Thetis Island Local Trust Committee
Regular Meeting Agenda

Date: June 2, 2020
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. APPROVAL OF AGENDA

3. REPORTS 9:35 AM - 9:50 AM

3.1 Trustee Reports

3.2 Chair's Report

3.3 Electoral Area Director's Report

4. TOWN HALL 9:50 AM - 10:00 AM

5. MINUTES 10:00 AM - 10:05 AM

5.1 Local Trust Committee Minutes - none

5.2 Section 26 Resolutions-Without-Meeting Report dated May 26, 2020 3 - 3

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES 10:05 AM - 10:20 AM

6.1 Follow-up Action List dated May 26, 2020 4 - 7

7. APPLICATIONS AND REFERRALS 10:20 AM - 11:00 AM

7.1 TH-RZ-2020.1 (Panacui - Abrupt Shellfish Inc.) - Staff Report 8 - 65

7.2 TH-OTH-2019.1 and TH-OTH-2018.1 (Telus) - verbal update

7.3 Salt Spring Island Local Trust Committee Referral - Request for Response regarding Bylaw No. 520 66 - 67

8. LOCAL TRUST COMMITTEE PROJECTS - none

9. DELEGATIONS - none

10. CORRESPONDENCE

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

11. NEW BUSINESS 11:00 AM - 11:15 AM

11.1 2019-2020 Annual Report - Memorandum 68 - 68

12. REPORTS 11:15 AM - 11:25 AM

12.1 Trust Conservancy Report dated February, 2020 69 - 70

12.2 Applications Report dated May 26, 2020 71 - 72

12.3 Trustee and Local Expense Report dated February, 2020 73 - 73

12.4 Adopted Policies and Standing Resolutions 74 - 76

12.5 Local Trust Committee Webpage

13. WORK PROGRAM 11:25 AM - 11:45 AM

13.1 Top Priorities Report dated May 26, 2020 77 - 77

13.2 Projects List Report dated May 26, 2020 78 - 81

14. CLOSED MEETING - none

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, July 21, 2020 - time and location to be determined

16. ADJOURNMENT 11:45 AM - 11:45 AM

Islands Trust

Print Date: May 26, 2020

Resolutions Without Meetings Log

Thetis Island

Resolution Number	Action	Date
2020-004	**In Favour**	**28-Apr-2020**
"That the Thetis Island Local Trust Committee rescind resolution TH-2018-050 and that staff advise Telus and Industry Canada that Telus seek direction from the Thetis Island Local Trust Committee and restart the public consultation process regarding application TH-OTH-2018.1 due to new information becoming available to the Local Trust Committee that was not discovered during the required public consultation and that Telus must consult with Penelakut First Nation."		
2020-003	**In Favour**	**21-Apr-2020**
"That the Thetis Island Local Trust Committee adopt the Local Trust Committee minutes dated February 11, 2020."		
2020-002	**In Favour**	**20-Mar-2020**
"That given concerns about the COVID 19 virus, the Thetis Island Local Trust Committee regular meeting scheduled for Tuesday, **April 14, 2020**, be cancelled."		
2020-001	**In Favour**	**04-Mar-2020**
"That the Thetis Island Local Trust Committee provide a letter of support to Thetis Island Nature Conservancy (ThINC) for Project-Re-Generation, signed by the Chair on behalf of the Local Trust Committee."		

Islands Trust

Print Date: May 26, 2020

Follow Up Action Report

Thetis Island

20-Aug-2019

	Activity	Responsibility	Dates	Status
1	Staff to prepare draft bylaws for the RAR Implementation Project.	Becky McErlean Marnie Eggen		In Progress
2	Staff to prepare a work plan and request funding confirmation for the RAR Implementation Project.	Marnie Eggen		Completed
3	Staff to draft a letter for the Chair's signature to ISED for their comment on the Safety Code 6 2013 review and incorporation of UNDRIP principles in telecommunications consultation.cc: local First Nations	Marnie Eggen		In Progress

19-Nov-2019

	Activity	Responsibility	Dates	Status
1	Staff to report back regarding ability to be involved in an Agrispirit Grant Application re: the Thetis Island Community Compost Centre, including other supportive options and review of zoning for proposed property.	Marnie Eggen Mike Richards		Completed
2	LTC adds Project #8 Review of Development Permit Areas and Development of a Development Approval Information bylaw to the Top Priorities list, calling it Coastal Shoreline Protection and Actions are that the LTC review the Coastal Douglas Fir and Associated Ecosystems Toolkit and the CVRD's Bylaw 2500, Ocean Shoreline Protection DPA, Section 20.3.	Marnie Eggen		Completed

Follow Up Action Report

Thetis Island

19-Nov-2019

Activity	Responsibility	Dates	Status
3 LTC to send a letter to Penelakut Tribe, signed by the Chair and reviewed by trustees in response to their letter received November 13, 2019, to advise them that the LTC is requesting TELUS suspend a community information meeting and any further work on the proposed tower (TH-OTH-2019.1) until engagement has occurred with Penelakut Tribe, and that the LTC would like to meet with Penelakut Chief and Council.	Lisa Wilcox Marnie Eggen Wil Cottingham		Completed

11-Feb-2020

Activity	Responsibility	Dates	Status
1 Staff to inquire with the CVRD about their OCP review and how Thetis Island will be included in the review.	Marnie Eggen		In Progress
2 Staff to inform Salt Spring Island and Galiano staff that the LTC's interests are unaffected with respect to proposed Bylaws: SS Bylaw Nos. 471 and 518; GL Bylaw No. 271.	Marnie Eggen		Completed
3 Staff to add the Model Consultation Process for Antenna Systems to the Thetis Projects List and reference January 23, 2020 APC recommendations and February 11, 2020 LTC resolutions regarding changes to be made to the Consultation Process.	Marnie Eggen		Completed
4 Staff to add to the Thetis Projects List: Plan to Improve public and First Nations engagement policy and practice.	Marnie Eggen		Completed

Follow Up Action Report

Thetis Island

11-Feb-2020

Activity	Responsibility	Dates	Status
5 Staff to submit payment for 2019 and 2020 invoices from the Thetis Island Community Association for the cost of including Islands Trust logo on Webcam link at thetisisland.net as per LTC resolution.	Wil Cottingham		Completed
6 Staff to advise applicant of TH-SUB-2019.1 (Hyatt and Caldbeck(Tarris)) that the LTC approved the waiver of the 10% highway frontage requirement.	Ian Cox		Completed
7 Staff to advise APC members of their re-appointments by the LTC: Deb Wilson, Lydna Poirer, Ann-Marie Koeppen, Patrick Mooney, Mary Forbes, Veronica Shelford and Ryan Sharp.	Penny Hawley		Completed
8 Staff to add a standing resolution that the Cowichan Valley Regional District Area G Saltair/Gulf Islands Director Report be posted to the website.	Becky McErlean Marnie Eggen Penny Hawley Wil Cottingham		Completed

27-Apr-2020

Activity	Responsibility	Dates	Status

Follow Up Action Report

Thetis Island

27-Apr-2020

Activity	Responsibility	Dates	Status
1 Staff to advise Telus and ISED that the LTC rescind resolution TH-2018-050 and that Telus restart the public consultation process for application TH-OTH-2018.1 due to new information becoming available to the LTC that was not discovered during the required public consultation and that Telus consult with Penelakut First Nation.	Marnie Eggen		Completed

STAFF REPORT

File No.: TH-RZ-2020.1 (Abrupt Shellfish Inc. (Panacui)

DATE OF MEETING:	June 2, 2020
TO:	Thetis Island Local Trust Committee
FROM:	Marnie Eggen, Island Planner Northern Team
COPY:	Heather Kauer, Regional Planning Manager
SUBJECT:	Application to rezone approx. 14 ha of the marine area from W-4 to allow subtidal geoduck aquaculture Applicant: Oreste Panacui for Abrupt Shellfish Inc. Location: Preedy Harbour near Crescent Point, Thetis Island

RECOMMENDATION

1. **That the Thetis Island Local Trust Committee refer the staff report for application TH-RZ-2020.1 (Abrupt Shellfish Inc.) dated April 8, 2020 to the following First Nations for early referral and comment: Penelakut Tribe, Lyackson First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Stz'uminus First Nation, Semiahmoo First Nation.**

2. **That the Thetis Island Local Trust Committee request staff to determine the following prior to further consideration of application TH-RZ-2020.1 (Abrupt Shellfish Inc.):**

    a. **How might an LTC decision to deny the rezoning application influence the Ministry of Forests Lands Natural Resource Operations and Rural Development's pending licence of occupation approval?**

    b. **Is there flexibility in the licence of occupation application process that would allow the Local Trust Committee to request the Ministry for Forests Lands Natural Resource Operations and Rural Development to consider new information or to consider including conditions in the licence of occupation requested by the LTC that would address relevant Thetis Official Community Plan policies and Land Use Bylaw regulations?**

REPORT SUMMARY

This application proposes to rezone approximately 14 ha of the marine area in Preedy Harbour, near Crescent Point, Thetis Island to allow subtidal geoduck aquaculture. The application will require amendments to the Thetis Island Official Community Plan (OCP) and the Thetis Island Land Use Bylaw (LUB) to allow a change in zoning from W-4 to an appropriate zone for the proposed use. This report provides a preliminary overview of the proposal, identifies any land use planning issues, and seeks direction from the Thetis Local Trust Committee (LTC) on proceeding with the application. Staff recommends an early referral to First Nations in consideration of proximity of archaeological sites, key policies and Islands Trust's First Nations Engagement Principles Policy and Reconciliation Declaration. Staff also recommends that, given the issues associated with the application identified in this staff report and the limited authority of the LTC to regulate aquaculture operations, to seek clarification on

aspects of the licence of occupation process and opportunities for input, before giving further consideration of the application.

BACKGROUND

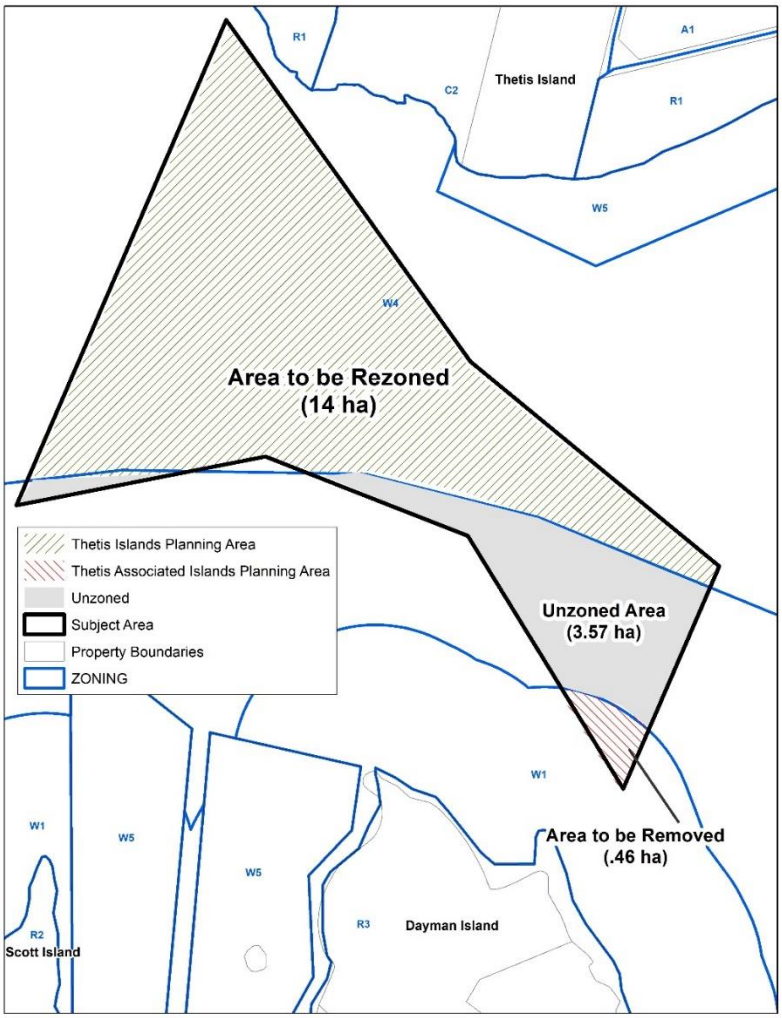
The applicant indicates that the rationale for the proposal is to relocate most of their Geoduck seedling operation from the existing intertidal licence area on Scott Island to the proposed sub-tidal area, reducing the Scott Island operation to mostly oyster and clam production. The proposed mariculture operation intends to use netting and poles to protect newly seeded areas from predators. Proposal details are found in Attachments 1 - 3.

Subject Area to be Rezoned

The subject area to be rezoned lies within the Thetis Island planning boundary and is subject to the Thetis Island Official Community Plan Bylaw No. 88 and Thetis Island Land Use Bylaw No. 89. See Figure 1 below.

Staff note that the proposed mariculture operation also lies within the Thetis Associated Islands planning area and within the unzoned Thetis Local Trust Area. The applicant does not intend to apply to rezone within the Thetis Associated Islands planning area and intends to remove this area from the crown land tenure application. A comprehensive site context analysis is provided in Attachment 4.

Figure 1: Subject Area



BC Front Counter Harmonized Application for Shellfish Aquaculture

Abrupt Shellfish Inc. made application to Front Counter BC in 2017 for a subtidal crown land tenure for the on-bottom culture of geoducks and horse clams (by catch). A referral from Front Counter BC for the current crown land licence of occupation application was responded to by the Northern Office planning staff in 2018, which recommended refusal of the project due to the lack of permissible zoning. Despite the response, the applicant has chosen to apply to rezone. As such, the application must be processed and provided due process.

The crown land tenure application was reviewed by three agencies during their harmonized review process: FLNRORD, Fisheries and Oceans Canada, Navigation Protection Program/Transport Canada. The current status of the Front Counter application is that it is partially approved, and that only until all approvals from these agencies are in place, can the applicant commence seeding and install infrastructure. In this process, the licence holder is responsible for ensuring that they are compliant with any local bylaws or zoning. The agencies expect that local governments are responsible to enforce the bylaws for the area.

Staff, in communication with agency staff, understand the following of the process and current status of each of the agency approvals:

FLNRORD – Crown land tenure is not yet issued. They are giving consideration to recent local concerns and monitoring status of rezoning application before giving final approval.

Fisheries and Oceans Canada (DFO) – Review includes fish habitat (e.g. Rockfish Conservation Area), impacts to commercial fisheries, floating debris and impacts to shoreline. They have informed planning staff that aquaculture is a permitted activity within a Rockfish Conservation Area. They issued a shellfish aquaculture licence for the subtidal culture of geoduck in January 2020. While they couldn't share the issued licence with planning staff, they provided an example licence (see Attachment 6) and a link to the on line application and decision. The final decision includes site specific conditions to mitigate environmental risks in which no activities, works, installations are to occur within 20 metres of any eelgrass or rocky reefs. Impacts to low/average types of habitat (e.g. sand/mud) are kept low as mitigated in the standard licence conditions. Additionally the operation must abide by the standard requirements around debris management. The application is pending future DFO approval of harvest plans in 7 years, after proof of seeding.

Navigation Protection Program/Transport Canada – Review includes impacts to navigation and placement of navigational markers. Authorization for the proposed works was issued in August 2019.

Pre-application Public Meeting

The applicant held a public meeting on Thetis Island in February prior to applying for a rezoning. A brief summary of the meeting is provided by the applicant in Attachment 1.

Public Comments Received

Over 50 public comments have been received by the LTC and are available on the Islands Trust website. Concerns include the following:

- 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; and
- Potential negative impacts to local marine and adjacent upland tourism and associated commercial activities.

ANALYSIS

Policy/Regulatory

There are a number of Islands Trust policies, OCP policies and LUB regulations that are pertinent to the consideration of this rezoning, detailed in Attachment 5 and summarized as follows.

Official Community Plan:

The subject marine area is undesignated and requires an OCP amendment. The OCP does not support new mariculture proposals and will be subject to rezoning.

There are many OCP policies (Attachment 5) applicable to the application including the need to address the protection of flora and fauna, sensitive ecosystems, coastal processes, scenic value, community character, and local heritage.

Land Use Bylaw:

The subject marine area requires re-zoning the Thetis marine area from Water 4 - W4 to a zone that allows the proposed mariculture operation. "Bottom culture mariculture" is only permitted in the W-5 zone and is defined as the following:

> "means the cultivation, rearing and harvesting of molluscs on the bed of the sea without the installation of devices to protect or enclose the organisms being cultivated or reared, and excludes cultivation or rearing in the water column above the bed of the sea and also excludes commercial processing of marine mammals or a transfer station for the cleaning of marine mammals."

As the proposed mariculture operation includes the use of netting, the proposal would not be consistent with the current definition of "bottom culture mariculture," as permitted only in the W-5 zone.

Islands Trust Conservancy:

The proposal does not directly affect an Islands Trust Conservancy Board (ITC) property or covenant. The Regional Conservation Plan 2018-2022 identifies the Thetis Local Trust Area as a Very High conservation priority respecting the need for sensitive ecosystem and eelgrass protection.

Issues and Opportunities

Identified Issues and LTC Authority to Regulate Aquaculture and Navigable Waters

Several significant issues are identified below; however, it is important to point out at this early stage in the process that the LTC has limited authority to affect aquaculture operations and ultimately address issues below through regulation. The question of LTC authority with respect to aquaculture has arisen over the years for a few local trust committees in which the following is confirmed. The federal government has exclusive legislative jurisdiction over fisheries, including jurisdiction over aquaculture. The management of land use is within exclusive provincial

jurisdiction and is delegated to LTCs. Any bylaw regarded to be dealing with fisheries is outside of the LTC's jurisdiction. The same is true for marine navigation; the federal government has exclusive legislative jurisdiction.

Given the circumstance of authorities, should the LTC consider moving forward with bylaw amendments to allow the proposed mariculture operation, staff recommend that the LTC should not proceed with any further regulation other than that already included in the LUB to avoid potentially imposing regulations that are within federal jurisdiction. Staff note that the current definition of "Bottom culture mariculture" (definition provided above) (the only allowable type of aquaculture in the LUB), does not include the installation of devices to prevent predators, and may be pushing the limits of authority already.

Alternatively, staff recommend more of an advocacy approach. Given that MFLNRORD has not yet given final approval, and indicates that they are giving consideration to recent local concerns and monitoring status of rezoning application before giving final approval, staff recommend determining the following at this time:

- How might an LTC decision to deny the rezoning influence the Ministry's pending final decision?

- Is there flexibility in the licence of occupation application process that would allow the LTC to request the Ministry to consider new information or to consider including conditions into the licence of occupation requested by the LTC that would address relevant Official Community Plan policies?

Protection of Environmental Features, Natural Resources and Sensitive Ecosystems:

There are several policies in the Thetis Island Official Community Plan, listed in Attachment 5, that indicate that the LTC should identify and protect environmentally sensitive areas/features, ecological processes, and place emphasis on retaining natural characteristics, particularly those in the coastal/marine areas, and that development detrimental to sensitive ecosystems is not to be allowed. Additionally, the Regional Conservation Plan (RCP) identifies the Thetis Local Trust Area as a Very High conservation priority respecting the need for sensitive ecosystem and eelgrass protection. Islands Trust mapping indicates the following pertinent environmental/ecological features within/adjacent to the subject area: Rockfish Conservation Area, eelgrass beds, forage fish, and a seabird colony at Preedy Rocks. Staff note that the shellfish aquaculture licence issued by Fisheries and Oceans Canada takes into consideration the protection of sensitive ecosystems and includes site specific conditions to mitigate environmental risks.

Staff do not recommend requesting assessments or studies that may, for instance, assist in more comprehensively identifying significant environmental features and potential negative impacts of the proposed mariculture to help inform conservation measures to be taken, because the LTC has little authority to impose such regulations upon aquaculture operations.

Protection of Scenic Value and Community Character:

There are several policies in the Islands Trust Policy Statement and the Thetis Island Official Community Plan, listed in Attachment 5, that indicate that the LTC should protect views and scenic areas/features that contribute to the visual quality and scenic value of the Trust Area. Concerns from the public comments received so far include those regarding potential negative impacts on scenic values and community character. Staff suggest that while these are values to uphold and valid concerns, the LTC has no authority to regulate aquaculture operations or associated marine navigation.

Compatibility with Other Uses:

Policy 2.7 Mariculture Policy 3 indicates that the LTC should not support a new mariculture proposal where there would be conflicts with recreational uses or with adjacent upland or marine uses. Concerns expressed in the public comments received so far indicate potential incompatibility with existing uses in the marine and upland areas. The LTC should take this into consideration when considering whether to advance this application.

Unzoned Area:

A portion of the proposed mariculture operation lies within the unzoned Thetis Local Trust Area (see Figure 1 above). As such, no Thetis regulatory bylaws apply, and therefore the Thetis Local Trust Committee cannot regulate this area. However, the area is subject to the policies of the Islands Trust Policy Statement (ITPS). Staff recommend that the LTC take an advocacy approach and forward pertinent ITPS policies to Front Counter BC for their consideration of the unzoned area.

Protection of Archaeological Resources and First Nation Cultural Heritage:

In consideration that archaeological sites are noted within 100 metres of the subject marine area, the applicant will be made aware of their obligations under the *Heritage Conservation Act* by way of this staff report. In addition, in respect of the OCP policies in Section 4.4 and Islands Trust's First Nations Engagement Principles Policy and Reconciliation Declaration, staff recommend that an early referral is sent out to First Nations with interests in the area should the LTC wish to proceed with the rezoning application.

Consultation

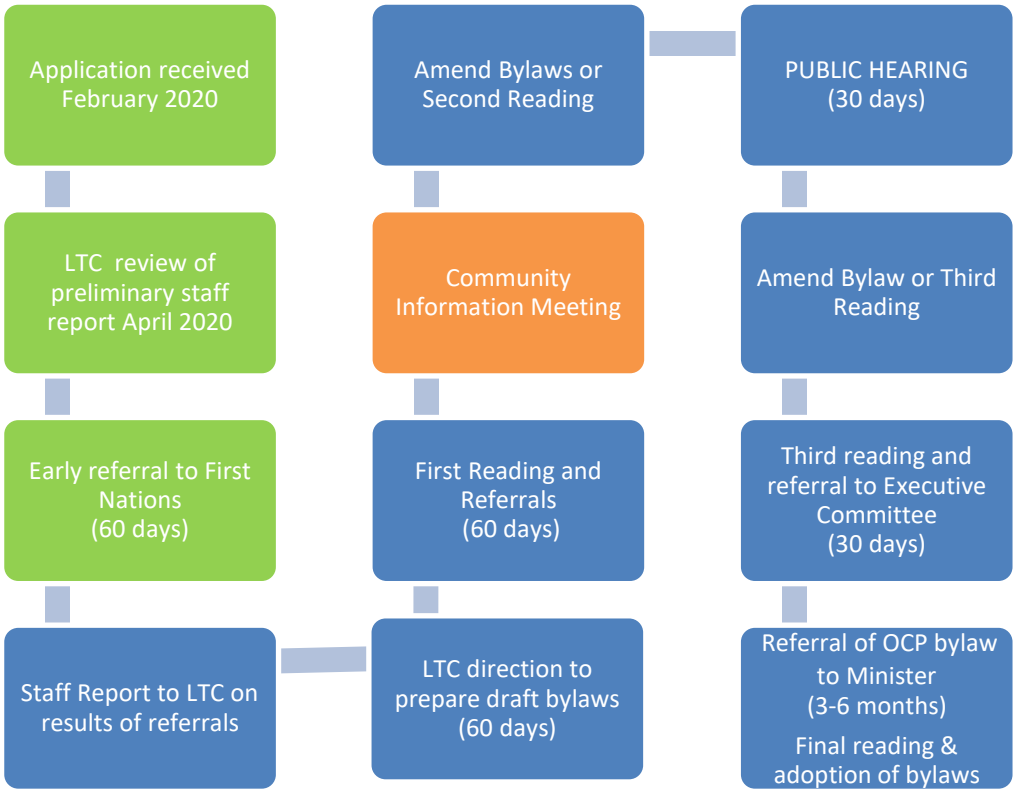
First Nations:

In consideration of the above section, staff recommend that an early referral is sent out to First Nations with interests in the area, should the LTC wish to proceed with the rezoning application: Penelakut Tribe, Lyackson First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Stz'uminus First Nation, Semiahmoo First Nation.

Application Process and Proposed Timeline:

OCP/LUB amendment applications can require 1-2 years of processing, consultation and legislative/legal review. Local government bylaw amendment procedures maintain procedural fairness and meaningful consultation with affected stakeholders and local First Nations with interests in the Local Trust Area. Public input can be received by the LTC at any time during the process up until the end of a Public Hearing.

Should the LTC choose to proceed, the following process steps and approximate timelines may assist in managing applicant and community expectations in how an OCP/LUB amendment application such as this, can be processed, notwithstanding delays resulting from health recommendations regarding Covid 19 (corona virus):



Rationale for Recommendation

In consideration that archaeological sites are noted within 100 metres of the subject marine area and in respect of the OCP policies in Section 4.4 and Islands Trust's First Nations Engagement Principles Policy and Reconciliation Declaration, staff recommend that an early referral is sent out to First Nations with interests in the area, should the LTC wish to proceed with the rezoning application. Staff also recommend that, given the issues associated with the application identified in this staff report and the limited authority of the LTC to regulate aquaculture operations, staff recommend determining the following before giving further consideration to this application: How might an LTC decision to deny the rezoning influence the Ministry's pending final decision? Is there flexibility in the licence of occupation application process that would allow the LTC to request the Ministry to consider new information or to consider including conditions into the licence of occupation requested by the LTC that would address relevant Official Community Plan policies? Staff's recommendation is included on Page 1 of the report.

ALTERNATIVES

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

1. **Request further information**

   The LTC may request further information prior to making a decision. 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 that the applicant submit to the Islands Trust [insert document/study, to be completed by, and specific information requested].

2. Proceed no further

The LTC may deny the application on the basis of the content of this staff report. Staff advise that an implication of this alternative is that it may cause incongruities between the LTC and provincial and federal agencies, should licences/approvals for the proposed mariculture operation still be issued. Additionally, the rezoning application file would be closed and an application refund issued in accordance with the Islands Trust Policy Manual, Section 7.2.iv Application Fee Refunds. An application or substantially similar application may not be submitted in respect of the same development less than one year from the date of refusal in accordance with the Thetis Development Procedures Bylaw No. 40. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Thetis Island Local Trust Committee deny application TH-RZ-2020.1 for the follows reasons [insert reasons].

NEXT STEPS

Should the LTC concur with staff's recommendations, staff will send out the First Nation referrals and seek clarification on aspects of the licence of occupation process and opportunities for input as set out in the recommendation.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	April 8, 2020
Concurrence:	Heather Kauer, AICP, RPP, MCIP Regional Planning Manager	April 8, 2020

ATTACHMENTS

1. Rezoning Application
2. Shellfish Aquaculture Management Plan
3. Debris Management Plan
4. Site Context
5. ITPS/OCP Policies
6. Example Federal Aquaculture Licence

Islands Trust
www.islandstrust.bc.ca

Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
(250) 405-5151
information@islandstrust.bc.ca

Galiano, Mayne, North Pender, Saturna, South Pender Islands

Salt Spring Office
1 – 500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
(250) 537-9144
ssiinfo@islandstrust.bc.ca

Salt Spring Island

Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063
northinfo@islandstrust.bc.ca

Denman, Gabriola, Gambier, Hornby, Lasqueti, Thetis, Ballenas-Winchelsea Islands

Land Use Application

Application Type: *Check all that apply*

See Associated Schedules for Information and Application Requirements

☐ Bylaw Amendment	☐ OCP ☐ Land Use / Rezoning ☑ Land Use Contract	Schedule A
☐ Development Permit	☐ Renewal or Amendment	Schedule B
☐ Development Variance Permit	☐ Renewal	Schedule C
☐ Heritage Alteration Permit		Schedule D
☐ LCRB License	☐ Liquor ☐ Temporary Change ☐ Cannabis Retail	Schedule E
☐ Order - Board of Variance		Schedule F
☐ Siting & Use Permit		Schedule G
☐ Soil Deposit / Removal	☐ Registration ☐ Permit	Schedule H
☐ Strata Conversion		Schedule I
☐ Subdivision Review		Schedule J
☐ Temporary Use Permit	☐ Renewal	Schedule K

Description of Subject Property:

Civic Address

PID

Legal Description

Purpose of Application: *Provide a brief description (attached additional pages if needed)*

WS CULTURE OF GEODUCKS, SEEDING WILD BED. SUB-TIDAL

Applicant:

Name ORESTE PANACHI

Company ABRUPT SHELLFISH INC.

Mailing Address P.O. BOX 279
SHAWNIGAN LAKE, B.C.
V0R 2W0

Phone (250) 818-5411

Email OPANACHI@SHAW.CA

Declaration:

As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.

Signature [redacted]

RECEIVED
FEB 13 2020
ISLAND TRUST
NORTHERN OFFICE

Office Use Only:

Date Received	Fees Paid	Receipt No.	TAPIS No.
2/13/2020	$4400.00	0072	

Owner Authorization:

As the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:

Print Name *(Complete if applicant is not the owner(s))*

... to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

All registered owners on title must be listed on and sign the application. ***Corp... must include a list of directors.***

Name/Company Name ORESTE PANACHI ABRUPT SHELLFISH INC.	***Signature*** [redacted]
Mailing Address P.O. BOX 279 SHAWNIGAN LAKE, B.C. V0R 2W0	(SOLE DIRECTOR)
Phone (250) 818-5411	***Print Name*** ORESTE PANACHI
Email opanachi@shaw.ca	***Date*** FEB 2/20
Name/Company Name	***Signature***
Mailing Address	
Phone	***Print Name***
Email	***Date***
Name/Company Name	***Signature***
Mailing Address	
Phone	***Print Name***
Email	***Date***

Application Checklist *The following materials must accompany the application:*

- ☑ Completed application form
- N/A ☐ Current title search (issued within 30 days)
- N/A ☐ Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- ☑ Application fee (see applicable Local Trust Committee Fees Bylaw for current fees
- N/A ☐ If applicable, QEP Report registered in Province of BC *Riparian Areas Regulation* (RAR) Notification System
- ☑ Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws

NOTE *A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.*

NOTE: *Pursuant to section 4(4) of the Contaminated Sites Regulation, BC Reg. 375/96, a site profile is not required and will not be accepted by the Islands Trust.*

Freedom of Information

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-5155.

Feb 7, 2020

Island's Trust Re-zoning Application for Abrupt Shellfish Inc.

As per the Shellfish Aquaculture Management Plan, Government of Canada
File# 1414783 (documents attached)

Summary:

This package contains documents and requirements for application of re-zoning to begin operations pertaining to the expansion of an existing Aquaculture (inter-tidal) lease for the purpose of seeding and growing Geoduck (Panopea Generosa) for the international and local market. The entire expansion area requested would be sub-tidal and as such would have little or no visual impact to the area.

This area is a known bed of wild Geoduck that has been repeatedly harvested by the wild fishery over more than 3 decades, and planting in the area will restore the population to historical levels.

This will be a long term, low impact project and has been duly vetted over the past 3 years, by the Federal Dept. of Fisheries and Oceans, Transport Canada, the Province of British Columbia Rockfish Conservation, among others.

Infrastructure will be limited to:
-The marker buoys required by Transport Canada
-1 Dive boat when working
-Nets and poles on the bottom *Note: only sections of the total tenure will be seeded each year,(assuming availability of seed; years where seed is unavailable there will be no nets installed). Predator protection will be removed once seed has grown large enough approximately 1 year. We do not anticipate ever having the entire tenure covered in nets at one time, and once seeding is complete the all nets are removed, visits to the site will be limited to periodic, scheduled checks and maintenance for about 10 years.

This operation will not require any permanent or semi-permanent floating docks, platforms, nets, or lines. The Buoys and 6 flashing lights will all meet Canada Coast Guard standards and be styro-foam free. Geoduck Mariculture requires no chemical intervention whatsoever.

Members of the Chemainus First Nations have been integral in developing our current lease area adjacent to Scott Island. We are currently in consultation with Penelakut First Nation members. They were asked for comments, sent an invitation to the public meeting mentioned below, and I was directed to contact Ken Thomas, which I did.

The owners and caretakers on Scott Island have shown much support over the years, and were especially pleased when we recently changed our anti-predator seeding method from use of tubes to nets, which are shorter term, and have less potential for littering the environment.

Our intent is to take some pressure off of the intertidal site at Scott Island by moving most of our Geoduck seeding operations to the Sub tidal lease area. The Scott Island site would continue as a beach Oyster and Manila clam lease, with Geoduck planting only below the 1ft tide line.

