



Thetis Island Local Trust Committee Regular Meeting Agenda

Date: April 1, 2025
Time: 9:30 am
Location: Electronic Meeting

Pages

- | | | | |
|-----|---|---------------------|---------|
| 1. | CALL TO ORDER | 9:30 AM - 9:35 AM | |
| | "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. | TERRITORIAL ACKNOWLEDGEMENT | | |
| 3. | APPROVAL OF AGENDA | | |
| 4. | REPORTS | 9:35 AM - 9:50 AM | |
| 4.1 | Trustee Reports | | |
| 4.2 | Chair's Report | | |
| 4.3 | Electoral Area Director's Report | | |
| 5. | PUBLIC COMMENTS | 9:50 AM - 10:05 AM | |
| 6. | MINUTES | 10:05 AM - 10:10 AM | |
| 6.1 | Local Trust Committee Special Meeting Minutes dated October 22, 2024 - for adoption | | 3 - 5 |
| 6.2 | Local Trust Committee Minutes dated February 4, 2025 - for adoption | | 6 - 11 |
| 6.3 | Section 26 Resolutions-Without-Meeting Report - none | | |
| 7. | BUSINESS ARISING FROM MINUTES | 10:10 AM - 10:20 AM | |
| 7.1 | Follow-up Action List dated March 25, 2025 | | 12 - 15 |
| 8. | DELEGATIONS - none | | |
| 9. | APPLICATIONS AND REFERRALS | 10:20 AM - 10:40 AM | |
| 9.1 | TH-CL-2018.2 (Abrupt Shellfish Inc. - Panacui) License of Occupation and Next Steps - Staff Report | | 16 - 37 |

10.	LOCAL TRUST COMMITTEE PROJECTS - none	
11.	CORRESPONDENCE	10:40 AM - 10:45 AM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
11.1	Email dated February 3, 2025 from D Fenton regarding Green Shores	38 - 44
11.2	Letter dated February 10, 2025 from Elizabeth May regarding Southern Gulf Islands Forum	45 - 48
12.	NEW BUSINESS - none	
13.	STAFF REPORTS	10:45 AM - 11:00 AM
13.1	Trust Conservancy Highlights of January 21, 2025 Board Meeting	49 - 50
13.2	Applications Report dated March 24, 2025	51 - 51
13.3	Trustee and Local Expense Report dated January, 2025	52 - 52
13.4	Adopted Policies and Standing Resolutions	53 - 56
13.5	Local Trust Committee Webpage	
14.	WORK PROGRAM	11:00 AM - 11:20 AM
14.1	Active Projects Report dated March 25, 2025	57 - 57
14.2	Future Projects Report dated March 25, 2025	58 - 60
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Tuesday, June 10, 2025 at 9:30 am at Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC	
16.	ADJOURNMENT	11:20 AM - 11:20 AM



Thetis Island Local Trust Committee

Minutes of Special Meeting

Date: October 22, 2024

Location: Electronic Meeting

Members Present: Tobi Elliott, Chair
Peter Luckham, Local Trustee
Ken Hunter, Local Trustee

Staff Present: Clare Frater, Director Trust Area Services
Renée Jamurat, Regional Planning Manager
Margot Thomaidis, Planner 2
Lisa Millard, Meeting Administrator/Recorder

Others Present: There were approximately two (2) members of the public in attendance.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 9:33 a.m. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Rezoning Application - Connected Coast Fibre Optic Cable Installation - Staff Report

The Planner summarized the staff report and highlighted the following:

- Application seeks bylaw amendment to add a new use to Marine Conservation (W1) zone to permit the use of fibre-optic telecommunication public utility as part of the Connected Coast project; and
- Installation of fibre-optic cable will provide future high-speed internet access to the Lyackson First Nation;

The applicant was in attendance and spoke to consultation process that had been undertaken with First Nations, Transport Canada, and the provincial government.

Discussion ensued and the following points were noted:

- Public Hearing was waived to expedite the application in order to meet applicant's installation deadlines;
- Notices of first reading of the bylaw were published on October 10, 2024 and October 17, 2024 and no comments from the public have been received;

- Bylaw referrals to First Nations, local governments, and other agencies were waived as applicant engaged with First Nations and provided a summary of responses; therefore, the Local Trust Committee was satisfied extensive consultation was undertaken;
- It is prudent for the applicant to engage with local government, in tandem with First Nations, to avoid deadline conflicts; and
- There is future opportunity for Islands Trust to relax zoning that might historically exist on lands and water access areas adjacent to First Nation's reserve lands in which Islands Trust does not have jurisdiction while continuing to respect the environment.

TH-2024-025

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 115 cited as "Valdes Island Rural Land Use Bylaw, 1998, Amendment No. 1, 2024" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

TH-2024-026

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 115 cited as "Valdes Island Rural Land Use Bylaw, 1998, Amendment No. 1, 2024", be read a first time.

CARRIED

TH-2024-027

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 115 cited as "Valdes Island Rural Land Use Bylaw, 1998, Amendment No. 1, 2024", be read a second time.

CARRIED

TH-2024-028

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 115 cited as "Valdes Island Rural Land Use Bylaw, 1998, Amendment No. 1, 2024", be read a third time.

CARRIED

TH-2024-029

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 115 cited as "Valdes Island Rural Land Use Bylaw, 1998, Amendment No. 1, 2024", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 9:50 a.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder



Thetis Island Local Trust Committee

Minutes of Regular Meeting

Date: February 4, 2025
Location: Electronic Meeting

Members Present: Tobi Elliott, Chair
 Peter Luckham, Local Trustee
 Ken Hunter, Local Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
 Margot Thomaidis, Planner 2
 Warren Dingman, Bylaw Compliance and Enforcement Manager
 Lisa Millard, Meeting Administrator/Recorder

Others Present: There were no members of the public in attendance.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 9:30 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Elliott acknowledged that the meeting was held on the territory of the Coast Salish First Nations and spoke to upholding the principles of respect, reciprocity, relationship, reconciliation, and resurgence for Indigenous Peoples in their territories.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. REPORTS

4.1 Trustee Reports

Trustee Hunter reported the removal of derelict vehicles on Lot 88.

Trustee Luckham recognized Rosa Louise McCauley Parks as the first lady of civil rights and mother of the freedom movement and acknowledged her demonstration of personal power to make change, and he encouraged support of Canadians and Canadian businesses.

4.2 Chair's Report

Chair Elliott reported the following:

- Acknowledged tragedy of the recent fire on Penelakut Island and impacts to the displaced families, and noted the fundraising campaign organized by Senior Indigenous Advisor Joe Elliott;

- Financial Planning Committee will undertake public engagement on budgetary processes for the 2026/27 fiscal year;
- Attendance at Committee of the Whole meetings to continue work on draft Policy Statement;
- New Chief Administrative Officer Rueben Bronee has been meeting with Trustees on an individual basis; and
- Technical group for the tiny house project will be meeting soon to explore regulations to facilitate the legalization of tiny homes on wheels and provide recommendations to be made at the upcoming Association of Vancouver Island and Coastal Communities meeting.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

There were no members of the public present.

The Regional Planning Manager noted a member of the public planned to attend the meeting to share information about an upcoming proposal they would like to make; however, they were unable to attend due to inclement weather and forwarded an email for information. Chair Elliott added the email from Doug Fenton as late correspondence.

6. MINUTES

6.1 Local Trust Committee Minutes dated September 10, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of September, 10, 2024 were adopted.

6.2 Local Trust Committee Minutes dated November 12, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of November 12, 2024 were adopted.

6.3 Section 26 Resolutions-Without-Meeting Report - none

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 28, 2025

The following updates were provided:

- Bylaws No. 113 and 114 have been adopted;
- Trustee Luckham clarified the letter to be sent to the Ministry of Environment is a follow-up to a letter sent to the previous Minister regarding a provincially issued tentative foreshore lease that was offered to an applicant in advance of the local government considering zoning, and the purpose of the follow-up letter it to pursue closing that file.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 Salt Spring Island Local Trust Committee Bylaw No. 541 Referral Form

TH-2025-001

It was **MOVED** and **SECONDED**,

that Thetis Island Local Trust Committee advise Salt Spring Island Local Trust Committee that Bylaw No. 541 does not affect the interests of Thetis Island Local Trust Committee.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Minor Project Prioritization and Selection - Staff Report

The Planner summarized the staff report and highlighted the following:

- The report outlines all items currently listed on the Future Projects List as potential minor projects;
- Several of the proposed minor projects could be combined into one minor Land Use Bylaw amendment project; and
- The report includes an update on the proposed Soil Deposit and Removal Bylaw project.

Discussion ensued and the following comments were noted:

- Rainwater catchment requirements have often been rejected due to costs associated with equipment; however, with climate change and water shortages, the consideration of a requirement of catchment for new development seems reasonable;
- Fences are not regulated and consideration of setbacks to the sea and height maximums could be undertaken;
- The definition of a derelict vehicle in the Land Use Bylaw is “a vehicle which would have to be licensed under the Motor Vehicle Act to operate on a highway and has not been so licensed for a period of 5 years and is not in a garage, carport or other building”, and adjusting the definition could result in improved potential to act on violations;
- The requirement for mandatory water tanks necessitates further discussion and public consultation to determine if rainwater catchment is desired prior to drafting bylaw amendment language; and
- Staff will provide a proposed Project Charter for the minor project for the Local Trust Committee’s consideration.

TH-2025-002

It was **MOVED** and **SECONDED**,

that Thetis Island Local Trust Committee request staff prepare a project charter for the ‘Targeted LUB Amendment Updates – Rainwater, Fences, and Derelict Vehicles’ minor project, with scope and objectives as defined by the Local Trust Committee.

CARRIED

11. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

Email dated February 3, 2025 from Doug Fenton – Green Shores for Homes Project received as late correspondence.

11.1 Email dated October 31, 2024 from P. Duncan regarding Cap the Tax

The email was received for information and Trustees acknowledged the work done and detail provided, and noted the Financial Planning Committee is diligent with attempts to keep taxes to the lowest possible and cut projects and programs to do that.

12. NEW BUSINESS - none

13. STAFF REPORTS

13.1 Trust Conservancy Highlights of November 19, 2024 Board Meeting

Chair Elliott announced Lisa Gauvreau, Galiano Trustee, has been appointed as the new Chair of Islands Trust Conservancy and Timothy Tanner as Vice Chair.

13.2 Applications Report dated January 28, 2025

Received for information.

13.3 Trustee and Local Expense Report dated November, 2024

Received for information.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

No updates required at this time.

14. WORK PROGRAM

14.1 Active Projects Report dated January 28, 2025

Received for information.

14.2 Future Projects Report dated January 28, 2025

Consideration of the Soil Deposit and Removal Bylaw project was given.

