



## **Denman Island Local Trust Committee Minutes of Special Meeting**

<b>Date:</b>	<b>November 3, 2015</b>
<b>Location:</b>	<b>Denman Seniors Hall 1111 Northwest Rd, Denman Island, BC</b>
<b>Members Present</b>	<b>Susan Morrison, Chair David Critchley, Local Trustee Laura Busheikin, Local Trustee</b>
<b>Staff Present</b>	<b>Rob Milne, Island Planner Ann Kjerulf, Regional Planning Manager Vicky Bockman, Recorder</b>
<b>Others Present</b>	<b>Kel Kelly, Facilitator, Insight Facilitation Shelley Jepps, Senior Shellfish Aquaculture Biologist, Fisheries and Oceans Canada (DFO) Lesley Fettes, Section Head, Aquaculture, Ministry of Forests, Lands and Natural Resource Operations (FLNRO) Tallina McRae, Operations Manager, Ministry of Transportation and Infrastructure (MOTI) Shelley McKeachie, Association for Denman Island Marine Stewards (ADIMS) Edi Johnston, Association for Denman Island Marine Stewards (ADIMS) Anne McDonald, General Manager, Planning &amp; Development Services, Comox Valley Regional District (CVRD) Doug Wright, Independent Grower Michael Dickson, Independent Grower Members of the public: approximately three (3)</b>

### **1. CALL TO ORDER**

Chair Morrison called the meeting to order at 10:30 am. She welcomed everyone and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She introduced the Islands Trust Planner, Regional Planning Manager, Trustees, Recorder and Kel Kelly of Insight Facilitation who acted as facilitator for the meeting.

## 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

## 3. BUSINESS ITEMS

### 3.1 Bylaw No. 207 Aquaculture Practises Stakeholder Discussion

#### 3.1.1 Roundtable Meeting Agenda

Kel Kelly explained that the purpose of the meeting was to learn about draft Bylaw No. 207 and to hear perspectives on the strengths, weaknesses and possible omissions in the bylaw. He explained his role in the process and noted that the intent is to inform Trustees as they consider next steps prior to public consultation. He proposed a general outline of the scope of the meeting that would include the opportunity for everyone to participate. The Roundtable participants introduced themselves.

Planner Milne provided information as to those who had been invited, however, had not been able to attend or did not respond. He presented draft Bylaw No. 207 and summarized the Land Use Bylaw Water Zoning Tables, pointing out zone locations on a large-scale map that had been provided. He clarified the types of vehicles and land-based machinery proposed to be regulated and indicated that the intent of the draft bylaw is to prohibit transit from upland areas or by crossing other areas to reach tenures, however, would still allow the operation of those vehicles on the tenured area.

The floor was opened for Roundtable discussion and comments regarding the draft bylaw.

Doug Wright expressed his viewpoint that this regulation would have the greatest impact on small operators without boats, commenting that this might put their ability to conduct business and their large financial investment at risk. He indicated reasons for use of vehicles and observed that most growers try to avoid driving on spawning habitat. He proposed that more information on habitat locations would be useful.

Michael Dickson agreed with Doug Wright's comments. He related his experience of accessing his tenure for over twenty years by truck following best practice guidelines, and identified his reasons for needing the truck including bringing and removing necessary supplies.

Shelley McKeachie expressed support for the draft bylaw, citing her opposition to driving on the beach and the need to protect forage fish and other marine life as well as salt marshes that are being destroyed. She suggested that ways to eliminate driving on the beach without compromising growers might be explored.

Edi Johnston supported the draft bylaw, commenting that elimination of unnecessary driving on the beach would benefit the ecosystem including forage fish that spawn up to the high tide mark. She remarked that all vehicles, regardless of size, cause compaction and damage.

Michael Dickson commented that requiring small growers to access tenures by boat would create a safety concern due to the need to work at night during the winter. He noted that while large operations can vary what tenures they might choose to work in in poor conditions, the small grower does not have that flexibility.

Lesley Fettes noted that the draft bylaw references aquaculture licenses issued by DFO, however, Planner Milne made reference to linking it to the tenure. She clarified that FLNRO issues authorization for the land use and DFO issues the license for operations. She expressed concern that the bylaw does not provide an ability to review cases that have an extreme effect on a grower and suggested that linking the regulation to the land tenure rather than the aquaculture license might provide options to review special cases. She observed that the province has long-standing tenures for aquaculture use and although they do not usually speak to access, there is some expectation of access. She remarked that she would be concerned if the bylaw were to have a large impact on that land use and effectively make it unviable.

Shelley Jepps agreed that when DFO issues a license there is an assumption of access. She explained that linking the license to the tenure is important as the tenures are issued for a longer length of time than licenses. She added that DFO has jurisdiction to control the license conditions only on the tenure. She stated that the goal is environmental and economic sustainability, and observed that while some impacts are inherent, it is the scale and scope of those impacts that are important. She remarked that viewing relevant mapping would be helpful in determining access points and the types of substrates that might be more resilient to the impacts. She suggested that the impacts of using alternative access points should also be investigated. She supported balancing protection of the forage fish and the environment with economic sustainability, however, noted the difficulty of the monitoring and enforcement component of the draft bylaw.