Proposed timing to begin complying with Transport Canada requirements, by installing required navigation buoys to mark the boundaries would begin hopefully in early Spring of 2020, with planting and netting on the bottom shortly thereafter.

The request is to change the zoning of the current W4 designation to W5 on the proposed lease. Note: In discussions with Marnie Eggen it was agreed that a small (Approx.50 meter) section that is zoned as W1 would not be included in this re-zoning application.

Benefits to the community would include less visual clutter on the shore of Scott Island, replenishment of the overly fished Geoduck population to its former glory, and employment opportunities for local people and qualified fishermen/divers. An ongoing offer of expertise to work in partnership with local First Nations, in particular the Penelakut, to develop their own sustainable, environmentally friendly Mariculture practices.

A public information meeting for community members was held Thursday, Feb 6th at the Thetis Island Marina Pub. An invitation to the meeting was posted on the Espokes community bulletin board and I received 2 email inquiries prior to the meeting. Copies are included in this package.

Island's Trust was represented at the meeting by Peter Luckham. Ken Thomas of the Penelakut First Nation was also in attendance. The island residents who attended were curious and asked many pertinent questions about farming and harvest practices, (which were explained), the impact of Geoduck Mariculture on Marine mammals and eel grass, First Nations interests, and concerns about tubes on the intertidal section of Scott Island.

Each one of these concerns was addressed in detail. The tube method, which was widely used in the industry 10 years ago was found to be costly, labour intensive, less effective, and ugly. It was explained to everyone at the meeting that without being told, we realized this was a major eyesore for our neighbours and all but around 200 of the 75,000 tubes used in our initial plantings have been removed. We used divers to get it done earlier at significant expense, rather than wait for low tides the following year. The remaining tubes will be recovered this spring during low tide.

Some residents were concerned that they were not individually contacted about this back in 2017 when the application process began. The Government of Canada required us to advertize, in print only, in a local paper, for 2 consecutive weeks. We did this in August of 2018 in the Ladysmith Chronicle, which we were advised by Black Press, was the best option with the widest distribution that included Thetis Island.

It was also pointed out by us that this is an application for an expansion of an existing lease, not a new lease, which has to meet different criteria, and all of the requirements have been met by Abrupt thus far.

Eel grass is not of any concern in the area of the rezoning application. (See map attached)

Regarding Sea Mammals: We have been using the net and pole method on our existing lease and this method has been widely used all over the west coast of North America. It has never been found to cause environmental issues of any kind.

The Rock Fish Conservation Area had concerns about fish entrapment which were addressed, the details reviewed, and they endorsed the method.

Going forward, our next step is to meet with Ken Thomas and the Penelakut Tribal Council to gather their input and discuss our helping them develop their own Geoduck fishery.

Please contact me, Oreste Panacui at (250)818-5411 or by email opanacui@shaw.ca if there are any further questions or concerns.

Best regards,

Oreste Panacui
Abrupt Shellfish Inc.

SHELLFISH AQUACULTURE MANAGEMENT PLAN

FILE #: 1414783

Her Majesty the Queen in Right of British Columbia (the "Province") and Abrubt Shellfish Inc. (the "Licencee") hereby agree that this document is the Management Plan for the purposes of File # 1414783, and that this document supersedes any earlier Management Plans. The signature of the Province's authorized representative is solely for the purpose of acknowledging the Province's acceptance of this document as the Management Plan for the purposes of the tenure and does not represent a certification by the Province or its signatory of any factual content or acceptance of professional responsibility by the Province's signatory for any advice or analysis contained in this document.



Date: 2019-07-29

Authorized Signatory of Ministry of Forests, Lands and Natural Resource Operations and Rural Development



Date: 2020-02-02

Authorized Signature of Tenure Holder

PART I - SECTION E: MAPS, DIAGRAMS AND ADDITIONAL REQUIRED DOCUMENTS

Check each box to confirm attached

Attach the following maps, diagrams and documents. All documents must be titled, and maps must have a scale. Please refer to the Mapping Descriptions and Sample Mapping in the Guide to Pacific Shellfish Aquaculture Application.

☑ 1. **General Location Map:** A map at a scale of 1:50,000 to 1:100,000 indicating the general location of the area under application, noting the location of significant geographic features, such as island(s), mountain, road, lakes, named waterbodies, community, etc.

☑ 2. **Application Area Map (submit one of the following):**
   a) **Shape file:** attach a shapefile or .kmz geo-referenced to BC Albers Project (NAD 83), and including a reference map with a Point of Commencement OR
   b) **Metes & Bounds:** A map showing a UTM/latitude and longitude of a point of commencement (POC) and a corresponding text description on a separate piece of paper that describes the metes and bounds of the proposed shape.

☑ 3. **Top View Operational Diagram:** A CHS Marine chart at the largest scale available for the project location that clearly shows the location of all planned infrastructure in relation to the bathymetry at the site (include more than 1 diagram if necessary).

☑ 4. **Side View Operational Diagram, based on the culture type:** A scaled schematic diagram(s) showing a side view of the proposed operation, which includes all infrastructure.

PART I - SECTION F: CULTURE AND INFRASTRUCTURE INFORMATION

1. **Culture Type (check all that apply):**

☐ Intertidal Beach culture — Culture Area (hectares):

☐ Deepwater Suspended culture — Culture Area (hectares):

☑ Subtidal on/in bottom culture — Culture Area (hectares): 18.80

For Subtidal also complete:
a) What is the maximum subtidal culture depth within the proposed application area (meters)? 14.30
b) How much of the subtidal application area has depths greater than 30m (hectares)? 0.00

Shellfish aquaculture conditions of licence prohibit the introduction of refuse into the marine environment. Do you have a plan in place to manage your infrastructure, gear and equipment to minimize the generation of debris and ensure any debris generated does not enter the marine environment? ● Yes ○ No

2. **Proposed Infrastructure:**

STRUCTURE	CULTURE TYPE	QUANTITY	DIMENSIONS (m) OR (m x m) OF EACH STRUCTURE	TOTAL AREA (m²) OF STRUCTURE(S)
e.g. Culture Rafts	*Deepwater*	*10*	*25m x 25m*	*6250*
Living Accommodation	Deepwater			
Work Float with Toilet	Deepwater			
Work Float(s)	Deepwater			
Culture Rafts	Deepwater			

PART I - SECTION F: CULTURE AND INFRASTRUCTURE INFORMATION CONTINUED:

2. Proposed Infrastructure (cont'd):

STRUCTURE	CULTURE TYPE	QUANTITY	DIMENSIONS (m OR m²) OF EACH STRUCTURE	TOTAL AREA (m²) OF STRUCTURE(S)
Longlines	☐ Intertidal			
	☐ Deepwater			
	☐ Subtidal			
Predator Netting	☐ Intertidal			
	☐ Deepwater			
	☑ Subtidal	100	464m²	48,200
Predator Protection Tubes	☐ Intertidal			
	☐ Subtidal			
Rack and Bag	☐ Intertidal			
	☐ Subtidal			
Vexar Fencing	☐ Intertidal			
	☐ Subtidal			
Floating Upweller System (FLUPSY)	Deepwater			
? Other:	☐ Intertidal			
	☐ Deepwater			
	☐ Subtidal			
Other:	☐ Intertidal			
	☐ Deepwater			
	☐ Subtidal			
Other:	☐ Intertidal			
	☐ Deepwater			
	☐ Subtidal			

PART I - SECTION F: CULTURE AND INFRASTRUCTURE INFORMATION CONTINUED

3. Proposed Ancillary and Navigational Structures:

STRUCTURE	QUANTITY AND DESCRIPTION
Site Markings	*6 red concrete blocks placed along the perimeter of the site as per site diagram*

Remote Setting Equipment

Site Marking Sinking ground line around perimeter of site.

Navigational Markers

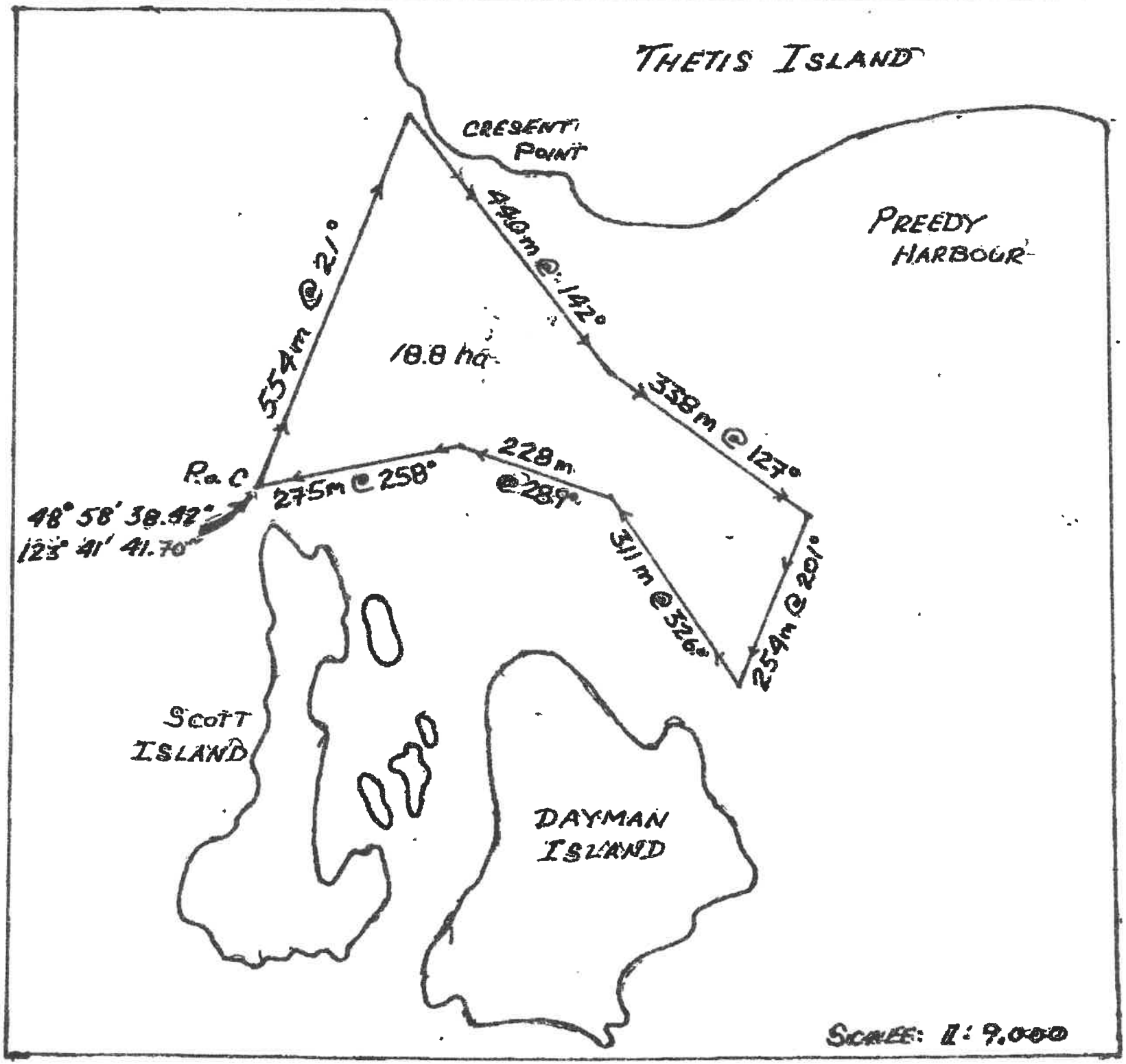
Anchor blocks

Other Structures:

4. Proposed Substrate Modification:

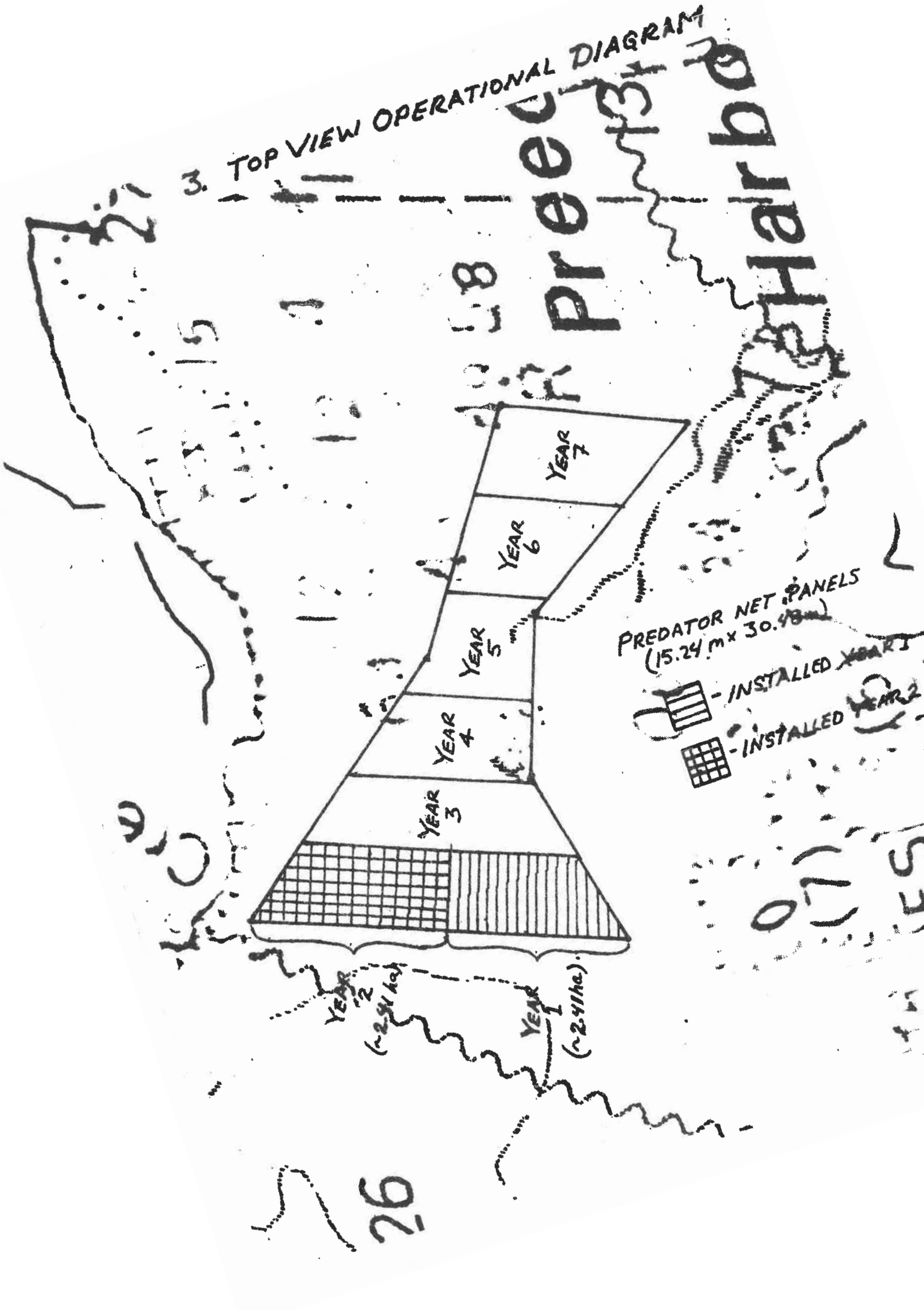
Describe:

None



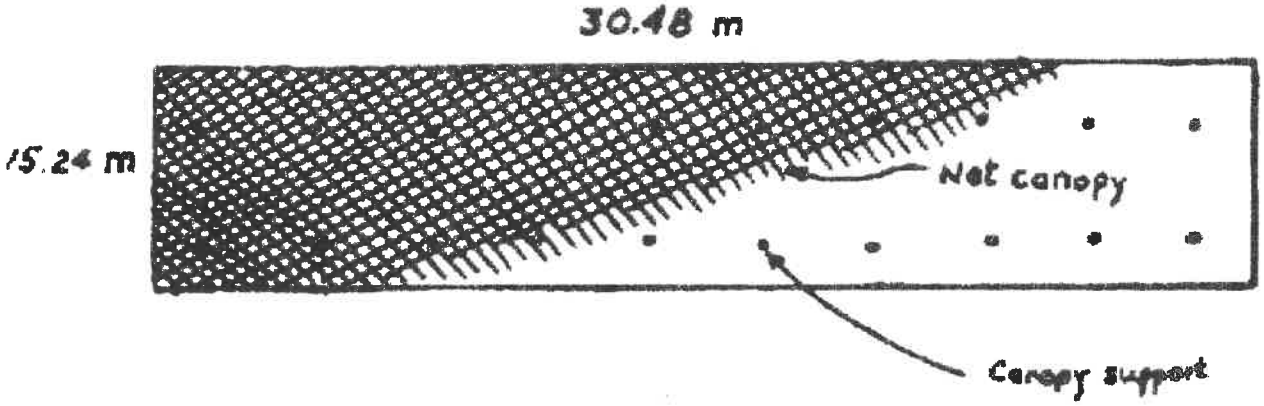
MAP 2. APPLICATION AREA
(METES AND BOUNDS)

3. TOP VIEW OPERATIONAL DIAGRAM

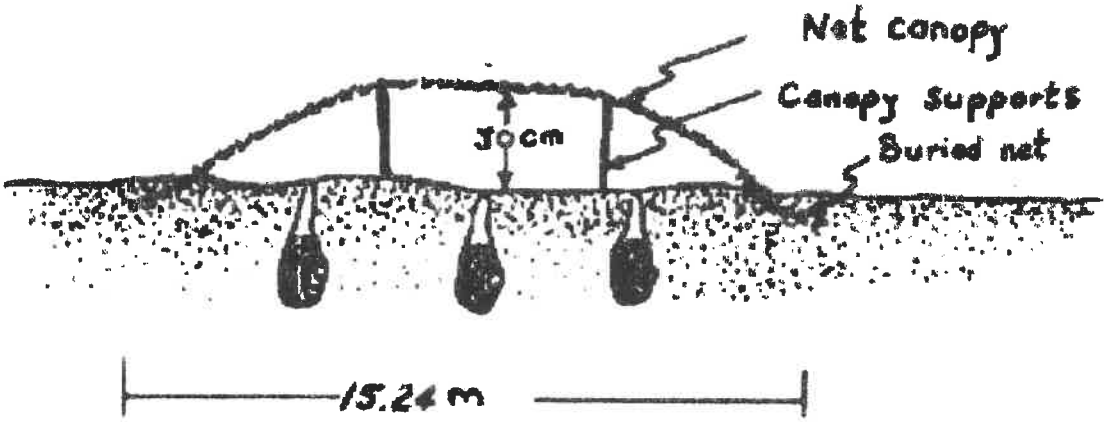


Subtidal Geoduck Net Canopy

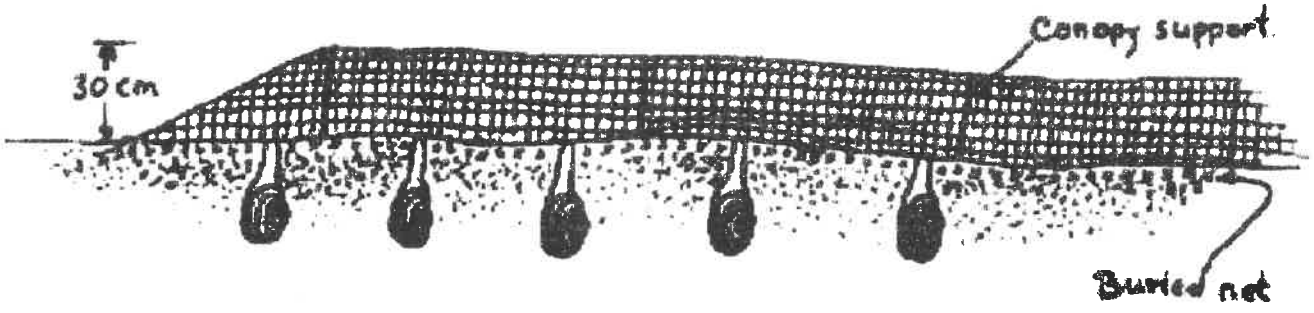
— Top View —



— End View —



— Side View —



Abrupt Shellfish Inc.

Debris Management Plan July 31, 2019

Section 1 - Gear Equipment and/or Infrastructure (diagram attached)

Nets - 15'X50' with rope around the outside. Made from non-floating polypropylene, and has a mesh of 3/4"X3/4" to prevent entry by predators and entanglement by resident fish. These are standard in the aquaculture industry. All nets will be tagged for identification. The edges of the net are buried 18" into the sand by use of a "stinger" and further held in place with crown staples (see blow)

Poles - 2.5' lengths of PVC. PVC has shown to be remarkably resilient and easy to retrieve as it does not float and even if damaged, will stay in one place, under the net.

Crown Staples - Made from epoxy coated rebar in a U shape. 18" long, they anchor the corners and edges. Total: 8 per net.

This infrastructure will be in place for the first year after planting, or up to two years depending on the size of the seed. Once dug up, the components will be inspected and re-used, or disposed of as decided upon inspection.

Section 2 - Debris Management protocols

The use of nets and supporting poles on the sea floor Give us no cause to believe there will be any debris. Historically we have used nets in the deeper parts of our existing lease with no loss of equipment, even in bad weather, or extreme tides, for up to 2 years.

Inspection and maintenance of the lease will be carried out by qualified divers once a month at the minimum as we work planting new seed and harvesting now mature Geoducks on our existing lease.

Actions taken regularly for cleanup if required, will be removal of any damaged, or worn nets and poles and disposal at Ladysmith Services. We pay for and have permission to use their waste bin for this purpose.

This will be documented by the generation of numbered work orders, and reports from the workers listing actions taken will be contained thereon.

Assessing adequacy of protocols will be by ongoing observation each time the site is visited. There will be a space on the work order for notes regarding any equipment that looks like it may need removal or replacement immediately, or in the future.

Section 3 - Implementation Plan

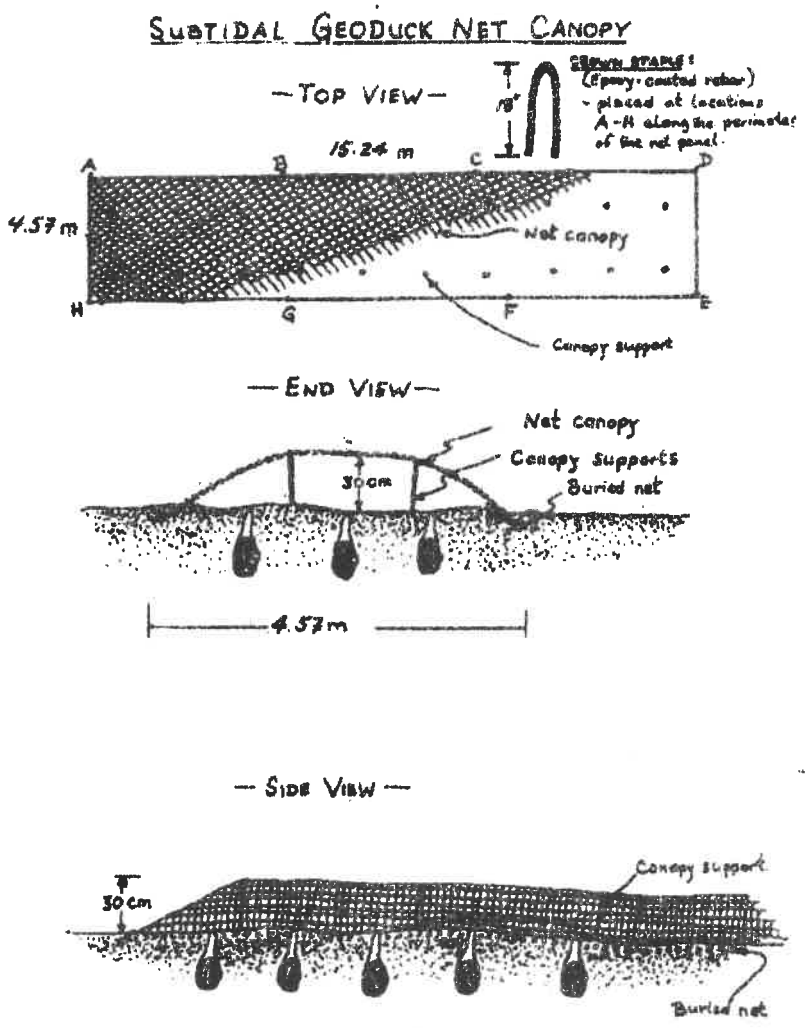
The staff members that will be working on the sub-tidal expansion are the same people that are working and maintaining our current lease. They are already trained in the use of the net/pole system, and have ongoing experience accrual with the Operations Manager. The implementation of the Work Order System will be accompanied by training in observation

Work Orders will be issued and filled out each time the site is visited. All actions taken and recommendations of future actions will be written on the work orders and forwarded to the Operations Manager for planning and implementation purposes.

Section 4 - Contact Information

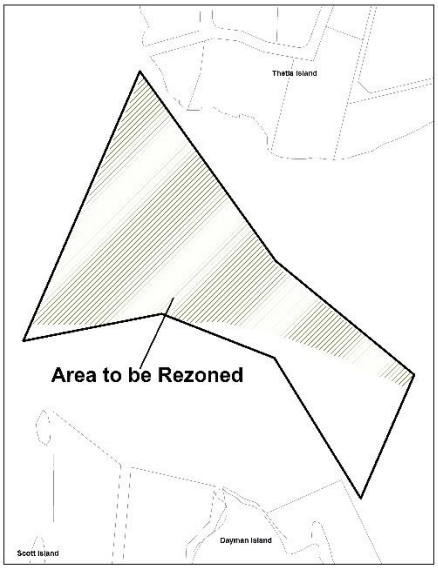
Net tags will be marked with the company name, net number, date of planting, and a phone number, in the unlikely case they are ever recovered anywhere off our lease.

Oreste Panacui
Operations Manager
Phone: 250-818-5411
Fax: 250-743-8361
Email: opanacui@shaw.ca



ATTACHMENT 4 – SITE CONTEXT (TH-RZ-2020.1 (ABRUPT SHELLFISH INC.))

LOCATION

Legal Description	As per the Crown Land Tenure application: Unsurveyed Crown foreshore or land covered by water being part of the bed of Preedy Harbour, Cowichan District, shown outlined in black on sketch below. Crown Land File # 1414783. Area to be rezoned is shown in hatched area in sketch below. 
PID	n/a
Civic Address	n/a

LAND USE

Current Land Use	Marine Area, uses include marine recreation and vessel transportation/access. The area was previously used for wild geoduck harvesting as a part of the Fisheries and Oceans Canada Integrated Geoduck Management Framework 2017.
Surrounding Land Use	Foreshore aquaculture tenures and rural residential/tourism commercial upland use on nearby Thetis, Dayman and Scott Islands.

HISTORICAL ACTIVITY

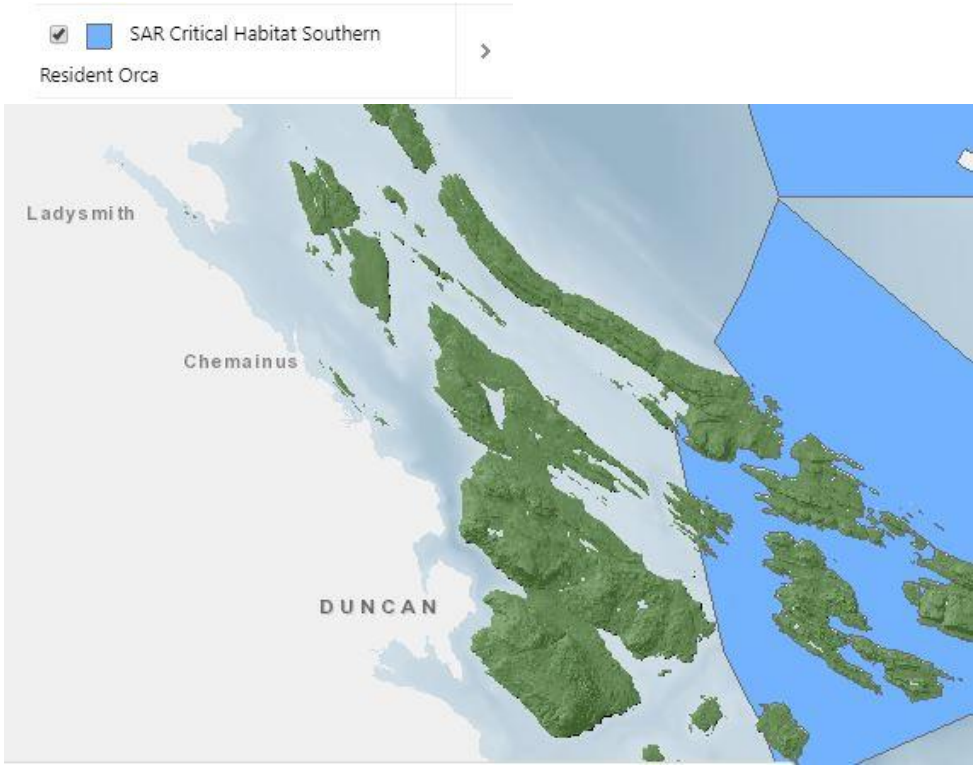
File No.	Purpose
None	n/a

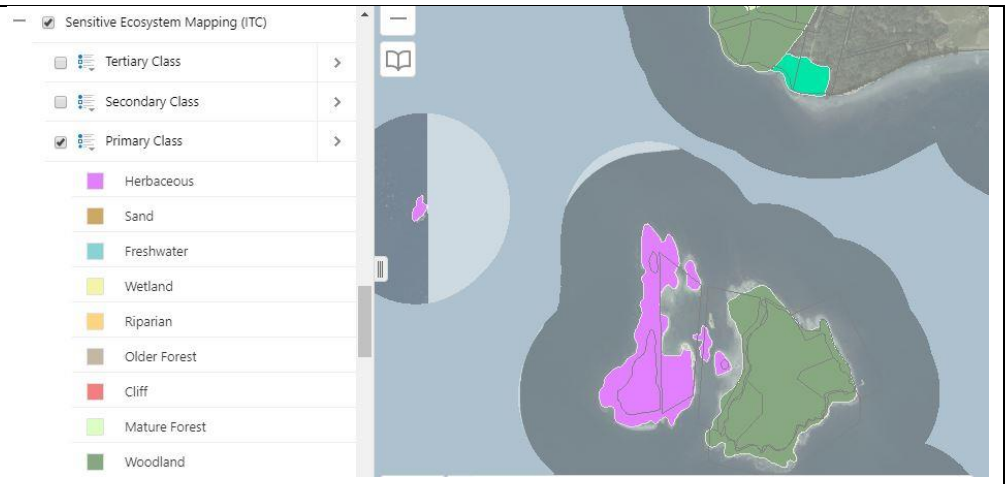
POLICY/REGULATORY

Official Community Plan Designations	Thetis Island Official Community Plan Bylaw No. 88: **Area is undesignated – requires re-designation**. No DPAs or Heritage Conservation Areas.
Land Use Bylaw	Thetis Island Land Use Bylaw No. 89: zone **Water 4 - W4 which does not allow for mariculture use** – rezoning required.
Other Regulations	The applicant indicates that a portion of the area of the proposed mariculture operation that extends into Thetis Associated Islands planning area (covering Scott and Dayman Islands and surrounding marine area) will be removed from the proposal. If it is not removed, the rezoning application will need to contemplate rezoning the marine area surrounding Scott and Dayman Islands, requiring bylaw amendments to the Thetis Associated Islands Official Community Plan No. 93 and Land Use Bylaw No. 94. This would likely require an additional rezoning application and separate public hearing. Confirmation that the area is removed from the crown land tenure application will be sought. A portion of the mariculture operation also extends into the unzoned marine area within the Thetis Local Trust Area. No Thetis bylaws apply to this area. In this case, only the Islands Trust Policy Statement applies. Pertinent policies can be forwarded to Front Counter BC to be considered as a part of their approval process.
Covenants	None
Bylaw Enforcement	No outstanding enforcement issues.

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor directly affects a property adjacent to an ITC owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Strategy	The Regional Conservation Plan 2018-2022 indicates common threats to ecosystems in the Islands Trust Area include resource use (e.g. resource extraction). Thetis Local Trust Area is identified as a ***Very High*** conservation priority based on factors of need for sensitive ecosystem, eelgrass, and forested ecosystem protection.
Species at Risk	Current Islands Trust mapping indicates no occurrences of Species at Risk or critical habitat within or directly adjacent to the subject marine area.

	Note: Islands Trust mapping indicates critical habitat of the federally listed endangered species Northern Pacific Killer Whale resident population off the southern end of Galiano Island. Recovery Strategy identifies threats that include chronic acoustic and physical disturbance and interactions with commercial fisheries and aquaculture. Issues with aquaculture include non-point source pollutants (such as organic wastes, chemical contaminants, such as antifouling on nets) and physical structures, such as netting that may damage foraging habitat such as kelp beds, or physically displace Resident Killer Whales from areas they have historically travelled in. 
Sensitive Ecosystems	Current Islands Trust mapping indicates a sea bird colony at Preedy Rocks, approximately 300 metres to the west of the subject marine area. The proposed mariculture operation is located wholly within a mapped Rockfish Conservation Area. Mapping indicates nearby upland sensitive ecosystems: Woodland and Herbaceous primary layers.

	
Hazard Areas	n/a
Archaeological Sites	Archaeological sites are noted within 100 metres of the subject marine area. Notwithstanding the foregoing, and by copy of this report, the applicant should be aware that there is a chance that the subject marine area may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. Staff note that the *Heritage Conservation Act* defines Heritage site to include land covered by water. Protocol For Cooperation in the Thetis Island Local Trust Area and Lyackson Traditional Territory, 2000 provides the basis for cooperation between parties, identifying interest to share information and refer land use planning documents in a timely manner to each other for discussion before decisions are made. Lyackson and other First Nations as identified by the provincial First Nation Consultative Database with interests in the area may appreciate referral of land use planning documents in a timely manner: Penelakut Tribe, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Stz'uminus First Nation, Semiahmoo First Nation.
Climate Change Adaptation and Mitigation	The proposed rezoning for mariculture is not anticipated to affect greenhouse gas emissions. Staff note that the proposed activities may be impacted by possible climate change induced hazards (e.g. increases in ocean temperature) in the future which may require adaptation to proposed activities.
Shoreline Classification	Dayman and Scott Island shorelines are classified as a rock shoreline - low rock/boulder; Thetis Island adjacent shoreline is classified as a sediment shoreline - sand/cobble.
Shoreline Data in TAPIS	Islands Trust mapping indicates the following forage fish occur on nearby Thetis Island shorelines: Surf Smelt & Pacific Sandlance.

Islands Trust mapping indicates eelgrass habitat on nearby island shorelines and appears to overlap with subject marine area.

MAP 4a: Eelgrass Presence Thetis Island Local Trust Area, excluding Valdes Island

Potential Restoration Site
Eelgrass Present: Flat, Continuous
Eelgrass Present: Flat, Patchy
Eelgrass Present: Fringing, Continuous
Eelgrass Present: Fringing, Patchy

Eelgrass inventory was completed by SeaChange Marine Conservation Society under contract by the Islands Trust and the Islands Trust Fund. The inventory was conducted in July 2012 using towed underwater camera and Garmin GPS, with the exception of Cufra Inlet, which was completed in 2013 by community volunteers.

0 500 1,000 Meters



ATTACHMENT 5 – POLICIES TH-RZ-2020.1 (ABRUPT SHELLFISH INC.)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.	TBD	Area to be rezoned is located within the Rockfish Conservation Area. Eelgrass beds mapped within/near a portion of the area to be rezoned, adjacent to Thetis Island. A sea bird colony is mapped at Preedy Rocks, approximately 300 metres west. Fisheries and Oceans Canada/Navigation Protection Program has reviewed proposal and staff understands that they have given approval in principle. Their review included the Rockfish Conservation Area. To be addressed through OCP policy review.
3.1.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	TBD	Proposal indicates that no chemicals are proposed to be used as a part of the proposal. Nets and poles are to be used on the bottom for predator protection, being employed in sections at a time. To be addressed through OCP policy review.
3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.	TBD	See comments related to Policy 3.1.3.
3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.	TBD	See comments related to Policy 3.1.3.
4.5.8 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.	TBD	Pending further application review and LTC consideration.
5.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing	TBD	Proposal indicates that visible infrastructure will be limited to: - marker buoys, six flashing lights as required by Transport Canada and Canada Coast Guard; - One dive boat when working in area.

to the overall visual quality and scenic value of the Trust Area.		Public comments received so far indicate concern regarding the potential negative impacts to visual/scenic values. To be addressed through OCP policy review.
5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	TBD	See comments related to all the above mentioned policies.
5.2.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.	TBD	See comments related to all the above mentioned policies.
5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.	TBD	Archaeological sites are noted within 100 metres of the subject marine area. The applicant will be made aware of the *Heritage Conservation Act* and their responsibilities in the protection of sites. Application/bylaw amendments should be referred to First Nations as identified by the provincial First Nation Consultative Database with interests in the area: Penelakut Tribe, Lyackson First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Stz'uminus First Nation, Semiahmoo First Nation. Communication should be in accordance with Islands Trust's First Nations Engagement Principles Policy and Reconciliation Declaration.
5.6.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.	TBD	See comments related to Policy 5.6.2.
5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.	TBD	Pending further application review and LTC consideration.

THETIS ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 88

OCP Objective/Policy	Complies	Planner Comments
2.7 Mariculture Land Use Objective 1 – To ensure mariculture activities are compatible with adjacent land and recreational uses and do not cause damage to sensitive ecosystems.	TBD	Area to be rezoned is located approximately within 10 to 20 metres of Thetis Island. Public comments received include nearby Thetis residents and indicate concern regarding the potential negative impacts to visual/scenic and recreational values. Through the bylaw amendment process, there will be opportunity for further public input. Staff understand that Transport Canada has reviewed proposal and given approval. Area to be rezoned is located within the Rockfish Conservation Area. Eelgrass beds area mapped within/near a portion of the Area to be rezoned. MFLNRORD/Fisheries and Oceans Canada/Navigation Protection Program has reviewed proposal and staff understands that they have given approval in principle. Review included the Rockfish Conservation Area. DFO has issued a shellfish aquaculture licence with site specific conditions to mitigate environmental risks in which no activities, works, installations are to occur within 20 metres of any eelgrass or rocky reef.
2.7 Mariculture Land Use Objective 2 – To ensure continuing public access to sustainably harvesting natural or wild marine resources in the water and intertidal areas of the Thetis Local Trust Area subject to Fisheries and Oceans Canada regulations.	TBD	Pending further application review and LTC consideration.
2.7 Mariculture Policy 2 - New mariculture proposals, including shellfish bottom culture and fish farms, are not encouraged and shall be subject to the public process of rezoning.	Yes	New shellfish bottom culture proposals are not encouraged; however, the applicant has chosen to apply to rezone and is subject to the public process of rezoning.
2.7 Mariculture Policy 3 - Rezoning proposals to establish new mariculture areas should not be supported in locations where there would be conflicts with recreational uses or with adjacent upland or marine uses.	TBD	Public comments received include nearby Thetis residents and indicate concern regarding the potential negative impacts to visual/scenic and recreational values. Staff understand that Transport Canada has reviewed proposal and given approval.
4.1 Natural Resources Objective 1 - To encourage the protection, conservation, and stewardship of natural resources.	TBD	Area to be rezoned is located within the Rockfish Conservation Area. Eelgrass beds mapped within/near a portion of the area to be rezoned. A sea bird colony is mapped at Preedy Rocks, approximately 300 metres west.

		MFLNRORD/Fisheries and Oceans Canada/Navigation Protection Program has reviewed proposal and staff understands that they have given approval in principle. Review has included the Rockfish Conservation Area. DFO has issued a shellfish aquaculture licence with site specific conditions to mitigate environmental risks in which no activities, works, installations are to occur within 20 metres of any eelgrass or rocky reef.
4.1 Natural Resources Objective 2 – To identify and protect environmentally sensitive areas or features.	TBD	See comments related to ITPS Policy 4.1 Objective 1 above.
4.1 Natural Resources Objective 5 - To protect marine life and foreshore habitat.	TBD	See comments related to ITPS Policy 4.1 Objective 1 above.
4.1 Natural Resources Objective 6 - To protect the natural diversity of flora and fauna.	TBD	See comments related to ITPS Policy 4.1 Objective 1 above.
4.1 Natural Resources Policy 1 - The cooperation and assistance of Thetis Island residents, property owners, visitors, and relevant government agencies, is sought to ensure utilization and resource management practices which preserve and protect the Island's natural resources.	TBD	MFLNRORD/Fisheries and Oceans Canada/Navigation Protection Program has reviewed proposal and staff understands that they have given approval in principle. Staff recommend that given the limited authority of the LTC to regulate aquaculture operations, to seek clarification on aspects of the licence of occupation process and opportunities for input.
4.1 Natural Resources Policy 2 – Natural features and areas identified as environmentally sensitive to development may be protected by land use regulation and may be regulated by Development Permit.	TBD	No Development Permit Areas in effect in the Thetis LTA. The LTC is limited in its authority to regulate aquaculture operations.
4.1 Natural Resources Policy 3 - Development detrimental to sensitive ecosystems and areas is not to be allowed.	TBD	Area to be rezoned is located within the Rockfish Conservation Area. Eelgrass beds mapped within/near a portion of the Area to be rezoned. A sea bird colony is mapped at Preedy Rocks, approximately 300 metres west. Unknown whether the proposal may have any negative impacts to sensitive ecosystems. DFO has issued a shellfish aquaculture licence with site specific conditions to mitigate environmental risks in which no activities, works, installations are to occur within 20 metres of any eelgrass or rocky reef.
4.1 Natural Resources Policy 13 - Foreshore and adjacent coastal water area land use regulations should place emphasis on retaining natural characteristics.	TBD	Area to be rezoned is located within the Rockfish Conservation Area. Eelgrass beds mapped within/near a portion of the Area to be rezoned. A sea bird colony is mapped at Preedy Rocks, approximately 300 metres west.

		Unknown whether the proposal may have any negative impacts on environment. Proposal indicates that visible infrastructure will be limited to: - marker buoys, six flashing lights as required by Transport Canada and Canada Coast Guard; - One dive boat when working in area. Public comments received include nearby Thetis residents and indicate concern regarding the potential negative impacts to visual/scenic and recreational values. Through the bylaw amendment process, there will be opportunity for further public input.
4.1 Natural Resources Policy 18 – The Integrated Land Management Bureau shall be encouraged to continue the practice of respecting land use regulations of local government when authorizing uses of the foreshore and adjacent marine waters.	Yes	MFLNRORD (formerly ILMB) has reviewed proposal and given approval in principle. Staff, in communication with agency staff, understand that the agency is giving consideration to local concerns and is monitoring status of rezoning application before giving final approval. If tenure is granted, licence provisions typically require that the applicant must comply with all government applicable bylaws. Staff recommend that given the limited authority of the LTC to regulate aquaculture operations, to seek clarification on aspects of the licence of occupation process and opportunities for input.
4.4 Heritage and Archaeological Resources Objective 1 - To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features.	TBD	Archaeological sites are noted within 100 metres of the subject marine area. The applicant will be made aware of the Heritage Conservation Act and their responsibilities in the protection of sites. Application/bylaw amendments should be referred to First Nations as identified by the provincial First Nation Consultative Database with interests in the area: Penelakut Tribe, Lyackson First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Stz'uminus First Nation, Semiahmoo First Nation. Communication should be in accordance with Islands Trust's First Nations Engagement Principles Policy and Reconciliation Declaration.
4.4 Heritage and Archaeological Resources Objective 2 - To protect archaeological sites from damage due to development, land alteration or human use.	TBD	See comments related to OCP policy 4.4 Objective 1 above.
4.4 Heritage and Archaeological Resources Objective 3 - To increase public awareness of the Island's heritage resources.	TBD	See comments related to OCP policy 4.4 Objective 1 above.
4.4 Heritage and Archaeological Resources Objective 4 - To recognize first nations past and current presence on Thetis Island,	TBD	See comments related to OCP policy 4.4 Objective 1 above.

its foreshore and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with first nations.		
4.4 Heritage and Archaeological Resources Policy 1 - Applicants for development proposals should be notified if the subject property overlaps with a recorded protected archaeological site.	TBD	See comments related to OCP policy 4.4 Objective 1 above.
4.4 Heritage and Archaeological Resources Policy 3 - The Local Trust Committee should, in cooperation with first nations and relevant agencies, develop improved methods of determining and assessing impacts on potential archaeological sites, or other first nations cultural sites, when it is considering land use applications and referrals.	TBD	See comments related to OCP policy 4.4 Objective 1 above.

Shellfish Aquaculture Licence under the *Fisheries Act*

Licence For: Aquaculture **Date Issued:**

Licence No: AQSF 2016 **Expiry Date:**

ISSUED TO:

This licence is issued under the authority of the *Fisheries Act* and confers, subject to provisions of the *Fisheries Act* and Regulations made there under, the authority to carry out aquaculture activities including cultivation and harvest of fish and prescribed activities under the conditions included herein and/or attached hereto.

It is the responsibility of the licence holder to obtain all other forms of authorization from federal or provincial agencies that may have jurisdiction for marine shellfish aquaculture facilities. As well, it is the licence holder's responsibility to be informed of, and comply with, the *Fisheries Act* and the regulations made there under, in addition to these conditions.

This licence, or a copy of this licence shall be kept on site at the licensed facility and be available for inspection by a Fishery Officer or Fishery Guardian.

The above licence holder is authorized by this licence to carry on the business of aquaculture at the following location and for the following species:

Facility Reference Number	Location and Legal Description
	«SITECOMMONNAME» «LEGALDESCRIPTION» «LANDFILENUMBER» «PFMA» Land File PFMA:

Licensed Species

Site Specific Conditions:

This licence has no site-specific conditions.

Required Record Keeping and Reporting: Details are contained within the attached conditions of this licence.

Compliance Advisory: No person carrying out any activity under the authority of this licence shall contravene or fail to comply with any condition of this licence.

This licence includes further conditions that are included herein and/or attached hereto. These conditions form part of the licence and may not be removed.

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SHELLFISH AQUACULTURE CONDITIONS OF LICENCE

PART A. Definitions

"Approved Area" refers to the classification of a shellfish growing area which has been approved by the shellfish control authority for growing or harvesting shellfish for direct marketing.

"Aquaculture activities" includes the seeding, cultivation and harvesting of fish, the operation of machinery including vehicles and vessels, the installation of structures and anchors and the maintenance and storage of machinery, structures and equipment.

"Biofouling" means the organisms that attach and/or live on nets and other structures (excluding herring spawn).

"Cultivate" means growing shellfish at any life stage within a growing area, and involves human intervention in the rearing process to enhance production through methods such as but not limited to regular stocking, feeding, or protection from predators.

"Department" means Fisheries and Oceans Canada.

"Equipment" is any kind of device, machinery or thing used as part of an aquaculture operation, including but not limited to work floats, trays and nets.

"Harvest" means the removal of shellfish from the substrate, equipment or structure where they are being cultivated.

"Importation" means bringing shellfish into British Columbia from another province or country.

"Incidental Catch" for the purposes of marine shellfish aquaculture means fish species that:

(a) are not specifically named on the face of the aquaculture licence; and
(b) set naturally, or become entrapped or entangled on aquaculture structures with the licensed species.

"Intertidal growing area" means the area between high tide and chart datum.

"Licensed Area" means the area within which aquaculture activities that are authorized by the aquaculture licence may occur.

"Pacific Fishery Management Area" means areas described in the Pacific Fishery Management Area Regulations and available at:
http://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/areas-secteurs/index-eng.htm.

"Prohibited Area" means the classification of a shellfish growing area determined by the shellfish control authority where shellfish harvesting for food purposes is not permitted.

"Salt Marsh" is a vegetated coastal ecosystem in the upper intertidal zone between land and open salt water or brackish water that is regularly flooded by the tides. It is characterized by salt-tolerant plants such as herbs (e.g. *Salicornia* sp.) or grasses (e.g. *Scirpus* sp. or *Distichlis* sp.).

"Seed" means a submarket size bivalve shellfish requiring a minimum of 6 months (12 months if the source waters have been identified as having a risk of chemical contaminants, as determined by Environment and Climate Change Canada) to reach market size under normal growing conditions, and that has been gathered directly from the wild, or grown in a hatchery.

"Shellfish Aquaculture Site Management Plan" means a site management plan or an approved harmonized Pacific Shellfish Aquaculture Application and may form a part of the Conditions of Licence.

"Structure" means anything built or modified that is used as part of an aquaculture operation including but not limited to walls, fences, rafts, line arrays, and anchors.

"Spat" means a bivalve mollusc in the larval stage, including when settled to the bottom or settled on a structure.

"Transfer" means the movement of individuals of a species or population of live fish (seed, spat, eggs, juveniles or adults) to or from a licensed facility or a hatchery.

"Wet Storage" means the temporary storage of live shellfish from approved sources, intended for market, in containers or floats in natural bodies of seawater, or in tanks containing natural or synthetic seawater.

PART B. General Licence Conditions

1. Site Management Plan

1.1 The licence holder shall have a Shellfish Aquaculture Site Management Plan containing the elements described in Appendix I.

1.2 A submission for changes to the Shellfish Aquaculture Site Management Plan shall be made in the form of a harmonized Provincial/Federal Pacific Shellfish Aquaculture Application (available from FrontCounter BC) when the request is for:

(a) changes to species, including addition and removal;

(b) a proposed change to size of the licensed area;

(c) an addition of a floating living accommodation; or

(d) a change to infrastructure not deemed to be standard, as outlined in Appendix II.

For other minor amendments to the Shellfish Aquaculture Site Management Plan, the licence holder shall notify the Department within 30 days of the change at: Shellfish.Aquaculture@dfo-mpo.gc.ca and DFO.AQSF-AQSF.MPO@canada.ca.

2. Facility Installation and Inspection

2.1 The licence holder shall conduct inspections of equipment, installation methods and anchoring systems at the licensed area, to ensure that equipment and structures are capable of functioning as intended in the environment where they are located in the licensed area. These inspections shall take place:

(a) when the facility is first installed and before any fish are initially introduced or transferred to the facility;

(b) any time structures or equipment are altered;

(c) as required; and

(d) at least once per year.

2.2 All sub-tidal and intertidal boundaries shall be marked clearly.

3. Transfer of Fish

3.1 The licence holder may transfer live seed, spat, juveniles to or from the licensed area and another licensed facility possessing a valid aquaculture licence provided that:

(a) The species of live shellfish are listed as part of the "Species" section on the face of this licence;

(b) The receiving area possesses a valid aquaculture licence for the species;

(c) Shellfish are to be transferred only inside the Shellfish Transfer Zone within which they are licensed (see Appendix III (Figure 1 Map of Shellfish Transfer Zones).), with the following exceptions:

(i) Manila Clam (*Venerupis philippinarum*) may be transferred between Zones 1, 2, 3 and 4 and from any zone to Zone 5. Manila Clam leaving Zone 5 may only be transported to a processing facility;

(ii) Transfer of Pacific Oyster (*Crassostrea gigas*) may take place within a Zone as well as between Zones 1 & 2 or between Zones 3 & 4. Pacific Oyster may be transferred from Zones 3 & 4 to Zone 5, but can only be transferred from Zone 5 directly to processing facilities. Wild Pacific oysters, obtained via lawful commercial shellfish harvest, may be transferred to licensed areas without a separate Introductions and

Transfers Licence, provided all applicable conditions under the *Fishery (General) Regulations*, *Pacific Aquaculture Regulations*, and *Canadian Shellfish Sanitation Program* are met.

(iii) This licence does not allow for the transfer of Geoduck, Sea Cucumber, or Sea Urchin or Varnish Clam.

(d) The shellfish at the licensed area do not display any observable symptoms of disease.

(e) While in transit between licensed facilities, the shellfish must not enter or come into contact with any growing waters.

3.2 A copy of this licence shall accompany all movements of fish to and from the licensed area, and it shall be available for inspection by a Fishery Officer or Fishery Guardian.

4. Access to Wild Fish

4.1 The licence holder may:

(a) collect spat of the licensed species on the licensed area;

(b) retain wild shellfish of the licensed species on the licensed area when they are harvested along with the cultivated licensed species.

5. Escapes or Releases

5.1 The licence holder shall take all reasonable precautions to prevent the escape or release of cultured fish while:

(a) transporting fish on, over or through fresh or tidal waters; and

(b) transporting fish to or from the licensed area or facility.

6. Incidental Catch

6.1 With the exception of Varnish Clam, which may be retained, and licenced species as prescribed in 4.1(b), every person who catches a fish incidentally must immediately return it to the water in a manner that causes it the least harm.

7. Predator Control

7.1 Upon discovery of a live entangled or dead marine mammal:

(a) The licence holder shall report immediately to the Department's Observe, Record and Report (ORR) fax line at 1-604-607-4156 or call 1-800-465-4336.

(b) If the marine mammal is alive and entangled, the licence holder shall make all reasonable attempts to free the animal without harm.

(c) Within 7 days of the incident, a written report shall be submitted to the Marine Mammal Reporting inbox: AQFF.MarineMammals@dfo-mpo.gc.ca and DFO.AQSF-AQSF.MPO@canada.ca. A report shall be filed even if the animal is released alive. The report shall include as much information as available at the time of the incident as specified in Appendix IV.

7.2 The licence holder is prohibited from using acoustical deterrent devices for marine mammals.

7.3 The licence holder shall ensure that predator exclusion devices are constructed and maintained to prevent entrapment and avoid potential injury to fish species or wildlife; and to function as intended.

8. Protection of Fish Habitat

8.1 The licence holder shall ensure that "Styrofoam" used for floatation is securely wrapped in containment material so as to remain intact. Any floatation material that is degrading or is otherwise no longer in use shall be removed from the marine environment and disposed of at land-based facilities.

8.2 The licence holder shall ensure that operations/activities conducted on the licensed area do not result in a build up of shell debris on the seabed.

8.3 The licence holder shall not store or leave any aquaculture equipment or structures on the licensed area unless the equipment or structures are used in that location as part of an aquaculture activity and are affixed/ secured so as not to move off the licensed area.

8.4 The licence holder shall not introduce or cause or allow the introduction of aquaculture refuse (including but not limited to infrastructure, equipment and materials) into the environment in the course of conducting aquaculture activities.

9. Harvesting and Handling

9.1 In respect of tagging containers of shellfish:

(a) Prior to leaving the licensed area, all containers holding shellfish that are destined for market sale shall be marked with a visible tag identifying the following:

(i) Licence Holder Name;

(ii) Species;

(iii) Pacific Fishery Management Area;

(iv) Land File Number;

(v) Date of Harvest; and

(vi) Facility Reference Number.

(b) Tags shall be waterproof and all information shall be written in water resistant ink.

9.2 For the purposes of wet storage of market-sized bivalves, the licence holder shall not wet-store shellfish originating from areas other than the licensed area unless written approval has been received from the Canadian Food Inspection Agency.

9.3 Harvested oysters destined for raw consumption must be protected from the sun.

9.4 Harvested oysters destined for raw consumption must be rapidly cooled to less than 10˚C. Refrigeration (4˚C) must be maintained during storage and transportation.

10. Measures to Prevent the Spread of Aquatic Invasive Species

10.1 In Pacific Fishery Management Subareas 20-6 and 20-7 and in Pacific Fishery Management Areas 23 to 27, the licence holder shall thoroughly examine harvested shellfish (oysters, clams, scallop, and mussels) for signs of European Green Crab, and rinse the harvested shellfish prior to being removed from the harvest area.

10.2 Shellfish culture gear (trays, lines, etc.) shall be thoroughly examined and rinsed prior to removal from growing areas in Pacific Fishery Management Subareas 20-6 and 20-7 and in Pacific Fishery Management Areas 23 to 27 for use in another area.

10.3 Shellfish harvested from Pacific Fishery Management Subareas 20-6 and 20-7 and from Pacific Fishery Management Areas 23 to 27 shall be wet stored or grown out only at

approved licensed areas in Pacific Fishery Management Subareas 20-6 and 20-7 and in Pacific Fishery Management Areas 23 to 27.

10.4 All containers used for transport of harvested shellfish from Pacific Fishery Management Subareas 20-6 and 20-7 and from Pacific Fishery Management Areas 23 to 27 must be rinsed and all water, including transport water, must be disposed of in a manner that ensure all life stages of European Green Crab do not re-enter marine waters in other areas.

10.5 The licence holder shall not transfer or introduce or cause to introduce an aquatic invasive species beyond waters where it is currently found.

11. On-board Waste Containment

11.1 All vessels within the licensed area shall be equipped with a designated human waste receptacle on board. Receptacles could include a portable toilet, a fixed toilet, or other containment device as appropriate. Such devices must be made of impervious, cleanable materials and have a tight fitting lid.

11.2 Designated human waste receptacles shall be used only for the purpose intended, and shall be so secured and located as to prevent contamination of the shellfish area, or any harvested shellfish on board by spillage or leakage.

11.3 Designated human waste receptacles shall be emptied only into an approved sewage disposal system, and portable toilets or other designated human waste receptacles shall be cleaned before being returned to the vessel.

12. Records

12.1 The licence holder shall maintain written or electronic records relating to the licensed aquaculture activities throughout the species growing cycle. The records shall contain the elements listed in Section 12.2. Records shall be produced upon request by a Fishery Officer or Fishery Guardian.

12.2 The licence holder shall record, within 24 hours, the importation or transfer of shellfish to the licensed area, the transfer of shellfish from the licensed area and harvest for market sale. Records shall include shellfish wet stored at the licensed area(s) from other locations prior to market sale. The licence holder shall record:

(a) aquaculture Licence Number(s), Facility Reference Numbers, or groups of Aquaculture Licence or Facility Reference Numbers associated with the licence holder for sites in the same Pacific Fishery Management Area;

(b) activity date;

(c) species common name;

(d) the nature of the activity (i.e. Activity Code (IP - Importation) (TS - Transfer) (H - Harvest for Market Sale));

(e) number of containers;

(f) container type;

(g) average container weight, OR total estimated weight OR, estimated number of individuals;

(h) source of shellfish arriving at the site (source licence number, or other);

(i) water classification of source of shellfish arriving at the site; and

(j) destination of shellfish leaving the site (destination site licence number, shellfish buyer, or market sale processor).

12.3 All transfers of shellfish that are leaving the licensed area for grow-out at another destination, (at a site held by another licence holder, or in a different Pacific Fishery

Management Area), shall be accompanied by a record of the date, source, destination, species and amount of shellfish in transit.

12.4 Records for all shellfish harvested for market sale shall be maintained and recorded for each licensed site.

12.5 The licence holder shall keep and maintain a log of facility inspections conducted under Section 2.2 and of equipment maintenance actions. The facility inspection and maintenance log above shall be made available for inspection upon request of a Fishery Officer or Fishery Guardian.

12.6 When harvesting oysters destined for raw consumption, the licence holder shall record the time of harvest, the water temperature at minimum harvest depth, and the ambient air temperature at the time of harvest. These records shall be made available for inspection upon request of a Fishery Officer or Fishery Guardian.

13. Annual Aquaculture Statistical Report

13.1 Starting January 25, 2017, and annually thereafter for the term of this licence, the licence holder shall complete and submit to the Department the Annual Aquaculture Statistical Report (Appendix V) for the previous calendar year to the following email address: fishstats@dfo-mpo.gc.ca and DFO.AASR-RSSA.MPO@canada.ca.

14. Administrative Matters

14.1 Unless otherwise noted in specific licence conditions, all reports and submissions required by this licence shall be submitted by email, fax or mail to the Department at:

Attn: Aquaculture Resource Management

PBS Mailroom

3190 Hammond Bay Road

Nanaimo, BC, V9T 6N7

Fax: 250-754-0391

Email: Shellfish.Aquaculture@dfo-mpo.gc.ca

Email: DFO.AQSF-AQSF.MPO@canada.ca

PART C. Additional Conditions by Species or Activity

1. General Culture of Bivalve Species

In addition to conditions in Part A and Part B, where applicable, the following conditions are applicable, if licensed for any of the following species:

Pacific Oyster	*Crassostrea gigas*
American/Eastern Oyster	*Crassostrea virginica*
European Oyster	*Ostrea edulis*
Kumamoto Oyster	*Crassostrea sikamea*
Eastern Blue Mussel	*Mytilus edulis*
Western Blue Mussel	*Mytilus trossulus*
Gallo Mussel	*Mytilus galloprovincialis*
Japanese Scallop	*Mizuhopecten yessoensis*
Pacific Scallop (Hybrid)	*M. yessoensis x Patinopecten caurinus*
Giant Rock Scallop	*Crassadoma gigantean*
Weathervane Scallop	*Patinopecten caurinus.*
Pink Scallop	*Chlamys rubida,*
Spiny Scallop	*Chlamys hastata*
Horse Clam	*Tresus capax*
Pacific Geoduck Clam	*Panopea generosa*
Littleneck Clam	*Protothaca staminea*
Manila Clam	*Venerupis philippinarum*
Butter Clam	*Saxidomus gigantea*
Nuttall's Cockle	*Clinocardium nuttallii*

1.1 The licence holder shall:

(a) Land all harvested bivalves at a federally registered processing plant prior to sale for human consumption.

(b) With respect to Varnish Clam:

(i) Not seed, transplant or in any other manner engage in aquaculture activities with Varnish Clam other than harvesting, as set out in Section 6 in Part B.

1.2 No licence holder shall cultivate, store, or harvest shellfish within 125 m of any floating living accommodation, except as authorized under the *Management of Contaminated Fisheries Regulations*.

1.3 If an approved Zero Discharge Waste Management Plan is in place that reduces the prohibited area to 25m, no licence holder shall cultivate, store or harvest shellfish within 25 m of any floating living accommodation, except as authorized under the *Management of Contaminated Fisheries Regulations*.

1.4 No licence holder shall cultivate, store or harvest bivalves within 125 m of any finfish net pen unless an approved Integrated Multi-Trophic Aquaculture Management Plan is in place that specifies the prohibited area.

1.5 Any bivalve seed transferred to this licensed area from a licensed area having a Prohibited Area classification shall remain in growing waters with an Approved Area classification for a minimum of 12 months prior to harvest, except as authorized under the *Management of Contaminated Fisheries Regulations*.

2. General Culture of Sea Urchin/Sea Cucumber

2.1 In addition to conditions in Part B, the following conditions are applicable if licensed for any of the following species:

(a) Sea Urchin:

Red	*Strongylocentrotus franciscanus*
Green	*S. droebachiensis*
Purple	*S. purpuratus*

(b) California Sea Cucumber *Parastichopus californicus*

2.2 Harvest Plan:

(a) Not less than 30 days prior to the first intended harvest at the licensed area, the licence holder shall submit a written Harvest Plan to the Department for approval.

(b) The Harvest Plan shall contain:

(i) a summary of Sea Cucumber or Sea Urchin seeding or husbandry activities that have taken place, including the location of seeding;

(ii) the projected harvest dates; and

(iii) anticipated harvest amount for the current year.

(c) The licence holder shall not harvest any Sea Urchin or Sea Cucumber without a Harvest Plan approved by the Department.

(d) The licence holder shall follow and comply with the Harvest Plan approved by the Department at all times and have it available for inspection upon the request of a Fishery Officer or Fishery Guardian.

2.3 Harvest Notification:

(a) The licence holder shall notify the DFO Radio Room (PACRadioRoomRHQ@dfo-mpo.gc.ca and DFO.PACRadioRoom-SallederadioPAC.MPO@canada.ca or (fax) 604-607-4156) and Aquaculture Resource Management (Shellfish.Aquaculture@dfo-mpo.gc.ca and DFO.AQSF-AQSF.MPO@canada.ca or (fax) 250-754-0391) by facsimile or electronic mail no less than 72 hours prior to any Sea Cucumber harvest, using a completed Aquaculture Harvest Notification Form (Appendix VI).

(b) The licence holder shall submit an amended Aquaculture Harvest Notification Form (Appendix VI) if harvest plans change.

2.4 Landing Reports:

(a) The licence holder shall complete an approved Sea Cucumber/Sea Urchin Aquaculture Landing Logbook form for each shipment landed. A copy of the completed landing log shall accompany each shipment of harvested Sea Cucumber or Sea Urchin from the licensed area to the buyer or processing plant.

(b) The Sea Cucumber/Sea Urchin Aquaculture Landing Logbook form shall contain the following:

(i) Licence holder's name;

(ii) DFO aquaculture facility reference number;

(iii) Aquaculture facility location;

(iv) BC land file number;

(v) Pacific Fishery Management Area and Subarea;

(vi) Harvest date;

(vii) Vessel Name, VRN#, Landing Location and Vessel Operator for deepwater sites or Beach Supervisor name for intertidal sites;

(viii) Number of Sea Cucumber/Sea Urchin landed;

(ix) Gross weight landed (including containers and liners);

(x) Net weight landed;

(xi) Trucking company details;

(xii) Final destination (Registered Processing Plant or Destination Company); and

(xiii) a signed declaration.

(c) The licence holder shall scan and email or fax a copy of each days Landing Logbook form(s) to the following location not later than 24 hours following product landing:

Aquaculture Resource Management

Fax: 250-754-0391 or email to Shellfish.Aquaculture@dfo-mpo.gc.ca and DFO.AQSF-AQSF.MPO@canada.ca.

3. General Culture of Geoduck

3.1 In addition to conditions in Part B and Part C(1), where applicable for the species, the following conditions apply if licensed for:

(a) Geoduck *Panopea generosa*

3.2 Harvest Plan:

(a) Not less than 30 days prior to the first intended harvest at the licensed area, the licence holder shall submit a written Harvest Plan to the Department for approval.

(b) The Harvest Plan shall contain:

(i) a summary of Geoduck seeding and husbandry activities that have taken place, including the location of seeding;

(ii) the projected harvest dates;

(iii) anticipated harvest amount for the current year; and

(iv) anticipated size of individuals to be harvested.

(c) The licence holder shall not harvest any Geoduck without a Harvest Plan approved by the Department.

(d) The licence holder shall follow and comply with the Harvest Plan approved by the Department at all times and have it available for inspection upon the request of a Fishery Officer or Fishery Guardian.

3.3 Harvest Notification:

(a) The licence holder shall notify the DFO Radio Room (PACRadioRoomRHQ@dfo-mpo.gc.ca and DFO.PACRadioRoom-SallederadioPAC.MPO@canada.ca or (fax) 604-607-4156) and Aquaculture Resource Management (Shellfish.Aquaculture@dfo-mpo.gc.ca and DFO.AQSF-AQSF.MPO@canada.ca or (fax) 250-754-0391) by facsimile or electronic mail no less than 72 hours prior to any Geoduck harvest, using a completed Aquaculture Harvest Notification Form (Appendix VI).

(b) The licence holder shall submit an amended Aquaculture Harvest Notification Form (Appendix VI) if harvest plans change.

3.4 Harvest Container Tags:

(a) The licence holder shall attach a completed site specific tag to each container of harvested Geoduck on the vessel or beach where harvested. No container shall be left untagged on the site or during transport.

(b) The container tags shall be waterproof and provide the following information written in water resistant ink:

(i) Licence holder's name;

(ii) DFO aquaculture facility reference number;

(iii) BC land file number;

(iv) Aquaculture facility location;

(v) Pacific Fishery Management Area and Subarea;

(vi) Harvester name;

(vii) Harvest date; and

(viii) The words "Aquaculture" and the common name of the shellfish harvested "Geoduck Clam".

(c) Tags are to be visible and remain in the containers of harvested Geoduck until delivered to a registered shellfish processing plant.

3.5 Landing Reports:

(a) The licence holder shall complete an approved Geoduck Aquaculture Landing Logbook form for each shipment landed. A copy of the completed landing log must accompany each shipment of harvested Geoduck from the licensed area to the registered processing plant.

(b) The Geoduck Aquaculture Landing Logbook form shall contain:

(i) Licence holder's name;

(ii) DFO aquaculture facility reference number;

(iii) Aquaculture facility location;

(iv) BC land file number;

(v) Pacific Fishery Management Area and Subarea;

(vi) Harvest date;

(vii) Vessel Name, VRN#, Landing Location and Vessel Operator for deepwater sites or Beach Supervisor name for intertidal sites;

(viii) Number of Geoduck landed;

(ix) Gross weight landed (including containers and liners);

(x) Net weight landed;

(xi) Trucking company details;

(xii) Final destination (Registered Processing Plant or Destination Company); and

(xiii) a signed declaration.

(c) The licence holder shall scan and email or fax a copy of each day's Landing Logbook form(s) to the following location not later than 24 hours following product landing:

Aquaculture Resource Management

Fax: 250-754-0391 or by email to:

Shellfish.Aquaculture@dfo-mpo.gc.ca and

DFO.AQSF-AQSF.MPO@canada.ca.

PART D. Information and Requirements for Shellfish Aquaculture Licence Holder

Appendix I: Elements of a Shellfish Aquaculture Site Management Plan

Information provided as part of the Shellfish Aquaculture Site Management Plan (the management plan for the licensed area) will, at a minimum, include the following elements:

- Licence holder(s) and contact information
- Location and legal description of the site, including map(s)
- Culture Species
- Type of culture conducted at the site i.e. intertidal, subtidal on/in bottom, deepwater suspended, nursery operation
- Culture gear and physical structures details including rafts, longlines, predator nets, etc. and the amount and placement of gear and structures
- Licence area layout, structures, boundary marking where applicable, as outlined in the Provincial/Federal Pacific Aquaculture Application
- Maximum estimated production of cultured fish by species from this site per year (in metric tonnes).

A shellfish site management plan template, as part of the Provincial/Federal Pacific Aquaculture Application may be obtained from FrontCounter BC by the following means:

In Person: Any FrontCounter BC office.
Visit http://www.frontcounterbc.gov.bc.ca for the location nearest you.
By Mail: FrontCounter BC, 2080a Labieux Road, Nanaimo, BC V9T 6J9
By Email: frontcounterbc@gov.bc.ca

Appendix II: Standard Infrastructure

The following infrastructure types are considered to be standard infrastructure in their respective culture areas, provided that the following sensitive habitats are avoided: intertidal stream channels, eelgrass beds (*Zostera* sp.), fish spawning areas, *Species at Risk Act* listed species (Endangered species, Threatened and Species of Special Concern), residences or critical habitats, salt marsh, rocky reefs, kelp beds, glass sponge (*Hexactinellidae*) and/or coral complexes:

Intertidal:

- Addition or removal of predator netting
- Addition or removal of intertidal long-lines
- Addition or removal of rack and bag systems
- Addition or removal of oyster retention fencing (eg. Vexar fencing)

Deepwater:

- Addition or removal of rafts
- Addition or removal of long lines
- Addition or removal of a FLUPSY
- Addition or removal of work floats

Notifications:
If changes are made to standard infrastructure, notify the Department by email at: Shellfish.Aquaculture@dfo-mpo.gc.ca and DFO.AQSF-AQSF.MPO@canada.ca to update your Management Plan.

Non Standard Infrastructure:
The use of any of these infrastructures in an area not outlined above, the use of any other infrastructure, or the use of any infrastructures in sensitive habitats must be approved by the Department in the form of a Pacific Shellfish Aquaculture Application, prior to installation.

Appendix III: Introductions and Transfers

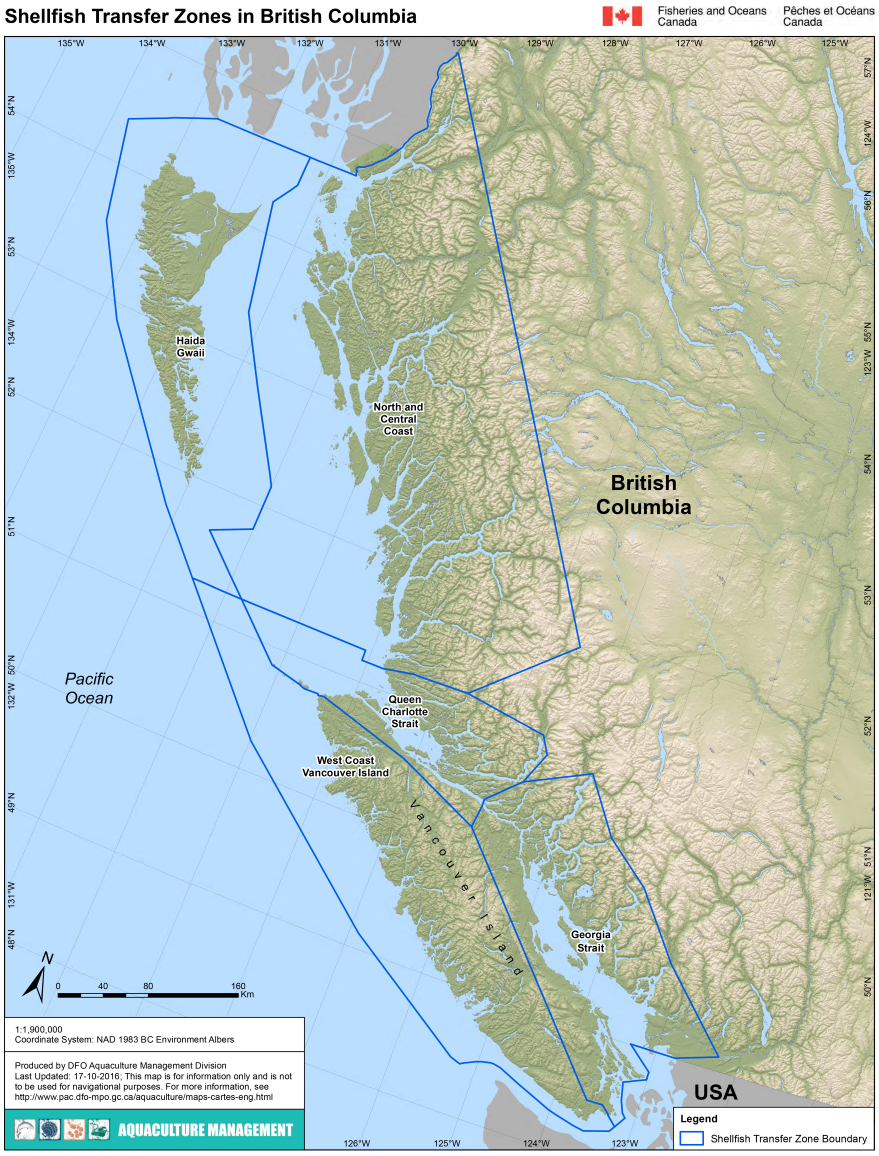
Shellfish Transfer Zones

Figure 1 shows the five zones established for shellfish introductions and transfers in BC. These zones are generally delineated based on definable oceanographic and ecographic discrete areas (e.g. oceanic vs. inside waters). Consideration is also given to historical movements of shellfish in the aquaculture and commercial fisheries sectors for trade and commerce.

The terms of the Shellfish Aquaculture Conditions of Licence specify the conditions under which licence holders may move shell stock within and between zones.

Only licensed shellfish growers will be free to move stock between licensed shellfish growing facilities ***within the same zone*** under the conditions of their Shellfish Aquaculture Licence as long as the receiving facilities are licensed for the species to be transferred (some exceptions apply).

Additional information and guidance on transfers of shellfish can be found at: http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/intro-trans/index-eng.html or by contacting famitc@dfo-mpo.gc.ca and DFO.BCITC-CITCB.MPO@canada.ca.



Appendix IV: Marine Mammal Incident Report Form

PLEASE REPORT ALL INCIDENTS TO O.R.R. IMMEDIATELY
CALL 1-800-465-4336 OR FAX 1-604-607-4156

The form below must be completed and submitted within 7 days of the incident.

Company information	**Dates**	**File numbers**
Company: _____ Facility Ref. # :_____ Site Name: _____ Contact name: _____ Address: _____ Phone: _____ Email: _____	Reported to ORR Date/time: _____/_____ Discovery Date/time: _____/_____	ORR #: _____ **Fish data** Species On Site: _____ _____ _____ _____

Incident Details ☐ Harbour Seal ☐ California Sea Lion ☐ Other, please specify:

_____

Animal condition Alive, Fresh or Advanced or Moderate decomposition	**Incident type** Accidental drowning / entanglement (if unknown describe as best possible)	**System Component** Predator net, long line, lead line, other (please specify)

Mitigation Measures

Describe in detail the mitigation measures in place at this facility to prevent drowning and/or entanglement (these can include infrastructure and/or procedures)
Describe in detail the circumstances that led to the failure of these mitigation measures.

Describe in detail what corrective measures are being undertaken to prevent recurrence of this event. (Please include procedural and/or infrastructural modifications.)

Actions taken with Marine Mammal:

☐ Collected, stored until DFO advises further

☐ Collected, discarded (where): _____

☐ Photograph of tooth dentition pattern with date stamp

☐ Other_____

☐ Released

DFO requests all dolphins & porpoises are collected and stored on ice until arrangements can be made for their collection & necropsy

Comments:

_____

_____

_____

SUBMIT the completed form by email to Fisheries & Oceans Canada at:
AQFF.MarineMammals@dfo-mpo.gc.ca and DFO.AQSF-AQSF.MPO@canada.ca

Appendix V: Annual Aquaculture Statistical Report (AASR)

Annual Aquaculture Statistical Report

Once completed, this document is confidential within the provisions of the *Access to Information and Privacy Act.*
For Internal Use Only

Reporting Year:	Licence Type:	Facility Number:	Landfile Number:
Licence Holder:			

Introduction

In British Columbia, Fisheries and Oceans Canada is the lead authority responsible for regulating the aquaculture industry. Production statistics collected through this form may be used for analytical and operational purposes and will be shared with other government partners for statistical use. These organizations agree to take appropriate steps to protect all sensitive personal and commercial information, and to release data only in aggregated form.
In compliance with licences issued under the *Pacific Aquaculture Regulations*, all aquaculture licence holders are required to complete the Annual Aquaculture Statistical Report (AASR) under Section 61 of the Federal *Fisheries Act.*
The completed forms for each calendar year are due no later than January 25 of the following year.

Instructions for Completing the AASR

►This form is for use by shellfish, marine finfish and freshwater/land- based aquaculture licence holders.
►Complete all sections of this form, unless otherwise indicated
►Print in **BLACK INK** and using **BLOCK LETTERS**.
►This form must be completed and submitted via email to fishstats@dfo-mpo.gc.ca and DFO.AASR-RSSA.MPO@canada.ca or mailed to the address provided. To request an electronic spreadsheet version of this form, email fishstats@dfo-mpo.gc.ca and DFO.AASR-RSSA.MPO@canada.ca.
►Provide weights and measures using metric (e.g. kg, cm) unless other units are indicated.

Section 1 - Harvest for Food Market Sales

Were any fish or shellfish sold for Food Market Sales? ○ **Yes** ○ **No**

Species (provide full common or latin name)	**Weight (kg)**	**Quantity** (For Shellfish Only)	**Quantity Unit of Measure** (For Shellfish use Lbs, Dozens or Gallons)	**Value ($)**	**Product Type** (Round, Live, Fresh Dressed Head On, Fresh Dressed Head Off, Frozen Dressed Head On, Frozen Dressed Head Off, Fresh Fillets, Frozen Fillets, or Other (specify))

Section 2 – "U-Catch-Em" Sales

Note: Section 2 only applies to Freshwater/Landbased facilities

Were there any U-Catch-Em Sales? ○ **Yes** ○ **No** ○ **Not Applicable**

Species (provide full common or latin name)	**Average Length (cm)**	**Total Number**	**Total Weight (kg)**	**Total Value ($)**

Section 3 – Processing Information

Were any fish or shellfish processed? ○ **Yes** ○ **No**

Who processed your fish or shellfish? _____

Annual Aquaculture Statistical Report (cont'd)

Reporting Year:

Facility Reference #:

Section 4 – Sales for Restocking or Ongrowing Purposes

Note: Include sales only – not purchases or acquisitions

Were any fish/shellfish sold for restocking or ongrowing? ○ **Yes** ○ **No**

Species (provide full common or latin name)	**Life Stage** (Eggs, Fry/Fingerlings, Juveniles/Smolts, Adults or Seed, Larvae)	**Cultch Type** (Shellfish Only)	**Number Sold in BC** (not exported)	**Number exported**	**Total Value ($)**

Section 5 – In-zone Introductions & Transfer Information

Note: Section 5 only applies to Freshwater/Land Based and Shellfish facilities.

Did you stock your site during the reporting year from an in-zone source? ○ **Yes- complete Page 3**

○ **No**

Section 6 – Subtidal On-bottom Shellfish Seeding

Note: Subtidal refers to culture activities occurring on the bottom, below low tide.

Did you conduct subtidal shellfish seeding for any species this year? ○ **Yes- complete Page 5**

○ **No**

Section 7 – Stock on Hand and Future Plans

Note: Section 7 only applies to Freshwater/Land Based and Shellfish facilities.

Will this site be actively culturing during the next reporting year? ○ **Yes** ○ **No**

If this site had any stock on hand as of December 31, **list all species**: _____

_____

_____

Section 8 – Declaration

DECLARATION: I have read all information contained on this report and it is true to the best of my knowledge and belief.

Name (print)	*Signature*	*Date*
Position in Company	*Email address*	*Phone #*

Section 5 Continued – In-Zone Introductions & Transfers Information

○ **Not Applicable**

Complete this section if you answered "Yes" to Section 5.

Complete the table below if you answered **Yes** to question Section 5 **AND** the transfer(s) **did not require** a separate Introductions & Transfers Licence. Otherwise, check "Not Applicable" in the space above.

Examples for Shellfish include: Initial stocking of a site(s) with shellfish seed from a within-zone hatchery

Examples for Freshwater/Land-based include: Introduction of fish, for land-based, U-catch and other FW facilities, from a within-zone source.

Provide one line per species (i.e. all transfer data for each species should be aggregated and reported on a single line)

Species Brought on Site	**Source** (provide aquaculture facility reference number or commercial licence number)	**Total Number of Fish Transferred**	**Total Number of Transfers**

Annual Aquaculture Statistical Report (cont'd)

Reporting Year:

Facility Reference #:

Section 6 Continued - Subtidal Shellfish (on/in bottom) Seeding Activities

○ **Not Applicable**

Complete this section if you answered "Yes" to Section 6.

- **6a**. If you purchased geoduck *(Panopea generosa)* and/or horseclam *(Tresus)* seed this year, attach your proof of purchase. If submitting electronically, ensure that an electronic copy of your proof of purchase is attached.
- **6b.** List all species that you seeded subtidally during the reporting year:

Species	Total Area Seeded (m^2)	Month Seeding Activities Commenced

Appendix VI: Aquaculture Harvest Notification Form for Geoduck, Sea Urchin or Sea Cucumber

AQUACULTURE HARVEST NOTIFICATION FORM
for Geoduck, Sea Urchin or Sea Cucumber

This form must be submitted to Fisheries and Oceans Canada offices noted below at least 72 hours prior to harvest of any cultured Geoduck, Sea Urchin or Sea Cucumber.

Check one: **Geoduck** ☐ **Sea Cucumber** ☐ **Sea Urchin** ☐

Licence Holder Name: _____ Date: _____
Or if applicable:
Harvester/Vessel Master Name: _____Cell Ph. _____

DFO Aquaculture Licence No: _____

Aquaculture Facility Number: _____ Landfile # or PID #: _____PFMA_____

Location:_____

Designated Vessel Name (if applicable): _____VRN or DOT Registration #: _____

Landing Location (public wharf or other): _____

Scheduled Harvest Date(s) (dd/mm/yy)	**Product Arrival Date** (dd/mm/yy)	**Destination** (*Specify*: the Buyer, the Processing Plant)

Offices for Notification		
DFO Radio Room, Vancouver	**Email:**	PACRadioRoomRHQ@dfo-mpo.gc.ca
	Email:	DFO.PACRadioRoom-SallederadioPAC.MPO@canada.ca
	FAX:	604-607-4156
	Telephone:	1-800-465-4336 or 604-607-4186
DFO Aquaculture Management, Nanaimo	**Email:**	Shellfish.Aquaculture@dfo-mpo.gc.ca
	Email:	DFO.AQSF-AQSF.MPO@canada.ca
	FAX:	250-754-0391
	Telephone:	250-754-0407

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph:(250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area **Bylaw No.:** 520 **Date:** April 16, 2020

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held at a later date.

APPLICANTS NAME / ADDRESS:
Lightdance Design Inc. / 2199 North End Road, Salt Spring Island, BC

PURPOSE OF BYLAW:
To permit a private medical clinic and six (6) associated commercial guest accommodation units

GENERAL LOCATION:
377 Seymour Heights, Salt Spring Island, BC

LEGAL DESCRIPTION:
Lot 1, Section 79, South Salt Spring Island, Cowichan District, Plan 42461

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
28.6772 hectares (70.863 acres)	Non-ALR	Upland

OTHER INFORMATION:
The proposed clinic is a naturopathic cancer treatment clinic; guest accommodation units are only permitted as a secondary use to the clinic, and would not be permitted to operate without the establishment of a clinic. For the staff report and more information on application SS-RZ-2018.3, please go to: http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/

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

(Signature)

Name: Geordie Gordon

Title: Planner 2

This referral has been sent to the following agencies:

First Nations
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only

Regional Agencies
CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Transportation Commission
Vancouver Island Health Authority

Non-Agency Referrals
BC Ambulance Service
RCMP
SSI Fire-Rescue

Provincial Agencies
BC Assessment Authority
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural Development – Front Counter BC
Front Counter BC

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island Trust Area	520
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

Islands Trust

MEMORANDUM

File No.: 0680-25 (Annual Report)

DATE OF MEETING:	June 2, 2020
TO:	Thetis Island Local Trust Committee
FROM:	Heather Kauer, Regional Planning Manager Northern Team
SUBJECT:	2019-2020 Annual Report

RECOMMENDATION:

1. **That the Thetis Island Local Trust Committee endorse the following text for inclusion in the 2019-2020 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.**

The Thetis Island Local Trust Committee (TH LTC) held five regular business meetings, one special meeting and one public hearing in the 2019/20 fiscal year.

Work for this period focused on advancing the TH LTC priorities to address private moorage regulations for Ruxton Island and to implement the Riparian Areas Protection Regulation on Thetis Island. In order to implement private moorage regulations on Ruxton Island, the TH LTC adopted Bylaw No. 103.

The TH LTC also adopted a standing resolution stating its intent to engage in reconciliation by honouring the Truth and Reconciliation Commission Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples as well as its intent to work with First Nations governments on implementing actions that support reconciliation and maintain relationships based on respect and recognition.

The TH LTC received and considered one rezoning application. Staff also reviewed and processed two subdivision referrals, three building permit referrals, and two crown land referrals within the Thetis Local Trust Area. The TH LTC also considered a referral from the federal Ministry of Innovation, Science and Economic Development Canada for a second proposal from Telus for a telecommunications tower on Thetis Island.

DISCUSSION

Local trust committees are asked to endorse their draft sections of the 2019-2020 Annual Report so that Trust Council is readily able to approve the annual report at the Trust Council meeting in June 2020.

Preparation of the Islands Trust Annual Report is outlined in Trust Council's Annual Report Policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and subsequent consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs & Housing and circulate it as indicated in Trust Council's policy.

The recommended text (above) has been reviewed by the Islands Trust Communications Specialist and approved by the Director of Local Planning Services.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 2, 2020

ISLANDS TRUST CONSERVANCY
Protecting Canada's Islands in the Salish Sea

Islands Trust Conservancy Report
to Local Trust Committees
and Bowen Island Municipality
February 2020

Islands Trust Conservancy Board News

Please join us in welcoming Trustee Donald Clarke who has been appointed to the Conservancy Board for a two-year term. Trustee Clarke brings a wealth of professional knowledge and experience from his 25 years working in over 50 First Nations communities in political advising, negotiations administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, social, economic and cultural development.

Islands Trust Conservancy Elections
Islands Trust Conservancy Board elected by acclamation the following:
Board Chair: Kate-Louise Stamford
Vice Chair: Sue Ellen Fast
ITC Representative to the Financial Planning Committee: Kate-Louise Stamford

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work the Islands Trust Conservancy (ITC). The ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning
Salish Sea Ecosystem Conference: Chair Stamford, Trustee Fenton and Trustee Hannon, as well as some staff, will be attending the Salish Sea Ecosystem Conference in Vancouver.

Mapping and Studies: The ITC is assisting Local Planning Services with mapping contiguous forests in the Islands Trust Area. The mapping will cover the whole of the region. The ITC has also contracted research to assist with property management issues arising from climate change.

Goal 2 – Strong relationships with First Nations
Islands Trust Conservancy Board directed staff to bring the Board recommendations regarding revision of the Vision Statement to be inclusive of Indigenous Peoples.

Goal 3 – Protection of core conservation areas

Property Management
Salish View Nature Reserve Management Plan: Islands Trust Conservancy Board approved the first Salish View Nature Reserve Management Plan dated January 17, 2020.

Land Acquisition and Covenants
The ITC continues to work on seven conservation covenants and two land acquisitions. Notable updates are found below in "activities by local trust area /island municipality."

Goal 4 – A strong voice for nature conservation
Outreach: The ITC has reached out to landowners who have contacted us in the past about land conservation via twenty-eight letters, sent to nine local trust areas. The ITC is working with Trust Area Services and Local Planning Services to conduct outreach regarding mature and old forests and their importance and expects to send outreach letters to focus landowners in March 2020.

Fund Development Plan: The ITC Board approved a fund development plan for work that is not routinely funded by Trust Council.

Activities by Local Trust Area/Island Municipality

Denman – The ITC completed three community engagement processes for nature reserves on Denman. The ITC Board consented to change the location of the proposed wildlife viewing platform at the Settlement Lands Covenant, Denman Island, from the area proposed in the Covenant Agreement to the pollinator demonstration garden.

Gambier – The ITC is reviewing a transfer agreement with the Convention of Baptist Churches for the transfer of Sandy Beach on Keats. There are several charges on the land title that need to be resolved before the transfer.

Lasqueti – The ITC approved the first Salish View Nature Reserve Management Plan dated January 17, 2020. The Management Plan will be posted on the website at http://www.islandstrustconservancy.ca/protected-places/places-protected-in-the-islands/all/lasqueti-island/salish-view-nature-reserve/

Thetis – The ITC, in collaboration with the Thetis Island Nature Conservancy, completed trail building on Fairyslipper Forest Nature Reserve. The ITC is now working to provide a safe public access to the nature reserve.

Salt Spring – The ITC approved an Opportunity Fund Grant of $3,500 to be awarded to the Salt Spring Island Conservancy. The ITC is continuing to negotiate a covenant for 200 Collins Road.

Please feel free to contact the Islands Trust Conservancy for more details.
Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
TH-RZ-2020.1	Abrupt Shellfish Inc.	13-Feb-2020	Expansion of an existing Aquaculture (inter-tidal) lease for the purpose of seeding and growing Geoduck (Panopea Generosa) for the international and local market. Expansion area is sub-tidal.

Planner: Marnie Eggen

Planning Status

Status Date:

Subdivision

File Number	Applicant Name	Date Received	Purpose
TH-SUB-1998.1	TRAX DEVELOPMENT LTD C/O WRIGHT FOCUS ENGINEERING LTD	25-Sep-1998	Phased Strata Subdivision 'Meadow Valley Propreties' phased strata to create 21 strata lots from 4 parent parcels

Planner: Marnie Eggen

Planning Status

Status Date: 02-Apr-2019

MOTI issues PLA.

Status Date: 05-Feb-2019

No change.

Status Date: 19-Jul-2016

MOTI issued 1 yr. extension.

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2020.1	Mount Burchell Holdings Ltd.	27-Jan-2020	PIDs: 000-212-199 and 000-212-202 Lot line adjustment. Civic address: Parcel A, DLs 4,5,6 & 10, Parcel B, DL 10 - Mission Road, Thetis Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 02-Mar-2020

Under review

Islands Trust

LTC EXP SUMMARY REPORT F2020

Invoices posted to Month ending February 2020

670 Thetis	Invoices posted to Month ending February 2020	Budget	Spent	Balance
65000-670	LTC "Trustee Expenses"	218.00	489.36	-271.36
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	964.00	1,708.57	-744.57
65210-670	LTC - Local Exp - APC Meeting Expenses	411.00	271.00	140.00
65220-670	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-670	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		1,919.00	1,979.57	-60.57
Projects				
73001-670-4090	Thetis Ruxton Island Private Moorage	1,200.00	1,582.19	-382.19
TOTAL Project Expenses		1,200.00	1,582.19	-382.19

Thetis Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	July 3, 2012	TH-03-2012	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: o Name of the applicant and a description of the proposal in general terms o The location of the proposed establishment and the subject site o The place where, date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application o 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	**It was MOVED and SECONDED** that the Thetis Island Local Trust Committee adopt the following standing resolution: that the Thetis Island Local Trust Committee request staff to circulate future meeting agendas to the Electoral Area Director and provide an invitation to attend or provide reports to the Local Trust Committee.
6.	April 23, 2019	TH-2019-026	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

No.	Meeting Date	Resolution No.	Issue	Policy
				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 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, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area**.**
7.	February 11, 2020	TH-2020-001	Electoral Area Director Reports	**It was MOVED and SECONDED** that the Thetis Island Local Trust Committee request staff to add a standing resolution that the Cowichan Valley Regional District Area G Saltair/Gulf Islands Director Report reports will be posted to the website.

Islands Trust

Print Date: May 26, 2020

Top Priorities Report

Thetis Island

1. *Riparian Areas Regulation Implementation*	Responsible	Dates
Ensure protection of freshwater ecosystems in the Ralston Creek watershed through implementation of a development permit area.	Marnie Eggen	Rec'd: 07-Sep-2011 Target: 15-Nov-2014

2. *Coastal Shoreline Protection*	Responsible	Dates
LTC to review the Coastal Douglas Fir and Associated Islands Toolkit and CVRD's Bylaw 2500, Section 20.3 Ocean Shoreline Protection Development Permit Area.	Marnie Eggen	Rec'd: 19-Nov-2019

3. *Relationship Building with Local First Nations*	Responsible	Dates
Potential topics to explore: Bylaw referrals; Land & marine use on & around Lyackson Island; Shared Narrative of Place; Co-governance/co-management; follow up from Associated OCP/LUB review:land use considerations for clam gardens; explore private docks as a permitted use; potential impacts of ocean geothermal loops; switchback fencing in setback to the sea	Marnie Eggen	Rec'd: 27-Feb-2018

Projects Report

Thetis Island

1. *LUB Amendments*	Responsible	Date Received
·short-term vacation rentals of principle dwellings in the R-2 zone ·rainwater storage requirements ·construction of a storage building prior to construction of a principal dwelling.		07-Sep-2011

2. *Island-wide watershed protection*	Responsible	Date Received
TBD		21-Nov-2012

3. *Pilkey Point / Marina Drive Slough Support for Habitat Restoration*	Responsible	Date Received
		20-Nov-2013

4. *Sensitive ecosystems education and engagement*	Responsible	Date Received
Environmental education and engagement efforts, in particular with owners on the Associated Islands, to explore ways to protect sensitive ecosystems in the Area.		19-Mar-2014

5. *Associated Islands OCP and LUB*	Responsible	Date Received
Develop new OCP and LUB to replace Ruxton Island Zoning Bylaw, 1982, 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.		07-Sep-2011

Projects Report

Thetis Island

6. *Letter of Understanding between the Thetis LTC and the Cowichan Valley Regional District.*	Responsible	Date Received
Planning staff to begin drafting once project progresses to Priorities.		24-Nov-2015

7. *Amendments to Thetis Island OCP and LUB; staff to provide staff report when time permits.*	Responsible	Date Received
Moved back to Projects List: - (housekeeping)4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)... - (housekeeping) objectives and policies re sea level rise (was resolution to include in draft but did not make it in to adopted OCP). - OCP/LUB amendments to consider ocean loop geothermal exchange systems. - explore measures to address impacts of wharf related structures.		12-Jan-2017

8. *Consolidating lots for community benefit of Ruxton Island.*	Responsible	Date Received
		17-Oct-2017

9. *Review Thetis Island TUPs to include non-tourist accommodation.*	Responsible	Date Received
To be advanced to top priorities at earliest convenience.		17-Apr-2018

Projects Report

Thetis Island

10. *">Thetis Associated Islands Land UsÃ¯Â»Â¿">e Bylaw Amendment, Ruxton Island Community Dock Review Project*	Responsible	Date Received
Reference Ruxton Island Private Moorage Structures project for prelim consultation.		22-May-2018

11. *Incorporation of the Regional Conservation Plan into Thetis LTA OCPs and LUBs*	Responsible	Date Received
Investigate and provide recommendations on how to incorporate the plan elements into Thetis, Valdes, and Associated Islands OCPs and LUBs.		28-Aug-2018

12. *Cannabis Production and Retail Sales*	Responsible	Date Received
Consideration of regulations to guide cannabis production and retail sales activities.		11-Dec-2018

13. *Affordable Housing Strategy*	Responsible	Date Received
Housing for young families, workers and seniors; community engagement		11-Dec-2018

14. *Model Consultation Process for Antenna Systems*	Responsible	Date Received
To amend the Model Consultation Process for Antenna Systems (from the "Model Strategy for Antenna Systems") to include APC recommendations from January 23, 2020 APC meeting and LTC resolutions from February 11, 2020 LTC meeting.		11-Feb-2020

Projects Report

Thetis Island

15. *Plan to Improve Community engagement policy and practice, and to include First Nations*	Responsible	Date Received
Reference: "Proposal for a Thetis Island Official Community Plan Engagement Strategy" discussed at February 11, 2020 LTC meeting.		11-Feb-2020