TH-2025-003

It was MOVED and SECONDED,

that Thetis Island Local Trust Committee request staff remove Item No. 2 Administrative Bylaw to Develop a Soil Deposit and Removal Bylaw from the Future Projects list.

CARRIED

Discussion ensued about the notation on the Future Projects Report to develop a new Official Community Plan and Land Use Bylaw to replace Cowichan Valley

Regional District's Bylaw No. 110 with the scope excluding Valdes Island and establishing a Memorandum of Understanding with the Stzuminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands and the following comments were noted:

- Engagement with Stzuminus Nation had not been undertaken;
- Bute and Dunsmuir Islands remain vulnerable to development due to inadequate protections;
- The information remains on the Future Projects Report as a notation, rather than a project, to ensure the intent is not lost;
- Collecting legacy information from current Trustees at the end of a term to provide incoming Trustees with a record of discussions could be considered at a future meeting.

Bylaw Compliance and Enforcement Manager Dingman provided an update on the work completed on Lot 88 and the following comments were recorded:

- Public tender contract work began in early December;
- Multiple site visits have been undertaken and the property is now considered clear;
- Small structures remain on the property because the court order did not allow for their removal;
- All derelict items and salvage garbage has been removed;
- The Local Trust Committee can pursue cost-recovery options; and
- A communication to update the public should be considered.

TH-2025-004

It was MOVED and SECONDED,

that Thetis Island Local Trust Committee request staff to create a press release for the Thetis Community subscribers regarding clean up of Lot 88.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, April 1, 2025 at 9:30 am to be held Electronically

Trustee Luckham stated he would be unable to attend the June 10, 2025 Local Trust Committee in-person but could attend electronically.

Discussion ensued regarding inviting the Valdez Island Conservancy to an in-person meeting with opportunity to meet Lyackson Elders at the same time.

TH-2025-005

It was MOVED and SECONDED,

that Thetis Island Local Trust Committee request staff to coordinate a meeting with, or presentation by, the Valdez Island Conservancy for a future in-person Local Trust Committee meeting and inquire about potential for a field trip.

CARRIED

The meeting was recessed for a break at 10:54 a.m. and reconvened at 11:00 a.m.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

TH-2025-006

It was MOVED and SECONDED,

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (g) for the purpose of considering:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and
 - (g) litigation or potential litigation affecting the municipality.
- and that the Recorder and Staff attend the meeting.

CARRIED

The regular meeting was closed to the public at 11:02 a.m.

16.2 Recall to Order

The meeting was recalled to order at 11:20 a.m. The Chair rose and reported the Local Trust Committee appointed Mary Forbes to the Advisory Planning Commission and adopted the November 12, 2024 in-camera meeting minutes.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 11:21 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder

Follow Up Action Report

Thetis Island

05-Sep-2023

Progress	Activity	Responsibility	Dates	Status
0%	1 Trustee Luckham to invite Ken Thomas or another elder to open a future LTC meeting. <i>- August 26, 2024: Trustee Luckham to confirm if this is still desired.</i>	Joe Elliott Margot Thomaidis		In Progress

02-Jul-2024

Progress	Activity	Responsibility	Dates	Status
75%	1 Bylaw Nos. 113 and 114 adopted (Marine Areas Review Project). Staff to consolidate and update the OCP and LUB to reflect the policy and regulatory changes. <i>Complete</i> Thetis LTC to forward the recently adopted Bylaws No. 113 and 114 to the Ministry of Environment in reference to the rezoning application that has been recently rejected by the Thetis LTC, and include a cover letter written by the Chair. <i>In progress</i>	Margot Thomaidis Nadine Mourao	Target: 31-Jul-2024	In Progress

Follow Up Action Report

Thetis Island

10-Sep-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 Staff to provide an exploratory report on options associated with a soil deposit and removal bylaw - introduced at Sept. 10 LTC meeting. Follow-up questions for staff to confirm (resulting from Sept. 10 LTC discussion): ·Is manufacturing of compost currently prohibited everywhere on Thetis Island? Is it a permitted 'Home Occupation' or a 'Home Industry'? ·Investigate options for facilitating the manufacturing and distribution of compost on non-ALR lands.	Margot Thomaidis Renee Jamurat	Target: 12-Nov-2024	Completed

04-Nov-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 Bylaw No. 115 was adopted (regarding file PLRZ20240105), via resolution-without-meeting TH-LTC-RWM-2024.03. Staff to consolidate and update the Valdes Island Rural Land Use Bylaw to reflect regulatory changes.	Margot Thomaidis Nadine Mourao	Target: 29-Nov-2024	Completed

Follow Up Action Report

Thetis Island

12-Nov-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 Minor Project Prioritization - 2025/2026 Fiscal: Staff to work with Trustees to provide a brief report gathering information about LTC Future Projects list items 4 and 6, concerning potential Minor Project initiation/prioritization for the 2025/2026 fiscal year. Report to also include a brief summary of information gathered to date regarding creating an administrative bylaw for Soil Deposit and Removal on Thetis Island, and reporting back on whether developing a Letter of Understanding and Protocol Agreement with the CVRD is considered a minor or major project.	Margot Thomaidis Renee Jamurat	Target: 04-Feb-2025	Completed
100%	2 2025 Meetings: LTC approved 2025 Meeting Schedule. Staff to confirm in-person venue for June 10 and July 29, 2024, beginning at 9:30 AM. All other meetings to be held electronically over Zoom.	Lisa Millard Michelle Backe	Target: 29-Nov-2024	Completed
100%	3 Salt Spring Bylaw No's 538 and 539: Thetis Island Local Trust Committee advised SSI LTC that the Thetis Island LTC's interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaw Nos. 538 and 539. Staff to forward referral response to SSI.	Margot Thomaidis Nadine Mourao	Target: 15-Nov-2024	Completed
100%	4 APC Appointments: The LTC appointed six APC members for a two-year term, ending November 12, 2026. Staff to notify members.	Chloe Straw Margot Thomaidis	Target: 22-Nov-2024	Completed

Follow Up Action Report

Thetis Island

04-Feb-2025

Progress	Activity	Responsibility	Dates	Status
100%	1 Salt Spring Bylaw No. 541: Thetis Island Local Trust Committee advised SSI LTC that the Thetis Island LTC's interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaw No. 541. Staff to forward referral response to SSI.	Margot Thomaidis Nadine Mourao	Target: 21-Feb-2025	Completed
15%	2 Staff to reach out to Valdes Island Conservancy group for interest in giving a presentation at an in-person LTC meeting and/or coordinating a field trip with the LTC and staff on Valdes Island. <i>Note: Staff will confirm budget available for 2025-26 fiscal for field trip logistics.</i>	Margot Thomaidis Michelle Backe Renee Jamurat	Target: 28-Feb-2025	In Progress
0%	3 Prepare a press release regarding an update on the cleanup of Lot 88.	Morgana van Niekerk Warren Dingman	Target: 28-Feb-2025	In Progress
0%	4 Staff prepare a minor project charter for the 'Targeted LUB Amendment Updates - Rainwater, Fences, and Derelict Vehicles' minor project, with scope and objectives as defined by the Local Trust Committee.	Margot Thomaidis Renee Jamurat	Target: 20-Mar-2025	In Progress
100%	5 Remove 'Soil deposit and removal bylaw project' item from Administrative section in Future Projects List. <i>Note: item can be considered again if raised through future proposals or applications.</i>	Renee Jamurat	Target: 06-Feb-2025	Completed
100%	6 APC Appointments: The LTC appoint Mary Forbes for a term commencing immediately and ending November 12, 2026. Staff to notify member.	Chloe Straw Margot Thomaidis	Target: 21-Feb-2025	Completed



Islands Trust

STAFF

REPORT

File No.: TH-CL-2018.2 (Abrupt
Shellfish Inc. - Panacui)

DATE OF MEETING: April 1, 2025

TO: Thetis Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

COPY: Warren Dingman, Bylaw Enforcement Manager

SUBJECT: **Crown Land File No. 1414783 Update - Abrupt Shellfish Inc.**
Applicant: Oreste Panacui for Abrupt Shellfish, Inc.
Location: Entrance to Preedy Harbour, adjacent to Thetis, Scott, and Dayman Islands

RECOMMENDATION

1. That the Thetis Island Local Trust Committee request staff to draft a letter to the applicant for TH-CL-2018.2 (Panacui) confirming that while the applicant has received a License of Occupation from the Province (No. V931804) to carry out industrial shellfish aquaculture, the Water 4 (W4) zone in the Thetis Island Land Use Bylaw No. 89 and the Marine General (W1) zone in the Thetis Associated Islands Land Use Bylaw No. 94 do not permit marine aquaculture operations, and a rezoning is required.
2. That the Thetis Island Local Trust Committee direct bylaw enforcement staff to immediately commence an investigation of non-permitted uses in the marine area where License of Occupation No. V931804 was issued.

REPORT SUMMARY

The Province has recently issued a 30-year License of Occupation (No. V931804) for a new, 18.8-hectare subtidal aquaculture site to produce geoduck and horse clams (by-catch species), located at the entrance to Preedy Harbour between Thetis, Scott, and Dayman Islands. Aquaculture is not a permitted use in the area where the License was issued, therefore the proposed operations are not in compliance with the Thetis Island and Associated Islands Land Use Bylaws (LUBs). This report provides the LTC with background information about the Crown License of Occupation file and corresponding LTC rezoning applications from 2020 and 2022. Staff recommend the LTC send a letter to the applicant to clarify their zoning jurisdiction over the marine area, and adopt a resolution to proactively enforce LUBs for the marine area of the License.

BACKGROUND

In 2018 the Local Trust Committee (LTC) received a Crown License of Occupation application referral (File TH-CL-2018.2 – Abrupt Shellfish Inc. - Panacui) for a new, subtidal aquaculture site to produce geoduck and horse clams. The 18.8-hectare site is located at the entrance to Preedy Harbour, Thetis Island. The application was originally submitted to the Province on September 15, 2017. Staff provided a

referral response to the Province in August 2018, recommending refusal of the project due to the lack of permissible zoning.

On February 13, 2020, Islands Trust received a rezoning application from the applicant to permit the proposed aquaculture operations (TH-RZ-2020.1). The LTC considered the application and denied it, passing the following resolution on June 2, 2020:

TH-2020-013

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee deny application TH-RZ-2020.1 (Panacui - Abrupt Shellfish Inc.) for the following reasons:

- The large scale nature of the proposed commercial infrastructure of underwater netting and braces, the potential of it becoming marine debris, and the potential negative impacts it may all have on environmental/ecological features, flora and fauna;
- Introduction of mooring buoys and navigational lights to the area and the negative impact to the visual/scenic features of the area;
- Potential hazard the operation might be to navigation;
- Potential conflicts with recreational uses and with adjacent upland or marine uses;
- Potential negative impacts to local marine and adjacent upland tourism and associated commercial activities;
- Conflict with Policy 2.7 Mariculture and;
- There are potential conflicts with Sections 3, 4 and 5 of the Islands Trust Policy.