Trustee Critchley inquired if the Local Trust Committee (LTC) has the ability to issue a permit that would coincide with the term of a nine-year license and define an access point.

Planner Milne responded that this is potentially an option; however, work would need to be done in advance to determine appropriate access points. Regional Planning Manager Kjerulf observed that Temporary Use Permits are issued for a three-year period and can be renewed once before a re-application would be required.

Tallina McRae noted that regulating vehicle access through highways road access points is possible, however, questioned how that authorization would be put in place. She added that consideration would have to be given to maintaining the ability of the public to access the beach and indicated that environmental and economic sustainability are her agency's mandate as well.

Regional Planning Manager Kjerulf asked how the length of the tenure term is determined. She also asked for confirmation of her understanding that a condition on the leases is that the lessee must comply with local government bylaws.

Lesley Fettes responded that the maximum term of 30 years is provided through legislation and commented that the operational land use policy establishes criteria. She noted that new applications are generally granted maximum terms as the benefits, such as mortgages that are associated with the longer term, are important to some operators. She confirmed that a standard clause provides that the licensee comply with all local bylaws.

Anne McDonald observed that key elements to a perfect solution would include components that are not yet available, such as knowing the carrying capacity of Baynes Sound, the number of growers needing access, coordinating the license and tenure, and regulating access. She speculated that the industry will likely continue to grow and suggested that addressing how the operators access their tenures rather than prohibiting all access might be a reasonable approach for consideration at this point in the process.

Edi Johnston maintained that beaches are parks and that municipalities generally do not allow driving on the beaches. She commented that if all habitats are considered, there is not an acceptable place to drive and

favoured the development of appropriate access points. She acknowledged that management and enforcement will be a concern.

Michael Dickson commented that getting to his lease requires driving on some area that is not on the lease area. He explained that generally it is in the best interest of operators to take the route on the substrates with the lowest impact. He suggested that existing accesses and routes be reviewed with discussion of possible changes that might be made to lessen the impact.

Shelley McKeachie reported that the final results of the forage fish survey are not yet available, however, observation shows that there is no positive evidence of spawning in areas that are being driven on regularly. She noted that although driving on beaches has occurred on Denman Island for years, it is an unusual situation.

Trustee Busheikin expressed her interest in working together to assess what changes industry can make to address these environmental concerns as well as what can be done to help those in the industry. She observed that the Official Community Plan does recognize the need for balance between the environment and the economy as it relates to the shellfish industry and indicated that she is interested to hear ideas from this Roundtable of how this might be accomplished.

Trustee Critchley asked if an approach that included FLNRO looking at access points and routes for all leaseholders would be feasible.

Lesley Fettes responded that FLNRO does not have sufficient staff or the necessary information to make that possible.

Shelley Jepps reported that her team did make an effort to identify the area of shoreline on Denman Island where vehicular activity is taking place, has a map showing areas under tenure, and has identified every access point. She offered to bring this information for further discussion if useful, and when asked, responded that she will provide information on the number of growers that would be affected by this bylaw. She noted that risk management must be a consideration and commented that scale, scope and what is reasonable are important elements.

Planner Milne distributed and read a submission from Hollie Wood, an independent grower who was unable to attend. She considered prohibiting vehicular access to tenures to be unrealistic. She noted that growers need access, however, not all growers have boats. She

suggested that there could be maintenance standards on equipment used and restrictions on areas of the beach that are of special interest.

Kel Kelly asked if there were other comments and hearing none, suggested a Roundtable exploration of ideas as to how the bylaw might be implemented in a manner that protects the environment and allows growers access for their livelihood. Following are the ideas that were generated:

1. DFO to bring “access map” to the group again for discussion;
2. All levels of government open up accesses that will help growers;
3. Identify the number of growers that need a vehicle; identify the closest access; identify what needs to be developed and what gear needs to be brought in;
4. Explore options for a collective, co-op growers’ boat;
5. Identify forage fish cycles and provide information to growers;
6. Review best practices for growers’ access (code of practice);
7. Review other best management practices that apply to driving on beaches;
8. Create a development permit area, obliging more conversation between operators, LTC, CVRD and other agencies and creates the ability to set conditions such as access;
9. Identify salt marsh areas and provide information to DFO who will assist in protection if possible. Use a collaborative approach to protect and remediate salt marshes as a high priority;
10. Community/aquaculture operators to identify special areas and convey this information to DFO;
11. Identify “work windows” to exclude driving on the beach during set spawning times, usually winter nights when there is typically less activity;
12. Include upland beach cleanup as a condition of license;
13. DFO/LTC to provide education of best practices to growers; and
14. Phase out driving on beach over time.

Chair Morrison thanked Kel Kelly for his facilitation of the meeting and Roundtable participants for their input. She assured everyone that Trustees had heard all viewpoints and will be considering these as they work to determine the best path forward.

**4. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:28 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder