



Thetis Island Local Trust Committee

Regular Meeting Revised Agenda

Date: February 28, 2023
Time: 9:30 am
Location: Thetis Island Community Centre (Forbes Hall)
North Cove Road, Thetis Island, BC

	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. PUBLIC COMMENTS	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 February 21, 2023	4 - 4
5.3 Advisory Planning Commission Minutes - none	
6. BUSINESS ARISING FROM MINUTES	10:05 AM - 10:15 AM
6.1 Follow-up Action List dated February 21, 2023	5 - 7
7. APPLICATIONS, REFERRALS AND BYLAWS	10:15 AM - 11:00 AM
7.1 Galiano Island Local Trust Committee Referral Request for Response regarding Bylaw No. 283 and 284 - for decision	8 - 10
7.2 Thetis Island Local Trust Committee Official Community Plan Bylaw No. 108 (OCP) and Land Use Bylaw No. 109 (LUB) - Staff Report - for adoption	11 - 19

7.3	TH-RZ-2022.1 (Abrupt Shellfish Inc - Preedy Harbour near Crescent Point) - Preliminary Staff Report	20 - 61
8.	LOCAL TRUST COMMITTEE PROJECTS	11:00 AM - 11:45 AM
8.1	Local Trust Committee Active and Future Projects Summary - Staff Report	62 - 67
9.	DELEGATIONS - none	
10.	CORRESPONDENCE - none	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
	----- BREAK 11:45 AM TO 12:15 PM -----	
11.	NEW BUSINESS	12:15 PM - 12:35 PM
11.1	2023 Regular Business Meeting Schedule for Adoption - Staff Report	68 - 69
11.2	2022-09-02 Trust Programs Committee - Briefing regarding Letter from WŚÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments	70 - 78
12.	REPORTS	12:35 PM - 12:50 PM
12.1	<i>Trust Conservancy Report dated October, 2022 and February, 2023</i>	79 - 82
12.2	Applications Report dated February 21, 2023	83 - 83
12.3	<i>Trustee and Local Expense Report dated January, 2023</i>	84 - 84
12.4	Adopted Policies and Standing Resolutions	85 - 88
12.5	Local Trust Committee Webpage	
13.	WORK PROGRAM	12:50 PM - 1:20 PM
13.1	Active Projects Report dated February 21, 2023	89 - 90
13.2	Future Projects Report dated February 21, 2023	91 - 92
14.	CLOSED MEETING	1:20 PM - 1:35 PM
14.1	<i>Motion to Close Meeting</i>	
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (f) for the purpose of considering Bylaw Enforcement and that the recorder and staff attend the meeting.</i>	

15. RISE AND REPORT

16. UPCOMING MEETINGS

1:35 PM - 1:40 PM

16.1 Next Regular Meeting Tentatively Scheduled for Tuesday, April 25, 2023 at 9:30 am
at Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC

17. ADJOURNMENT

1:40 PM - 1:40 PM



Resolutions Without Meetings Log

Thetis Island

Resolution Number	Action	Date
<p>2022-008</p> <p>Adopt LTC 1st Mtg Date for 2023</p> <p>"THAT the Thetis Island Local Trust Committee schedule its first regular business meeting in 2023 at 10:30 AM on Tuesday, February, 28, at Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC".</p>	Carried	16-Dec-2022
<p>2022-007</p> <p>Adopt In-Camera Minutes of August 30, 2022</p> <p>"THAT the Thetis Island Local Trust Committee adopt minutes of its IN-CAMERA meeting of August 30, 2022."</p>	Carried	07-Nov-2022
<p>2022-006</p> <p>Cancel November 29, 2022 LTC meeting.</p> <p>"That the Thetis Island Local Trust Committee cancel the November 29, 2022 Local Trust Committee Meeting and reschedule the meeting in the new year."</p>	Carried	12-Oct-2022
<p>2022-005</p> <p>Adopt Minutes of Regual Meeting August 29, 2022</p> <p>"That the Thetis Island Local Trust Committee adopt the minutes of its Regular Business Meeting of August 29, 2022, as attached."</p>	Carried	20-Oct-2022
<p>2022-004</p> <p>Authorize expense for lunch with Penelakut, BC Ferries and MOTI</p> <p>"That the Thetis Island Local Trust Committee authorize the expenditure of up to \$270.00 from the Thetis Local Trust Committee Special Projects Budget to purchase lunch for a meeting with Penelakut Tribe, BC Ferries and MoTI regarding issues and concerns at the BC Ferry Terminal on Thetis Island."</p>	Carried	27-Sep-2022

Follow Up Action Report

Thetis Island

09-Feb-2021

Activity	Responsibility	Dates	Status
1 that the Thetis Island Local Trust Committee request staff to coordinate a meeting with BC Ferries, the Ministry of Transportation and Infrastructure, the Local Ferry Advisory Committee, the Thetis Island Residents' and Ratepayers' Association, and the Cowichan Valley Regional District to discuss outstanding issues regarding ferry access and parking, wharf entrance congestion and pedestrian and cycling safety on Thetis Island. <i>Meeting held Oct 3/2022</i>	Marlis McCargar Mike Richards Wil Cottingham		Completed

03-Aug-2021

Activity	Responsibility	Dates	Status
1 Staff to prepare a discussion paper for the Shoreline and Coastal Protection project, inclusive of LTC feedback provided at Aug 3, 2021 business meeting.			In Progress

28-Sep-2021

Activity	Responsibility	Dates	Status
1 Advise Regional Planning Committee that the TH LTC intends to undertake policy and regulatory amendments based on the Shoreline Protection Model Bylaw report.			In Progress

Follow Up Action Report

Thetis Island

03-May-2022

Activity	Responsibility	Dates	Status
1 the LTC requests staff provide guidance to create a records repository of photos and information respecting the shoreline protection project Update: Information Services recommends setting up a folder on WebDav.	Marlis McCargar		In Progress

05-Jul-2022

Activity	Responsibility	Dates	Status
1 That the Thetis Island Local Trust Committee adopt the Islands Trust Model Strategy for Antenna Systems.	Becky McErlean Marlis McCargar		Completed

30-Aug-2022

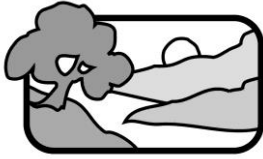
Activity	Responsibility	Dates	Status
1 That the Thetis Island LTC add Penelakut Tribe Ferry Advisory Committee members or designate to the invitee list for the meeting to speak to the disturbance of the burial site at the BC Ferry terminal on Thetis Island (meeting reference: resolution TH-2021-004).	Doug Fenton Mike Richards		Completed
2 That the Thetis Island LTC endorse Trustee Fenton to work with the Ferry Advisory Committee Chair to engage with the Penelakut Tribe to attend the meeting (re. resolution TH-2021-004).	Doug Fenton Mike Richards		Completed

Follow Up Action Report

Thetis Island

30-Aug-2022

Activity	Responsibility	Dates	Status
<p>3 that the Thetis Island Local Trust Committee adopt the model strategy for antenna systems.</p>	<p>Becky McErlean Marlis McCargar</p>		<p>Completed</p>
<p>4 That the Thetis Island Local Trust Committee amend the Projects List as follows: ·add Active Transportation under item #2, OCP Category</p>	<p>Heather Kauer</p>		<p>Completed</p>
<p>5 That the Thetis Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as amended on August 30, 2022 for further consideration by the incoming Local Trust Committee.</p>	<p>Heather Kauer</p>		<p>Completed</p>



Islands Trust

BYLAW REFERRAL FORM

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

Island: Galiano Island Local Trust Area Bylaw No.: 283 and 284 Date: February 7, 2023

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

Bylaw 283 - Amendments to OCP including Groundwater Protection DPA

- Minor changes to OCP language.
- Updates to relevant policies and objectives to facilitate consistency with revised language, the new Groundwater Recharge Protection DPA, and other proposed changes to the OCP and the LUB.
- Replacement of Schedule D – Water Resources, with Schedule D – Groundwater Regions.
- Replacement of Schedule G – DPA Area 4: Elevated Groundwater Catchment, with DPA 4: Groundwater Recharge Protection.
- New DPA guidelines which would amend the DPA guidelines for Galiano’s Elevated Groundwater Catchment DPA. Amendments include: reference to 2021 mapping of recharge areas, additional exemptions including clustering development and professional reliance, changes consistent with introduction of cistern requirements for new builds, and changing the name of the DPA.
- The draft Bylaw includes the Schedule map for the 5 hectare critical aquifer coverage option.

Bylaw 284 - Amendments to the Land-Use Bylaw

- New definitions.
- Cistern Requirements for all new builds (18,000 litres). Increase in cistern size for secondary suites to 18,000 litres. Captured and stored water is not required to be potable or connected to the dwelling except in the Water Management Areas as per existing regulation 13.23.
- References to “rainwater” with respect to cisterns has been changed to “freshwater” to support the capture and retention of groundwater as well as rainwater.
- Updates to regulations related to proof of water for subdivision.

GENERAL LOCATION:

Galiano Island Local Trust Area

OTHER INFORMATION:

Additional information is available at: <https://islandstrust.bc.ca/island-planning/galiano/projects/>

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.

Narissa Chadwick

(Signature)

Name: Narissa Chadwick

Title: Island Planner

Contact Info Tel: 250-405-5189

Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Municipal Affairs
Ministry of Transportation and Infrastructure
Ministry of Water Land and Natural Resources –
Water Stewardship Branch

Regional Government

CRD- Building Inspection

Non-Agency Referrals

Islands Trust – Bylaw Enforcement

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Thetis Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx Nation
Lyackson First Nation
Malahat First Nation
Musqueam Indian Band
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tsecum First Nation
WSANEC Leadership Council

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

Galiano Island Local Trust Area

(Island)

(Signature)

(Date)

283/284

(Bylaw Number)

(Name and Title)

(Agency)



File No.: 6500-20
(Riparian Areas protection
Regulation Implementation)

DATE OF MEETING: February 28, 2023
TO: Thetis Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Renée Jamurat RPP MCIP, Regional Planning Manager
SUBJECT: Thetis Island Riparian Areas Protection Regulation Implementation

RECOMMENDATION

1. That the Thetis Island Local Trust Committee Bylaw No. 108, cited as “Thetis Island Official Community Plan, 2011, Amendment No. 1, 2020”, be adopted.
2. That the Thetis Island Local Trust Committee Bylaw No. 109, cited as “Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2020”, be adopted.

REPORT SUMMARY

This report provides background information on proposed bylaws Nos. 108 and 109 and recommends that the bylaws be given final adoption. All LTC conditions have been met for these proposed bylaws.

All relevant background information and staff reports pertaining to this application are posted to the Islands Trust current [projects webpage](#).

BACKGROUND

Thetis Island Riparian Areas Protection Regulation Implementation has been a top priority project of the Thetis LTC since 2019. The LTC has directed staff to develop draft bylaws to create a Development Permit Area for the purposes of implementing the RAPR. In particular, a Development Permit Area (DPA) to require special consideration and protection measures when development is proposed near Ralston Creek, which is a RAPR-designated stream.

The purpose of the provincial Riparian Areas Protection Regulation (RAPR) (formerly known as Riparian Areas Regulation ‘RAR’) is to provide protection for riparian areas from development that would damage fish habitat. Riparian areas broadly refer to streams, lakes, and wetlands, but, the main focus of this initiative is on watercourses that support fish habitat. Enacted in 2004, the RAPR requires local governments in the province to adopt bylaws to control development within 30 metres of streams that support fish habitat. The Thetis Island Local Trust Committee and the Islands Trust are working to protect fish habitat through compliance with the British Columbia Riparian Areas Protection Regulation (RAPR).

Proposed bylaws Nos. 108 and 109 have been through Public Hearing, passed third reading, passed Executive Committee approval and recently obtained approval from the Minister of Municipal Affairs. The next step is for the LTC to grant final adoption.

The following resolutions were passed at the April 13, 2021 LTC meeting:

TH-2021-010

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 108, cited as “Thetis Island Official Community Plan, 2011, Amendment Bylaw No. 1, 2020” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

TH-2021-011

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee forward Bylaw No. 108, cited as “Thetis Island Official Community Plan, 2011, Amendment Bylaw No. 1, 2020” to the Ministry of Municipal Affairs.

CARRIED

TH-2021-015

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 109, cited as “Thetis Island Land Use Bylaw, 2011, Amendment Bylaw No. 1, 2020” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Summary of Proposed Bylaws

Proposed Bylaw No. 108 (Official Community Plan) – Attachment 1, if adopted, would set out amendments to Thetis Island’s Official Community Plan, which provides a context and rationale for protection and delineates the location of the DPA – Ralston Creek.

Proposed Bylaw No. 109 (Land Use Bylaw) – Attachment 2, if adopted, would set out amendments to Thetis Island’s Land Use Bylaw, listing the applicable development activities, exempted activities and prescribes the guidelines that must be met before the Development Permit can be approved.

ALTERNATIVES:

1. Request more information.

The LTC can defer consideration of final reading/adoption until such a time that staff has submitted additional information. If this option is considered it may significantly delay final adoption as new information may be subject to legislative requirements for an additional public hearing.

NEXT STEPS

If the LTC concurs with the staff recommendations, staff will consolidate and update the OCP and LUB to reflect the policy and regulatory changes.

Submitted By:	Marlis McCargar, Island Planner	February 17, 2023
Concurrence:	Renée Jamurat RPP MCIP, Regional Planning Manager	February 17, 2023

ATTACHMENTS

1. Proposed Bylaw No. 108 (OCP)
2. Proposed Bylaw No. 109 (LUB)

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 108
Schedule "1"

1. Page i of Thetis Island Official Community Plan Bylaw, 2011 is amended as follows:
 - 1.1 Section "3" is amended by inserting "I" after "H".
 - 1.2 Section "4" is amended by adding "Schedule "I" – Development Permit Area" after "Schedule "H" – Shoreline Classification".
2. **SCHEDULE A – POLICY DOCUMENT** is amended as follows:
 - 2.1 **SECTION 4 – NATURAL AND HERITAGE RESOURCES**, subsection 4.1 NATURAL RESOURCES, NATURAL RESOURCES POLICIES, Surface Water Resources Policies, 8 is amended by replacing "Schedule I which are applicable to the Riparian Areas Regulation of the Fish Protection Act." with "Schedule G, including those applicable to the provincial *Riparian Areas Protection Regulation* of the *Riparian Areas Protection Act*."
 - 2.2 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.1 DEVELOPMENT PERMIT AREAS, Background is amended by replacing "Section 919.1" with "Section 488".
 - 2.3 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.1 DEVELOPMENT PERMIT AREAS is amended by adding the following after "Development Permit Area Policy 1...":

"Development Permit Designations

1. *Development Permit Area No. 1: Riparian Areas*

Development Permit Area No. 1 is established pursuant to Section 488 of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

Terms used in this section that are defined in the provincial *Riparian Areas Protection Regulation (RAPR)*, *Riparian Areas Protection Act* are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

Location

The Riparian Areas Development Permit Area includes all land designated on Schedule I of this plan, which includes any of the following that provides potential fish habitat, as defined as a stream in accordance with *RAPR*:

- a) a watercourse or body of water, whether or not usually containing water; and
- b) any of the following that is connected by surface flow to a watercourse or body of water referred to in (a):
 - (i) a ditch, whether or not usually containing water;
 - (ii) a spring, whether or not usually containing water;
 - (iii) wetland.