CARRIED

Two years later, on July 21, 2022, Islands Trust received a rezoning application for the same proposal as before, except this time reducing the proposed number of mooring buoys from sixty to four. The applicant also provided a response to each of the LTC's previous reasons for denial.

In February 2023, Islands Trust staff reached out to Ministry staff to clarify the impact the rezoning process would have on the application review. They were informed that the local government rezoning process is ultimately independent of the *Land Act* application review.

At that time, Islands Trust staff also enquired about the potential for the applicant to amend the proposed tenure area so that it would fall within a zone that allows aquaculture use. Staff were told that this may be possible if the applicant submits a revised management plan to the Province. However, given the approvals already received from Transport Canada and Fisheries and Oceans Canada, a tenure boundary change could affect their approvals. The applicant was not interested in altering their proposed tenure area.

The LTC considered the application and passed the following resolution on February 28, 2023:

TH-2023-003

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee advise the applicant that they should engage in meaningful consultation with Penelakut Tribe and, after that event, hold a public community information session in person on Thetis Island and then return to the Thetis Island Local Trust Committee with this application.

CARRIED

There was a six-month period of inactivity on the file, and at their regular business meeting held September 4, 2023, the LTC passed the following resolution:

TH-2023-023

It was MOVED and SECONDED,

that Thetis Island Local Trust Committee request staff to put the Abrupt Shellfish file into “Abeyance” and bring consideration for “Proceed No Further” in November if there is no further activity.

CARRIED

Staff reached out to the applicant on several occasions requesting a status update. Staff advised the applicant on September 11, 2023 that the file was at risk of being closed due to inactivity for over six months, as there had been no indication as to when the requested public and First Nations engagement would take place. The applicant held an electronic community information meeting on October 23, 2023 and indicated they had attempted to get a response from representatives at Penelakut Tribe with no success. There were 30 attendees at the electronic CIM, including the applicant and Thetis Trustees, and most members of the public were not in favour of the application. The LTC received multiple letters of concern and clear opposition to the rezoning around this time. The LTC considered the application and passed the following resolutions on November 7, 2023:

TH-2023-028

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee proceed no further with application TH-RZ-2022.1 for the following reasons:

- a) Inconsistent with the Thetis Island Official Community Plan No. 88;
- b) Inconsistent with the Islands Trust Policy Statement;
- c) Incompatible with adjacent land and recreational uses; and
- d) Potential risk to sensitive ecosystem.

CARRIED

TH-2023-029

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff and Chair to forward a letter and the supporting material received by the Local Trust Committee today to the Ministry responsible for issuance of the lease.

CARRIED

The file was closed, and the Chair sent a letter to the Minister of Forests on November 20, 2023, notifying them of the LTC’s decision and rationale for proceeding no further with the application (Attachment 1).

The Chair received a response from the Resource Manager, Aquaculture, Amber MacDonald, on March 27, 2024, requesting clarification of the rejection of the rezoning application as it relates to Islands Trust bylaw authority (Attachment 2). The Chair responded to Ms. MacDonald on April 30, 2024, providing further clarity regarding the incompatibility of industrial aquaculture uses with the Thetis Island Local Trust Committee’s LUBs and Official Community Plans (OCPs), as well as reiterating community concerns about the proposal (Attachment 3). In this letter, the Thetis LTC also asked the Ministry of Land, Water and Resource Stewardship to respect the community and the LTC’s rejection of this rezoning application by denying issuance of the tenure for Crown Land File 1414783, which is subject to the use being in conformance with local bylaws. The Chair did not receive a response to this letter.

The LTC was notified on February 26, 2025 that a 30-year License of Occupation was approved by the Resource Manager, Aquaculture on February 21, 2025. The Reasons for Decision outlines that the applicant has met all eligibility requirements for a Licence of Occupation under the *Land Act* and the Crown Land General Policy for Eligibility and Restrictions, and concludes that the potential negative impact of the application is minor compared to the overall public benefit (Attachment 4).

A map of the tenure area as well as the LTC's applicable zoning is included in Attachment 5.

ANALYSIS

Issues and Opportunities

Local Trust Committee Authority

Section 29 of the *Islands Trust Act* and Section 479 of the *Local Government Act* grant the LTC the authority to zone any part of the Local Trust Area, including the marine area. This includes the power to prohibit any use or uses in a zone, including prohibiting aquaculture use in the marine zone. The applicant is subject to this authority despite receiving a License of Occupation from the Province to allow industrial shellfish operations.

The LTC also has the unfettered discretion to choose not to proceed with any rezoning applications submitted by the applicant, including those considered in 2020 and 2022.

Protocol Agreement and Letter of Understanding

The Islands Trust and the Ministry of Environment have a [Protocol Agreement](#) and a [Letter of Understanding](#) on Crown Land and Administration in the Islands Trust Area.

The Agreement emphasizes the importance of interagency cooperation and consultation to enhance each agency's respective abilities to achieve their mandates with the Trust Area in a manner which is respectful of each agency's jurisdiction and capability. Both the Province and the Islands Trust have committed to working together to establish processes that ensure they consult one another and collaborate without undermining each other's authority or mandates. The Agreement outlines that decisions should be made with respect for the Islands Trust's land use planning and regulatory authority in local trust areas, which includes respecting zoning regulations and the unique environment of the Trust Area.

Based on this, the current decision by the Province to approve the License of Occupation could be seen as potentially breaching the Protocol Agreement. Since the Province has failed to incorporate the Islands Trust's input and the approved License of Occupation is not aligned with the local land use bylaw regulations, it raises concerns about the extent to which the Province is respecting the cooperative and consultative principles outlined in the Agreement.

First Nations Engagement

The LTC did not send early referral of either rezoning application to First Nations or agencies. Each time, the application was denied or the LTC chose to proceed no further before the early referral stage. In mid-March 2025, staff reached out to Penelakut and Lyackson staff to ask if they had received the Province's letter notifying of approval of the License of Occupation. Staff have heard from the elected Chief at Penelakut that their Board and Council plans to discuss this at their next meeting on March 25, 2025.

Rationale for Recommendation

Staff suggest that the LTC follow the recommendations on page 1 of this report for the following reasons:

- Proactively writing a letter to the applicant outlining the LTC's authority and reiterating the land use bylaw regulations would not permit the applicant to commence the use; and
- A resolution for Bylaw Enforcement staff to act proactively and immediately to investigate any non-permitted uses in the marine area of the License of Occupation, rather than awaiting a complaint, may also deter the applicant from commencing the use.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendations:

1. Request further information

The LTC may request legal advice prior to making a decision. Staff advise that the implications of this alternative are use of the LTC’s legal budget and staff resources. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Thetis Island Local Trust Committee request staff to engage Young Anderson’s services to address the following questions regarding the Crown license of occupation No. V931804

a) *[Insert questions].*

2. Receive for information

The LTC may receive the report for information.

NEXT STEPS

If the LTC follows staff’s recommendations on page 1 of this report, staff will draft and send a letter to the applicant, alerting them of the LTC’s authority and regulations, and copying the Province. Bylaw Enforcement staff would proceed with an investigation and enforcement upon commencement of any unlawful uses in the marine area of the License of Occupation.

Submitted By:	Margot Thomaidis, Planner 2	March 25, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 25, 2025

ATTACHMENTS

1. Letter from Chair Elliott to Ministry of Forests dated November 20, 2023.
2. Letter from A. MacDonald to Chair Elliott dated March 27, 2024.
3. Letter from Chair Elliott to A. MacDonald dated April 30, 2024.
4. File No. 1414783 License of Occupation Letter and Reasons for Decision dated February 21, 2025.
5. Map of License of Occupation Area and LTC Zoning



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ATTACHMENT 1

November 20, 2023

File No: TH-RZ-2022.1; TH-6410-03

Honourable Bruce Ralston
Minister of Forests
FOR.Minister@gov.bc.ca

Dear Minister Ralston,

Please be advised that on November 7, 2023, the Thetis Island Local Trust Committee advised staff to proceed no further with Oreste Panacui for Abrupt Shellfish, Inc. (Crown Land file 1414783) application to rezone 14 hectares of Marine area in Preedy Harbour, adjacent to Crescent Point, Thetis Island.

The following motion was moved and carried unanimously:

That the Thetis Island Local Trust Committee proceed no further with application TH-RZ-2022.1 for the following reasons:

- a. Inconsistent with the Thetis Island Official Community Plan No. 88;
- b. Inconsistent with the Islands Trust Policy Statement;
- c. Incompatible with adjacent land and recreational uses; and
- d. Potential risk to sensitive ecosystems.

The Thetis Island Local Trust Committee asks the Minister to respect the Local Trust Committee's rejection of this application and to deny issuance of the tenure for Crown Land File 1414783.

The Applicant had made a very similar application in April 2020 which was denied for reasons much the same as the recent LTC decision. The reasons to proceed no further for the first application are listed below:

- The large scale nature of the proposed commercial infrastructure of underwater staking netting and anchors.
- The potential of the infrastructure materials becoming marine debris due to storms or marine fouling, and the potential negative impacts it may have on environmental/ecological features, flora and fauna;
- Introduction of mooring buoys and navigational lights to the area and the negative impact to the Natural visual/scenic features of the area;
- Potential hazards that the operation might be to navigation of the significant numbers of recreational boaters that frequent the area year round;
- Potential conflicts with recreational uses and with adjacent upland properties that are zoned recreational or residential or recreation marine uses;
- Potential negative impacts to local marine and adjacent upland tourism, associated commercial activities and the enjoyment of residential properties;
- Conflict with Thetis Island Official Community Plan Policy 2.7 Mariculture and;
- There are potential conflicts with Sections 3, 4 and 5 of the Islands Trust Policy Statement.

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

When the Local Trust Committee (LTC) received the recent application for rezoning, it was reviewed at a public meeting of February 28, 2023. The applicant attended the meeting and answered questions from the LTC, the most significant being:

- What had changed with this application since 2020 that they thought it may be well received by the community and the LTC, since the previous application was turned down; and
- Had the applicant consulted with Penelakut Tribes and other First Nations.

The response to the above questions was generally, that nothing of significance had changed and that they had not consulted with Penelakut Tribes or other First Nations. The applicant was advised at the meeting that they should consult with the Thetis Island community through a Community Information Meeting and consult with Penelakut Tribes.

In the period of time leading up to the meeting (on November 7, 2023), the LTC has received many letters, emails and phone calls in opposition to the rezoning. The applicant did hold a virtual Community Information Meeting at which there were approximately 30 attendees including the applicant and Thetis Island Local Trustees. Most, if not all, members of the public were not in favour of the application. Many of the comments were regarding negative impacts to the area and questioning what benefits there would be to the Thetis Island community. The applicant provided responses during the meeting to comments and questions. Since the Community Information meeting, the Local Trust Committee has received many more letters of concern and clear opposition to the rezoning.

The LTC thinks it is important to note that the current Official Community Plan (OCP) amended in recent years and the previous OCP both had restrictive zoning in place regarding marine aquaculture. The Thetis Island community is very familiar with marine aquaculture as there are a number of oyster leases already in place and that geoduck farming has been being conducted on a converted lease not far from the current rezoning location. There have been environmental issues associated with plastic pipe with this lease operation since 2019.

The recent OCP review confirmed the community's concerns regarding aquaculture and the community has purposefully retained restrictive zoning in this regard. The Thetis Island community have concerns about the existing lease use and potential for species changes with no notice to the public. There is no social or economic benefit to the Thetis Island community and the community has made it clear to the Local Trust Committee that there is strong opposition to this application.

The Thetis Island Local Trust Committee asks the Minister to respect this community and the Local Trust Committee's rejection of this application and to deny issuance of the tenure for Crown Land File 1414783, which is subject to the use being in conformance with local bylaws. The above denial to advance the application does not provide the applicant with conformance of this work in the existing zoning.

Sincerely,



Tobi Elliot
Chair, Thetis Island Local Trust Committee

cc: Thetis Island Local Trust Committee
Jessica Outhwaite, Section Head, Ministry of Forests
Islands Trust Executive Committee
Islands Trust Website

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Reference: Crown land file 1414783
Your file: TH-RZ2022.1; TH-6410-03

March 27, 2024

VIA EMAIL: northinfo@islandstrust.bc.ca; wcottingham@islandstrust.bc.ca

Tobi Elliot, Chair
Thetis Island Local Trust Committee
700 North Road
Gabriola Island, British Columbia
V0R 1X3

Dear Mr. Elliot,

Thank you for your letter of November 20, 2023 to Minister Ralston, regarding Abrupt Shellfish Inc's rezoning application in the area of Preedy Harbour, Thetis Island. My apologies for the late reply. As you may know, the Ministry of Forests (FOR) and Ministry of Water, Land and Resource Stewardship (WLRS) have undertaken a rebalancing recently, leading to a change in administration of this file. Minister Cullen of WLRS is now the Minister responsible for the *Land Act*.

The Minister recognizes Islands Trust's mandate as expressed through the Official Community Plan and corresponding Zoning Bylaws, and the importance of representing the views of those who live and work within the jurisdiction of the Thetis Island Local Trust Committee.

Upon review of your letter and the reasons provided for not proceeding with Abrupt Shellfish Inc's rezoning application, I note that you have listed concerns regarding marine debris, impacts to the environment and hazards to navigation as considerations in your decision.

The first two concerns would seem to fall under Fisheries and Oceans Canada (DFO)'s mandate for the conservation and protection of fish and fish habitat, as outlined in the *Fisheries Act*. DFO issues aquaculture licences under the authority of the *Pacific Aquaculture Regulations*, which require licence holders to abide by conditions of licence which seek to protect against detriment to fish and fish habitat. DFO approved this application and licensed this facility in January 2020.

The concern around hazards to navigation is best addressed to Transport Canada (TC), who issues approvals under the *Canadian Navigable Waters Act* and associated *Navigable Waters*

Works Regulations in order to protect open waterways for transportation and recreation. Transport Canada approved this application and issued an approval for this facility in August 2019.

In light of the approvals in place from DFO and TC as described above, in order to properly consider the concerns you raised and proceed with a decision on this application, the Province would like to request clarification on your rejection of this rezoning application (TH-RZ-2022.1) as it relates to Islands Trust bylaw authority.

Please provide any further information **by April 15, 2024** as we are intending to proceed to decision on or after that date. Again, thank you for writing and sharing your concerns.

Sincerely,

A handwritten signature in blue ink that reads "Amber MacDonald".

Amber MacDonald
Resource Manager, Aquaculture
250-739-8153
Amber.1.MacDonald@gov.bc.ca

pc: David Travia, Executive Director, Fisheries, Aquaculture and Wild Salmon
Paula Mackay, Director of Authorizations, West Coast Region



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ATTACHMENT 3

April 30, 2024

File No. TH-RZ-2022.1; TH-6410-03; 0110-20

Via email: Amber.1.MacDonald@gov.bc.ca

Addressee:
Amber MacDonald
Resource Manager, Aquaculture
Ministry of Water, Land and Resource Stewardship
142 – 2080 Labieux Rd
Nanaimo BC V9T 6J9

Dear Ms. MacDonald,

Re: Crown Land file 1414783

Thank you for your letter of March 27, 2024 in response to the Thetis Island Local Trust Committee's letter of November 20, 2023 to Minister Ralston, regarding Abrupt Shellfish Inc's rezoning application in the area of Preedy Harbour, Thetis Island.

Thank you for the extension until May 6, 2024 to provide us with time to prepare a response to your request for clarity in order to consider our concerns with respect of the application.

The Thetis Island Local Trust Committee (LTC) continues to support the motion passed in November 2023:

That the Thetis Island Local Trust Committee proceed no further with application TH-RZ-2022.1 for the following reasons:

- a) Inconsistent with the Thetis Island Official Community Plan No. 88;*
- b) Inconsistent with the Islands Trust Policy Statement;*
- c) Incompatible with adjacent land and recreational uses; and*
- d) Potential risk to sensitive ecosystems.*

The LTC appreciates your remarks regarding marine debris and hazards to navigation and we are certainly aware that those concerns, in an operational context, should be directed to the agencies you have outlined in your letter. However, the potential environmental impact and the fact that the proposed use is not compatible with upland zoning nor current public and community uses of the locally zoned marine area is still a concern.

As you have indicated in your letter *"The Minister recognizes Islands Trust's mandate as expressed through the Official Community Plan and corresponding Zoning Bylaws, and the importance of*

.../2

representing the views of those who live and work within the jurisdiction of the Thetis Island Local Trust Committee.” It is in this context that the LTC finds the Abrupt Shellfish Inc’s rezoning application incompatible with the local community expectations regarding the proposed industrial uses of the marine area. The proposed aquaculture operation is in a very visible, well used and highly appreciated area that is extremely valued for its natural and recreational values by residents and visitors alike. In addition, the proposed industrial uses could displace and disrupt common recreational and boating uses.

As you have pointed out, our *“concerns would seem to fall under Fisheries and Oceans Canada (DFO)’s mandate for the conservation and protection of fish and fish habitat, as outlined in the Fisheries Act”*. The LTC and the community do not find that this change of use is compatible with the *“Fisheries and Oceans Canada (DFO)’s mandate for the conservation and protection of fish and fish habitat”*. The staking, netting and liquefaction of the seafloor, which are methods used in the raising and harvesting of geoducks, in our opinion, do not protect fish habitat.

You also state that *“DFO issues aquaculture licences under the authority of the Pacific Aquaculture Regulations, which require licence holders to abide by conditions of licence which seek to protect against detriment to fish and fish habitat.”* and that *“DFO approved this application and licensed this facility in January 2020.”* The tentative approval was done prior to consideration of the LTC and community regarding the compatibility of these uses in the existing zone in the zoning bylaw. We encourage DFO to be clear with applicants that compliance with zoning bylaws is an integral part of the licence application approval process.

The Thetis Island community has been clear that aquaculture uses are not compatible with local uses particularly with upland zoning, that is residential, institutional and recreational. The existing historic aquaculture uses are tolerated by the community, but the Thetis Island LTC holds that an expansion of operations into a zone that does permit this use is not acceptable.

The current zoning, as outlined in the [Thetis Island Land Use Bylaw No. 89](#), in the area being proposed for aquaculture operation is Water 4 (W-4). The principle permitted uses in the W-4 zone are:

- non-commercial boat or vessel anchorage
- docks, accessory to the residential use of an abutting upland lot
- swimming floats

With regards to your remarks that our concern about hazards to navigation is best addressed to *“Transport Canada (TC), who issued approvals under the Canadian Navigable Waters Act and associated Navigable Waters Works Regulations, in order to protect open waterways for transportation and recreation”* and that *“Transport Canada approved this application and issued approval for this facility in August 2019”* we wish to point out that this approval was done without consultation of the local community, and we suspect Transport Canada considered external information only provided by the applicant. The area concerned is highly utilized by recreational boaters to anchor throughout the year. The placement of netting on the seafloor could certainly be a hazard to navigation.

The Thetis Island LTC would like to add that a recent rezoning of an area adjacent to the proposed lease has been zoned to specifically exclude aquaculture. This further illustrates the community’s lack of support for such uses and any potential future expansion to other adjacent areas.

.../3

As stated in our November 20, 2023 letter the community has no interest in, or benefit from, the proposed commercial activities which would be conducted in close proximity to a populated residential area and potentially impact recreation and environmental values held dear by our community.

I ask you to consider the original remarks regarding our community's concerns and our Official Community Plan (OCP).

For clarity the community concerns are as follows:

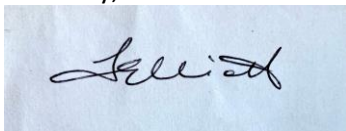
1. The large scale nature of the proposed commercial infrastructure of underwater staking netting and anchors.
2. The potential negative impacts the proposed operation may have on environmental/ecological features, flora and fauna;
3. The potential negative impacts to the natural visual/scenic features of the area from the use of mooring buoys and navigational lights associated with the proposed operation;
4. The potential impacts to recreational boaters that frequent the area year round from the proposed operation;
5. Potential conflicts between the proposed operation with other recreational uses, and potential conflicts between the proposed operation and adjacent upland properties that are zoned recreational or residential or recreation marine uses;
6. Potential negative impacts from the operation to local marine and adjacent upland tourism, and the enjoyment of residential properties;
7. Conflict with Thetis Island Official Community Plan Policy 2.7 Mariculture and Sections 3, 4 and 5 of the Islands Trust Policy Statement.

It is important to note that the LTC is not down zoning the existing uses or asking for existing leases to be revoked in the area; however, the LTC does not accept: the expansion of use or change of species on existing leases or that new leases be provided.

The Thetis Island Local Trust Committee asks the Ministry of Land, Water and Resource Stewardship to respect this community and the Local Trust Committee's rejection of this rezoning application by denying issuance of the tenure for Crown Land File 1414783, which is subject to the use being in conformance with local bylaws.

The LTC would be happy to meet with you to discuss, if further clarification is required.

Sincerely,



Tobi Elliott
Chair, Thetis Island Local Trust Committee

cc: Thetis Island Local Trust Committee
David Travia, Executive Director, Fisheries, Aquaculture and Wild Salmon, Ministry of Water, Land and Resource Stewardship
Paula Mackay, Director of Authorizations, West Coast Region, Minister of Water, Land and Resource Stewardship

Amber MacDonald

April 30, 2024

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Islands Trust Executive Committee
Islands Trust Website



ATTACHMENT 4

February 21, 2025

File No. 1414783

Abrupt Shellfish Inc.
PO Box 279, 2735 Herald Road
Shawnigan Lake, BC
V0R 2W0

Dear Tenure Holder,

Enclosed is a certified true copy of the Licence of Occupation number V931804 covering unsurveyed Crown foreshore or land covered by water being part of the bed of Preedy Harbour, Cowichan District containing 18.8 hectares, more or less.

This Licence is issued in the name of Abrupt Shellfish Inc. commencing the 23rd day of January 2025 for a 30 year term for the purpose of a shellfish aquaculture as set out in the approved management plan.

Should you have any further questions, please contact Brenda Irving, Authorizations Administrator at Brenda.Irving@gov.bc.ca.

Yours truly,

BRENDA IRVING,
Authorizations Administrator

Attachments: Licence Agreement
Management Plan with Cover Page

pc: BC Assessment Authority Vancouver.island@bcassessment.ca
Cowichan Valley Regional District referrals@cvrld.bc.ca
Island Trusts information@islandstrust.bc.ca
Transport Canada npppac-ppnpac@tc.gc.ca
Department of Fisheries and Ocean dfo.aqreferral-aqrenvoi.mpo@dfo-mpo.gc.ca
Stz'uminus First Nation
Cowichan Tribes

Page 1 of 2

CC's continued

Lyackson First Nation
Penelakut Tribe
Semiahmoo First Nation
Halalt First Nation
Snuneymuxw First Nation
Tsu'uubaa-asatx Nation
Tsawout First Nation



REASONS FOR DECISION

FILE NUMBER: 1414783

APPLICANT: Abrupt Shellfish Inc.

BACKGROUND: Abrupt Shellfish Inc. has applied under the *Land Act* for a new, subtidal aquaculture site to produce geoduck and horse clams (by-catch species). The 18.8-hectare site is located at the entrance to Preedy Harbour, Thetis Island. The application was originally submitted September 15, 2017.

DECISION DATE: February 21, 2025

DECISION: PROCESSED – TENURE ISSUED
30-year Licence of Occupation, Shellfish Aquaculture purpose.

REASONS FOR DECISION:

The application has been reviewed in its entirety by technical staff and is considered comprehensive and complete. The application contains the details required to form a Provincial Management Plan. The management plan includes details of the proposed operation, which will involve installation of 2-2.5 ha of predator net and notched PVC tubes for net elevation/tenting on a rotating basis throughout the 7-year growing cycle. No more than 5.0 ha of predator net will be installed on site at any one time. All infrastructure will be on the sea floor, with the exception of limited site markers as required for navigation.

The applicant has met all eligibility requirements for a Licence of Occupation under the *Land Act* and the Crown Land General Policy for Eligibility and Restrictions.

Considerations:

- **Land Act legislation, policy and procedures** - My decision was guided by the following Policies and Procedures:
 - *BC Land Act*
 - *Declaration on the Rights of Indigenous Peoples Act*
 - Crown Land Allocation Principles Strategic Policy
 - Crown Land Eligibility and Restrictions Policy
 - Aquaculture Land Use Operational Policy
- **Land Use Report (LUR)** - I have reviewed the Land Use Report, and I agree with the analysis and recommendation provided. The Land Use Report revealed no unresolved

conflicts in land interest or encumbrances. There are remaining conflicts with local Official Community Plans which are discussed below.

The application area does not overlap with any known archaeological sites. However, due to the proximity of archaeology sites on portions of the surrounding upland parcels and the potential of sites extending into the marine environment, the Archaeology Branch Chance Find Procedure will be provided to the applicant, along with the Indigenous Heritage Features Handbook (2024), so that the applicant can recognize Indigenous heritage and historical features on the landscape and better take steps to protect them from disturbance if any are discovered.

- **First Nation Consultation** - I have reviewed the consultation record and have concluded that the record satisfies the Province's consultation obligations. There are no concerns raised by First Nations that are unresolved or unmitigated, and the duty of the Crown has been discharged.
- **Cumulative Effects** – While there are no formal provincial tools yet available to assess cumulative effects in the marine environment, it is noted that the area of Preedy Harbour is not undisturbed. There are several private moorage docks within the deeper harbour, alongside the BC Ferries berth that services both Thetis and Penelakut Islands with approximately 15 arrivals and departures each day. The area is also moderately popular with pleasure craft operators, however not as crowded and busy as nearby Telegraph Harbour. The upland is moderately developed, with a mixture of smaller and very large rural residential properties, alongside a few agricultural or pasture parcels.

After revisions to address public concerns around visual impacts, navigation, potential debris and other environmental impacts to the area, the application area will add 4 navigational buoys at the surface and no more than 5 hectares of predator netting on the sea floor at any given time in Preedy Harbour. I have determined that while additive to cumulative effects, this activity is only incrementally additive to the overall disturbance and collective use of the Preedy Harbour area. The incremental addition to the cumulative effects of human use and disturbance of the area is offset by the economic and food security benefits provided by the application.

- **Public Engagement** – Public comments were minimal at the time of advertising and staking in 2018. Additional public comments were received via the local government concurrent rezoning application in 2020. As the process for the Province's initial public engagement (advertising and staking) was subsequently reviewed and determined to be insufficient, comments submitted during the local government's rezoning application process were also considered as part of this decision, to make sure the local community was heard. The processes for advertising and staking, along with the Province's public comment website (Applications, Comments and Reasons for Decision), have since been updated to improve effectiveness, fairness and transparency. Those comments relating to the jurisdiction of other government agencies were forwarded for their consideration, as appropriate.

It should be noted that the applicant has employed various mitigation and adaptation strategies to address the community's concerns, both within and outside provincial jurisdiction, including:

- Negotiating an agreement with Transport Canada to lessen the number of navigational buoys required (or remove them entirely at times when no predator netting is present), thereby lessening the visual impact and potential light pollution resulting from the proposed site.
- Committing to use predator netting for predator defense instead of the previously requested and industry standard PVC or vexar tubing, due to its lower propensity to become debris.
- Installing predator netting only in areas with young seed, based on cyclical cultivation, resulting in lower overall amount of infrastructure on site at any one time.
- Remaining flexible to community concerns around noise and hours of work on the site, scheduling work during otherwise busy harbour periods as much as possible to reduce independent noise and disturbance.
- Engaging the public and community via public meetings and educational print information, both to hear community concerns and educate them about the proposal and the aquaculture industry in general.

I have reviewed the record of public comments, and I consider these adaptations and mitigations to adequately address the concerns of the public. Public engagement is therefore complete.

• **Referral Responses** – Referral responses were received as follows:

Fisheries and Oceans Canada (DFO) – no concerns raised; related authorization subsequently issued.

Transport Canada – no concerns raised; related authorization subsequently issued.

BC Ferries – no adverse impact on ferry operations.

BC Ecosystems – no comment in the marine environment (defer to DFO).

Islands Trust, Northern Office, Gabriola (Thetis Island Local Trust Committee) – Local government identified that portions of the application area are currently zoned to exclude the requested activity (on-bottom aquaculture) and would require a rezoning application.

The Province is aware the proponent has applied for rezoning twice, resulting in two denial decisions by the Thetis Island Local Trust Committee ("the LTC"). The LTC has subsequently requested the Province disallow this *Land Act* application based on their denial decisions using criteria that are outside provincial jurisdiction or have otherwise been determined by me to be satisfactorily mitigated.

I recognize that aquaculture operations are regulated by several levels of government - federal, provincial and municipal - and that each have their own distinct jurisdiction and corresponding authorizations or regulatory mechanisms. Attempts are made at an operational level to harmonize some aspects of decision making; however, each agency

has the duty and autonomy to make independent decisions under their own regulatory authority. It is outside the jurisdiction of the LTC to require that I disallow the proponent's application under the *Land Act*. Further, it is not appropriate for one government agency to fetter or attempt to unduly influence the decision of another.

At the time of this decision, zoning for the requested aquaculture activity at this location remains unresolved.

Discussion:

My authority as a statutory decision maker is delegated by the Minister of Water, Land and Resource Stewardship per [section 11 of the BC Land Act](#) which states:

"...the minister may dispose of ...Crown land by any of the following means, as the minister considers advisable in the public interest, to a person entitled under this Act..."

As the decision maker, I must consider the merits of the application as weighed against this public interest.

Aquaculture activities are a provincially supported use of Crown land. The application does not propose any permanent changes to the land such that future use by the public would be limited. Similarly, the recommendation is for a tenure in the form of a Licence of Occupation, which does not convey exclusive use of the land and leaves the water column above the submerged infrastructure available for public use, including the ferry and pleasure boats which currently navigate over the application area.

The [Strategic Policy on Crown Land Allocation Principles](#) is a core guidance document for Statutory Decision Makers and is reviewed in detail in relation to this application:

Principles:

1. Crown land values are managed for the benefit of the public
2. Economic, environmental and social needs and opportunities are identified and supported.
3. The interests of First Nations' communities are recognized.
4. Decisions are timely, well-considered, and transparent.
5. Public accountability is maintained during the allocation of Crown land.

The policy outlines that decisions should consider the social, economic and environmental outcomes that may result from allocation of Crown land, and that government goals help determine the public benefit. The defined public includes not just the local community, but all BC residents, First Nations, businesses, organizations and local government.

The Water, Land and Resource Stewardship Minister's mandate letter (Jan 2025) requires that our "*work and programs grow the economy while protecting our land and waters*". While small in comparison to other aquaculture operations, this application will provide some local economic benefit from the jobs it provides onsite, as well as those downstream as the product makes its way to market. It is also a productive use of submerged Crown land and contributes to food

security through local, sustainable food production. The public could additionally receive rental income from the use of the land, along with associated taxes and revenue from the commercial activity.

The applicant has amended their application to limit the potential for debris, both in construction (type of gear) and application (rotation of covered area), thereby lessening the overall environmental impact. A debris management plan has been submitted and reviewed and I have deemed it acceptable. This application adequately balances economic and societal needs for jobs and food security with those of environmental stewardship.

Consultation with First Nations of the area has been completed and has not raised any unmitigated concerns, which is reflective of the small, low impact nature of the application. The applicant has shared information with at least two local First Nations about the proposal, to the best of his ability and to the capacity of the Nations. It is my determination that the Crown's duty to consult has been met. As consultation does not end with my decision, if concerns are raised during the term of the tenure, the Province will engage with First Nations at their request with a view to collaboratively resolving those concerns.

This application was delayed for many years as the applicant went through the rezoning application process. However, based on correspondence from the LTC dating April 2024 indicating the final outcome of their process, there is no reason to delay my decision any further.

My review and decision process has been very detailed, utilizing the combined experience and knowledge of the larger Authorizations Branch team to support decision making. This Reasons for Decision document is posted publicly, to make the reasoning for the decision clear, transparent and available to all concerned.

The tenure agreement and conditions contained within have been acknowledged and agreed to by the applicant. There are no unresolved compliance concerns with this applicant. There are tools available to the public and other stakeholders to notify the Province of any compliance or performance concerns under the tenure agreement and relevant legislation for all tenures, including this one. I therefore conclude that public accountability has been maintained throughout this review, consideration and decision process.

Summary Statement:

After review of the application and all other relevant information available at this time, I have concluded the potential negative impact of the application is minor compared to the overall public benefit. The application is therefore allowed and a tenure issued.

DECISION MAKER:

Name: Amber MacDonald
Title: Resource Manager, Aquaculture
Delegated authority under *Land Act* s. 11
Email: Amber.1.MacDonald@gov.bc.ca

For more information contact:

Name: Haylie Gardner

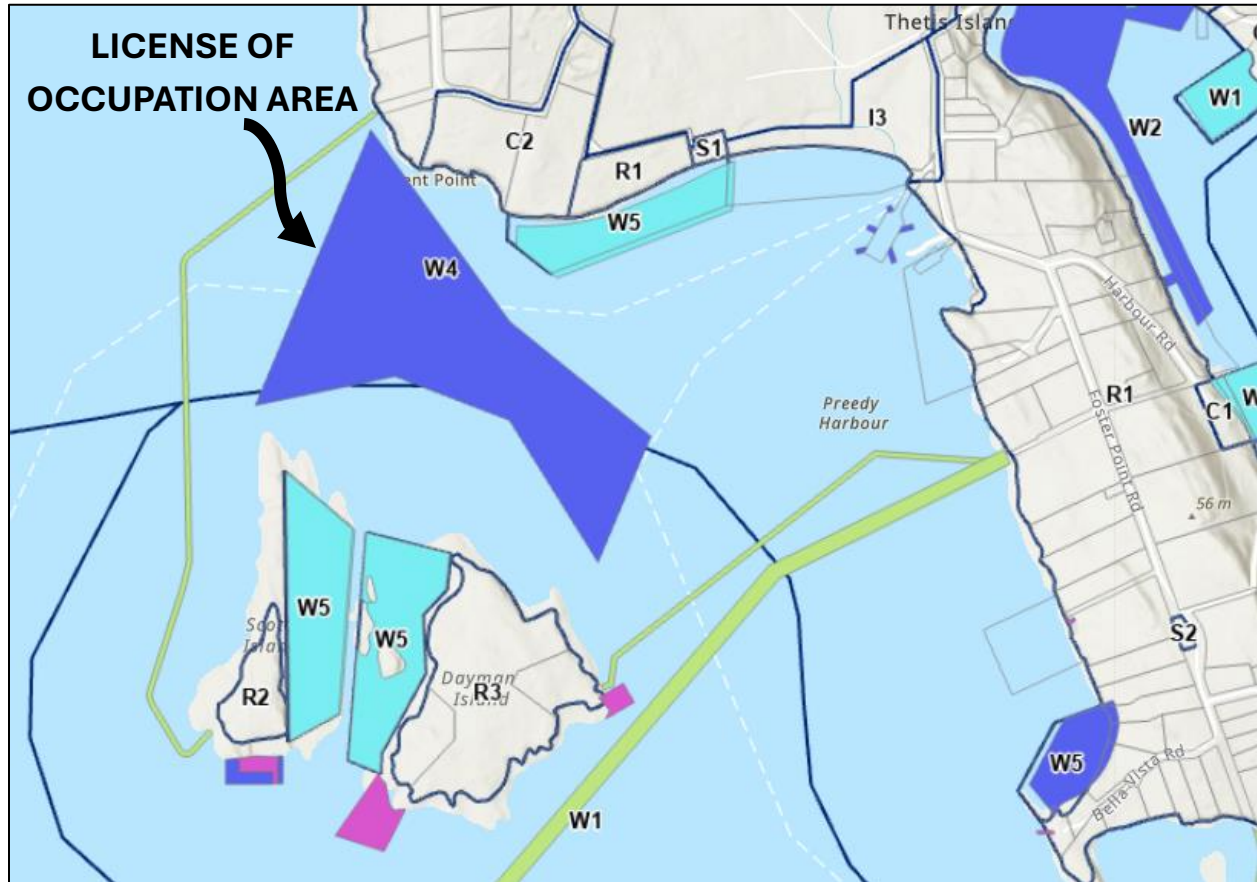
Title: Authorizations Specialist

Phone: 250-739-8270

Email: Haylie.Gardner@gov.bc.ca

Licence of Occupation Number V931804

Area of Application and Thetis Island and Associated Islands Land Use Bylaws Zoning



From: Doug Fenton <[REDACTED]>
Sent: Monday, February 3, 2025 6:50 PM
To: Margot Thomaidis <mthomaidis@islandstrust.bc.ca>
Cc: northinfo <northinfo@islandstrust.bc.ca>
Subject: The Welsh GSH Project Proposal - 83 & 84 Blue Heron Rd., Thetis Island - notice to Thetis LTC. Meeting on Feb 4th, 2025.

“Uy’ skweyul, planning Team,

In Aug 2023, the Welsh’s contracted Doug Fenton, Environmental Professional (EP) at Fenton & Associates Environmental Consulting (FAEC) to work as an EP to assess and consider the use of GSH (Green Shores for Homes) as the most environmentally friendly approach possible. As the EP/PM on this project, as per our consultation with Margot Thomaidis, IT Planner it was established that the currently no shoreline DVP in place, that will allow a NBSP (Nature Based Shoreline Protection) project to occur without triggering a need to complete a site specific minor bylaw amendment process on 83 & 84 Blue Heron Rd., Thetis, to allow for the Welsh’s GSH Project to proceed. So, I would like to let you know that the Welsh GSH Project will be proceeding with a bylaw amendment process.

Please give the LTC a heads up that there is a GSH Project proposal being planned on Thetis at 83 & 84 Blue Heron Rd., and that I plan on attending by phone during the public comment agenda item on tomorrow’s Thetis LTC meeting.

Next steps:

- The project has been working with the Planning team to submit the application via the TI portal system;
- Given that this NBSP project is located in the commons (i.e., the foreshore and not part of the upland property) accessible to all who want to access it that is being added to the personally funded Welsh’s GSH Project budget sheet. Fortunately, it is the smaller of the two bylaw amendment fees. However, it is still an additional \$5000, which is steep for doing the correct thing and only means protecting their assets. The GSH team feels that this is a unique and first-of-its-kind NBSP project, on Thetis or in the TA, so we will also be applying for assistance through the TCEC

(Trust Councils Exec Committee's) fee grant process, as this project would be a great place to educate the community and Indigenous engagement by seeking ongoing opportunities with Penelakut's community (PT).

- We would fully support the LTC creating a shoreline DVP with a standardized fee, that allows the new NBSP (Nature-Based Shoreline Protection) techniques used following their holistic and comprehensive approach.

A little Thetis LTC history - GSH made it to Thetis in 2014, when the LTC sponsored Stewardship Centre for BC) (SCBC)/GSH to come over and view 3 potential locations rounds exercise with locals, contractors, and civil engineers and GS practitioners to learn and discuss a more holistic approach to managing shoreline erosion issues at each location—The Thetis LTC were early adopters for their time.

This project is a first in many aspects - Now a decade later, the Welsh GSH project will be:

- The first GSH that is using the NBEP techniques in its design that is being proposed in the TH LTC and the TA;
- The first GSH team to work on Thetis that has evolved from myself as the EP/GP(iT) to a RPBio, several TK/TEK holders, the PT business unit is aware, Green Shores PM, a CE (coastal engineer) firm, a Marine shoreline ecologist, and GIS tech;
- The first of its kind in the gulf islands/TA that is using the expedited permit process for NBSP for shoreline projects in BC, submitted Jan 2025, with a planned construction window for summer (Aug) 2025;
- The first GSH project to participate provincial funding (tiny amount, but its a start); and
- Has planned a 3 year post-construction monitoring process and has approached the PT Stewardship monitoring program, with hope of them participating in the short-long term monitoring of the project.

Big picture stuff - The refinement of NBSP expedited permit that embraces an EBM (Ecosystem based management), that in turn meets the credits for GSH applicable to any shoreline projects:

- The Project's Alignment of values bwtm the landowners and FAEC - ie, the use of Indigenous Engagement/reconciliation, CFX (cumulative effects assessments)

using VECs (valued ecological components), TRC and ecosystem based management (EBM) at the core of the project;

- Because of this project's holistic approach that has done IE upfront, completed a MSAR (Marine Shoreline Assessment Report), CPR (Coastal Processes Report), DBR (Design Basis) and NFPPP (Native Foreshore Plant Planting Plan), it has integrated features that will benefit all impacted by the project. I.e, immediately the local ecosystems, the health of the shoreline (foreshore and upland properties), PT TEK/TK holders have contributed at the design stage, documented and created a construction and planting strategy that will minimize impacts and almost immediately start to re-connect the upland and foreshore eco-systems over a short, mid and longterm basis.
- The GSH projects engage community as well, partnership with SCBC/GS program to provide training opportunities, for education to increased awareness locally, engagement with local conservancy, PT community share TK/TEK;
 - Stewardship & the interconnectedness of place.

The opportunities for the Thetis LTC is that the property owners and the GSH, lead by its EP/PM:

- As of Nov 2021, the Expedited permit checklist process for NBSP (Nature Bases Shoreline Projects) in BC was implemented by the province;
- This was co-designed by the GS program staff at SCBC, the outcome was a much more holistic approach to managing shoreline erosion;
- A model of a full suite NBEP (Nature Based Erosion Protection) techniques - The goals are fully supported by FAEC, because it is the first approach to shoreline development that embraces cumulative effects assessments, the suite NBEP techniques that are at the core of the shoreline restoration design, also the cumulative effects assessments embraces VEC and cultural values and knowledge making it reflect the millennia of stewardship used by Punc'luxutth people;
- We are planning for and hopeful that PT will participate the construction monitoring, planting team, and post construction monitoring and planting phase; and
- The hope is that by restoring this NBEP project is the first of many.

