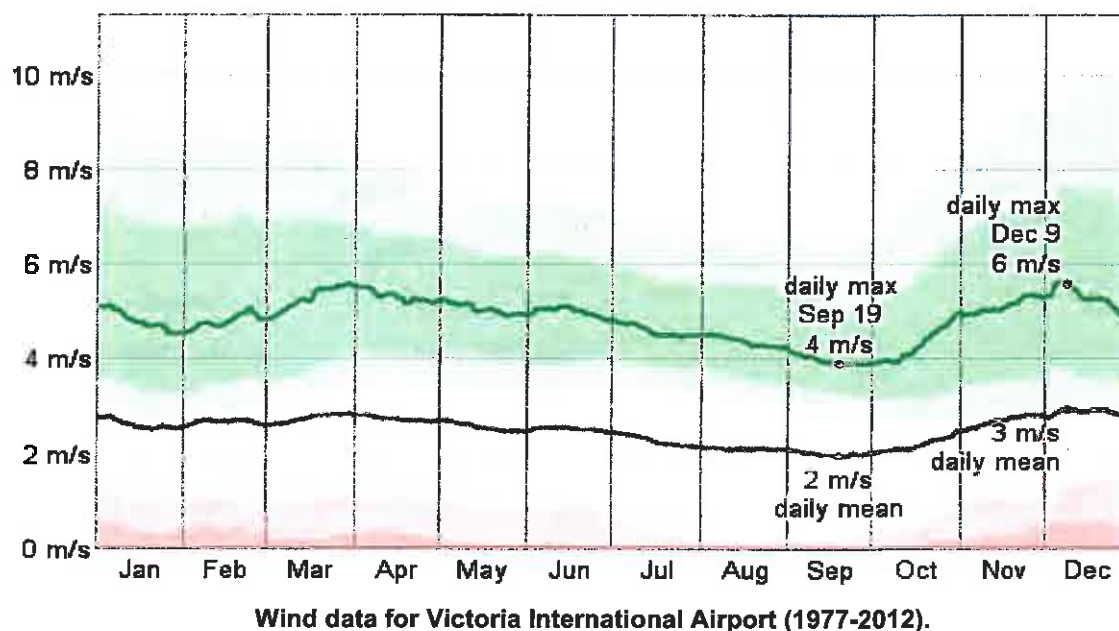


Figure note: Figure obtained from Weatherspark.com. The average daily minimum (red), maximum (green), and average (black) wind speed with percentile bands (inner band from 25th to 75th percentile, outer band from 10th to 90th percentile).

4.0 OCEANOGRAPHY

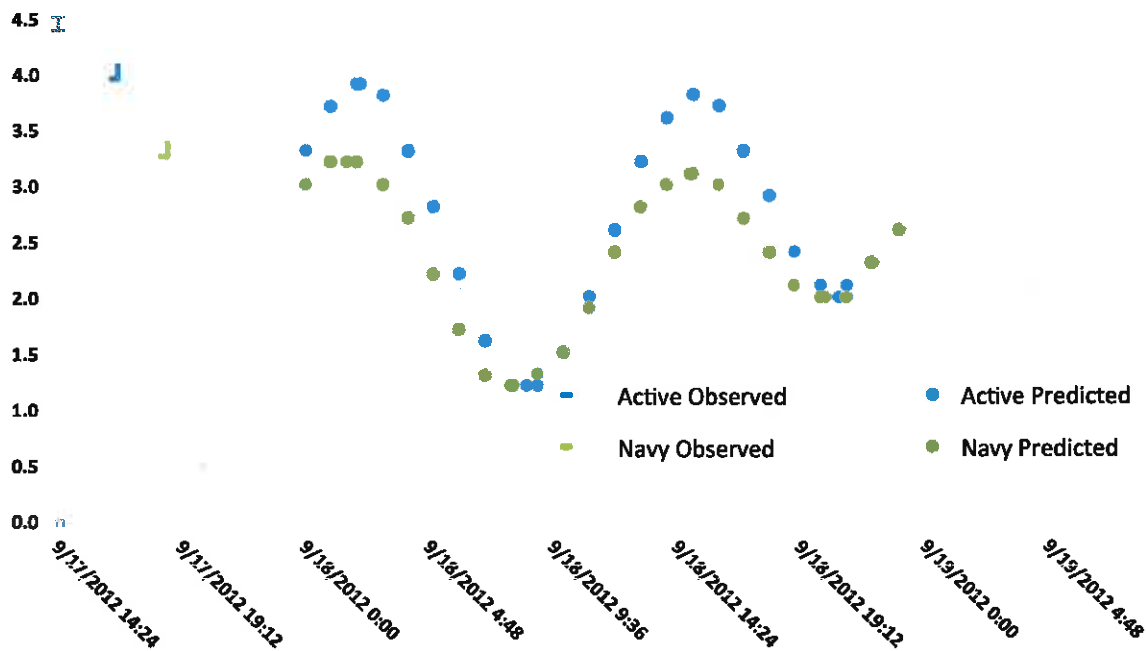
Tides, winds, and freshwater run-off are the primary forces for mixing, water exchange, and circulation in the Strait of Georgia and the channels running through the Gulf Islands. Tidal flow enters the Strait of Georgia predominantly from the south creating vigorous mixing in the narrow, shallow straits and passes of the Strait of Georgia.

Freshwater inflows are dominated by the Fraser River, which accounts for roughly 80% of the freshwater entering the Strait of Georgia. Fraser River run-off and that of other large rivers on the mainland side of the Strait are driven by snow and glacier melt and their peak discharge period is generally in June and July. Rivers that drain into the Strait of Georgia off Vancouver Island (such as the Chemainus, Cowichan, Campbell, and Puntledge rivers) peak during periods of intense precipitation, generally in November (Waldichuck 1957).

4.1 Tides

Tides in the area around southern Vancouver Island (Juan de Fuca Strait, Haro Strait and Strait of Georgia) are complex. Tides near Victoria and the southern end of Haro Strait are predominately diurnal, whereas tides in Strait of Georgia are mainly semidiurnal. Mayne Island, lying between these two regimes is a mix of both. Nominal tide range in the study area is 3.65 m.

Fisheries and Oceans Canada has predicted tides at stations Georgina Point (#7525), Village Bay (#7141) and Hope Bay (#7360), at <http://www.waterlevels.gc.ca/eng/find/zone/9>.



Observed tides in Active Pass and Navy Channel during the route Survey.

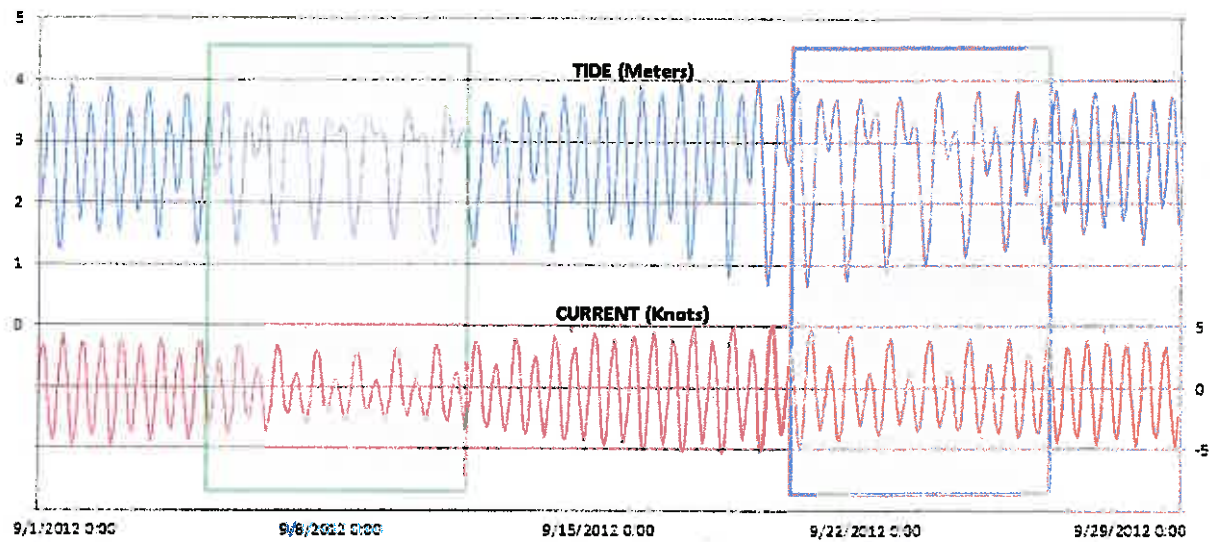
Figure note: Figure generated from observed tide data from gauges set during the route survey by TerraSond.

4.2 Currents

Tidal currents pose the greatest challenge to the system installation in Active Pass (Navy Channel less so). Installation should coincide with a neap tide cycle.

In Navy Channel, the maximum velocity of the flood current is 2 to 3 knots and the maximum velocity of the ebb current is 1 to 2 knots (Sailing Direction – British Columbia 10th Edition NGA Publication 154).

The neap tide cycle occurs approximately every two weeks when the sun and moon are at right angles to each other and result in smaller tides and subsequently weaker tidal currents. Tidal currents are roughly half during these periods.



Active Pass predicted currents for the week of August 20, 2012.

Figure note: Figure generated from data from Tides and Current program.

5.0 MARITIME CONSIDERATIONS

5.1 Submarine Cables

Submarine cables in the area include existing telecommunication cables. Charted cable locations are shown in green in the figures below. It was not ascertained if the charted locations represent a corridor or a physical location.

The existing Shaw cables in Navy Channel were not identified during the route survey, but the landing sites were found during the site visit. Approximate locations are shown in blue in the figure below.



Existing cable locations shown in green. Existing Shaw cable shown in light blue. Magenta line should be disregarded.

5.2 Obstructions

No manmade obstructions were identified during the route survey.

Conconi Reef (48°49.4'N., 123°17.5'W.), marked by a light, is flanked by below-water rocks and reefs. These dangers border the north side of the fairway passing through Navy Channel.

5.3 Wrecks

The CHS charts show no wrecks, restricted areas, or obstructions in the study area.

5.4 Navigation Charts: Buoys and Beacons

The Canadian Hydrographic Service charts of the project area are Chart 3442, 3473 and 3477.

5.5 Canadian Hydrographic Service Notice to Mariners

Notice to Mariners provides mariners with up-to-date maritime information affecting navigational safety, new hydrographic information, changes in channels and aids to navigation, and other important data. The Canadian Hydrographic Service in several different formats, including temporary changes, monthly updates, and chart corrections, posts the documents.

Notice to Mariners is available online, www.notmar.gc.ca.

6.0 SHIPPING AND OTHER ACTIVITIES

Information on ferry movements and other large vessel traffic in Navy Channel can be monitored on VHF Channel 16. Large vessels are required to call in to the Marine Communications and Traffic Services (MCTS) center when approaching the Channel. Ferries announce via VHF when they are entering the Channel from either direction. MCTS on VHF Channel 11 can be contacted for information about ferries or large vessels approaching Navy Channel.

Navy Channel has very little large vessel traffic, aside from BC Ferries service to Saturna Island. Data from the MCTS for July 2010 shows transits by six (6) tug and tows, one (1) deep sea freighter, three Coast Guard vessels and twenty-two (22) water taxis (service to at-anchor vessels in Plumper Sound).

6.1 Commercial, Ferry Traffic

6.1.1 BC Ferries

BC Ferries operates ferries between the mainland and Vancouver Island, and between the Gulf Islands. BC Ferries schedules involving Navy Channel are shown below.

Navy Channel sees eight daily ferry transits providing service to Saturna Island. Note that the summer and winter ferry schedules to the Gulf Islands are very similar.

Coordination with BC Ferries will take place prior to any installation activity. The BC Ferries Marine Superintendent, Southern Gulf Islands, should be consulted prior to scheduling any activities in either Active Pass or Navy Channel (Captain Lewis MacKay 250-537-0334).

More information is available online through the BC Ferries web site, www.bcferrries.com

6.2 Commercial, Other Traffic

Plumper Sound, between Pender and Saturna Islands, is a holding anchorage for deep sea vessels headed to Vancouver. Vancouver bound traffic will use Boundary Passage, to the south, but very occasional traffic (1-2 per month) may be expected to use Navy Channel as these vessels leave anchorage and head for the port of Chemainus.

Tug and tow traffic through Navy Channel in July 2010 consisted of four (4) transits.

Gulf Island Water Taxi (<http://saltspring.com/watertaxi/>; Tel: 250-537-2510; watertaxi@saltspring.com) operates a water taxi service from Ganges Harbour and Swartz Bay to the Gulf Islands using 12 m LOA passenger-only vessels. The taxi routes for scheduled service are shown in **Error! Reference source not found..** The taxi operates a shuttle service for high school students from September through June and has weekday morning (6-8 AM) and afternoon (4-6 PM) service to each of the islands shown in the route map.



Gulf Island Water Taxi also provides as needed medical transportation (ambulance) and service to commercial deep sea freighters anchored in Plumper Sound. The water taxis, being small vessels, do not necessarily call in to the MCTS. In July 2010 there were twenty-two (22) taxi trips from Swartz Bay to Plumper Sound.

In addition to Gulf Island Water taxi, on-demand passenger-only water taxi service to and between the Gulf Islands is provided by Island Camping (www.islandcamping.ca, 250-656-4826), Dockside Dive Charters (www.dockside-charters.com, 250-217-4488),

6.3 Commercial Fishing

Due to the frequent ferry traffic, no large scale commercial fisheries take place in Navy Channel.

6.4 Recreational Use

The Gulf Islands are a year-round recreational playground for fishing, boating, kayaking, whale watching and more. Many of the small harbours in the Gulf Islands are destinations for cruisers, sail and powered, and provide dock and anchorage facilities. In the study area, Miners Bay, Village Bay and Dinner Bay (Mayne Island) offer anchorage and dock facilities to recreational boaters. However, small boats can be expected to anchor anywhere along the coastline, and some private docks exist, notably in Davidson Bay (North Pender Island).

6.5 Recreational Fishing

Fishing is undertaken on a recreational scale all areas of the Gulf Islands. Fishing is primarily conducted from sport-boats with rod and reel. Trips are commonly a few hours. Recreational fishing is not expected to pose a risk to the cable system. Public notices should be made prior to the installation process to allow recreational boater to be aware of and avoid installation activities.

7.0 RISK ASSESSMENT

Recommendations

The Canadian Coast Guard as well as the Canadian Hydrographic Service will notified in order to issue Local Notices to Mariners and depict the cable location on future chart editions.

With any submarine cable system, it is necessary to identify and understand the risks involved with installing and operating the cable system and to mitigate those risks where possible. The route survey, site visits and this desktop study all serve to locate the most economically viable route with a minimum of risk.

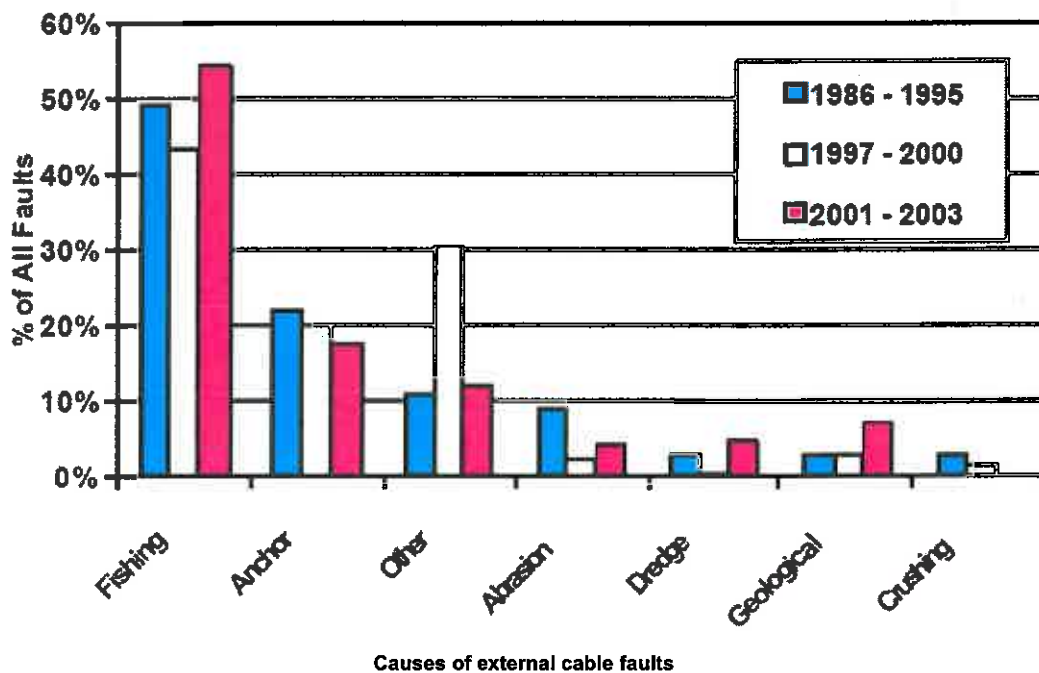


Figure Note: Figure obtained from E. Kordahi, et al., 2004.

The proposed cable route poses very limited risk, primarily due to the lack of commercial fishing and other bottom contact activities. The following list presents possible risks and actions to be taken to minimize the potential of external cable fault:

- **BC Ferries** – BC Ferries operates large and small ferries through Navy Channel. Although the possibility of any of these ferries anchoring in the vicinity of the proposed cable routes is very small, BC Ferries should be made aware of the presence of the cable and provided as-built drawings of the cable in order to avoid anchoring within a prescribed distance. The Canadian Coast Guard as well as the Canadian Hydrographic Service should be notified in order to issue Local Notices to Mariners and depict the cable location on future chart editions.
- **Tug and tow** – Navy Channel sees tug and tow traffic on limited basis. The risk to the cable from these activities lies in the potential for poorly managed tow cables to drag on the bottom.
- **Small Vessel Anchoring** – The proposed primary landing sites for the Navy Channel cable at Piggot Bay Road on Mayne Island may be at risk for damage due to small vessel anchoring. Proper signage should be maintained.
- **Marine and Waterfront Construction** – Construction activities near the landing sites is unlikely, but local residents and municipal authorities should be made aware of the cables so as to avoid such activity in the future. Signage at the landing sites noting the cable crossing should be posted conspicuously and as-built drawings made available.
- **Fishing and Boating Activity** – No large scale commercial fishing activities and bottom contact fisheries were identified during the research and will present minimal risk due to fishing activities. Signage at the landing site and other means public awareness should be used to inform the boating public of the presence of a submarine cable.
- **Abrasion** – Subsurface currents in Navy Channel, are significant. Armoured cable the entire length as well as split-pipe protection in the near shore areas will be used to mitigate such risk.
- **Natural and Geo Hazards** – Natural hazards pose a risk to any cable system, albeit typically very small related to other risks. Data collected in the route survey were used to select a cable route that minimized the exposure to natural hazards and steep slopes.

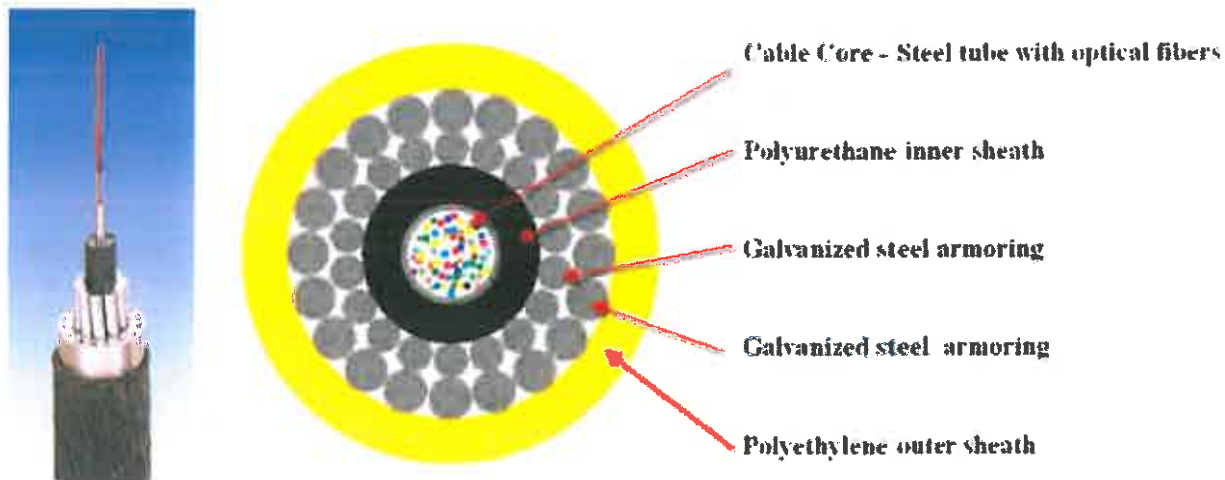
8.0 CABLE ENGINEERING CONSIDERATIONS

8.1 Beach Manhole

The cable will begin and end at a beach manhole (BMH). The beach manhole anchors the marine cable, allows transition from terrestrial to marine cable, and provides an access point for maintenance. Suitable locations for the beach manholes were identified and are depicted on the accompanying charts. The exact final location of the BMH on both sides of the lake will be determined through the right-of-way lease negotiations and permit requirements.

8.2 Cable Type

Conventional double armor marine telecom cable should be used. This cable is more robust than armored terrestrial cable or other variants. The total cable length from BMH to BMH for the proposed routes is 1.690 km. This cable length accommodates for slack in the cable to allow it to conform to the bottom and alleviate suspensions over abrupt terrain. The suggested order length for the cable is 5.200 km providing additional slack to accommodate vessel abnormalities during lay operations. Additionally, spare cable should be ordered with the primary cable order equal to the largest cable span. This would provide Shaw with the ability to provide emergency restoration in the event of a cable failure. Typical cross section of double armored cable is shown below.

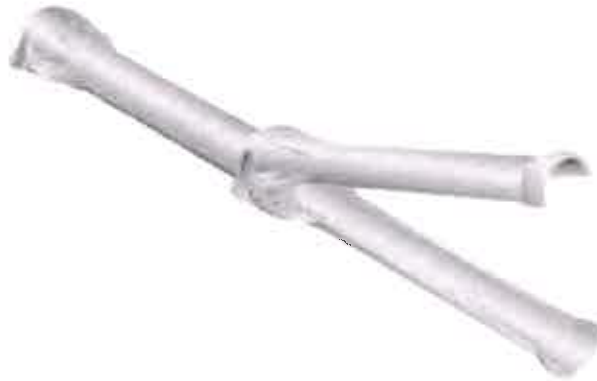


Typical double armoured cable construction.

Figure note: Figure obtained from NEXAN.

8.3 Shore End Protection

Due to the presence of vessel activity, drift logs, varying water levels and wave action, protection of the cable using cast iron articulated pipe sleeves is recommended at both landings. Articulated pipe is a cast iron casing that is installed in half meter sections by divers. Diver safety depths limit installation of this protection and we assume installation to 15 m in this application. Split pipe protection is recommended to 15m depth or 75m offshore, whichever is less. It is recommended that all split pipe be installed and buried at the near shore approach areas.



Cast iron split pipe protection.

8.4 Scope of Work

As previously mentioned, Shaw is seeking permission to install a submarine fiber optic cable system across Active Pass. Below is a list of the required work tasks that will be completed during the installation process.

- Installation of one 4'x4'x6' concrete manhole in accordance with the attached approved permit applications.
- Installation of 1.690 KM of double armor fiber optic cable across active pass in accordance with the route survey charts attached to this document. The cable will be installed via surface lay operations with no burial outside the 15 meter contour.
- Installation of approximately 150 meters of articulated steel split pipe cable protection on both near shore approaches from the beach manhole seaward.
- Removal of driftwood logs and debris at the landing site to accommodate the cable landing. All items removed from the landing site will be replaced upon completion of the work.
- Excavation and diver jet burial from the high water mark to a water depth of approximately 15 meters. Excavation equipment shall be used as needed to excavate from the high water mark to the low water mark at low tides only. No heavy equipment will be used in the water. From the low water mark, divers will utilize diver jet burial (pressurized water stream) in efforts to bury the cable to a target depth of 1 meter.
- Excavation of a trench from the beach manhole to the high water mark in accordance with the attached approved permits.
- Restoration of the foreshore area to its preconstruction condition.

Sharon Lloyd-deRosario

From: Becky McErlean
Sent: July-15-14 9:54 AM
To: Sharon Lloyd-deRosario
Subject: FW: Province of BC Referral Request on a Utilities application for a (insert tenure type)
Attachments: MayneIsland_NavyChannel.shp; MayneIsland_NavyChannel.dbf; Application.pdf; Navy_Channel_Permit_Support_.pdf

And another please

Becky McErlean
Planning Team Assistant
Islands Trust
700 North Road, Gabriola Island, BC V0R 1X3
Phone: 250-247-2206 Fax: 250-247-7514
www.islandstrust.bc.ca

Preserving Island communities, culture and environment

From: Becky McErlean
Sent: July-15-14 9:25 AM
To: Lori Foster
Subject: FW: Province of BC Referral Request on a Utilities application for a (insert tenure type)

Here is another one...

Becky McErlean
Planning Team Assistant
Islands Trust
700 North Road, Gabriola Island, BC V0R 1X3
Phone: 250-247-2206 Fax: 250-247-7514
www.islandstrust.bc.ca

Preserving Island communities, culture and environment

From: FrontCounterBC@gov.bc.ca [<mailto:FrontCounterBC@gov.bc.ca>]
Sent: July-02-14 2:59 PM
To: Becky McErlean
Cc: Linda Prowse
Subject: Province of BC Referral Request on a Utilities application for a (insert tenure type)

Islands Trust - Northern Island Office
Becky McErlean

Utilities

Referral Number: 71096621 - 005

Reference Number: Forests, Lands and Natural Resource Operations / 1414204

Request Sent: July 2, 2014

Response Due: August 1, 2014

You are invited to comment on the following Crown land application. A response is optional. If no response is received by the deadline, the application and adjudication process will move ahead.

Shaw Cablesystems Limited has applied to install an submarine cable from the foreshore of Mayne Island (near Piggott Rd) to North Pender Island (near Armdale Rd), a distance of 1.7 km. The width of the corridor would be 200m during the installation phase and would be reduced to 10m once the exact corridor is established. The term requested is 30 years. The purpose of the project is to provide communication to the Gulf Islands via fibre optics cable. The cable is designed to be "self-sinking", so once it is installed, it becomes established beneath the ocean floor, with minimal impact on marine habitat and no impact to navigation. At the terminal ends, 150 m articulated steel split pipe would be buried to a depth of 1 m to protect the cable. Above the high watermark, the cable goes into a manhole that is under the jurisdiction of Ministry of Transportation and Infrastructure.

This is a Crown Land (enter tenure type) application for Utilities - Telecommunications Line purposes.

Proponent: Shaw Cablesystems Limited

Tenure Type: Utility - Licence of Occupation (Interim) to Statutory Right of Way

Intended Land Use/background context: Submarine Communications Cable

BCGS Mapsheet: 92B084

Legal Description: Unsurveyed Crown foreshore or land covered by water being part of the bed of Navy Channel, Cowichan District, containing 29.2 hectares, more or less

Size (Area) in ha. (approx.): 29 ha

Schedule/Term Of Proposal: As long as Required.

Please [Click Here](#) to respond to this referral. You must be logged in using your BCeID account to view associated information. Note that forwarding or otherwise distributing this email will provide access to the associated information only if the receiver has a corresponding account.

For "how-to" instructions on how to respond to this request, please visit <http://www.frontcounterbc.gov.bc.ca/ereferrals.html> for instructional videos. To obtain a BCeID, please visit <https://www.bceid.ca/>

For technical assistance with e-Referrals, please contact FrontCounter BC at 1-877-855-3222.

For more information regarding this referral, please contact the "Email Coordinator" given within the referral.

Note that it can take an extended period of time to connect from the BCeID login to the e-Referrals website, this is normal. Avoid re-clicking the "Next" button or you could extend this connection time.

Please do not reply to this email.

Cyndy Grant

FrontCounterBC
Authorizations Forester

(250) 956-5039
Cyndy.Grant@gov.bc.ca



Memorandum

Date: July 22, 2014

File Number: MA-6500-20 OCP/LUB
Technical Amendments

To: Mayne Island Local Trust Committee
For the meeting of July 30, 2014

From: Kim Farris, Planner 1

CC: Robert Kojima, Regional Planning Manager
Gary Richardson, Island Planner

Re **Official Community Plan and Land Use Bylaw Technical Amendment Bylaws No. 161 & 162**

The Mayne Island Local Trust Committee (LTC) has identified a technical review of the Official Community Plan (OCP) and Land Use Bylaw (LUB) as a top priority on the work program. The technical amendments are intended to provide clarity and/or correct minor errors in the Mayne Island OCP and LUB.

The purpose of this memo is to provide the LTC with the black-line version of both draft bylaws to facilitate review of the amendments and to outline the next steps in the project.

Previous Meetings

At the June 25th, 2014 regular meeting staff presented the draft LUB technical amendments (Bylaw No. 161) and OCP technical amendments (Bylaw No. 162). The Mayne Island LTC passed the following resolutions:

MA-2014-42

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to increase setbacks from existing residential developments for properties being zoned for use as a Waste Transfer Station.

Project Update

Bylaw Blackline Versions:

The blackline versions provide an example of how the draft bylaws integrate into the current LUB and OCP. The blackline versions of the draft bylaws are available to be viewed on the Mayne Island Projects and Initiatives website or by clicking on the following link: [For Blackline Versions Click Here](#)

A limited number of blackline versions of the bylaws will be available at the July 30th, 2014 Mayne Island LTC meeting.

Policy Statement Checklist:

The policy statement checklist used for the Executive Committee bylaw submission report is attached to this memo for the LTC to review and endorsement. The proposed bylaws were not applicable to all the policies found in the checklist; none of the amendments were considered contrary to or at variance with the Policy Statement.

The checklist will be forwarded to the Executive Committee after Third Reading of both bylaws.

Agency Referrals:

As a next step, staff would refer the draft bylaws to agencies and First Nations. This will allow the Mayne Island LTC to make any necessary changes to the draft bylaw prior to Second Reading

Community Information Meeting & Public Hearing:

No formal community consultation for the draft amendment bylaws has taken place. A Community Information Meeting (CIM) often takes place in advance of a public hearing in order to provide the public with an opportunity to ask questions regarding the amendments and for any changes to be incorporated in the proposed bylaws. The LTC may wish to consider scheduling a CIM prior to the public hearing.

Staff recommend scheduling a CIM and Public Hearing in conjunction with the October 22, 2014 LTC regular meeting. Following the Public Hearing the LTC could give consideration to Second and Third Reading and forwarding the bylaw to Executive Committee for approval. Further specific direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

RECOMMENDATIONS:

1. THAT the Mayne Island Local Trust Committee give First Reading to draft bylaw 162, cited as Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2014.
2. THAT the Mayne Island Local Trust Committee give First Reading to draft bylaw 161, cited as Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2014.
3. THAT the Mayne Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for proposed bylaw 162 and proposed bylaw 161 to be held in conjunction with the October 22, 2014 regularly scheduled meeting of the Mayne Island Local Trust Committee.
4. THAT the Mayne Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 162 and Bylaw No. 161 are not contrary to or at variance with the Islands Trust Policy Statement.

Attachments: 1. Draft Bylaw No. 161
2. Draft Bylaw No. 162
3. Islands Trust Policy Statement Directives Only Checklist

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW No. 161

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2014."

2. SCHEDULES

- a. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this amending bylaw.
- b. Schedule B (Land Use Designations) of Mayne Island Official Community Plan No. 144, 2007 is amended in accordance with the maps attached to and forming part of this bylaw as Schedule 2, attached to and forming part of this amending bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this day of

PUBLIC HEARING HELD this day of

READ A SECOND TIME this day of

READ A THIRD TIME this day of

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this

ADOPTED this

DEPUTY SECRETARY

CHAIR

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 161

SCHEDULE 1

Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended by:

1. Policy 1.1.3 is amended by deleting the second and third paragraph and inserting the following in their place:

“The island has an area of approximately 2,300 hectares (5,750 acres). The permanent population on Mayne Island according to the 2011 census was 1,070 resulting in a population density of one person per 2.15 hectares (5.3 acres).

The rate of population growth in each of the inter-censal periods between 1986-91 and 1991-96 was around 18% followed by a slight reduction in the population between 1996-2001. From 2001-2006 the rate of population increased by 27% and between 2006-2011 decreased by 4%. Based on past patterns of population growth, and on projections prepared for larger areas, the projected growth rate will average approximately 1% per year up to 2031. This would translate into a permanent population of about 1150 in 2031.”

2. Policy 2.1.1.6 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.’
3. Policy 2.1.4.2 is amended by deleting “then” and inserting “than” such that it reads: ‘One dwelling unit shall be permitted per parcel provided that on parcels greater than 4 hectares (9.8 acres) residential density will be one dwelling unit for each additional 4 hectares (9.8 acres) of parcel area.
4. Policy 2.1.4.4 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.’
5. Policy 2.1.4.6 is amended by deleting “(Section 2.8)” and “(Section 2.9)” and inserting “(Section 2.10)” and “(Section 2.11)” such that it reads: ‘Despite the average parcel size provision applicable to this designation, increased density may be permitted on a parcel subject to compliance with the Amenity Zoning Guidelines (Section 2.10) and the Density Transfer Provisions (Section 2.11) of this Plan.’
6. Policy 2.1.4.9 is amended by deleting “(Section 2.8)” and “(Section 2.9)” and inserting “(Section 2.10)” and “(Section 2.11)” such that it reads: ‘Despite the parcel size provisions of Policy 2.1.4.5, in a case where through density transfer within a parcel, it may be demonstrated that through utilizing the concept of “Open Space Subdivision Design” (as detailed in Schedule G), a property may be developed in a manner which permits the more efficient use of the land, the protection of resource lands and/or the conservation of features with significant environmental and aesthetic appeal, the minimum parcel size may be reduced to 0.4 hectares through

rezoning. This may be accomplished in conjunction with the policies in Sections 2.10 (Amenity Zoning Guidelines) and 2.11 (Density Transfer Provisions).'

7. Policy 2.1.4.11 is amended by deleting "2.3.2.2" and inserting "2.4.2.3" such that it reads: 'Site specific rezoning to permit small-scale campgrounds as an accessory use may be considered, subject to policy 2.4.2.3, upon application.'
8. Policy 2.2.1 is amended by deleting "non farm" and inserting "non-farm" such that it reads: 'In addition to satisfying local bylaw regulations, any subdivision or non-farm use other than one dwelling, proposed in the ALR is subject to the regulations of the *Agricultural Land Commission Act*.'
9. Policy 2.2.1.8 is amended by deleting "2.3.2.2" and inserting "2.4.2.3" and by deleting "Reserve" and inserting "Agricultural" before 'Land' such that it reads: 'Site specific rezoning to permit small-scale campgrounds as an accessory agri-tourist use may be considered upon application, subject to policy 2.4.2.3 and the approval of the Agricultural Land Commission.'
10. Policy 2.3.1.3 is amended by adding "." at the end of the sentence such that it reads: 'Bed and Breakfast accommodation shall be permitted as a home occupation use, the zoning bylaw shall specify other conditions, including a limit on the number of guest accommodation rooms.'
11. Policy 2.4.1.8 is amended by deleting "Section 2.8" and inserting "Section 2.10" such that it reads: 'The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.'
12. Policy 2.4.2.6 is amended by deleting "Section 2.8" and inserting "Section 2.10" such that it reads: 'The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.'
13. Policy 2.7.4.10 is amended by inserting "and Infrastructure" after 'Ministry of Transportation' such that it reads: 'The Ministry of Transportation and Infrastructure shall be requested to maintain and mark public accesses and ensure they are not used for camping or overnight parking or obstructed in other ways.'
14. Section 2.9 is amended by deleting "commercial and industrial" and "commercial or industrial" such that it reads:

'2.9 TEMPORARY USE PERMITS

The Mayne Island Local Trust Committee may issue Temporary Use Permits for all areas covered by this Plan except areas in the ALR or Resource Conservation designation.

Objectives for Issuing Temporary Use Permits

2.9.1 Permits for temporary uses may be issued: for short term uses; or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses.'

15. Policy 2.9.1.1 is amended by deleting “two” and inserting “three” such that it reads: ‘Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.’
16. Policy 3.1.1 is amended by deleting “and Highways” and inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure is responsible for the development and maintenance of the island road system. In recognition of the special nature of the islands, a Letter of Understanding between the Island Trust and the Ministry of Transportation and Infrastructure was signed in November 1992.’
17. Policy 3.1.1.2 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to maintain the major road pattern as shown on Schedule D, the land status map.’
18. Policy 3.1.1.3 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to provide, wherever possible, designated cycle lanes and pedestrian paths along roadways.’
19. Policy 3.1.1.4 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to retain low speed limits on all roads and lower the speed limit to 30 kph in the Miners Bay core area.’
20. Policy 3.1.1.5 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure the road system follows natural contours of the land wherever possible.’
21. Policy 3.1.1.6 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to retain unused road dedications as greenbelts.’
22. Policy 3.1.1.9 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure signage along the roads is minimal and in keeping with a rural atmosphere.’
23. Policy 3.1.2.9 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to identify and maintain all public accesses to water including boat ramps.’
24. Policy 3.2.1.8 is amended by deleting “The Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Island Health shall be requested to ensure any flow of effluent be controlled so it does not contaminate surface or groundwater.’
25. Policy 3.2.2.3 is amended by deleting “Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘The development of community water systems and the use of shared wells shall be encouraged; however, this requires Island Health approval and a permit to operate.’

26. Policy 3.2.2.5 is amended by deleting “The Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Island Health and provincial government shall be requested to monitor water quality of community water systems.’
27. Policy 3.3.1.2 is amended by deleting “Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Effective, non polluting alternative sewage treatment methods shall be encouraged such as low-flush and composting toilets and the use of grey water for toilets; however pursuant to Island Health regulations, there will be no reduction in the sizing of a septic system for low flush toilets, composting toilets or grey water.’
28. Policy 3.3.1.3 is amended by deleting “The Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Island Health shall be requested to consider the cumulative effects of individual disposal systems in an area.’
29. Policy 3.3.1.5 is amended by deleting “the Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘The Ministry of Environment and Island Health shall be requested not to permit any ocean dumping of untreated sewage.’
30. Policy 4.1.1 (Background) is amended by deleting “Ministry of Tourism, Sport and the Arts” and inserting “Ministry of Forests, Lands and Natural Resource Operations” such that it reads: ‘According to the Ministry of Forests, Lands and Natural Resource Operations there are approximately 30 recorded archaeological heritage sites located in the Mayne Island Trust Area.’
31. Policy 4.1.1.4 is amended by deleting “Ministry of Tourism, Sport and the Arts” and inserting “Ministry of Forests, Lands and Natural Resource Operations” such that it reads: ‘Any development applications involving areas on which archaeological sites may be located shall be referred to the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations and to interested First Nations for comment. Development should not be permitted in areas with known archaeological sites without first undergoing an archaeological impact assessment.’
32. The second instance of Policy 4.2.1.4 is amended by deleting “4.2.1.4” and inserting “4.2.1.5” such that it reads:

‘4.2.1.5 Public recreational use of the foreshore shall be given priority over other foreshore uses.’
33. Policy 4.2.2.2 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to maintain launching facilities at Village Bay, David Cove, Horton Bay, Bennett Bay and Aitken Point (Potato Point).’
34. Policy 4.2.2.3 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure that public accesses are not blocked by private docks.’
35. Policy 4.2.2.5 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure that dedicated public accesses are retained and additional accesses obtained wherever possible.’

36. Policy 4.2.2.6 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to identify and clear any dedicated public access to the foreshore established as a result of subdivision for pedestrian use.’
37. Policy 4.3.1.1 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ and by inserting “, Lands and Natural Resource Operations” after ‘Ministry of Forests’ such that it reads: ‘Environmental standards shall be established in support of the policies and jurisdictions of the Capital Regional District, Ministry of Environment, Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations.’
38. Policy 4.3.2.1.1 is amended by deleting “.1” after ‘4.3.2.1’ such that it reads:

‘4.3.2.1 No land in an environmentally sensitive area may be rezoned for recreational facilities or other commercial uses unless it can be clearly demonstrated there would not be any degradation of the area's natural attributes.’
39. Policy 4.4.3 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘Land provided as a community amenity in exchange for an increase in density under Section 2.10 (Amenity Zoning Guidelines) may be re-designated and rezoned as Resource Conservation.’
40. Policy 4.4.4 is amended by deleting “Subsection 2.9.1” and inserting “Subsection 2.11.1” such that it reads: ‘As provided for in Subsection 2.11.1, as a condition of density transfer lands in an Upland designation maybe re-designated and rezoned as Resource Conservation.’
41. Policy 4.5.1.1 is amended by deleting “Ministry of Energy, Mines and Petroleum Resources” and inserting “Ministry of Energy and Mines” such that it reads: ‘The Ministry of Energy and Mines shall be requested to maintain the moratorium on oil and gas exploration in the Mayne Island Trust Area.’
42. Policy 4.6.1.2 is amended by deleting “Ministry of Tourism” and by inserting “Ministry of Jobs, Tourism and Skills Training” such that it reads: ‘The Ministry of Jobs, Tourism and Skills Training shall be requested to ensure the rural ambience is maintained by integrating community values into tourism planning for the Mayne Island Trust Area.’
43. Policy 4.6.1.3 is amended by deleting “Ministry of Tourism” and by inserting “Ministry of Jobs, Tourism and Skills Training” such that it reads: ‘The Ministry of Jobs, Tourism and Skills Training shall be requested to ensure that the appropriate authorities provide sanitary services, including fresh water, toilets and garbage cans for the visiting public.’

BYLAW NO. 162

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

The Mayne Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Mayne Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

- A. Schedule A of Bylaw No.146, cited as “Mayne Island Land Use Bylaw No 146, 2008” is amended as follows:
1. Part 1, Interpretation, Section 1.1, is amended by deleting “use” from the definition “Agriculture use” such that it reads: “Agriculture” means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals.’
 2. Part 1, Interpretation, Section 1.1, is amended by deleting “Bare Land Strata Regulations” from the definition of ‘Lot’ and inserting “Strata Property Act” such that it reads: “Lot” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.”
 3. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Horticulture’ in alphabetical order such that it reads: “Horticulture” means the use of land for the rearing of plants.’
 4. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Mobile Home’ in alphabetical order such that it reads: “Mobile Home” means a dwelling designed, constructed, or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.’
 5. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Moorage’ in alphabetical order such that it reads: “Moorage” means the tying or securing of a vessel to a fixed structure or mooring buoy.’
 6. Part 1, Interpretation, Section 1.1, is amended by deleting “and in the case of a lot having a surveyed high water mark means the high water mark” from the definition of ‘Natural boundary’ and inserting “in vegetation, as well as in the nature of the soil itself” such that it reads: ‘ “natural boundary” means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, in vegetation, as well as in the nature of the soil itself.’
 7. Part 2, Administration, Subsection 2.3(1), is amended by deleting the subsection in its entirety and replaced with the following: “The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.”
 8. Part 2, Administration, Subsection 2.5(1), is amended by deleting “, not exceeding \$2,000” such that it reads: ‘Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act* and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.’
 9. Part 2, Administration, is amended by adding a new Section 2.9 (Repeal and Replacement) such that it reads:

“2.9 Repeal and Replacement

- (1) Where this Bylaw refers to other acts or regulations which have been repealed, amended, revised or consolidated, the reference in this Bylaw must be construed as being a reference to the substituted enactments relating to the same subject matter, the former act or regulations are construed as remaining in effect.
- (2) Where this Bylaw refers to other government departments, ministries or agencies which have had a change in title or name, the reference in this Bylaw must be construed as being a reference to the substituted title(s) or name(s) of the government departments, ministries or agencies relating to the same subject matter.”
10. Part 3, General Regulations, Subsection 3.2(1), is amended by deleting “AG” and inserting “A” such that it reads: ‘In all zones except the R and A zones, the keeping on a lot having an area of less than 2000 m² (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse;’
11. Part 3, General Regulations, Article 3.9(1)(a), is amended by inserting “Public” in front of ‘Health Act’ and to italicize ‘Public Health Act’ such that it reads: ‘The connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the *Public Health Act*.’
12. Part 5, Zone Regulations, Subsection 5.2(4), is amended by deleting the subsection in its entirety and replaced with the following: “The maximum number of accessory buildings, other than utility sheds or woodsheds, is four per permitted dwelling unit.”
13. Part 5, Zone Regulations, R(d) Zone Site Specific Regulations, is amended by deleting “5.5(4)” in Column 3 and inserting “5.5(3)” such that it reads: ‘(1) Despite 5.5(3) above, one cottage is permitted in respect of each permitted dwelling unit in these locations.’
14. Part 5, Zone Regulations, Subsection 5.8(5), is amended by deleting “5.8(1)(j)” and inserting “5.8(1)(k)” such that it reads: ‘The apartment residential use permitted by 5.8(1)(k) shall.’
15. Part 5, Zone Regulations, C1(c) Zone Site Specific Regulations, is amended by deleting “5.8(1)(b), l and m” and inserting “5.8(1)(b), (l), and (m)” such that it reads: ‘(1) Despite 5.8(1), the only uses permitted in this location are those permitted in 5.8(1)(b), (l), and (m).’
16. Part 5, Zone Regulations, I1(a) Zone Site Specific Regulations, is amended by deleting “locations” and inserting “location” such that it reads: ‘Despite 5.13(1) the only permitted uses at this location are those permitted by 5.13(1)(a), (b), (d), and (e) and ready-mix concrete plant, and the sale of soil, gravel, dry cement and ready-mix concrete.’
17. Part 5, Zone Regulations, I1(b) Zone Site Specific Regulations, is amended by deleting “5.13(1)” and inserting “5.13(1)” such that it reads: ‘Despite 5.13(1) the only permitted uses in this location are the maintenance, repair and storage of vehicles, equipment and materials used for the provision, maintenance or repair of utilities and accessory uses, buildings and structures.’
18. Subsection 5.14(6) is renumbered to 5.14(7).
19. Subsection 5.14(5) is renumbered to 5.14(6).
20. Part 5, Zone Regulations, Section 5.14, is amended by adding the following new Subsection 5.14(5) under ‘Siting and Size’:

“(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet).”
21. Subsection 5.15(6) is renumbered to 5.15(7).
22. Subsection 5.15(5) is renumbered to 5.15(6).