For a stream that is not located in a ravine, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary.

For a stream located within a ravine less than 60 metres wide, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary to a point that is 30 metres beyond the top of the ravine bank.

For a stream located within a ravine that is 60 or more metres wide, the development permit area is a 10 metre strip on each side of the stream, measured from the stream boundary to a point that is 10 metres beyond the top of the ravine bank.

The designation and delineation of Development Permit Area 1 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies and the actual extent of the Development Permit Area may need to be determined on a site-specific basis by a qualified environmental professional or surveyor.

Justification

This development permit area contains streams, lakes/ponds and wetlands and their associated riparian areas, which have been identified as potential fish habitat. Riparian areas are necessary for stream and watershed health.

Riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Land use practices including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Thetis Island.

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended to protect riparian areas

from development so that the areas can provide natural features, functions and conditions that support fish life processes.

The objectives of this designation are:

1. To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
2. To protect the natural environment necessary to provide productive fish habitat, including streams and the adjacent land and vegetation; and
3. To direct their restoration and enhancement so that they can provide natural features, functions and conditions that support fish life processes.”

2.4 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.3 DEVELOPMENT APPROVAL INFORMATION, 6.3.1 Circumstances is amended by inserting “a) development permit areas;” after “Applicants for:” and renumbering subsequent listings to affect the change.

2.5 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.3 DEVELOPMENT APPROVAL INFORMATION, 6.3.1 Circumstances is amended by replacing “pursuant to a development approval information bylaw adopted under section 920.01 of the *Local Government Act*” with “pursuant to section 487 of the *Local Government Act*”.

2.6 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.3 DEVELOPMENT APPROVAL INFORMATION, 6.3.2 Special Conditions is amended by inserting the following before “1. Temporary use permits...” and renumbering subsequent listings to affect the change:

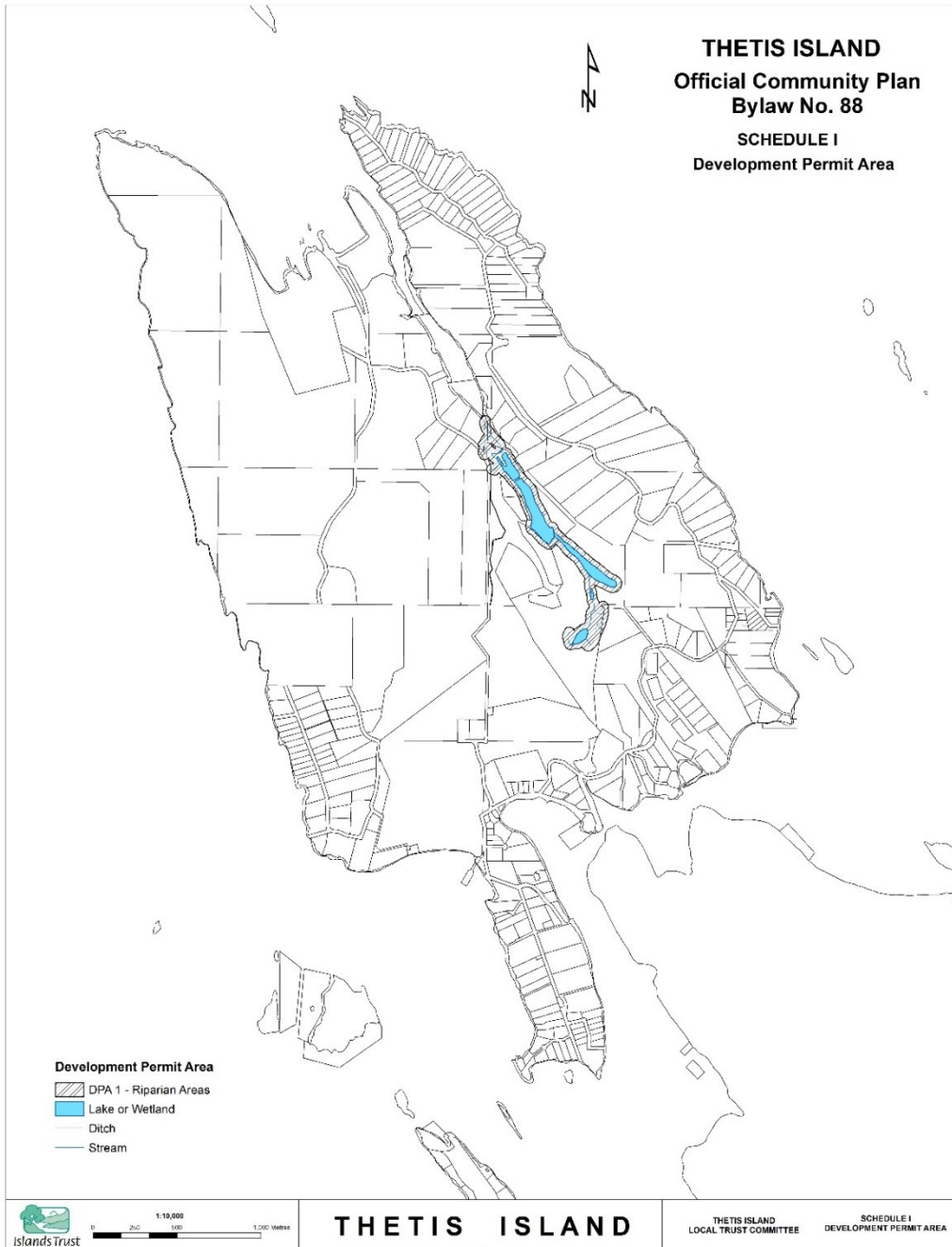
“1. Development Permit Area 1 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report submitted by a Qualified Environmental Professional (QEP) may be required for applicable development activities. Development Permit Area 1 protects the natural environment, specifically streams, lakes/ponds and wetlands and their associated riparian areas, which have been identified as potential fish habitat. Development approval information is required to determine under what circumstances and conditions development permits may be issued to manage development that potentially has a significant impact on aquatic and adjacent riparian ecosystems.”

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 108
Schedule "2"

1. Thetis Island Local Trust Committee Bylaw No. 88, cited as "Thetis Island Official Community Plan Bylaw, 2011," is amended by adding "Schedule "I" – Development Permit Area" as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "A" of Bylaw No. 88 as are required to effect this change.

**THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 108**

Plan No. 1





File No.: TH-RZ-2022.1 (Abrupt Shellfish Inc. (Panacui))

DATE OF MEETING: February 28, 2023
TO: Thetis Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Renée Jamurat RPP, MCIP, 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-2022.1 (Abrupt Shellfish Inc.) dated February 28, 2023 to the following First Nations for early referral and comment: Penelakut Tribe, Lyackson First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Snuneymuxw First Nation, Stz'uminus First Nation, Semiahmoo First Nation.**
2. **That the Thetis Island Local Trust Committee request staff to determine the following factor prior to further consideration of application TH-RZ-2022.1 (Abrupt Shellfish Inc.):**
 - a) **Can the Licence of Occupation application and the Aquaculture License be amended to remove the area located in the Thetis Associated Islands Planning Area?**

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 recommend an early referral to First Nations in consideration of proximity to archaeological sites, key policies and Islands Trust's First Nations Engagement Principles Policy and Reconciliation Declaration. Staff also recommend to seek clarification on aspects of the licence of occupation boundaries issued by the Ministry of Forests and the Aquaculture License issued by Fisheries and Oceans (DFO) given the boundaries extend into the Thetis Associated Islands Planning Area.

BACKGROUND

The applicant previously applied for a rezoning in April 2020 and it was denied (see TH-RZ-2020.1). At that time, there were over 50 public comments received by the LTC in opposition. The public concerns are included in resolution TH-2020-013 below.

The entire site is approximately 18.03 ha in size. Protective netting will be placed on the sea bed floor in sections of 2-4 ha.

TH-2020-013

It was MOVED and SECONDED,

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

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

CARRIED

The applicant has resubmitted a rezoning proposal and given consideration to some of the reasons listed above in resolution TH-2020-013. The only clear change in the application from 2020 is the number of navigational buoys required by Transport Canada to mark the predator netting. The number of navigational buoys has been reduced significantly from sixty to four. See Attachment 2 for the applicant's response to the above reasons for denial.

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 which is also required for conformance. A comprehensive site context analysis is provided in Attachment 5.

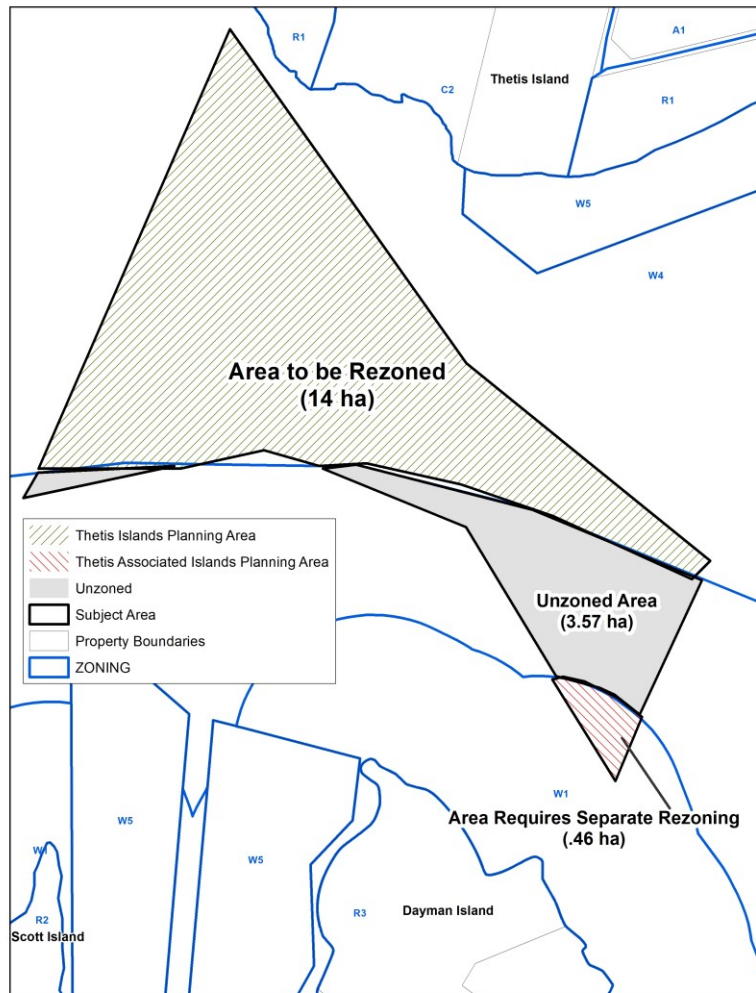


Figure 1

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 chose to apply to rezone in 2020. The application was denied by the LTC at that time. The applicant resubmitted a new application in 2022. As such, the application must be processed and presented to the LTC for consideration.

The crown land tenure application was reviewed by three agencies during their [harmonized review process](#): Ministry of Land, Water and Resource Stewardship, 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 understand the following of the process and current status of each of the agency approvals:

Ministry of Forests (Crown land tenure) – the Province has granted the licence of occupation in principal, pending the rezoning. The applicant stated that when the previous rezoning application was denied in 2020, the Province expressed that they would like the applicant to attempt to achieve rezoning before making a final decision.

Fisheries and Oceans Canada (DFO) – Fisheries and Oceans Canada are responsible for licensing all aquaculture facilities in British Columbia. The aquaculture licence and conditions of licence are designed to ensure the sustainable operation and development of the aquaculture industry. Review includes sensitive habitats (e.g. eelgrass, kelp, and rocky reefs), fish habitat (e.g. Rockfish Conservation Area), impacts to commercial fisheries, floating debris and impacts to shoreline. Aquaculture is a permitted activity within a Rockfish Conservation Area. To mitigate the risk DFO implemented a site specific condition that no aquaculture gear, infrastructure, equipment or activities are to occur within 20m of any of those habitats (eelgrass beds or rocky reef area). DFO issued the shellfish aquaculture licence for the subtidal culture of geoduck in January 2020.

Navigation Protection Program/Transport Canada – Transport Canada is responsible for administering the Navigation Protection Act through review and authorization for the placement of aquaculture containment and/or structures (works) within the navigable waters of Canada. Review includes impacts to navigation and placement of navigational markers. Authorization for the proposed works was issued in August 2019 and amended in July 2021. The amendment allows for fewer cautionary buoys to be placed marking the corners of the predator netting.

Pre-application Community Information Meeting

The applicant held a Community Information Meeting (CIM) online via zoom on March 15, 2022 prior to applying for a rezoning. It is unclear how many people attended the meeting, but based on the recording it looks to include upwards of 40 participants with a number of people unable to attend due to an issue being admitted into the meeting from the zoom waiting room. A recording of the meeting can be viewed here: <https://www.youtube.com/watch?v=BG2tCbYbU-g>. The applicant provided a transcript of the zoom meeting chat (Attachment 6).

A brief summary of the meeting which included community concerns around:

- Nylon predator netting
 - Potential entanglement of other species in the nets
 - Potential of micro plastics from the netting being released into the ocean;
- Close proximity of the mariculture operation to Thetis Island (in particular, Overbury);
- Potential light pollution from the navigation buoys;
- Potential noise pollution during planting, monthly inspections and harvest season;
- Lack of notification to upland property owners;
- Potential disruption and conflict for summer moorage and recreational boaters;
- Potential marine debris, and the potential negative impacts it may all have on a sensitive ecosystem;
- Not creating a local food source. It is estimated that 90% of geoduck catch will be exported to an international market; and
- Lack of consultation and potential impacts on local First Nations.

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 7 and summarized as follows.

Islands Trust Policy Statement:

Staff note that an ITPS Checklist (Directives Only) will be completed at the time that draft bylaw amendments are presented to the LTC. The following Islands Trust Policy Statement (ITPS) directive policies are relevant to the application for early consideration by the LTC:

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.
3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species
3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
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.
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.
5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
5.6.2	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.
5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
5.7.2	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.

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 7) 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 rezoning the Thetis marine area from Water 4 (W-4) to a zone that allows the proposed mariculture operation. The principle permitted uses in the W-4 zone are:

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

“Bottom culture mariculture” is only permitted in the Water 5 (W-5) zone and is defined in the Thetis Island Land Use Bylaw No. 89, 2011 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 (“an installation of devices”), 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 2018-2027](#) identifies the Thetis Local Trust Area as a **High** conservation priority respecting the need for sensitive ecosystem and eelgrass protection.

Issues and Opportunities

LTC Jurisdiction to Regulate Aquaculture and Navigable Waters:

The LTC has limited authority to regulate aquaculture operations. 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 above) is the only allowable type of aquaculture in the LUB. Mariculture, as defined in the LUB, does not include the installation of devices to prevent predators, and may be pushing the limits of the LTC’s authority.

Ensure Mariculture Activities Do Not Cause Damage to Sensitive Ecosystems:

There are a number of policies in the Thetis Island Official Community Plan (OCP) that indicate that development detrimental to sensitive ecosystems is not to be allowed (Attachment 7). The area to be rezoned is located within the Rockfish Conservation Area (RCA). Additionally, eelgrass beds are mapped within a portion of the area to be rezoned (see Figure 2 below).

Under DFO's mandate, as part of the application review, there was an environmental review focused on ensuring there will be no overlap between aquaculture activities, works or installations and important and sensitive habitat. DFO noted eelgrass, rocky reefs and kelp are the most common types of important habitat to protect when it comes to shellfish aquaculture applications. During the DFO review, the RCA was found to contain eelgrass and rocky reef. However, aquaculture is a permitted activity within an RCA. To mitigate the risk DFO implemented a site specific condition that no activities, works, installations are to occur within 20m of any of those habitats.

Islands Trust mapping also indicates the presence of forage fish habitat and a seabird colony within or adjacent to the proposed mariculture operation. A portion of the Thetis Island shoreline is also suitable spawning habitat for forage fish (Pacific sand lance and/or surf smelt). Additionally, the Regional Conservation Plan (RCP)

identifies the Thetis Local Trust Area as a **High** conservation priority respecting the need for sensitive ecosystem and eelgrass protection. Despite the sensitive ecosystem, the LTC has little authority to impose stricter conservation measures on the mariculture operation as that is outside of its jurisdiction.

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

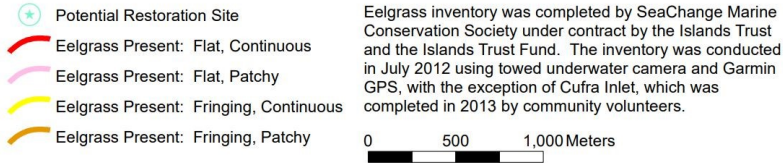


Figure 2

New Mariculture Proposals Not Encouraged:

The Thetis Island OCP does not support new shellfish bottom culture proposals and requires new operations to be subject to the public process of rezoning, as is the case with this proposal. The rationale for this OCP policy is contemplated in the Background section of the OCP. It is due to the associated mechanization of equipment, structures and floats and the potential conflicts with adjacent upland residential use due to visual disturbance and the potential for environmental damage to the tenure site and surrounding waters.

Predator Netting Marking Requirements:

Transport Canada is responsible for administering the Navigation Protection Act through review and authorization for the placement of aquaculture containment and/or structures (works) within the navigable waters of Canada. Transport Canada granted the proposed mariculture operation approval in August 2019. At that time, Transport Canada was requiring yellow cautionary buoys to mark the entire 18 ha tenure site which resulted in a requirement of approximately 60 buoys with lights. Transport Canada amended the approval in July 2021 (Attachment 4) and now requires only the section of the tenure with netting to be marked with buoys. The amendment means that Transport Canada is now requiring a total of four cautionary buoys. The buoys must be equipped with solar powered, flashing LED lights with a range of one nautical mile as required by Transport Canada. The reduction in the number of required navigation buoys does help to address the community concern around the protection of views, scenic areas and overall visual quality of the area.

Compatibility with Other Uses:

The OCP Section 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 at the Community Information Meeting held by the applicant indicated potential incompatibility with existing uses in the marine areas with regards to recreational boating and moorage. 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). 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.

Thetis Associated Islands Planning Area:

A portion (approximately 0.46 ha) of the proposed mariculture operation extends into Thetis Associated Islands planning area (covering Scott and Dayman Islands and surrounding marine area). The area is zoned Marine General (W1). Aquaculture is not a permitted use in the W1 zone. The applicant has chosen not to apply to rezone that portion of the tenure area. Staff has enquired with the Ministry of Forests to see if it is possible to change the borders of the tenure area to correspond with the rezoning proposal. The applicant seemed to suggest this is not possible due to the harmonized licensing application process with the federal and provincial government, and since the Shellfish Aquaculture Licence was granted there cannot be changes to the tenure application. If it is not possible to amend the license of occupation then another rezoning will be required for the portion of the mariculture operation located in the Thetis Island Associated Islands planning 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

Statutory Requirements:

As the application involves OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with First Nations and persons, organizations and authorities it considers will be affected. The statutory process for bylaw amendments is prescribed by the *Local Government Act* and *Island Trust Act*.

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. First Nations with interests in the area include: Penelakut Tribe, Lyackson First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Snuneymuxw First Nation, Stz'uminus First Nation, Semiahmoo First Nation. The applicant sent out letters to Penelakut Tribe and Stz'uminus First Nation in February 2022 inviting an opportunity to ask questions or express concerns. The applicant has advised that they did not get a response.

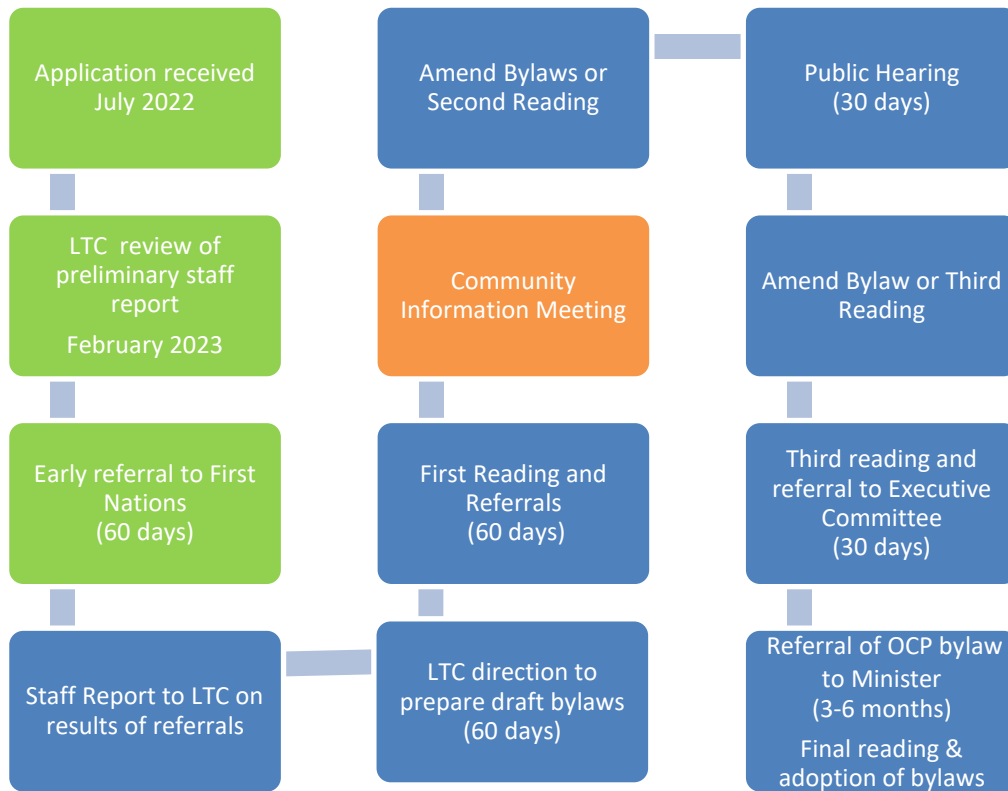
Protocols:

The Islands Trust Council has a [protocol agreement](#) with the Lyackson First Nation (on behalf of the Thetis Island LTC) which specifies that the Islands Trust will refer land use planning or land use change documents or contents with opportunities for discussion of concerns before consideration by the respective party. Consistent with this agreement, staff recommend notification and early referral to the Lyackson 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 interested and affected parties 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.



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, the 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 issue with the portion of the mariculture operation extending into the Thetis Associated Islands Planning Area that staff get clarity on whether the Licence of Occupation application and the Aquaculture License be amended. If it cannot be amended then a separate rezoning application will need to be considered.

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 based on the considerations in this staff report. Staff advise that an implication of this alternative is that it may cause inconsistencies 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 [Thetis Island Local Trust Committee Fees Bylaw](#), Section 5.4. 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](#), Section 4. 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-2022.1 for the following reasons [insert reasons].

NEXT STEPS

Should the LTC concur with staff’s recommendations, staff will send out the First Nation referrals and seek clarification from the Province on the ability to amend the license of occupation application.

Submitted By:	Marlis McCargar, Island Planner	February 15, 2023
Concurrence:	Renée Jamurat RPP, MCIP, Regional Planning Manager	February 16, 2023

ATTACHMENTS

- 1. Rezoning Application
- 2. Applicant Rationale
- 3. Debris Management Plan
- 4. Transport Canada Approval
- 5. Site Context
- 6. CIM Zoom Chat Transcript
- 7. OCP Policies



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

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

Description of Subject Property:

Civic Address	PID
Legal Description	

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

Applicant:

Name	Company
Mailing Address	
Phone	Email

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

Office Use Only:

Date Received	Fees Paid	Receipt No.	TAPIS No.
---------------	-----------	-------------	-----------


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. Corporations must include a list of directors.

<i>Name/Company Name</i>	<i>Signature</i>
<i>Mailing Address</i>	
<i>Phone</i>	<i>Print Name</i>
<i>Email</i>	<i>Date</i>

<i>Name/Company Name</i>	<i>Signature</i>
<i>Mailing Address</i>	
<i>Phone</i>	<i>Print Name</i>
<i>Email</i>	<i>Date</i>

<i>Name/Company Name</i>	<i>Signature</i>
<i>Mailing Address</i>	
<i>Phone</i>	<i>Print Name</i>
<i>Email</i>	<i>Date</i>

Application Checklist The following materials must accompany the application:

- Completed application form
- Current title search (issued within 30 days)
- Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- Application fee (see applicable Local Trust Committee Fees Bylaw for current fees)
- If applicable, [a BC Contaminated Sites Regulation Disclosure Statement \(Schedule 1\)](#) must be completed
- 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.

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.

ABRUPT SHELLFISH INC

250-818-5411

abruptshell@shaw.ca

PO Box 279
Shawnigan Lake, BC
V0R 2W0

March 29, 2022

Islands Trust
700 North Rd.
Gabriola Island, BC
V0R 1X3

Re: Re-zoning application for Abrupt Shellfish Inc. as per the Shellfish Aquaculture Management Plan, Government of Canada File# 1414783

Summary:

This package contains documents and requirements for application of re-zoning for a portion of a Federally Licensed (Provincial Tenure Pending) Aquaculture/ Mariculture of geoducks in the Preedy Harbour area.

Also included, please find copies of the letter sent to the Penelakut Tribe and Stz'uminus First Nation and a copy of the information package, sent to them, posted on the Thetis Island Blog, and Facebook page, and copies of direct emails from residents on Thetis Island.

A public meeting was hosted via Zoom on Tuesday March 15th to which the community members of Thetis Island, Penelakut and Stz'uminus were invited. A link to a recording of the meeting can be found on YouTube at <https://www.youtube.com/watch?v=BG2tCbYbU-g>

There is a transcript of the text chat from during the meeting included in this package.

We applied for re-zoning back in 2020 and were denied. The reasons are listed and addressed below:

- *"The large scale 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"*

The overall area is 18 hectares, but the infrastructure will be installed in one small area, in place for approximately a year, then completely removed before another area is planted and infrastructure deployed there. At no time will the entire area be covered with nets, as planting will be done in rotation for sustainability.

All of the nets and poles will be 30-50 feet down, do not float, and will be marked for identification in case of the extremely remote possibility something were to break loose. The method, and all equipment are approved by DFO, who has studied this

exhaustively. There is no threat to flora or fauna, as the water is too deep for eelgrass, and the bottom is sand. There are no rocky areas, kelp beds, fish habitat or spawning grounds in the application area, as those are not good areas to plant geoducks.

The proposed site is well outside of ecologically sensitive areas.

During the meeting there were some questions re: the material that the nets are made from. The nets are industry standard, and approved by DFO.

- *“Introduction of mooring buoys and navigational lights to the area and the negative impact to the visual/scenic features of the area”*

There will be a total of 4 buoys to mark the four corners of the area that has nets. The buoys each have one low intensity, solar powered light, similar to what people put in along pathways in their yard. They will mostly be quite some distance from shore and no more visible than any mooring buoy during the day.

- *“Potential hazard the operation might be to navigation”*

Any potential hazards have been investigated by Transport Canada, who mandated the four buoys to warn against anchoring on the nets. Other than the buoys, there will be no infrastructure on the surface to interfere with navigation.

- *“Potential conflicts with recreational uses and with adjacent upland or marine uses”*

Any activity that can take place without our operation there can still take place while we are there, with the exception of anchorage on the nets.

At the meeting there was one seasonal resident whose property is at Crescent Point, close to a corner of the tenure, and was concerned that they would not be able to anchor their boat offshore from their property. It was explained, that of course we can work around our neighbours in a case of singular needs in this regard. Just because we are allowed to farm the area, doesn't mean we have to use every square foot of the area.

There were also comments about noise made by the commercial fishery when they were harvesting in the area. We can operate with flexibility in that regard, keeping our hours and days for harvesting to be of less disturbance to our neighbours. The wild fishery does not have that option, as the time to fish in a certain area is strictly controlled by a government monitor, and multiple boats would work with some intensity to maximize their catch in a short period.

- *“Potential negative impacts on local marine and adjacent tourism and associated commercial activities”*

Back in 2020, Transport Canada had a requirement for many more buoys, which could have made that the case, even though they would be spaced 50 meters

apart. However when we approached them with the communities concerns about this, we able to persuade them to reduce the requirements to 4 buoys only, to warn against anchorage so bottom infrastructure is not dislodged, causing potential for debris. This should do much to alleviate those concerns.

- *“Conflict with policy 2.7 Mariculture, and; ...potential conflicts with Sections 3,4, and 5 of the Islands Trust Policy”*

Our position is that there are no conflicts with either recreational or any other uses, except for anchoring on the nets. For the rest of the whole site, access and uses will continue exactly as they always have.

The bottom line: Community concerns centre around *potential* impacts to recreation, scenery, and environmental conservation and stewardship.

We anticipate no conflict with these priorities. 4 buoys with small lights will have minimal visual impact, and inability to to anchor in one small area at a time poses no threat to recreational, tourism, or upland or marine use of the area.

Geoducks are a native species. The brood stock that produce the seed are taken from the area, and are genetically indistinguishable from wild geoducks in the Preedy Harbour area. The method and equipment are approved by the DFO, and bottom infrastructure will be maintained and re-used whenever possible, and safely disposed of or recycled when necessary. We Fully embrace and adhere to the BCSGA SHEP guidelines governing identification and responsibility for our gear in the ocean.

The reason the government removed Preedy Harbour from the wild fishery was in part, to offset decades of overfishing so sustainable farming could re-enhance the geoduck beds.

Geoduck aquaculture is fully sustainable and allows for complete environmental integrity. To quote the Islands Trust “New Draft Policy Statement” (updated July 15, 2021):

*“**Sustainability**, in this context, is defined as the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs.”*

*“An ecosystem has ‘**environmental integrity**’ when its dominant characteristics, natural composition, structure, function, and processes occur within their natural ranges of variation and can withstand and recover from most disruptions imposed by human activity or environmental dynamics such as climate change.”*

Lastly, In the interest of avoiding the need for re-zoning, we inquired with our liaison at the government about slightly changing the area of the licence. The answer was no. They made it clear that after all the expense and resources the government has put into this process, to change the area would mean the entire application for licence would have to start from scratch. It is preferable to them (and us, as we are now in year 7 of this) that we address the Issues that came to light during the last application to Islands Trust, and apply for rezoning again.

Thank you for your time and consideration.

Please contact me if you there is any other information I can provide you.

Best regards,

Oreste Panacui

Abrupt Shellfish Inc.

250-818-5411

abruptshell@shaw.ca

Abrupt Shellfish Inc.

Debris Management Plan July 31, 2021

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

Geoduck Seeding:

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 diagram)

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 is 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. The time between removal of nets and harvest will be 10-12 years, depending on growth rate. There will be no infrastructure deployed during that time.

Pacific Oysters:

Our oysters are beach oysters and require no infrastructure.

Manila Clams:

Non-floating polypropylene predator nets anchored to the bottom with crown staples. (No poles required).

Section 2 - Debris Management protocols

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

Inspection and maintenance of the lease will be carried out by qualified staff once a month when infrastructure is in place, as we work planting new seed or harvesting mature Geoducks.

Actions taken regularly for cleanup if required will be the 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 is 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 are the same people that have been working and maintaining our lease since the beginning. They are 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.

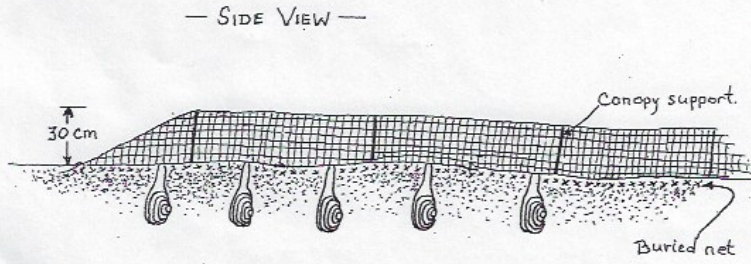
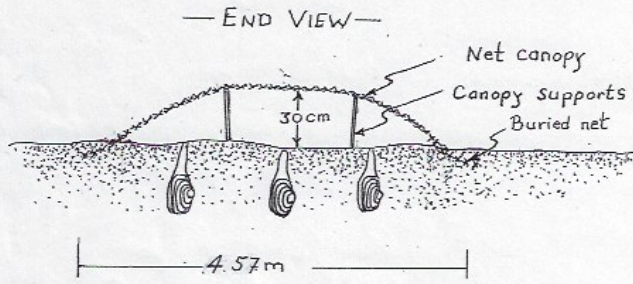
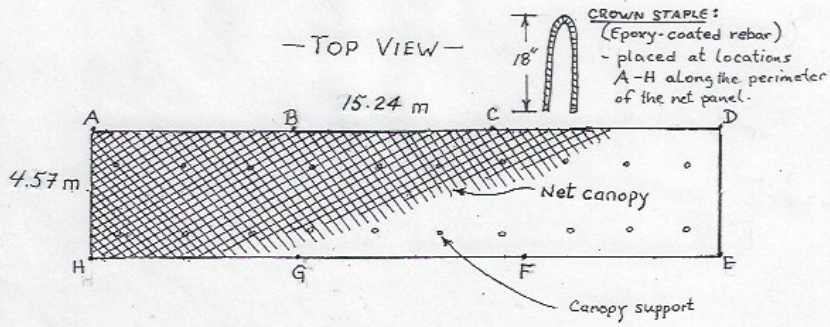
Work Orders will be issued and filled out each time the site is visited. All actions taken and recommendations of future actions will be written on the work orders and forwarded to the Operations Manager for planning and implementation purposes.

Section 4 - Contact Information

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

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

SUBTIDAL GEODUCK NET CANOPY





Navigation Protection Program (NPP)
820-800 Burnard Street
Vancouver BC
V6Z 2J8

Your file:
Our file: 2017-500542

APPROVAL

OWNER: Oreste Panacui
Abrupt Shellfish Inc
PO Box 279
Shawnigan Lake, B.C V0R 2W0

WORK(S): Aquaculture facility

SITE LOCATION: Located on Preedy Harbour, at approximately 48° 58' 41 N , 123° 41' 15 W, located on unsurveyed foreshore or land covered by water being part of the bed of Preedy Harbour, in the Province/Territory of British Columbia.

As per the application (detailed above) to the Minister of Transport, submitted pursuant to the *Canadian Navigable Waters Act*, for an approval of the work per the attached plans, the Minister hereby approves the work pursuant to subsection 7(6) for the placement of the above mentioned work, in accordance with the following terms and conditions:

Buoys must be marked, painted and maintained to conform to the Private Buoy Regulations and the Owners' Guide to Private Buoys.

Equipment used in construction must not prevent vessels from navigating past the work site.

Predator netting must be firmly secured to the substrate. Should the netting come adrift, the proponent will proceed to its recovery without delay.

Predator Netting Marking Requirements:

- Yellow cautionary buoys shall be placed to mark the corners of the predator netting area(s). These buoys shall be lit and display a yellow light with a flash characteristic of (FL) 4s with a minimum nominal range of 1 nautical mile.
- Yellow cautionary buoys shall be placed at mid-points should the lit corner buoys be more than 200 metres apart. These buoys do not require lights.
- Horizontal bands of yellow retroreflective tape shall be placed around the circumference of all buoys and be a minimum of 2 inches in width.
- Buoys must be a minimum of 60cm in diameter if round or 60cm in height if using spar style buoys.
- Buoys shall state, "Predator netting on seabed, no anchoring".
- Buoys shall be placed to reflect predator netting locations as it changes within the tenure area.
- Records shall be kept of predator netting installation and be made available upon request. Information must include at minimum: latitude and longitude coordinates of the corners of the net area, total net area, number of buoys installed, date installed, and date removed. Records shall be kept for a period of 5 years.
- Markings will not be required if there is no predator netting installed in the tenure area.

SIGNED ON 2021-08-04
at the NPP regional office of Pacific



Transport
Canada



Lawrence Kuan
NPP Officer
Programs Group
Transport Canada
Pacific Region
For the Minister of Transport



Trans
Canada

Transports
Canada

Navigation Protection Program (NPP)
820-800 Burrard Street
Vancouver BC
V6Z 2J8

Your file:
Our file: 2017-500542

2021-07-20

Oreste Panacui
Abrupt Shellfish Inc
PO Box 279
Shawnigan Lake, B.C V0R 2W0

Attention: Oreste Panacui

RE: Amendment of approval under the *Canadian Navigable Waters Act (CNWA)* dated 2019-08-13 of the following work(s) below, located on Preedy Harbour, at approximately 48° 58' 41 N , 123° 41' 15 W, located on unsurveyed foreshore or land covered by water being part of the bed of Preedy Harbour, in the Province of British Columbia.

Amendment of approval for the following work: Aquaculture Facility

Please find enclosed an amendment of your approval for the above-noted work issued under section 9(1) of the *Navigable Waters Protection Act (NWPA)*. As per subsection 9(1) of the CNWA, the Minister of Transport is amending the approval by amending and/or revoking any term(s) and/or condition(s). This document replaces the approval dated 2019-08-13, under the section and act referenced above, which is no longer valid.

Under subsection 9(5) of the CNWA, the Minister must give the owner of a work, a 30 day notice prior to amending an approval unless the owner consents to the amendment. As a result, your amended approval will be valid as of 30 days from the date of this letter.

Please note that the CNWA, amongst other obligations, requires the owner to immediately notify the Minister if the work causes or is likely to cause serious and imminent danger to navigation, to take reasonable measures to mitigate potential dangers and to remedy any adverse effects that result from that danger to navigation.

The attached document relates only to the interference of your work with navigation under the CNWA and does not grant any rights related to the ownership of the bed of the navigable water.

It is the owner's responsibility to comply with any other applicable laws and regulations.

Should you have any questions, please do not hesitate to contact our office in Pacific by phone at 604-775-8867 or by e-mail at NPPPAC-PPNPAC@tc.gc.ca.

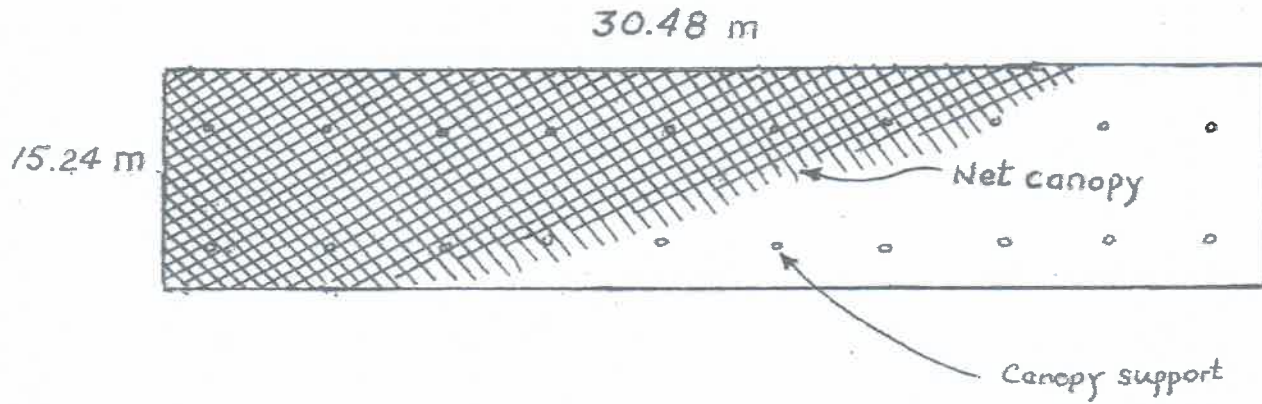
Respectfully,



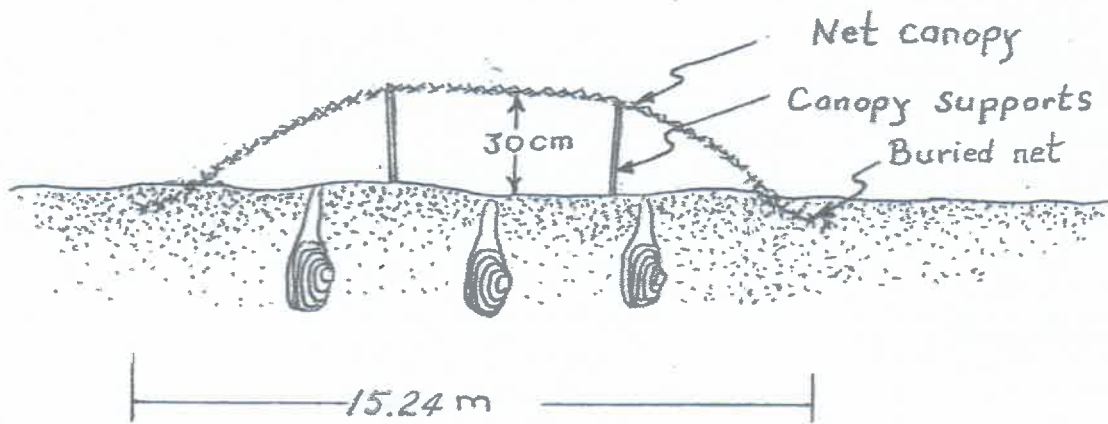
Lawrence Kuan
NPP Officer
Programs Group
Transport Canada
Pacific Region

SUBTIDAL GEODUCK NET CANOPY

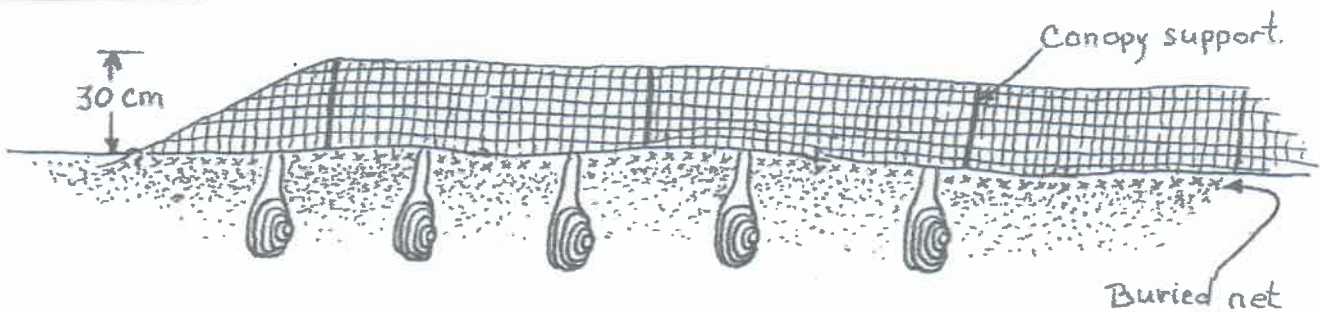
— TOP VIEW —



— END VIEW —

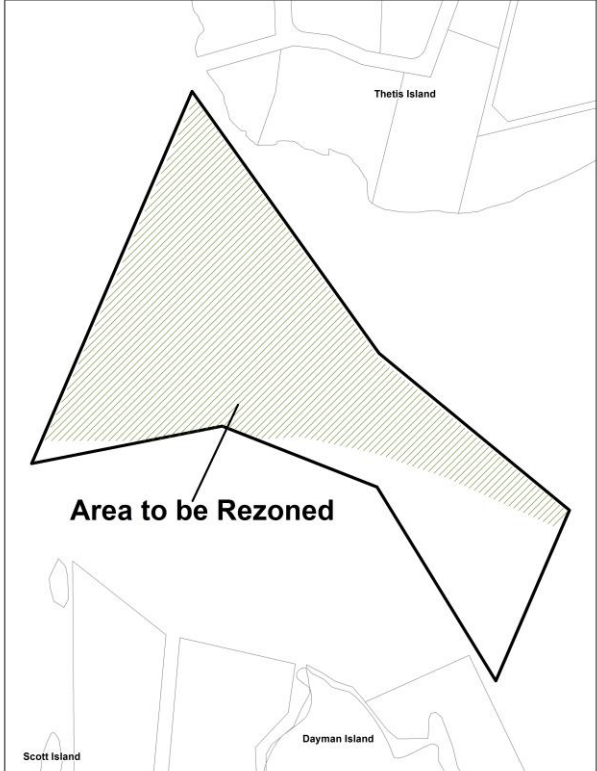


— SIDE VIEW —



ATTACHMENT # – SITE CONTEXT TH-RZ-2022.1 (ABRUPT SHELLFISH INC.) FEBRUARY 2023

LOCATION

<p>Legal Description</p>	<p>As per the Navigation Protection Program approval: Located on Preedy Harbour, on unsurveyed Crown foreshore or land covered by water being part of the bed of Preedy Harbour, in the province of British Columbia, shown outlined in black on sketch below. Navigation Protection Program Registry # 2017-500542. Area to be rezoned is shown in hatched area in sketch below.</p> 
<p>PID</p>	<p>n/a</p>
<p>Civic Address</p>	<p>n/a</p>

LAND USE

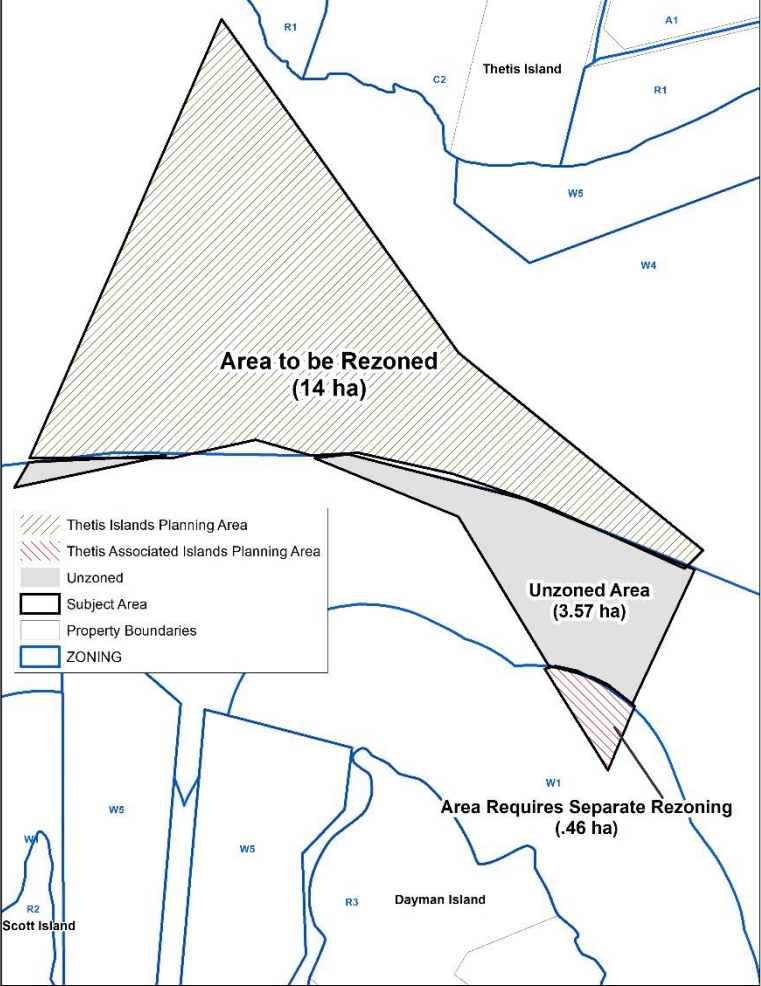
<p>Current Land Use</p>	<p>Marine Area, uses include marine recreation and vessel transportation/access. The area was previously used for wild geoduck harvesting as a part of the Fisheries and Oceans Canada Integrated Geoduck Management Framework 2017.</p>
<p>Surrounding Land Use</p>	<p>Foreshore aquaculture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

HISTORICAL ACTIVITY

File No.	Purpose
TH-RZ-2020.1	Expansion of an existing Aquaculture (inter-tidal) lease for the purpose of seeding and growing Geoduck (<i>Panopea Generosa</i>) for the international and local market. Application denied by LTC on June 2, 2020. File closed.

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 (W-4) which does not allow for mariculture use – rezoning required.
Other Regulations	There is 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) (see red hatched area on map). The applicant is confirming if it is possible to amend the boundaries of the license of occupation to correspond with the rezoning proposal as submitted.

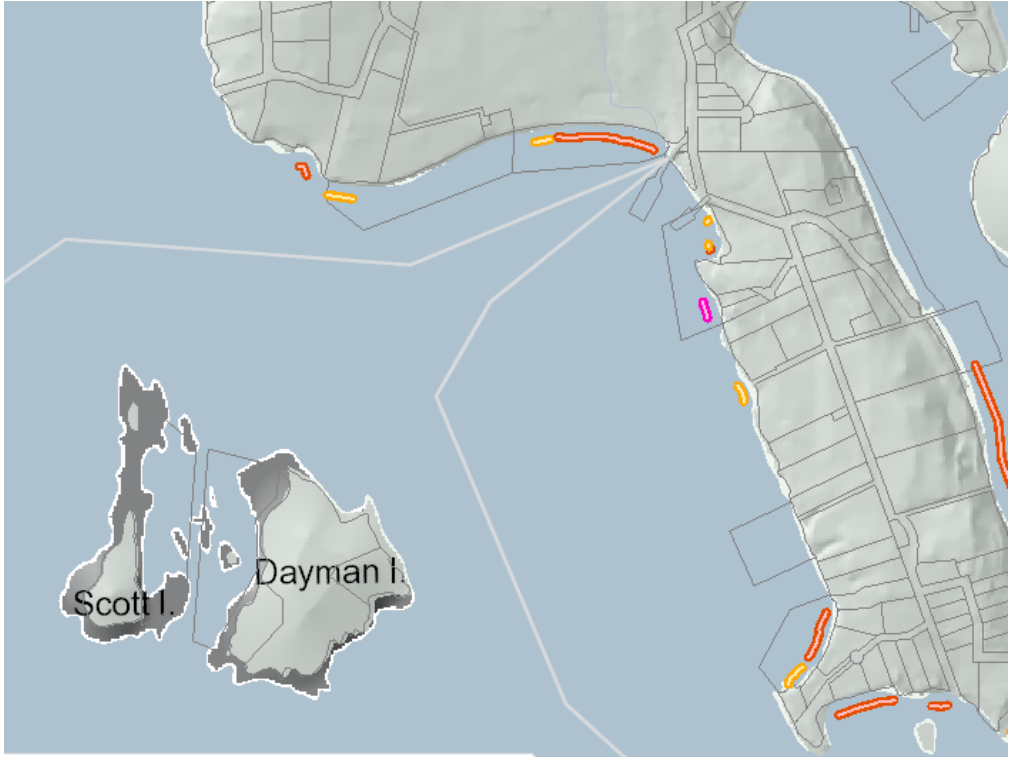
	 <p>If it is not removed, the rezoning application will need to contemplate rezoning the marine area surrounding Scott and Dayman Islands, requiring bylaw amendments to the Thetis Associated Islands Official Community Plan No. 93 and Land Use Bylaw No. 94. This would likely require an additional rezoning application and separate public hearing. Confirmation that the area is removed from the crown land tenure application will be sought.</p> <p>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.</p>
Covenants	None
Bylaw Enforcement	No outstanding enforcement issues.

SITE INFLUENCES






Islands Trust Fund	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor directly affects a property adjacent
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	to an ITC owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Strategy	<p>The Regional Conservation Plan 2018-2027 indicates common threats to ecosystems in the Islands Trust Area include resource use (e.g. removal of natural resources and species). Based on the information available regarding ecosystem values, threats and current levels of conservation, the Islands Trust Conservancy has focused its outreach programs primarily on three local trust areas with Thetis Island local trust area being one of the three. Thetis Local Trust Area is identified as a High conservation priority based on factors of need for sensitive ecosystem, eelgrass shoreline protection, level of unprotected land and disturbance threat.</p> <p>The Thetis Island Local Trust Area has eelgrass beds along approximately 25.2% of its foreshore and 11.9% of the Thetis Island shoreline is suitable spawning habitat for forage fish (Pacific sand lance and/or surf smelt).</p>
Species at Risk	<p>Current Islands Trust mapping indicates no occurrences of Species at Risk or critical habitat within or directly adjacent to the subject marine area.</p> <p>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.</p>

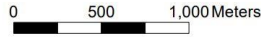
	<div style="border: 1px solid black; padding: 5px;"> <input checked="" type="checkbox"/> SAR Critical Habitat Southern Resident Orca </div> 
Sensitive Ecosystems	<p>Current Islands Trust mapping indicates a sea bird colony at Preedy Rocks, approximately 300 metres to the west of the subject marine area.</p> <p>The proposed mariculture operation is located wholly within a mapped Rockfish Conservation Area.</p>
Hazard Areas	n/a
Archaeological Sites	<p>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 <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately. Staff note that the <i>Heritage Conservation Act</i> defines Heritage site to include land covered by water.</p> <p>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.</p> <p>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, Snuneymuxw First Nation, Stz’uminus First Nation, Semiahmoo First Nation.</p>

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	Rock Shoreline - Low Rock/Boulder Sediment Shoreline – Sand/Cobble 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	<p>Islands Trust mapping indicates the following forage fish occur on nearby Thetis Island shorelines: Surf Smelt & Pacific Sandlance.</p> <ul style="list-style-type: none"> — Pacific Sandlance — Surf Smelt — Surf Smelt/ Pacific Sandlance  <p>Islands Trust mapping indicates eelgrass habitat on nearby island shorelines and appears to overlap with subject marine area</p>

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.



18:54:29 From Kirsten : Just wondering where the seed is coming from and what is its origin?

18:57:25 From Doug Fenton : 24" deep, what is the harvesting technique used?

19:00:31 From Doug Fenton : Are plastic tubes used?

19:01:34 From Doug Fenton : Is there science to support the plastic decomposition?

19:02:34 From Cynthia L : it's right where overbuy is

19:08:51 From Virginia : How do we access a copy of the recording of this meeting?

19:08:53 From Doug Fenton : Have you spoken to any landowners by the old oyster leases? Might be wise to do your homework, as it is my understanding these beaches were a disaster.

19:11:37 From Doug Fenton : Is this product sold as local food, or a global client/s?

19:12:05 From shannoncolpitts : What are net poles made of and how many are there and what happens to them?

19:18:44 From Ann Eriksson : For the record, I am opposed to the industrialization of the ocean, particularly for a high-end export market that does not provide local food security.

19:18:47 From Kirsten : @doug the pamphlet says the product is 90% Asian purchaser

19:20:48 From Kirsten : who owns the company?

19:22:51 From Ann Eriksson : Would the rezoning be a spot zoning for the proposed area only or would it cover a larger area?

19:29:36 From Virginia : If "boats" have to stay 50 or 100 meters away during harvesting, have you checked with BC Ferries? The Thetis ferry route looks closer than that to the south corner of your zone... -- Jonathan Thornburg

19:32:53 From Virginia : Since some of us were stuck in the waiting room, please give a link to the recording for the entire meeting so we can watch your presentation.

19:43:18 From Marjan Jackman : But the reality is that you would be able to enforce that boundary if you chose to.

19:46:04 From Yvonne Tomlinson : Abrupt can be reached privately by email at abruptshell@shaw.ca

19:47:18 From David Slade : Are these areas not covered in eel grass?

19:52:23 From Ann Eriksson : Quote "Nylon is not biodegradable, and will persist in the environment indefinitely. The two of the largest sources of microplastic pollution in the ocean are nylon fishing nets and synthetic textile fibers that wear off during washing. This means that the impact of nylon on the aquatic environment is significant." Nylon is not biodegradable, and will persist in the environment indefinitely. The two of the largest sources of microplastic pollution in the ocean are nylon fishing nets and synthetic textile fibers that wear off during washing. This means that the impact of nylon on the aquatic environment is significant.

19:53:14 From Virginia : The carbon footprint for transporting to the other side of the globe is not beneficial to anyone.

19:54:27 From Cynthia L : Exactly Virginia

19:55:49 From Jenny Hyde : Thank you all for the great comments here in the chat. I hope they are also taken into account!

20:00:54 From Doug Fenton : How does Abrupt SF go 6-7 yrs before consultation with the Thetis Island residents and the Penelakut Nation?

20:02:22 From Ann Eriksson : Read out the question and respond verbally to everyone please

20:05:16 From shannoncolpitts : About 30 years ago some bureaucrat in the government decided it would be a good idea to park the occasional tanker in the gulf Islands while they waited for a berth at Vancouver harbour, now there are 33 tankers more or less permanently parked here. Once these leases are granted they are impossible for local citizens to have any say.

20:06:38 From Ellen's iPad : Sound travels and we can hear the Cargo Ships generators noise even we don't live directly at the beach front. Also the light pollution that comes with this project? We live here full time.

ATTACHMENT – POLICIES TH-RZ-2022.1 (ABRUPT SHELLFISH INC.)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
<p>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.</p>	TBD	<p>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.</p> <p>Fisheries and Oceans Canada/Navigation Protection Program issued approval on July 29, 2021. DFO issued an aquaculture license in January 2020. Their review included the Rockfish Conservation Area. Under DFO's mandate, as part of the application review, there was an environmental review focused on ensuring there will be no overlap between aquaculture activities, works or installations and important and sensitive habitat. DFO noted eelgrass, rocky reefs and kelp are the most common types of important habitat to protect when it comes to shellfish aquaculture applications. In the case of Preedy Harbour, it is located within a Rockfish Conservation Area (RCA). However, aquaculture is a permitted activity within an RCA. During the DFO review, the RCA was found to contain eelgrass and rocky reef. To mitigate the risk DFO implemented a site specific condition that no activities, works, installations are to occur within 20m of any of those habitats.</p>
<p>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.</p>	TBD	<p>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. As approved by DFO, the nets and poles will be marked for identification in the event they break free and are washed up on shore.</p>
<p>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.</p>	TBD	<p>See comments related to Policy 3.1.3.</p>
<p>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.</p>	TBD	<p>See comments related to Policy 3.1.3.</p>

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 to the overall visual quality and scenic value of the Trust Area.	TBD	<p>Proposal indicates that visible infrastructure will be limited to:</p> <ul style="list-style-type: none"> - Four marker buoys, to mark the four corners of the area that has nets. - The buoys will be equipped with four solar powered, flashing LED lights with a range of one nautical mile as required by Transport Canada and Canada Coast Guard; - One dive boat when working in area. <p>To be addressed through OCP policy review.</p>
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	<p>Archaeological sites are noted within 100 metres of the subject marine area. The applicant will be made aware of the <i>Heritage Conservation Act</i> and their responsibilities in the protection of sites.</p> <p>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, Snuneymuxw 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.</p>
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	TBD	See comments related to Policy 5.6.2.

historic coastal settlement patterns and remains.		
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	<p>Area to be rezoned is located approximately within 10 to 20 metres of Thetis Island. Public comments during the Community Information Meeting held by the applicant indicated 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 DFO and Transport Canada have reviewed the proposal and given approval.</p> <p>Area to be rezoned is located within the Rockfish Conservation Area. Eelgrass beds are mapped within/near a portion of the Area to be rezoned.</p> <p>Fisheries and Oceans Canada/Navigation Protection Program issued amended approval on July 29, 2021. DFO issued an aquaculture license in January 2020. Their review included the Rockfish Conservation Area. Under DFO's mandate, as part of the application review, there was an environmental review focused on ensuring there will be no overlap between aquaculture activities, works or installations and important and sensitive habitat. DFO noted eelgrass, rocky reefs and kelp are the most common types of important habitat to protect when it comes to shellfish aquaculture applications.</p> <p>In the case of Preedy Harbour, it is located within a Rockfish Conservation Area (RCA). However, aquaculture is a permitted activity within an RCA. During the DFO review, the RCA was found to contain eelgrass and rocky reef. To mitigate the risk DFO implemented a site specific condition that no activities, works, installations are to occur within 20m of any of those habitats.</p>
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	TBD	Because the proposed tenure area is subtidal in nature (on-bottom at depths below the intertidal area/beach), it is not currently accessible to the general public for shellfish picking.

Area subject to Fisheries and Oceans Canada regulations.		DFO may issue wild harvest licences (e.g. for divers), but staff would need to determine with DFO if they have been issued regularly in this area in the past. Wild harvest would not be able to occur after the license of occupation is issued/aquaculture is occurring.
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 at the Community Information Meeting held by the applicant in March 15, 2022 include concerns around: <ul style="list-style-type: none"> • Nylon predator netting <ul style="list-style-type: none"> ○ Potential entanglement of other species in the nets ○ Potential of micro plastics from the netting being released into the ocean • Close distance of the mariculture operation to Thetis Island (in particular, Overbury) • Potential light pollution from the navigation buoys • Potential noise pollution during planting, monthly inspections and harvest season • Lack of notification to upland property owners • Potential disruption and conflict for summer moorage and recreational boaters • Potential marine debris, and the potential negative impacts it may all have on a sensitive ecosystem • Not creating a local food source. It is estimated that 70-90% of geoducks farmed off Thetis will be shipped to an international market • Potential impacts on local First Nations
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. Fisheries and Oceans Canada/Navigation Protection Program issued approval on July 29, 2021. DFO issued an aquaculture license in January 2020. Their review included the Rockfish Conservation Area. Under DFO's mandate, as part of the application review, there was an environmental review focused on ensuring there will be no overlap between aquaculture activities, works or installations and important and sensitive habitat. DFO noted eelgrass, rocky reefs and kelp are the most common types of important

		<p>habitat to protect when it comes to shellfish aquaculture applications.</p> <p>In the case of Preedy Harbour, it is located within a Rockfish Conservation Area (RCA). However, aquaculture is a permitted activity within an RCA. During the DFO review, the RCA was found to contain eelgrass and rocky reef. To mitigate the risk DFO implemented a site specific condition that no activities, works, installations are to occur within 20m of any of those habitats.</p>
4.1 Natural Resources Objective 2 – To identify and protect environmentally sensitive areas or features.	TBD	See comments related to Policy 4.1 Objective 1 above.
4.1 Natural Resources Objective 5 - To protect marine life and foreshore habitat.	TBD	See comments related to 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 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	DFO and Oceans Canada/Navigation Protection Program have reviewed the proposal and given approval. The LTC has limited authority to regulate aquaculture operations.
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	<p>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.</p> <p>Unknown whether the proposal may have any negative impacts to sensitive ecosystems.</p> <p>Fisheries and Oceans Canada/Navigation Protection Program issued approval on July 29, 2021. DFO issued an aquaculture license in January 2020. Their review included the Rockfish Conservation Area. Under DFO's mandate, as part of the application review, there was an environmental review focused on ensuring there will be no overlap between aquaculture activities, works or installations and important and sensitive habitat. DFO noted eelgrass, rocky reefs and kelp are the most common types of important</p>

		<p>habitat to protect when it comes to shellfish aquaculture applications.</p> <p>In the case of Preedy Harbour, it is located within a Rockfish Conservation Area (RCA). However, aquaculture is a permitted activity within an RCA. During the DFO review, the RCA was found to contain eelgrass and rocky reef. To mitigate the risk DFO implemented a site specific condition that no activities, works, installations are to occur within 20m of any of those habitats.</p>
<p>4.1 Natural Resources Policy 13 - Foreshore and adjacent coastal water area land use regulations should place emphasis on retaining natural characteristics.</p>	<p>TBD</p>	<p>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.</p> <p>Unknown whether the proposal may have any negative impacts on environment.</p> <p>Proposal indicates that visible infrastructure will be limited to:</p> <ul style="list-style-type: none"> - Four marker buoys, to mark the four corners of the area that has nets. - The buoys will be equipped with four solar powered, flashing LED lights with a range of one nautical mile as required by Transport Canada and Canada Coast Guard; - One dive boat when working in area. <p>Comments received during the applicants Community Information Meeting in March 2022:</p> <ul style="list-style-type: none"> • Nylon predator netting <ul style="list-style-type: none"> ○ Potential entanglement of other species in the nets ○ Potential of micro plastics from the netting being released into the ocean • Close distance of the mariculture operation to Thetis Island (in particular, Overbury) • Potential light pollution from the navigation buoys • Potential noise pollution during planting, monthly inspections and harvest season • Lack of notification to upland property owners • Potential disruption and conflict for summer moorage and recreational boaters • Potential marine debris, and the potential negative impacts it may all have on a sensitive ecosystem • Not creating a local food source. It is estimated that 70-90% of geoducks farmed off Thetis will be shipped to an international market • Potential impacts on local First Nations

		. 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	Ministry of Forests has reviewed the proposal and given approval in principle. Tenure contract holders must abide by applicable laws, including local government bylaws, a positive decision by Ministry of Forests regarding a Crown land tenure does not guarantee that the proposed activity may lawfully occur.
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 <i>Heritage Conservation Act</i> 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, Snuneymuxw 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 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 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, its foreshore and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with first nations.	TBD	See comments related to policy 4.4 Objective 1 above.
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,	TBD	See comments related to OCP policy 4.4 Objective 1 above.

or other first nations cultural sites, when it is considering land use applications and referrals.		
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DATE OF MEETING: February 28, 2023
 TO: Thetis Island Local Trust Committee
 FROM: Marlis McCargar, Island Planner
 Northern Team
 COPY: Renée Jamurat RPP, MCIP, Regional Planning Manager
 SUBJECT: Local Trust Committee Projects and Priorities

RECOMMENDATION

1. That the Thetis Island Local Trust Committee endorse the Active and Future Project List as presented in the February 28, 2023 regular business meeting agenda package.

REPORT SUMMARY

The Local Trust Committee is being asked to review its ‘Work Program’ and provide direction for any changes to the Active and Future Projects. This report provides a summary of active LTC Projects, an overview of the currently identified future projects, and identifies other potential projects the LTC may wish to consider this term.

Active Projects

Project	Summary	Current Status	Comments
OCP & LUB Amendment Project	First Nations: <ul style="list-style-type: none"> • Early engagement • Acknowledgement language • De-colonizing document language • Incorporating FN recommended language Housing: <ul style="list-style-type: none"> • Affordable housing strategy: Housing for young families, workers & seniors • Community engagement • TUPs to include non-tourist accommodation • Support the construction of a storage building prior to construction of a principal dwelling 	August 31, 2021	

Project	Summary	Current Status	Comments
	<ul style="list-style-type: none"> Short-term vacation rentals of principle dwellings in the R-2 zone Fence height & derelict vehicles regulations Housekeeping/technical amendments to include - 4.3(d) amend to say: in addition to s.4.3.(a), (b) and (c)... Shoreline: <ul style="list-style-type: none"> Sea level rise Wharves Un-zoned Marine areas: Explore zoning the un-zoned area of water between the Associated Islands OCP and the Thetis Island OCP adjacent to Scott & Dayman Islands Indicators <ul style="list-style-type: none"> Include measurable outcomes and indicators of completion 		
OCP & LUB Amendment Project	Shoreline and Coastal Protection Strategy	June 15, 2021	
Soil Removal Bylaw	Include consideration of Salt Spring & North Pender Islands' Soil removal & Deposit Bylaws; on-island composting facilities, reduction of invasive species from off-island soil.	August 30, 2022	

By Trust Council policy, an LTC can have one active Minor Project at a time, in addition to any Major Projects funded through a business case approved by Trust Council.

Potential Future Projects

The LTC should start to consider future projects, particularly any Major Projects, as scoping for business cases should start in April 2023. The LTC should review the Future Projects List and remove any initiatives it considers out-of-date or any it no longer supports, or add any new initiatives it may want to consider.

1. Future Projects List: as issues are identified, an LTC can add potential projects to the ‘Future Projects List’. These are tracked in a report included in each agenda package. The following table summarizes the items currently identified on the Future Projects List:

Date added	Issue	Description	Comments
August 30, 2022	Advocacy & Communications	LOU: Letter of Understanding between Thetis LTC and Cowichan Valley Regional District	
August 30, 2022	OCP	Active Transportation	
August 30, 2022	OCP & LUB	<ul style="list-style-type: none"> • Rainwater: rainwater storage requirements • Watershed Protection: Island-wide watershed protection • Regional Conservation Plan: Incorporation of the Regional Conservation Plan into Thetis LTC OCPs & LUBs: Investigate & provide recommendations on how to incorporate the plan elements into Thetis, Valdes & Associated Islands’ OCPs & LUBs. • Associated Island OCP & LUB Review: Develop new OCP & LUB to replace CVRD Bylaw 110 and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stz’uminus Nation for a stakeholder process regarding Bute & Dunsmuir Islands. 	

Strategic initiatives: the following are potential projects that have been advanced through the Regional Planning Committee, with a brief description of each:

- a. Affordable Housing: a broader review of housing policies and regulations, including consideration of implementation of Islands Trust housing toolkit recommendations and

coordination with [Northern Region Housing Needs Assessment](#). This is identified on the LTC's active projects list already as "Affordable Housing Options".

- b. Coastal Douglas-fir Ecosystem Protection: Regional Planning Committee prepared a [toolkit](#) with options for protecting significant tracts of mature forest.
- c. Cultural Heritage Protection implementation: phase 1 of a project to develop criteria for identification of cultural heritage sites was undertaken last year, however that did not include delivery of mapping. Implementation could include designation of Heritage Conservation Areas, based on existing mapping, designation of shoreline areas or First Nations recommendations.
- d. Shoreline Review: Regional Planning Committee funded a report on shoreline protection last term. Several LTCs initiated projects to review shoreline and marine policies and regulations last term.

Other potential projects: the LTC should consider identifying other potential initiatives or issues, either as an LTC or through a process of community consultation.

The LTC may wish to consider scheduling a special meeting to engage in more detailed deliberations on identifying future projects or to engage in community consultation on future priorities.

Business Cases for Major Projects

Major projects are any LTC projects that are anticipated to require a budget over \$5,000 in any given fiscal year. These projects would be supported by a planner from the Regional Planning Team and are required to have a business case approved by Trust Council.

LTCs wishing to undertake a Major Project in the next fiscal (2024/2025) should start developing a business case in the spring of 2023, and finalize and endorse the business case by July 2023 in order to have it reviewed by Regional Planning Committee and by the Financial Planning Committee in October and November 2023 meetings. The Financial Planning Committee's recommendations on the business case would then be considered at the December 2023 Trust Council for inclusion in the budget for the following fiscal year.

Administrative Bylaws

All LTCs have administrative bylaws that govern the LTC's procedures. Recent amendments to the LTC's administrative bylaws include:

1. Amendments to the meeting procedures bylaw to permit electronic meetings.
2. Adoption of a new Fees Bylaw to implement application fee changes recommended by the Regional Planning Committee.

Pending Administrative Bylaw amendments that the LTC can expect next year include:

1. Amendments to the development procedures bylaw to allow for alternative notification for public hearings.

2. Adoption of a Land Use Permit Delegation Bylaw: this bylaw would delegate the approval of development permits to staff for all DPAs except Form and Character, however, as Thetis' OCP has limited DPA designations, this is not currently applicable.
3. Amendments to the Freedom of Information Bylaw will be brought to all LTCs by the Director of Legislative Services in 2023.

Applications

Rezoning applications are the most complex and time consuming applications considered by LTCs. The LTC considered one rezoning application in the last term:

1. TH-RZ-2020.1 (Panacui) – Application to rezone approx. 14 ha of the marine area from W-4 to allow subtidal geoduck aquaculture. (Not approved by LTC)

In addition to the rezoning application, last term planning staff processed 2 land use permits (an average of .5 per year):

- Development Variance Permits – 2
- Subdivisions – 3
- Crown Leases – 7
- Building Permits - 24

Summary reports with the current status of all applications are provided in each agenda package. Staff reports are included in agendas when an LTC decision or direction is required.

Standing Policies and Resolutions

The LTC has, over the years, adopted a number of policies in the form of standing resolutions. These resolutions direct how staff act in certain instances, and can provide guidance to the LTC itself. A report of standing resolutions is included in each Agenda and the LTC should review these policies early in the term and considering rescinding outdated policies.

Rationale for Recommendation

The Work Program identifies active and future LTC projects. At the start of the term, the LTC should consider whether to proceed with the existing active projects and should also identify future priorities. Deliberation on the setting of strategic priorities for the term may best be undertaken by scheduling a special meeting.

ALTERNATIVES

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

1. Schedule a Special Meeting

The LTC may wish to schedule a special meeting to review the Work Program. The resolution can be worded as:

That the Thetis Island Local Trust Committee request staff to schedule a special meeting for the purpose of setting LTC priorities.

2. Amend the Work Program

The LTC can amend either list. The resolution may be worded as:

*That the Thetis Island Local Trust Committee amend the [Active Projects List/Future Projects List] as follows:
[indicate amendments].*

Submitted By:	Marlis McCargar, Island Planner	February 15, 2023
Concurrence:	Renée Jamurat RPP, MCIP, Regional Planning Manager	February 15, 2023



File No.: 3026-10 (LTC General – Meeting Logistics)

DATE OF MEETING: February 28, 2023

TO: Thetis Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: 2023 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Thetis Island Local Trust Committee schedule its regular business meetings on the following dates in 2023: April 25, July 4, September 5 and November 7.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2023. The LTC adopted the first meeting date February 28, 2023, by Resolution Without Meeting (RWM) and the remaining tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Islands Trust Conservancy, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Meeting details will be advertised in accordance with legislated notification requirements.

The LTC also has the option of designating which of the dates listed above are anticipated to be electronic vs. in-person. This would allow staff to plan further in advance for accommodating the logistics of each meeting. The alternative is that the format of each meeting is chosen at the end of each previous meeting. If the LTC chooses the latter, staff will book venues for the year and anticipate cancelling the bookings if the meetings get changed to electronic-only.

Submitted By:	Marlis McCargar, Island Planner Northern Team	January 5, 2023
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ATTACHMENT

1. Tentative 2023 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2023 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	-	January 26	January 31**	January 20	January 23	-	-
	February 7	February 23	-	-	-	February 28	-
	-	March 30	March 14	March 24	March 20	-	-
	April 4	-	-	-	-	April 25	April 19
	-	May 11	-	May 5	May 8	-	-
	June 6	June 8	June 20	June 16	-	-	-
	July 25	July 20	-	-	July 26*	July 4	-
	-	-	August 29	-	-	-	-
	-	September 14	-	September 8	-	September 5	-
	October 3	October 26	October 17	-	October 2	-	October 4
	November 14	November 30	November 21	November 3	-	November 7	-
	-	-	-	-	December 11	-	-
Total	6	9	6	6	6	5	2
Start Time -In Person	12:30 pm	10:30 am	10:30 am	11:30 am	11:00 am	9:30 am	10:30 am
Location if in person	Denman Activity Centre	Gabriola Arts & Heritage Ctr/ The Haven	<i>John Braithwaite, or Keats Is./ Gambier Is.</i>	Room to Grow	Judith Fisher Centre	Thetis Community Centre	Electronic

*not the usual day of the week

**10am start

Key Dates

Stat Holidays	Jan 2; Feb 20; Apr 7, 10; May 22; Jun 21, Jul 3; Aug 7; Sep 4; Oct 9; Nov 13; Dec 25,26
Trust Council	Mar 7-9, Jun 27-29, Sep 26-28, Dec 5-7
Executive Committee	Jan 11, Feb 13 & 22, Mar 7 & 22, Apr 12, May 3 & 24, Jun 14 & 27, Jul 12, Aug 2 & 23, Sep 13 & 26, Oct 11, Nov 1 & 22, Dec 5 & 20
Financial Planning Committee	Jan 18, Feb 14, May 31, Aug 30, Oct 18, Nov 8
Islands Trust Conservancy	Jan 24, Mar 14, May 30, Jul 18, Oct 3, Nov 21
Trust Programs Committee	Jan 9, Feb 6, Apr 3, May 15, Aug 28, Nov 6
Regional Planning Committee	Jan 17, Feb 1, May 17, Sep 6, Nov 15
AVICC Conference	April 14-17
LGLA Elected Officials	February 15-18
UBCM Conference	Sept. 18-23

To: LTCs in W̱SÁNEĆ Territory **For the Meeting of:** Various
From: Trust Programs Committee **Date Prepared:** September 2, 2022
SUBJECT: Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

PURPOSE: To provide, for information, a letter from W̱SÁNEĆ Leadership Council staff regarding draft 2021 Islands Trust Policy Statement amendments.

BACKGROUND: On August 26, 2022, Trust Programs Committee received a letter from the W̱SÁNEĆ Leadership Council (WLC) regarding WLC staff’s response to draft 2021 Islands Trust Policy Statement Amendments.

Trust Programs Committee passed the following resolution:

that Trust Programs Committee forward the letter of August 4, 2022, from W̱SÁNEĆ Leadership Council staff to all local trust committees in their territory

This letter has also been shared with Trust Council and provincial staff.

WLC staff participated in both Phase 1 and Phase 2 of early and meaningful engagement related to the Policy Statement Amendment Project. Additional correspondence from W̱SÁNEĆ Leadership Council regarding the Policy Statement has been posted to the Islands 2050 webpage at <https://islandstrust.bc.ca/programs/islands-2050/>.

Staff will continue early and meaningful engagement with W̱SÁNEĆ Leadership Council on the Policy Statement Amendment Project and will provide a formal referral after first reading.

ATTACHMENT(S):

1. Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Clare Frater, Director, Trust Area Services



WLC Staff Response to 2021 Islands Trust Policy Statement Amendments August 4, 2022

Below is a staff level review of the 2021 Islands Trust Policy Statement Amendments. WLC staff have organized this document by outlining past WSÁNEĆ Technical Advisory Committee (WTAC) recommendations, noting where Islands Trust amendments have incorporated and satisfied WTAC recommendations, and providing feedback on how to move forward. WLC staff have divided our review of the Islands Trust Policy Statement by the headers provided in that document (*e.g.* Introduction, Present Context, *etc.*).

As a note, this review is at the staff level and, due to capacity issue, it has not been reviewed by the WSÁNEĆ Leadership Council Board of Directors or the WSÁNEĆ Technical Advisory Committee. WLC staff hope for future opportunities to provide input where these advisory committees and decision-makers can be included.

Introduction:

Past WTAC recommendation:

1. Include the story of ȚELEȚÁĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why WSÁNEĆ want involvement in decisions regarding the Gulf Islands.

Feedback:

The story of ȚELEȚÁĆES is not in the Policy Statement document. The WLC would like to see the inclusion of the story of ȚELEȚÁĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why First Nations want involvement in decisions regarding the Islands. If other First Nations have similar stories, Islands Trust should attach them also as an appendix to the Policy Statement.

Present Context:

Past WTAC recommendations:



1. Incorporate Bill c-15, an act respecting the United Nations Declaration on the Rights of Indigenous Peoples.
2. There is a need for cumulative impact studies to ensure responsible informed decision making. This work needs to incorporate First Nations values and be in collaboration with First Nations.
3. Support First Nations in the development of cultural overlay mapping, mapping for environmental and ecological systems, and heritage mapping.
4. Preserve environment to protect Douglas Treaty rights and ensure they can be exercised into the future.
5. Approach environmental issues in ways that further reconciliation with First Nations, the original and proper caretakers of the land.

2021 Policy Statement:

- Trust Council adopted a Reconciliation Declaration that speaks to UNDRIP and free, prior and informed consent
- notes the need to “effectively preserve the environment” and, that “decision making will need to be guided by the best possible science and Indigenous ways of knowing”.
- Protects the environment for the generations to come and for First Nations that wish to come home or have access to traditional uses.
- Official community plans and regulatory bylaws, identify, preserve and protect and support the restoration of indigenous cultivation and harvesting areas and coordinate with, and advocate to, other government agencies to regulate and monitor harvesting.
- Commits to consulting with FNs prior to decisions regarding hunting and to preserve traditional harvesting areas.

WLC Staff Feedback:

The Islands Trust has adopted a Reconciliation Declaration that utilizes UNDRIP, and within the Policy Statement the Islands Trust has created policy that aligns with the principles of UNDRIP. However, support for UNDRIP is not imbedded in the Policy Statement and the Reconciliation Declaration 2019-2022 is not permanent. The WLC advise that a commitment to implementing the principles of UNDRIP is embedded into the Policy Statement.

The Policy Statement does a good job in utilizing scientific studies, cultural knowledge, First Nations’ values and informed decision making, but it does not commit to additional impact



studies or cultural site identification and mapping. The gathering of this cultural data is an important project for the implementation of this Policy Statement as the data held by the Provincial databases regarding Indigenous cultural sites are wholly insufficient. The WLC would like to see a commitment to resourcing data-gathering projects, which may be an item that can be negotiated as part of a WSÁNEĆ MOU.

The Policy Statement has greatly increased the protection of the environment and it does acknowledge the harvesting rights of First Nations, it also recognizes the need to solve environmental issues in collaboration with First Nations and other organizations but it lacks a framework in which this will occur. This is discussed further in the feedback for Governance.

The Islands Trust Object and Its Meaning

Past WTAC recommendations:

1. Add information about First Nations and their history.
2. Mention First Nations rights and unceded title

2021 Policy Statement:

- Recognizes that it is in the homeland of 28,000 First Nations, that there is culturally significant species, archaeological sites and harvesting areas.
- First Nations have been here since time immemorial and are caretakers and stewards
- With creations stories, place names, laws and protocols
- Indigenous cultural heritage is a unique amenity of the Islands Trust.
- First Nations have been removed through colonization

WLC Staff Feedback:

Information regarding First Nations and their history were not added to the Object and its Meaning, possibly because the Object is stated in legislation and the Policy Statement is not intended to make a legislative change. However, Islands Trust did provide contextual information on First Nations through a statement that follows the Object and Its Meaning. Douglas Treaty rights and title, and Indigenous title is not specifically mentioned in this document. The WLC requests that Islands Trust recognizes its duty to uphold Douglas Treaty rights and title, and Indigenous title more generally.



Location of the Islands Trust Area

2021 Policy Statement:

Includes a map of the 13 major Islands.

WLC Feedback:

In this section, WLC staff recommend the inclusion of a map that demonstrates the locations of the First Nations that have been named in the Policy and a place names map in SENCOFEN and/or Hul'qumi'num.

Regional Governance:

Past WTAC recommendations:

1. First Nations should not be considered stakeholders. First Nations have a much stronger position that requires legal consultation than your typical stakeholder.
2. First Nations should be actively included in governance. First Nations involvement should not 'just' be as collaborators. WSÁNEĆ have responsibilities to the land and have been removed as caretakers.
3. There needs to be a more evidence based approach/whose information/ownership and controls. Not just 'evidence based' but based on best available science and social science and committed to indigenous ways of knowing."
4. We need a cooperation accord and information/data sharing agreements.

2021 Policy Statement:

- Trust Council recognizes that meaningful engagement/participation and cooperation with First Nations is critical and that First Nations play an integral role in governance and cooperative decision making in the Trust Area.
- Islands Trust commits to meaningful engagement/participation and cooperative/engagement mechanisms such as Protocol agreements, other cooperative arrangements and MOUs.
- The Islands Trust Policy Statement includes finding solutions using the best available area based mapping and indigenous ways of knowing.



WLC Staff Feedback:

In this policy statement, engagement and cooperation with First Nations is stated over 20 times. Engaging with First Nations is a priority of Islands Trust as they recognize that it is essential to the implementation of the Policy Statement. However, without an inclusive method of decision making, First Nations that do not have protocol agreements, or those that are in the process of making these agreements, will have no avenue of accountable engagement. Additionally, this method may limit tier one (First Nation to First Nation) collaboration and has the potential to reduce cooperation amongst First Nations. With that said, protocol agreements to clarify interests and establish commitments are essential and need to be created between the WSÁNEĆ Leadership Council, our constituent First Nations, and Islands Trust.

Ecosystem Preservation and Protection

Past WTAC recommendations:

1. The creation of protected areas, including areas that are 'off limits' and protected ecological networks that are intended to curb development.
2. Include active remediation projects.
3. All environmental preservation, protection, and mitigation projects should be established with First Nations as we need to ensure projects protect but do not alienate rights or block First Nations' economies.
4. When considering land acquisition, work with Local First Nations and land trusts
5. Reconnection of fragmented forest ecosystems.
6. Ecosystems Preservation and Protection.

2021 Policy Statement:

- approaches to protecting the environment are being put in place for First Nations that wish to come home or have access to traditional uses.
- official community plans and regulatory bylaws are to identify, preserve, protect and support the restoration of indigenous cultivation and harvesting areas.
- advocate to other government agencies to regulate and monitor harvesting
- consult with First Nations prior to decisions regarding hunting and to preserve First Nations traditional harvesting areas.
- retain large land holdings to enable sustainable forest harvesting and minimize the fragmentation of forests



- coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting.
- agricultural and development activity needs to be respectful of Indigenous harvesting, and should not adversely impact (and be directed away from) traditional harvesting areas, middens and other archeologically significant resources and areas.
- in cooperation with First Nations and the Conservancy Board, will advocate for acquisitions in order to protect natural areas.

WLC Staff Feedback:

This policy statement increases environmental protection policies and recognizes the need to include First Nations' rights to access land and natural resources. It speaks not only to protection of the environment but the remediation of the environment, which was an important element to the WSÁNEĆ Technical Advisory Committee.

Additionally, there are tools embedded in the Policy Statement to protect land from development and pollution, but the policy statement does not speak to the creation of protected areas. The WLC recommends a commitment to additional impact studies, and ecosystem mapping to assist in protection and remediation of the environment.

Further, WLC staff find it problematic that the Policy Statement does not commit resources to do pursue these goals. This may be tackled through a protocol agreement or an MOU with the WLC but should also be a priority of the Islands Trust outside of a protocol agreement. This protocol agreement could include dedicated funding for environmental remediation projects important to WSÁNEĆ peoples, studies to determine causes of shellfish pollution in the Islands Trust area, and commitments to funding for WSÁNEĆ monitoring programs.

Heritage Preservation and Protection

Past WTAC recommendation:

1. Protect and preserve First Nations history, cultural and archaeological, in collaboration with First Nations

2021 Policy Statement:

- recognizes heritage as a 'unique amenity' that is to be preserved and protected. This



includes, places, objects, knowledge, artistic impressions, natural landscapes, which includes Indigenous cultural heritage. This is not limited to areas that are utilized and occupied by indigenous peoples.

- First Nations have a right to identify, interpret and safeguard its value, outside of colonial frameworks.
- regional planning decisions should not have adverse impacts on Indigenous cultural heritage
- committees and island municipalities in their bylaws, need to identify, preserve, protect and support restoration of indigenous cultural heritage- in cooperation with First Nations.
- engage with Indigenous organizations/people to seek the best available archaeological data and provide educational materials and tools to help preserve and protect indigenous cultural heritage.

WLC Staff Feedback:

The additions that have been made to the policy statement in regards to the preservation and protection of heritage mostly cover the recommendations that were made by the WTAC. The concern of the WLC is the implementation of these policies and the inclusion of WLC in decision making on projects that may impact cultural heritage. The WLC staff recommend that Islands Trust make additional commitments to the WLC through protocol agreements and/or MOUs on this topic. Within these agreements, commitments could be made to further develop internal archaeological potential mapping at the Islands Trust; develop cultural heritage protocol for engagement, the use of WSÁNEĆ cultural workers, and other items of value to both parties; and, a role in decision making for WLC when Islands Trust contemplates Development Permits.

Housing

Past WTAC recommendation:

1. Promote First Nations housing opportunities that brings WSÁNEĆ people back out to the islands. That would be a real win.

2021 Policy Statement:

- The Islands Trust shall advocate to organizations to foster safe, secure and affordable housing for indigenous peoples.



WLC Staff Feedback:

The WLC staff recommends that Islands Trust enter into an MOU to explore housing opportunities for WSÁNEĆ community members.

Additional Recommendations:

- Islands Trust include a commitment to place name changes, the use of First Nations art in developments, installing signage related to First Nations history/culture, and specific targeted reconciliation policies.
- Islands Trust prioritize First Nations economic opportunities.

Conclusion:

After completing the review of the 2021 Islands Trust Policy Statement, it is clear that the Islands Trust team has made meaningful and important changes to the Policy Statement. As mentioned above, there are many instances throughout the document where WLC staff can see that our feedback has been incorporated. However, WLC staff are concerned about future amendments to this document which may alter the elements important to the WLC. There is a chance that some commitments to environmental and cultural protection and First Nations engagement will be taken out of the Policy Statement. The WLC would like to support the strong commitments that are made in this iteration of the Policy Statement to First Nations collaboration, the environmental, and to First Nations culture. WLC staff would like to thank the Islands Trust staff who have provided the opportunity to review the Policy Statement which will may impact the rights and title of the WSÁNEĆ People.



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY OCTOBER 6, 2022 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

- ***This meeting was the last Islands Trust Conservancy (ITC) Board meeting prior to the Islands Trust elections. Up to three new Board members will be elected at the first Trust Council meeting. ITC Board members appointed by the Minister of Municipal Affairs will continue on the ITC Board and are unaffected by local government elections.***
- The ITC Manager provided an update on the local government election, noted ITC staff are preparing orientation materials for incoming trustees.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022 and the ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- ITC Board considered a proposed budget for the 2023/24 fiscal year. The proposed budget included an approximate 13% increase for ITC a. The increase is comparable to other Islands Trust departments and includes BCGEU tentative agreement salary increases and a business case for capacity funding for First Nations Engagement for development of a five-year ITC Plan (2026-2030). ITC Board approved the draft 2023/24 ITC Budget as presented and directed staff to provide it for inclusion in the Islands Trust draft 2023/24 budget.
- ITC Board received an update regarding the Trust Council meeting, including notice that Trust Council gave first, second and third reading to a revised Natural Area Protection Tax Exemption Program (NAPTEP) Fees Bylaw and Guidelines for Executive Committee sponsorship of NAPTEP application fees. **These guidelines and the revised bylaw will allow the ITC Board and NAPTEP applicants to apply to the Executive Committee for sponsorship (waiver) of NAPTEP fees.**

3. COVENANT AND PROPERTY ACQUISITIONS

- ITC Board approved a covenant over the Sandy Beach Nature Reserves (Keats Island) in favour of TLC The Land Conservancy of British Columbia and the Sunshine Coast Conservation Association.
- ITC Board approved and expansion for the Nighthawk Hill NAPTEP Covenant (North Pender Island), subject to receiving an updated Baseline Documentation Report that is acceptable to staff. Once the covenant is registered, staff will register a revised Natural Area Exemption Certificate on the land title.



ISLANDS TRUST CONSERVANCY

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

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a request for tree planting by the Pender Islands Parks and Recreation Commission in Enchanted Forest Covenant (South Pender Island).

5. COMMUNICATIONS AND OUTREACH

- Trustee Smith will attend the Conference of the Parties (COP) to the UN Convention on Biological Diversity December 7–19, 2022 and will highlight ITC work at COP15.
- A copy of the recent [Covenant Landholder Newsletter Fall 2022](#) was provided to the ITC Board. This is a newsletter for landholders of ITC conservation covenants.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board approved an Opportunity Fund Grant award of \$5,400 to the Thetis Island Nature Conservancy for delivery of their Nature Stewards Program on Thetis Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY January 24, 2023 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was elected Chair of ITC Board, Trustee Smith was elected Vice-Chair, and Trustee Yates was elected as the FPC representative.
- The ITC Board discussed the ITC ex officio seat on the Governance Committee, noting the ITC Chair will appoint a member to the committee. Shortly after the ITC meeting, the ITC Chair appointed Trustee Grant Scott as the ITC Board's ex-officio member on the Islands Trust Council's Governance Committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan in November 2022 and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval. A meeting has been set to discuss the plan with Ministry staff. Staff will inform the ITC Board of the outcomes.
- The ITC Board reviewed and approved the 2026-2030 ITC Plan Project Charter.
- The ITC Board reviewed and approved the 2023-2026 Species at Risk Program Project Charter.
- The ITC Board reviewed the 2023/24 ITC Budget briefing from the Financial Planning Committee. The ITC Board discussed potential budget reductions and moved that ITC Budget has been carefully considered potential budget reductions and their implications, and concluded that its budget request is necessary and responsible going forward.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.
- ITC registered a 11.35 hectare covenant, known as the Livingstone Covenant on Lasqueti island. This covenant is the first covenant on Lasqueti and is part of the Natural Area Protection Tax Exemption (NAPTEP) Program. It was gifted through the Federal Ecological Gifts Program.

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY

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

- ITC Board reviewed and approved the ITC NAPTEP Covenants Monitoring Report for 2022, and directed staff to address management concerns as identified in the report.
- ITC Board reviewed and approved the ITC Nature Reserve Monitoring Report 2022.

5. COMMUNICATIONS AND OUTREACH

- ITC has updated its website to include information about the species at risk program, see <https://islandstrust.bc.ca/conservancy/species-at-risk/>
- ITC is hosting Species at Risk focussed speaker series between February 16 and April 12, 2023. For more information, see <https://islandstrust.bc.ca/conservancy/species-at-risk/>

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board received a legacy donation of \$25,000 for the purposes of implementing a Western Screech-Owl research project on Link Island.
- The ITC Board reviewed an application from the Nature Conservancy of Canada and awarded a \$50,000 Opportunity Fund Grant for the acquisition of 161 ha (397 acres) of conservation lands on Reginald Hill on Salt Spring Island.
- The ITC Board awarded a \$4,614.75 grant from the Morrison Waxler Biodiversity Legacy Fund Grant program to expand the existing Nighthawk Hill NAPTEP covenant on North Pender Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



Rezoning

File Number	Applicant Name	Date Received	Purpose
TH-RZ-2022.1	Abrupt Shellfish Inc.	21-Jul-2022	No PID. W5 Mariculture of geoducks, seeding wild bed, sub-tidal - Preedy Harbour, Thetis Island, BC.

Planner: Marlis McCargar

Planning Status

Status Date: 25-Oct-2022
File reassigned.

Islands Trust
 LTC EXP SUMMARY REPORT F2023
 Invoices posted to Month ending January 2023

670 Thetis	Invoices posted to Month ending January 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-670	LTC "Trustee Expenses"	103.00	0.00	103.00
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	781.00	1,111.85	-330.85
65210-670	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-670	LTC - Local Exp - Communications	250.00	80.00	170.00
65230-670	LTC - Local Exp - Special Projects	270.00	180.00	90.00
TOTAL LTC Local Expense		<u>1,634.00</u>	<u>1,371.85</u>	<u>262.15</u>
Projects				
TOTAL Project Expenses		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Thetis Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	July 3, 2012	TH-2012-003	Professional Minute taker for APC meetings	<p>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.</p>
2.	August 28, 2018	TH-2018-036	Suspension of enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road	<p>It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution:</p> <ol style="list-style-type: none"> 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. <p>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.</p>
3.	August 28, 2018	TH-2018-041	Non-medical cannabis retail applications	<p>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:</p> <ul style="list-style-type: none"> • 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
				<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the Local Trust Committee.
4.	December 12, 2018	TH-2018-053	Cannabis License Applications	<p>It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution:</p> <ul style="list-style-type: none"> • that the Thetis Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
5.	February 22, 2019	TH-2019-020	Electoral Area Director	See Item 9 below.
6.	April 23, 2019 Updated September 28, 2021	TH-2019-026 TH-2021-033	LTC to engage in Reconciliation with local First Nations, governments and the island community	<p>It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <p>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</p>

No.	Meeting Date	Resolution No.	Issue	Policy
				<p>upcoming year, as well as, provide an update of current projects and advocacy activities;</p> <p>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</p> <p>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;</p> <p>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;</p> <p>e) Establish and maintain government to government dialogue with First Nations, now and into the future, in recognition of First Nations rights and title, treaty, and territorial lands and waters within the Islands Trust Area.</p>
7.	February 11, 2020	TH-2020-001	Electoral Area Director Reports	See Item 9 below.
8.	September 28, 2021	TH-2021-033	Review TH-2019-026 and update wording	<p>**See TH-2021-033 pertaining to Item 6 above</p> <p>That the Thetis Island LTC request staff to review standing resolution no. TH-2019-026 with respect to current language.</p>
9.	September 28, 2021	TH-2021-034	Electoral Area Director Reports	<p>It was MOVED and SECONDED,</p> <p>that the Thetis Island Local Trust Committee request staff to consolidate Standing Resolution Nos. 5 and 7 (TH-2019-020 and TH-2020-001) as follows:</p> <ul style="list-style-type: none"> • that the Thetis Island Local trust Committee request staff to circulate future meeting agendas to the Electoral Area G Saltair/Gulf Islands Director and provide an invitation to attend the Local Trust Committee meetings or provide written reports to the Local Trust Committee; and • that the written reports will be posted to the website.
10.	July 5, 2022	TH-2022-024	First Nations Consultation re: Strategy for Antenna Systems	<p>It was MOVED and SECONDED</p> <p>that the Thetis Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the "Strategy for Antenna Systems" in the Local Trust Area:</p> <p>a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders;</p>

No.	Meeting Date	Resolution No.	Issue	Policy
				<ul style="list-style-type: none"> <li data-bbox="1035 183 1992 321">b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites; <li data-bbox="1035 345 1992 516">c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the <i>Heritage Conservation Act</i>; <li data-bbox="1035 540 1992 678">d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and <li data-bbox="1035 703 1992 841">e. The proponent will provide written notice—including, if applicable, the Archeological Impact Assessment—sent by regular mail or hand delivered to all First Nations rights and titleholders identified during the pre-consultation phase.

Active Projects Report

Thetis Island

1. *Thetis OCP & LUB Amendment Project*

Responsible

Dates

First Nations:

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

Rec'd: 31-Aug-2021
Target: 30-Nov-2024

Housing:

- Affordable Housing Strategy: Housing for young families, workers and seniors; community engagement;
- TUPs to include non-tourist accommodation;
- Support the construction of a storage building prior to construction of a principal dwelling;
- short-term vacation rentals of principle dwellings in the R-2 zone;
- Fence height and Derelict vehicles regulations;
- Housekeeping / Technical Amendments to include:
 - o 4.3(d) amend to say: In addition to s.4.3(a), (b), and (c)...

Shoreline:

- Sea Level Rise
- Wharves
- Un-zoned Marine Areas: Explore zoning the un-zoned area of water between the Associated Islands Official Community Plan and the Thetis Island Official Community Plan adjacent to Scott Island and Dayman Island

Active Projects Report

Thetis Island

Indicators

- Include measurable outcomes and indicators of completion

2. *Shoreline and Coastal Protection Strategy*

Responsible

Dates

Rec'd: 15-Jun-2021

3. *Soil Removal Bylaw*

Responsible

Dates

Include consideration of Salt Spring and North Pender islands Soil Removal and Deposit Bylaws; on-island composting facilities; reduction of invasive species from off-island soil.

Rec'd: 30-Aug-2022

Future Projects Report

Thetis Island

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



Future Projects Report

Thetis Island

- Rainwater: rainwater storage requirements
 - Watershed Protection: Island-wide watershed protection
 - Regional Conservation Plan: Incorporation of the Regional Conservation Plan into Thetis LTA OCPs and LUBs: Investigate and provide recommendations on how to incorporate the plan elements into Thetis, Valdes, and Associated Islands OCPs and LUBs.
 - Associated Islands OCP & LUB Review: Develop new OCP and LUB to replace CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stzuminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.
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30-Aug-2022