



Thetis Island Local Trust Committee

Minutes of Regular Meeting

Date: April 1, 2025
Location: Electronic Meeting

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

Staff Present: Stefan Cermak, Director, Planning Services
Warren Dingman, Bylaw Compliance & Enforcement Manager
Margot Thomaidis, Planner
Lisa Millard, Meeting Administrator/Recorder

Others Present: There were approximately 5 members of the public in attendance.

1. CALL TO ORDER

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

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Elliott acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

TH-2025-007

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

that the Thetis Island Local Trust Committee add the Valdes Conservancy delegation to the agenda.

CARRIED

The following addition to the agenda was presented for consideration:

8.1 Valdes Island Conservancy Delegation

By general consent, the agenda was adopted as amended.

4. REPORTS

4.1 Trustee Reports

Trustee Luckham reported current issues of interest to Thetis residents including the clean up of Lot 88 that had been used as an auto-wrecking yard and the matter of the aquaculture lease in Preedy Harbour.

Trustee Hunter noted the importance of sending correspondence to the community regarding the clean up of Lot 88 and concerns about the Licence of Occupation issued by the provincial government for the aquaculture operation.

4.2 Chair's Report

Chair Elliott reported attendance at the March Trust Council meeting and highlighted the elections of Salt Spring Trustee Laura Patrick as Chair of Trust Council and Denman Trustee Sam Borthwick to the Governance Committee, and approval of 2025/26 Budget and Strategic Plan.

4.3 Electoral Area Director's Report

Electoral Area Director Jesse McClinton reported the following:

- The Cowichan Valley Regional District fiscal budget was ratified;
- He was nominated as Vice-Chair of the Electoral Area Service Committee; and
- A Thetis resident is being appointed as alternate Electoral Area Director.

5. PUBLIC COMMENTS

A member of the public spoke to the shellfish aquaculture operation and requested the Local Trust Committee address the following questions during discussion on the matter:

- Were there any elected official to elected official communications regarding the application?;
- Has the Local Trust Committee communicated any information to the public?; and
- Would the matter be referred to the Advisory Planning Commission should the operator be required to apply for a bylaw amendment?

6. MINUTES

6.1 Local Trust Committee Special Meeting Minutes dated October 22, 2024 - for adoption

By general consent, the Local Trust Committee special meeting minutes of October 22, 2024 were adopted.

6.2 Local Trust Committee Minutes dated February 4, 2025 - for adoption

The following amendment to the minutes was presented for consideration:

Page 1 of the Minutes in the first bullet point of the Chair's Report change the words "the fundraising campaign was organized" to "fundraising campaign information was shared"

By general consent, the minutes were adopted as amended.

6.3 Section 26 Resolutions-Without-Meeting Report – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated March 25, 2025

Received for information.

8. DELEGATIONS

8.1 Valdes Island Conservancy

Marja de Jong Westman, President, Valdes Island Conservancy provided a presentation and highlighted the following:

- Valdes Island Conservancy is a not-for-profit society governed by municipal, provincial, and federal rules and regulations and the Conservancy attempts to provide clarity of the regulations and bylaws to Valdes islanders;
- The bylaws that govern the Valdes Island Conservancy, and those that were implemented to guide development on the island, were instituted by the Thetis Island Local Trust Committee with little input sought from the Valdes Island community;
- The Conservancy primarily speaks for the seasonal cabin property owners;
- The Conservancy is involved in environmental advocacy and noted the prominent concerns include lack of enforcement of laws and guidelines, status of herring population, boat traffic and killer whale watching, damage caused by freighters at anchor, invasive species, kelp and eel grass beds, effects of climate change, and log boom breakup damage to the intertidal area;
- They have been working on relationship building with Lyackson First Nation;
- Emerging issues include protection of community trail network, forest fire monitoring and safety supports, provincial hunting regulations resulting in public safety issues, assistance with conservation covenant applications, insurance concerns of property owners, ATV use through sensitive ecosystems, abandoned lot issues, shoreline erosion mitigation support, enforcement of rockfish area fishing ban, and lack of transparency and engagement by Islands Trust and the Local Trust Committee with the Conservancy and islanders.

The Local Trust Committee noted there is potential for future discussion regarding the Valdes Island Rural Land Use Bylaw and exploring possible opportunities through Islands Trust Conservancy.

9. APPLICATIONS AND REFERRALS

9.1 TH-CL-2018.2 (Abrupt Shellfish Inc. - Panacui) License of Occupation and Next Steps - Staff Report

The planner summarized the staff report and highlighted the following:

- The Provincial Government issued a 30-year Licence of Occupation for aquaculture operations located at the entrance to Preedy Harbour;
- Aquaculture is not a permitted use in the area where the licence was issued; therefore, proposed operations will not be in compliance with Land Use Bylaws; and
- The applicant submitted rezoning applications in 2020 and 2022, the rezoning was denied, and the files were closed.

Trustee Luckham stated he had prepared comments to be included in a potential letter to the Ministry and read them into the record as follows:

- Preedy Harbour is a seasonally active harbour facilitating attractive, non-industrial, recreation uses;

- The assessment of the industrial impacts is invalid and not compatible with current uses;
- The Local Trust Committee is unaware of any First Nations support for this project and would like consultation records provided;
- Lack of response from First Nations does not constitute consultation;
- The public engagement that has been undertaken by the applicant and the Ministry has been minimal and inadequate;
- Posting content on websites is not public engagement nor transparent;
- Predator netting is a significant impediment to navigation, particularly in relation to anchoring in a busy harbor;
- The applicant has suggested to the Ministry that they are sensitive to community concerns around noise, hours of work, and scheduling; however, these issues are not regulated, compliance would be voluntary, and failure of the applicant to meet these aspirations would fall on residents and the boating public;
- The Ministry's enforcement is under-resourced and historically unresponsive citing thousands of kilometres of coast line with inadequate personnel;
- The applicant has stated that the community will be "educated"; however, the community does not need to be educated about a foreign company's interest in exploiting British Columbia's marine environment with no benefit for local economies or sustainable food.;
- It is inappropriate for an agency to ignore the legislative authority of another agency;
- The rezoning is not unresolved as the Islands Trust has zoning authority and has denied the application twice;
- In the summary provided for issuing the licence it is evident there is unfamiliarity with geography of the area, and while the ferry does not transit the affected area the proximity to the westerly entrance to the harbor used by transiting commercial and recreational vessels will be impacted;
- The principles raised in the reasons for the Ministry's decision include 1. Crown land values are managed for the benefit of the public, 2. Economic, environmental, and social needs and opportunities are identified and supported, 3. The interests of First Nations' communities are recognized, 4. Decisions are timely, well-considered, and transparent, and 5. Public accountability is maintained during the allocation of Crown land; however, principles 1, 2, and 3 have not been met, principle 4 has not been well supported, and principle 5 seems to have not been fully accounted for.

Discussion ensued and the following comments were noted:

- There has not been communication to Thetis residents as this is the first opportunity the Local Trust Committee has had to speak to concerns;
- The Director of Planning Services indicated a legal opinion would not be required to determine jurisdiction as the provincial government is within their right to issue a Licence of Occupation and has informed the applicant that it is counter to zoning, and any letter sent to the applicant would indicate that if they proceeded without zoning, they could be subject to enforcement;

- The Letter of Understanding between the Ministry of Environment and Islands Trust requires notification of decision yet the license was issued prior to notification of decision being received;
- Until such time as equipment is placed in the water there is not a contravention of the bylaw and no action would be taken unless there is an unlawful use;
- Support for the Canadian economy, by means of support of a business that exports its product, is being advanced over local concerns;
- Historically the province has provided aquaculture licenses to non-Canadian companies and a 30-year licence has the impact of continuing the handing over of territorial waters and interests that belong to First Nations at a time that many of the Nations are in treaty negotiations.

TH-2025-008

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request staff to draft a letter to the applicant for TH-CL-2018.2 (Panacui) confirming that while the applicant has received a License of Occupation from the Province (No. V931804) to carry out industrial shellfish aquaculture, the Water 4 (W4) zone in the Thetis Island Land Use Bylaw No. 89 and the Marine General (W1) zone in the Thetis Associated Islands Land Use Bylaw No. 94 do not permit marine aquaculture operations, and a rezoning is required.

CARRIED

TH-2025-009

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee direct bylaw enforcement staff to commence an investigation of non-permitted uses in the marine area where License of Occupation No. V931804 was issued.

CARRIED

The meeting was recessed for a break at 11:20 a.m. and reconvened at 11:40 a.m.

TH-2025-010

It was MOVED and SECONDED

that the Thetis Local Trust Committee request the Executive Committee to advocate to the Ministry of Municipal Affairs regarding issues surrounding issuance of License of Occupation V931804.

CARRIED

TH-2025-011

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee direct communications staff to prepare a short statement for local circulation on E-Spokes regarding decisions with respect to Licence of Operation V931804.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS - none

11. CORRESPONDENCE

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

11.1 Email dated February 3, 2025 from D Fenton regarding Green Shores

Received for information.

11.2 Letter dated February 10, 2025 from Elizabeth May regarding Southern Gulf Islands Forum

Received for information.

12. NEW BUSINESS - none

13. STAFF REPORTS

13.1 Trust Conservancy Highlights of January 21, 2025 Board Meeting

Received for information.

13.2 Applications Report dated March 24, 2025

Received for information.

13.3 Trustee and Local Expense Report dated January, 2025

Received for information.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

No updates required.

14. WORK PROGRAM

14.1 Active Projects Report dated March 25, 2025

Received for information.

14.2 Future Projects Report dated March 25, 2025

The Planner referred to previous direction given to staff to prepare a Minor Project Charter for a Targeted Land Use Bylaw Amendment Update project to include rainwater collection, fences, and derelict vehicles and this will come back to the Local Trust Committee at the next meeting.

Discussion ensued about the Valdes Rural Land Use Bylaw update being added to the Future Projects List and the following comments were noted:

- The issues raised by the Valdes Island Conservancy might not need to be dealt with in the Rural Land Use Bylaw and consideration of a Protocol Agreement between the agencies could be undertaken;
- A future meeting with the Conservancy could provide an opportunity to determine if there is need for changes;
- Any conversation would need to include Lyackson First Nation;
- It is necessary to first understand how the Rural Land Use Bylaw compares to the best practices for land use regulations and policies used by Islands Trust and if a review is required;

- Some of the issues presented by the Valdes Island Conservancy might be out of the scope of the land use authority of the Local Trust Committee; and
- Further inquiry is required.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, June 10, 2025 at 9:30 am at Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC

TH-2025-012

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request staff investigate options to change the June 10, 2025 Local Trust Committee in-person meeting to June 3, 2025.

CARRIED

16. ADJOURNMENT

By general consent, the meeting was adjourned at 12:15 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder