



File No.: LA-RZ-2023.1

DATE OF MEETING: March 4, 2024

TO: Lasqueti Island Local Trust Committee

FROM: Stephen Baugh, Island Planner  
Northern Team

COPY: Warren Dingman, Manager of Compliance and Enforcement

SUBJECT: Land Use Bylaw Amendment Application – LA-RZ-2023.1  
Applicant: John Carey and Tracee Carey  
Location: LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495  
(PID: 002-917-475)

## RECOMMENDATION

1. **That the Lasqueti Island Local Trust Committee proceed no further with land use bylaw amendment application LA-RZ-2023.1.**

## REPORT SUMMARY

The purpose of this report is to introduce an application for a Land Use Bylaw amendment to the Lasqueti Island Land Use Bylaw No. 78 in order to permit an existing private dock adjacent to the subject property. Staff recommend the application proceed no further as the proposed dock is not supported by OCP policies.

## BACKGROUND

This application is preceded by an open Bylaw Enforcement file (LA-BE-2019.3) concerning the unpermitted construction of a dock within the marine area for use by the upland property.

The application proposes to rezone the marine area adjacent to the subject property to permit a private dock for the use of the upland property owner. The applicant specifically requests that Section 4.15 in the LUB be amended to permit an additional dock in the Marine General (M2) zone. There was a previous bylaw amendment application considered by the Lasqueti Local Trust Committee (LTC) in 2020 for the same dock at this location. At that time, the LTC decided not to proceed with the application as it was not supported by Official Community Plan policies.

### **LA-2020-026**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee proceed no further with LA-RZ-2020.1.

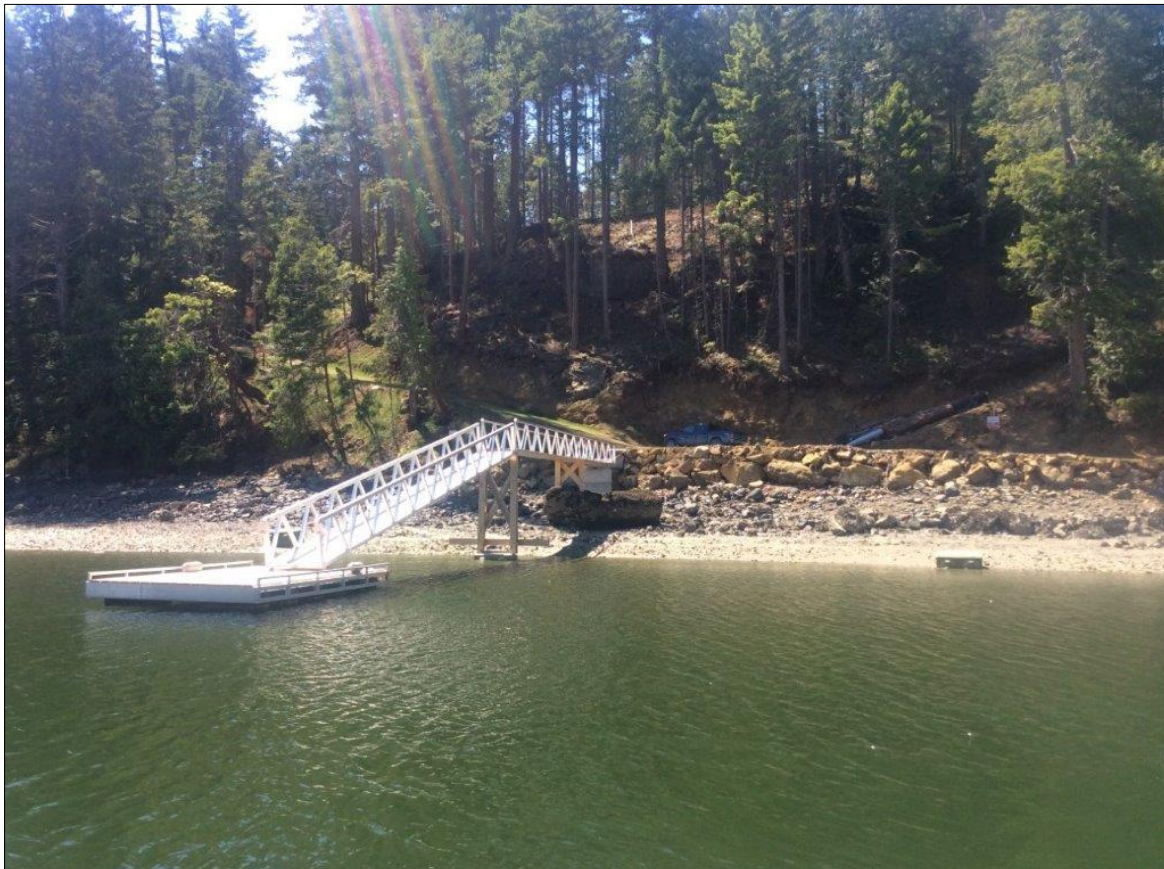
The bylaw amendment request is the same in the current application as it was in the previous application, the applicant has provided a survey with this application showing that the material that was placed in the foreshore has been pulled back so that the only encroachment into crown lands is the dock and gangway. The applicant has also provided a Post Construction Impact Assessment related to the impact of the development on the life processes of fish.

A comprehensive Site Context analysis and Policy Checklist are provided in Attachments 1 and 2. Supporting material for the application including a letter from the applicants, survey plan and a copy of a Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd., dated November 10, 2020, and are found in Attachments 3 through 5.



*Figure 1 Subject property prior to dock being installed (Left) and image from google maps showing the dock (Right).*

A site visit was not conducted for this application, staff have looked at photos of the area including the following:



*Figure 2 Photo of the proposed dock from a 2020 Islands Trust Staff Report.*

## ANALYSIS

### **Islands Trust Policy Statement:**

Should the application advance to the bylaw drafting stage, staff will complete an Islands Trust Policy Statement (ITPS) directives checklist to ensure the bylaw is consistent with the ITPS.

### **Official Community Plan:**

The subject property is designated Land Based (LB) and the adjacent marine area is designated Marine (M) in the OCP.

The Lasqueti OCP contains a policy stating that private docks may be considered on a site specific basis in the Marine General (M2) zone and that environmental and social effects must be addressed. However, other OCP policies are not supportive of development on the shoreline. As a result, the application is inconsistent with OCP policies. In particular those policies that relate to the maintenance of scenic views, the retention of flora and fauna along the foreshore, protection of the marine riparian area, the retention of the undeveloped character of the coastal area, and development on crown lands being compatible with conservation values. A detailed analysis of this application with regards to the relevant OCP policies is provided in Attachment 2.

### **Land Use Bylaw:**

The upland area of the subject property is zoned Land Based (LB), and the adjacent marine area is zoned Marine General (M2). Permitted uses in the M2 zone include moorage for non-commercial purposes and slipways. The definition provided in the LUB for “moorage” excludes docks:

*“moorage” means the securing of a boat or vessel in a location by attachment to one or more anchors but specifically excludes the securing of a boat or vessel to a dock.*

The M2 zone does permit docks in ten specific locations, six of which are located on Lasqueti Island, and the remaining four are located on Bull, Boho, Jenkins and Sangster Islands. Schedule B of the LUB identifies these locations. LUB amendments are required to permit a private dock in the marine area adjacent to the subject property.

### **Environmental and Social Effects**

OCP Policy states that in consideration of an application for a private dock, both environmental and social effects of the proposed dock must be addressed. The Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd. concludes that there was not a negative impact to the marine habitat that would result in an impairment to the habitat’s capacity to support one or more life processes of fish. OCP policies regarding the protection of the environment go beyond the scope of the life processes of fish and are not met by the proposed development. This includes policies regarding the retention of flora and fauna, protection of the marine riparian area, the retention of the undeveloped character of the coastal area, and development on crown lands being compatible with conservation values.

Regarding the social effects, the OCP does not give guidance as to what could be considered as a social effect. The applicant states that there is insufficient public dock space, ferry service and cargo capacity to bring materials to Lasqueti Island, thus necessitating a private dock. Although, these may be legitimate concerns for individual property owners on Lasqueti, it is not clear whether this would constitute a social benefit. Some considerations of what social effects could be include:

- Scottie Bay, where the dock is proposed, is routinely used by many boats for moorage, which is permitted in the M2 zone as long as it is not commercial.