23. Part 5, Zone Regulations, Section 5.15, is amended by adding the following new Subsection 5.15(5) under 'Siting and Size':

 "(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet)."
24. Subsection 5.16(6) is renumbered to 5.16(7).
25. Part 5, Zone Regulations,, Section 5.16, is amended by adding the following new Subsection 5.16(6) under 'Siting and Size':

 "(6) The maximum height for any accessory building or structure is 5 metres (16.5 feet)."
26. Part 5, Zone Regulations, Subsection 5.17(4), is amended by deleting "principal" such that it reads: 'The maximum height for any building or structure is 9 metres (29.5 feet).'
27. Part 5, Zone Regulations, Section 5.19, is amended by inserting "Conservation" such that it reads: 'The purpose of the Resource Conservation Zone is to provide for and regulate lands reserved and protected for conservation purposes.'
28. Part 5, Zone Regulations, Section 5.20, is amended by deleting "protection" and inserting "Protection" such that it reads: 'The purpose of the Water Protection Zone is to regulate uses of and impacts on the marine environment and foreshore.'
29. Part 5, Zone Regulations, Article 5.20(1)(a), is amended by deleting "aides" and inserting "aids" such that it reads: 'Marine navigational aids;'
30. Part 5, Zone Regulations, Article 5.21(1)(a), is amended by deleting "aides" and inserting "aids" such that it reads: 'Marine navigational aids;'
31. Part 5, Zone Regulations, Article 5.22(1)(a), is amended by deleting "aides" and inserting "aids" such that it reads: 'Marine navigational aids;'
32. Part 5, Zone Regulations, Subsection 5.22(3), is amended by adding "." at the end of the sentence such that it reads: 'The maximum height of any building or structure constructed on a dock is 4 metres (13 feet), as measured from surface of the dock.'
33. Part 5, Zone Regulations, Article 5.23(1)(a), is amended by deleting "aides" and inserting "aids" such that it reads: 'Marine navigational aids;'
34. Part 7, Parking Regulations, Subsection 7.1(2), is amended by deleting "7.1(2)" and inserting "7.1(1)" such that it reads: 'Despite, 7.1(1), off-street parking spaces may be located on a lot within 100 metres (328) feet of the use, building, or structure being served, provided that access to the parking spaces is secured by means of registered easement and a s. 219 covenant in favour of the Local Trust Committee.'
35. Part 7, Parking Regulations, Subsection 7.3(2), is amended by deleting "Table 2" and inserting "Table 7.1" such as it reads: 'Where a particular use is not listed in Table 7.1, the number required for the most similar listed use applies.'

B. This bylaw may be cited for all purposes as the "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2014".

READ A FIRST TIME THIS	DAY OF	20
PUBLIC HEARING HELD THIS	DAY OF	20
READ A SECOND TIME THIS	DAY OF	20
READ A THIRD TIME THIS	DAY OF	20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20

ADOPTED THIS

DAY OF

20

DEPUTY SECRETARY

CHAIRPERSON



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: **Bylaw Nos. 161 & 162**

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



Islands Trust

Print Date: Jul-23-2014

Top Priorities

Mayne Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Housing Options - Secondary suites	proposed bylaws 159 forwarded to Minister for approval. Proposed bylaws 159 and 160 to be placed on LTC agenda for final adoption once ministerial approval is received.	Jul-31-2013	Gary Richardson	Jul-30-2014	On Going
2	OCP and LUB amendments	LTC directed staff (March 26) to prepare draft bylaws for technical amendments recommended in staff report dated March 18, 2014. Draft bylaws prepared for LTC review at July 30 LTC Mtg.	Jul-31-2013	Kim Farris	Oct-30-2014	On Going
3	Riparian Area Regulation Implementation	Staff to prepare a report and recommendations on how to proceed with this initiative	May-21-2014	Gary Richardson		On Going



Projects

Mayne Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going
2	Commercial Land Use Review	review task force reports and provide options/recomendations to the LTC	Oct-24-2012	On Going
3	First Nations Communication - deer		Jun-27-2012	On Going
4	Density provisions on large remainder lots		Jul-27-2012	On Going
5	Road issues		Jun-27-2012	On Going
6	Review TUP policies		Sep-19-2012	On Going
7	STVR Review		Sep-19-2012	On Going
8	Geo-exchange review		Nov-28-2012	On Going
9	Fallow Deer Eradication		May-21-2014	On Going
10	Medical Marijuana production facility review		Jun-25-2014	On Going



Applications w/ Status - Mayne Island Status: Open

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2012.1	0747825 BC LTD / Bruce Rosengren c/o Murray Rosengren Planner: Gary Richardson	Dec-18-2012	630 DINNER BAY RD To rezone from Commercial zone (C5a) to Senior Citizen Housing Comprehensive Development Three zone (CD3) with site specific permissions.

Planning Status

Status Date: Jul-23-2014

Amended draft bylaws 163 and 164 prepared for LTCs review at July 30, 14 LTC Mtg.

Status Date: Jun-17-2014

Draft Bylaws 163 (OCP) and 164 (LUB) prepared for LTCs review at June 25, 2014 LTC Mtg.

Status Date: May-13-2014

Staff report and draft DPA guidelines prepared for May 21, 2014 LTC Mtg.

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2014.1	Richard & Debra Milne, Wayne & Janice Peace Planner: Gary Richardson	Jan-22-2014	000-200-212 380 GEORGINA POINT RD MA 023-910-330 370 GEORGINA POINT RD MA 023-910-348 GEORGINA POINT RD MA

Planning Status

Status Date: Jun-17-2014

Waiting for applicant to fulfill PLA conditions

Status Date: Apr-09-2014

PLA issued April 7, 2014

Status Date: Apr-01-2014

Referral response sent to MoTI, LTC and applicants April 1, 2014

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2013.1	Mayne Island Resort Strata Planner: Gary Richardson	Jul-09-2013	Address 494 ARBUTUS DR PID 027-713-253 Changing the use to allow strata owners docking priviledges.

Planning Status

Status Date: Jun-17-2014

Permit prepared for LTC to consider at its June 25, 14 LTC Mtg.

Status Date: May-13-2014

Staff report and amended draft permit prepared for May 21, 2014 LTC Mtg.

Status Date: Apr-15-2014

Staff report and draft permit prepared for April 23, 2014 LTC meeting

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending June 2014

645 Mayne	Invoices posted to Month ending June 2014	Budget	Spent	Balance
65000-645	LTC "Trustee Expenses"	700.00	0.00	700.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	827.27	672.73
65210-645	LTC - Local Exp - APC Meeting Expenses	750.00	253.47	496.53
65220-645	LTC - Local Exp - Communications	300.00	165.00	135.00
65230-645	LTC - Local Exp - Special Projects	750.00	70.00	680.00
TOTAL LTC Local Expense		<u>3,300.00</u>	<u>1,315.74</u>	<u>1,984.26</u>
Projects				
73001-645-2005	Mayne OCP/LUB	<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>
TOTAL Project Expenses		<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>