The Ask:

- Immediate needs: prompt approval of the bylaw amendment being submitted shortly (Summer/Aug 2025);

- Support our application for assistance the cost of the fee for this project either by offsetting by grant through the TCEC fee grant or simply get the Thetis LTC to ask TC ec for the fee to be adjusted (see below);
- Mid-term (by the end of this LTC's term): Find a path that will make this approach less daunting for the landowner, staff, and the LTC, ie, the work needed to compete a site specific bylaw amendment for each GSH project;
- More importantly the find a way that removes the need for a site specific bylaw amendment for each property/project.
 - The idea or suggestion would be to simply add a bullet that allows the LTC's shoreline projects that follow the Greens Shores Expedited permit checklist, regardless of whether it qualifies for expedited permit process, as that is a separate that doesn't interfere with completing a MSA that defines the needs of the erosion at that location; and
 - As this process support a holistic assessment that considers a matrix of Nature-based solutions to the use NBEP protection and restoration design techniques starting with least-most impactful thru a lens of coastal processes, more importantly, it uses an eco-system based management that assesses and considers the needs of the ecological needs at any given location.
- When you create a the DVP, consider reducing fee to a more reasonable cost is suggested: \$1000, maybe more in line with other nearby jurisdictions.

We look forward to you learning more about the project through our pending bylaw amendment submission. I have attached a copy of the NBSP definitions page from their online resource page. It's not comprehensive, but it does provide definition and context to this proposal.

Respectfully submitted,

Doug

Doug Fenton, MEP, EP - EM, HS | Primary Consultant



(he/him)



I am humbly grateful to live and work in the unceded ancestral and traditional territories of the Pune'luxutth and Lyackson Peoples.

Disclaimer: Territorial acknowledgements are just one small part of reconciliation. Please take a moment to think of other ways you can enact reconciliation.

Appendix A/Definitions

(found at. <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/crown-land-uses/residential-uses/nature-based-erosion-protection.>)

- Critical or Sensitive Habitats
 - Areas providing important feeding, resting, spawning, nesting, or rearing habitat for species designated under the federal Species at Risk Act, Migratory Birds Convention Act or the BC Wildlife Act, or identified as “red” or “blue” listed species by the BC Conservation Data Centre; “Environmentally Sensitive” or “Significant Areas” identified by the federal, provincial, regional, or municipal government;
 - Shore and marine areas identified as “Important Bird and Biodiversity Areas” by Nature Canada and Birds Canada; and
 - Other valued foreshore habitats including estuaries, fresh and saltwater marshes, wetlands, eelgrass beds, kelp beds, clam beds, spawning and rearing areas for fish, and feeding and resting areas for seabirds and marine mammals.
- Erosion: The wearing away of land by natural forces (opposite of accretion); pertaining to a beach, the carrying away of beach material by wave action, tidal currents, littoral currents, or wind action. Shorelines may experience both erosion and accretion of varying magnitudes at varying times. Proper assessment of erosion rates requires long-term monitoring of the shoreline.
- Foreshore: The area between high tide (defined in BC as Higher High Water Large Tide, as per Canadian Hydrographic Service) or Ordinary High Water Mark and low tide water levels in marine systems, or between seasonal high water and low water levels on lakes.
- Green Shores for Homes: applies to new development, and renovations and modifications of existing structures on residential properties. It is for both freshwater and marine shorelines.
- Green Shores for Shoreline Development: applies to multifamily residential and commercial marine and lakeshore waterfront development projects as well as to infrastructure development (such as public walkways) and shore protection works in public spaces (parks and recreational areas).
- Hybrid Design: A combination of nature-based and traditional hard-armoured shoreline approaches (Sutton-Grier et al., 2015)
- Littoral Cell: A littoral cell is a section of a coastline that encompasses the full sedimentation cycle: sources, sinks, and paths (Inman D.L. (2005).
- Nature-based solutions: “Nature-based Solutions are actions to protect, sustainably manage and restore natural and modified ecosystems in ways that address societal challenges effectively and adaptively, to provide both human well-being and biodiversity benefits. They are underpinned by benefits that flow from healthy ecosystems and target major challenges like climate change, disaster risk reduction, food and water security, health and are critical to economic development” (IUCN, 2021)
- Nature-based protection and restoration: Design which entails the use of native materials such as gravel, sand, logs, root masses and vegetation in designs that are, to some degree, dynamic, relying on and/or mimicking local natural processes and physical material to provide shoreline protection and restoration.
- Natural boundary: “The visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of

the lake, river stream, or other body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself” (BC Land Act)

- Offshore: Beyond the low tide water levels in marine systems (alternatively references as sub-tidal). For the purpose of defining sea state, a depth of water in which waves are not shoaling, refracting, or breaking due to shallow water transformations.
- Qualified Coastal Professional: An engineer, geoscientist, or geotechnical engineer in good standing with their professional organization with demonstrated experience and/or training pertaining to shore protection and coastal processes and acting within their professional abilities. (Note: The design of a NB shoreline may require more than one professional as a single professional may not have sufficient expertise in all required areas of expertise required to undertake the project, such as wave modeling, sediment transport, and coastal geomorphology.)
- Qualified Environmental Professional: is a professional designated under s.21 of the Riparian Area Protection Act, including biologist, or other suitably qualified professional in good standing with their professional organization, acting within their professional abilities with expertise in shoreline ecology and habitat function.
- Restoration (habitat): The purpose of ecosystem restoration activities is to restore significant ecosystem function, structure, and dynamic processes, including physical processes that have been degraded, damaged, impeded or destroyed. Ideally, this process would allow for the site potential vegetation to re-establish, including mature trees.
- Sea level rise (SLR): The increase in sea level attributed to the effects of climate change. For the design of foreshore projects, the important consideration is the regional (or local) sea level rise that accounts for local vertical land movement. See Guidelines for Sea Dikes and Coastal Flood Hazard Land Use for more information.
- Shore Length: Length of the shore zone as measured along the natural boundary.
- Soft Shore Protection: Soft shore protection refers to installing natural, flexible shoreline material where erosion control is needed. Soft shore protection approaches may use beach “nourishment” (sand replenishment), logs and large natural woody debris, vegetation, and resloping a bank or bluff. Often these soft shore protection approaches are used in combination to augment site stability or to address different issues in different parts of a site.
- Storm surge: The rise in seawater level caused solely by a storm. Storm surge is caused primarily by a storm pushing water upwind, as well as atmospheric effects. The amplitude of the storm surge at any given location depends on the orientation of the coast line with the storm track; the intensity, size, and speed of the storm; and the local bathymetry.
- Upland property: For the purposes of this checklist, used in context with the definition of Natural Boundary, means the property directly adjacent to a waterbody, the surface of which is higher than the natural boundary of the water body.

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The Honourable Anita Anand
Minister of Transport

February 10, 2025

Re: Southern Gulf Islands Forum

Dear Minister,

I greatly appreciate that you have now replied to the letter signed by multiple orders of government within Saanich-Gulf Islands, elected trustees of the Islands Trust, elected members of the Capital Regional District, Mayors, Indigenous leaders and councils, and community leaders of many conservation and advocacy groups. Led by the provincial MLA and by me as MP, this multijurisdictional group has been meeting for years as the Southern Gulf Islands Forum.

We tackle many issues of community concern, from housing, to reconciliation, some in provincial jurisdiction, and federally with different departments. Overwhelmingly our concerns relate to unsafe navigational situations, threats to marine ecosystems and problems within federal jurisdiction, often created by federal agencies such as the Vancouver Fraser Port Authority.

We are frustrated by the tone-deaf response from multiple departments to the neglect of basic regulations, legislation and funding to protect our coastal waters (the Salish Sea), its ecosystems, wildlife and human communities. We had hoped our letter of March 26, 2024, would result in change from the three ministers we wrote: Environment, Transport and Fisheries and Oceans.

Your reply of December 19, 2024, was the only one we received. Notable that you were only shuffled into Transport on September 19, 2024, and still you replied. For that I do want to thank you.



The Southern Gulf Island Forum convened on January 14, 2025, and reviewed your letter.

The response was not positive. I have been asked to convey to you and Ministers Guilbeault and LeBouthillier that our regional community and multiple orders of government are beyond frustrated and angry. We are most disheartened. There seems to be an awareness that the proliferation of mooring buoys in our congested harbours is now a crisis. We are devastated that C-33 is no more. We are aware that no one minister or party is to blame for the parliamentary disfunction that allowed years of work on Bill C-33 on railway safety and marine issues, tabled for First Reading more than two years ago, to die on the Order Paper on January 6, 2025.

C-33, originally introduced by former Transport Minister Omar Alghabra, completed its clause by clause in committee in December 2024 has now died on the Order Paper with Prorogation. Looking to other bills related to our concerns, none have made a dent. The promised improvements when the Derelict and Hazardous Vessels Act, passed in June 2019, have not materialized. The Vessel Remediation Fund passed in the omnibus budget bill in 2023 has not a single regulation.

The Vancouver and Fraser Port authority continues to direct massive industrial freighters into the waters of the Salish Sea for “free parking” with no concern for the damage caused by their dragging anchors and the impact of noise on our increasingly endangered Southern Resident Killer Whale population. The so-called “sanctuary zones” or the Ocean Protection plan have not been enforced. Nothing on the Canadian side of the international border that transects the Salish Sea is close to half as effective as routine measures on the US side.

The fact that this massive harbour authority has not even once consulted with the First Nations in whose territory it operates, constituting a daily violation of UNDRIP and the local Douglas Treaties, adds injustice and insult to the injury.

I hate to be blunt, and I have personal affection for all my colleagues in the House, especially for those, like you, who do exemplary work, but being an MP should not deprive me of powers of observation. The departments of DFO, Environment and Transport appear to think the peoples and governments of Saanich-Gulf Islands are like small children, who need a pat on the head now and again and are far too ignorant to realize we are being conned. We have been led a merry chase, working hard on bill after bill only to see no changes, no improved protection of our marine ecosystems, no relief from the daily abuse of the anchorages in our waters and hazardous obstructions to navigation. We are fed up and want to see action and accountability.

I do hope that we can find a way to make progress before the looming election.



Elizabeth



Elizabeth May, O.C.
Member of Parliament
Saanich-Gulf Islands
Leader of the Green Party of Canada

Cc:

The Honourable Steven Guilbeault, Minister of Environment and Climate Change

The Honourable Dianne Lebouthillier, Minister of Fisheries, Oceans and the Canadian Coast Guard

Administrative Assistant, Pauquachin First Nation

Mairead Boland, Saturna Island Trustee, Islands Trust

Rob Botterell, MLA for Saanich North and the Islands

Paul Brent, Southern Gulf Islands Electoral Area Director

Aaron Campbell, North Pender Island Trustee, Islands Trust

Theresa Coles, Constituency Assistant

Chief Rebecca David, Pauquachin First Nation

Chief Cindy Daniels, Cowichan Tribes

Jeanine Dodds, Mayne Island Trustee, Islands Trust

Debra Eindiguer, Chief of Staff, Office of Elizabeth May, O.C., M.P.

Gordon Elliott, Director of Operations, WSÁNEĆ Leadership Council

Tobi Elliott, Chair, South Pender Island Local Trust Committee, Islands Trust

Aysha Emmerson, Constituency Coordinator, Office of Elizabeth May, O.C., M.P.



Dag Falck, South Pender Island Trustee, Islands Trust

Lori Foster, Executive Administration Assistant, Islands Trust

Clare Frater, Director of Trust Area Services, Islands Trust

Lisa Gauvreau, Galiano Island Trustee, Islands Trust

Jamie Harris, Salt Spring Island Trustee, Islands Trust

Noah Hollis, Outreach Coordinator, Office of Elizabeth May, O.C., M.P.

Gary Holman, Salt Spring Island Electoral Area Director

Chief Chakeenakwaut (Pam) Jack, Penelakut Tribe

Samantha Jack, Reception, Penelakut Tribe

Ben Mabberley, Galiano Island Trustee, Islands Trust

B Manson, STÁUTW First Nation

David Maude, Chair of the North Pender Island Local Trust Area Trustee Corner

Lee Middleton, Saturna Island Trustee, Islands Trust

Deb Morrison, North Pender Island Trustee, Islands Trust

Steven Parkinson, Legislative Director, Office of Elizabeth May, O.C., M.P.

Laura Patrick, Salt Spring Island Trustee, Islands Trust

Patricia Pearson, Constituency Advocate, Office of Rob Botterell, MLA

Timothy Peterson, Chair, Salt Spring Island Local Trust Committee, Islands Trust

Ned Taylor, Government Program Manager, WSÁNEĆ Leadership Council

Becky Wilson, Governance Support, STÁUTW First Nation Council





ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 21st, 2025 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- An election for Chair and Vice Chair was held. Trustee Gauvreau was elected Chair of the ITC Board. Trustee Timothy was elected Vice Chair.

2. STRATEGIC PLANNING/ADMINISTRATION

- Acting Manager Stewart provided an overview of the 2025-26 Annual ITC Work Plan items for the ITC team.
- The ITC Board approved the letter of support for Raincoast Conservation Foundation's application to Intact Insurance's Climate Resilience Grant and directed staff to provide it on behalf of the ITC Board.
- The ITC Board passed a resolution to provide an updated 2025/26 budget request to the Financial Planning Committee and Trust Council that addresses the changes and comments made by the Board.
- Trustee Elliott provided the Executive Committee update to the ITC Board by email. There was no Governance Committee update provided as the Governance Committee has not met since the last ITC Board meeting.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved spending up to \$2,000 from existing budgets towards the cost of an Ecological Gifts Program appraisal for a Natural Area Protection Tax Exemption Program (NAPTEP) covenant on Gabriola Island.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board approved Part II of the Sallas' invasive plant management plan for Burnt Snag (ES65741), Dragonfly Pond (ES065747), Kingfisher Pond (ES065749), and Woodpecker Pond (ES65743) covenant areas, and issued a temporary waiver of covenant terms 3.2(d) and 3.2(k) subject to terms and conditions, consistent with the approved Forest Restoration Strategy of the Sidney Island Ecosystem Restoration Plan.
- The ITC Board discussed updating the Ruby Alton process in the ITC Annual Work Plan by hiring a demolition company that completes all work on the house as one package, including an estimate, hazmat analysis, permits, demolition, and removal of the house and all structures.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- The ITC Board accepted the third-party 2024 monitoring report for Owl's Call NAPTEP Covenant, Salt Spring Island, and directed staff to add a summary of this report to the 2024 ITC NAPTEP Covenant Monitoring Report as an addendum.
- The ITC Board approved the request by the Galiano Conservancy Association to include Vanilla Leaf Land Nature Reserve, Galiano Island, in Galiano Conservancy Association's application for a Section 11 Change Approval under the Water Sustainability Act. Any work to be done in Vanilla Leaf Land Nature Reserve will be subject to further information and approval by the ITC Board if and when the application is approved.
- The ITC Board directed staff to draft a letter to the Bowen Municipality regarding Referral BO-DP-2024-0196 including their comments to ensure the project will not negatively impact the David Otter Nature Reserve.
- The ITC Board directed staff to respond to the Bowen Island Municipal Council referral regarding bylaw 671 and 672 with their comments.

5. COMMUNICATIONS AND OUTREACH

- Staff are considering the creation of a Priority Acquisitions Fund that would act as a source of funds for ITC to use if a priority acquisition arises that ITC may wish to acquire.
- Staff are in communication with the McRae NAPTEP Covenant (Gabriola Island) Holder regarding off-leash dogs, and are pursuing an article for the local newspaper.

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>



Thetis Local Trust Committee

Open Applications

Report

Print Date: March 24, 2025

Rezoning

Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20250072	Doug Fenton; Rober	2/10/2025	83 BLUE HERON RD; 84 BLUE HER	Application for a site-specific rezoning amendment to the W-4 zone to allow development in foreshore of 2 properties.
Planner		Status	Most Recent Completed Activity	
Margot Thomaidis		Under Review	Generate Complete Application Letter	

Subdivision

Application Number	Applicant Name	Date Received	Address	Purpose
PLSUB20250032	Mitch Laseur (Unde	1/20/2025	375 FRASER POINT RD; 377 FRAS	Proposed 3 lot conventional subdivision located at 375 Fraser Point Road, Thetis Island MOTT File # 2024-05719
Planner		Status	Most Recent Completed Activity	
Marlis McCargar		Under Review	Application Review	

Islands Trust
 LTC EXP SUMMARY REPORT F2025
 Invoices posted to Month ending January 2025

670 Thetis	Invoices posted to Month ending January 2025	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,550.00	354.37	1,195.63
TOTAL LTC Local Expense		1,550.00	354.37	1,195.63
Projects				
73001-670-4128	Thetis Unzoned Marine Area LUB Amendment	1,000.00	0.00	1,000.00
TOTAL Project Expenses		1,000.00	0.00	1,000.00

Thetis Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	July 3, 2012	TH-2012-003	Professional Minute taker for APC meetings	It was MOVED and SECONDED that the Thetis Island Local Trust Committee authorizes the payment of funds from its local expense account to pay for a minute taker for Advisory Planning Commission meetings.
2.	August 28, 2018	TH-2018-036	Suspension of enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: 1. That whereas the Thetis Island Local Trust Committee intends to facilitate a community process to consider allowing Temporary Use Permits (TUP) to permit temporary non-tourist accommodation use, staff are directed to take no enforcement action against properties where temporary accommodations used for non-tourist accommodation exist. In particular, staff are directed to suspend enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road, Strata Lot B, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644; together with an interest in the Common Property shown in proportion to the unit entitlement to the Strata Lot show on Form V. PID 028-987-691. 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Thetis Island Land Use Bylaw No. 89 and the Thetis Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice. That unless the Thetis Island Local Trust Committee extends the effective period, this enforcement policy expires on July 30, 2019, or when the temporary use permit review project is complete, whichever is the sooner.
3.	August 28, 2018	TH-2018-041	Non-medical cannabis retail applications	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.

No.	Meeting Date	Resolution No.	Issue	Policy
				- The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms - The location of the proposed establishment and the subject site - The place where, date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - How public comments may be submitted to the Local Trust Committee.
4.	December 12, 2018	TH-2018-053	Cannabis License Applications	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: that the Thetis Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
5.	February 22, 2019	TH-2019-020	Electoral Area Director	See Item 9 below.
6.	April 23, 2019 Updated September 28, 2021	TH-2019-026 TH-2021-033	LTC to engage in Reconciliation with local First Nations, governments and the island community	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the

No.	Meeting Date	Resolution No.	Issue	Policy
				upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, in recognition of First Nations rights and title, treaty, and territorial lands and waters within the Islands Trust Area.
7.	February 11, 2020	TH-2020-001	Electoral Area Director Reports	See Item 9 below.
8.	September 28, 2021	TH-2021-033	Review TH-2019-026 and update wording	**See TH-2021-033 pertaining to Item 6 above That the Thetis Island LTC request staff to review standing resolution no. TH-2019-026 with respect to current language.
9.	September 28, 2021	TH-2021-034	Electoral Area Director Reports	It was MOVED and SECONDED, that the Thetis Island Local Trust Committee request staff to consolidate Standing Resolution Nos. 5 and 7 (TH-2019-020 and TH-2020-001) as follows: - that the Thetis Island Local trust Committee request staff to circulate future meeting agendas to the Electoral Area G Saltair/Gulf Islands Director and provide an invitation to attend the Local Trust Committee meetings or provide written reports to the Local Trust Committee; and - that the written reports will be posted to the website.
10.	July 5, 2022	TH-2022-024	First Nations Consultation re: Strategy for Antenna Systems	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the "Strategy for Antenna Systems" in the Local Trust Area: a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders;

No.	Meeting Date	Resolution No.	Issue	Policy
				b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites; c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the <i>Heritage Conservation Act</i>; d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and e. The proponent will provide written notice—including, if applicable, the Archeological Impact Assessment—sent by regular mail or hand delivered to all First Nations rights and titleholders identified during the pre-consultation phase.

	Responsible	Dates
Activity:		

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1. <i>LUB</i>	Responsible	Date Received
N/A		30-Aug-2022
2. <i>Administrative</i>	Responsible	Date Received
		30-Aug-2022
3. <i>Advocacy and Communications</i>	Responsible	Date Received
LOU: Letter of Understanding between the Thetis LTC and the Cowichan Valley Regional District		30-Aug-2022
4. <i>OCP</i>	Responsible	Date Received
Active Transportation		30-Aug-2022
5. <i>Bylaw Enforcement</i>	Responsible	Date Received
N/A		30-Aug-2022
6. <i>OCP & LUB</i>	Responsible	Date Received

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Possible Thetis OCP & LUB Amendments

30-Aug-2022

Rainwater:

- rainwater storage requirements

Watershed Protection:

- Island-wide watershed protection

First Nations:

- Early and meaningful engagement
- Acknowledgement language
- De-colonizing document language
- Incorporating FN recommended language

Housing:

- Affordable Housing Strategy: Housing for young families, workers and seniors; community engagement;
- TUPs to include non-tourist accommodation;
- Support the construction of a storage building prior to construction of a principal dwelling;
- short-term vacation rentals of principle dwellings in the R-2 zone;
- strategies for alternative dwelling units;
- ferry workers workforce housing;
- the potential to rezone areas that are suitable for increased density.

Fence height and Derelict vehicles regulations

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Housekeeping / Technical Amendments to include:

- 4.3(d) amend to say: In addition to s.4.3(a), (b), and (c)...

Shoreline:

- Sea Level Rise
- Wharves

Incorporation of the Regional Conservation Plan into Thetis LTA OCPs and LUBs:

- Investigate and provide recommendations on how to incorporate the plan elements into Thetis, Valdes, and Associated Islands OCPs and LUBs.

Associated Islands OCP & LUB Review:

- Develop new OCP and LUB to replace CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stzuminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.
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