- The applicant has suggested that the proposed dock could be used for emergencies. Additional information would be needed to identify who would use the dock for emergencies (ie. Emergency response – fire, RCMP, Ambulance, Coast Guard) and to determine whether this is feasible for the proposed dock including the correct form of provincial lease for an emergency dock, how the use of the dock would be legally secured to ensure the benefit would be retained into the future, and an analysis of the access, location, and facilities to confirm the dock would be a benefit to the emergency services.

There may be other factors related to the social effects of a private dock in the M2 zone that have not been identified in this report.

## **Issues and Opportunities**

This application proposes to amend the Lasqueti Land Use Bylaw to permit an existing dock in the M2 zone. The Lasqueti OCP supports the consideration of applications on a site specific basis and states that environmental and social effects must be addressed. This application is not supported by other relevant OCP policies regarding the protection of the natural environment and scenic views, retention of flora and fauna along the foreshore, and the protection of marine riparian areas.

## **Rationale for Recommendation**

As a result of the application being inconsistent with OCP policies regarding environmental effects, Staff are recommending that the LTC proceed no further with the application and that the applicant be refunded 50% of the application fee in accordance with the Lasqueti Island Local Trust Committee Fees Bylaw, 2022.

## **ALTERNATIVES**

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

### **1. Proceed with the application; request additional information**

The LTC may proceed with consideration of the bylaw amendment application and request staff to draft an amendment bylaw for consideration of first reading. If the LTC selects this alternative, staff recommend that the LTC request the applicant to confirm whether the proposed dock is proposed for emergency use and provide information as to how the emergency use and access to the dock will be secured in perpetuity, confirm the correct form of tenure for an emergency dock, and obtain confirmation from emergency services stating that the dock location, access and facilities are sufficient for their use. Staff also recommend the LTC consider whether to hold a Public Hearing for the bylaw. Recommended wording for the resolutions are as follows:

1. *That the Lasqueti Island Local Trust Committee requests that the applicant for LA-RZ-2023.1 provide planning staff with the following prior to the Local Trust Committee considering first reading of draft bylaws:*
  - a. *Information on how land and water access to the dock will be legally secured in perpetuity for emergency services;*
  - b. *Confirmation from the provincial approving authority of the correct crown lease tenure for an emergency dock; and*
  - c. *Confirmation that the dock is sufficient for all emergency service providers who are proposed to use the dock.*

2. *That the Lasqueti Island Local Trust Committee request staff to draft amendments to the Lasqueti Island Land Use Bylaw for consideration of first reading to permit a private dock at the adjacent marine area of LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495.*

Only if LTC determines a Public Hearing is not necessary:

3. *That the Lasqueti Island Local Trust Committee request staff to give notice of first reading, in accordance with section 467 of the Local Government Act, of the proposed Bylaw No. 103 cited as "Lasqueti Island Land Use Bylaw No. 78, 2005, Amendment No. 1, 2024".*

**NEXT STEPS**

Should the LTC proceed with the staff recommendation, the file will be closed and the applicant will be reimbursed a portion of the application fee. Islands Trust Bylaw Compliance & Enforcement will resume enforcement action.

Submitted By:	Stephen Baugh, Island Planner	February 13, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	February 20, 2024

**ATTACHMENTS**

1. Site Context
2. OCP Policies
3. Information Letter From Applicant
4. Legal Survey
5. Report from Aquaparian Environmental Consulting Ltd.

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

Legal Description	LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495
PID	002-917-475
Civic Address	Lot 62 Spring Bay Rd, Lasqueti Island

### LAND USE

Current Land Use	Upland lot vacant, dock adjacent to lot.
Surrounding Land Use	Residential, Marine to the East.

### HISTORICAL ACTIVITY

File No.	Purpose
LA-RZ-2020.1	LUB amendment application to permit a dock.

### POLICY/REGULATORY

Official Community Plan Designations	Upland: Land Based (LB) Water: Marine (M) There are no Development Permit Areas designated on or near this lot.  A full analysis of the applicable OCP policies is provided in Attachment 2.
Land Use Bylaw	Upland: Land Based (LB) Water: <b>4.15. MARINE GENERAL (M2)</b> (1) Permitted Uses The uses permitted in Section 4.14 plus the following uses and no others are permitted in the Marine General zone: (a) Moorage for non-commercial purposes, (b) Slipways, (c) Private docks of the sizes specified at the following locations only:  Application proposes to amend LUB by adding the dock's location under 4.15(1)(c).
Other Regulations	<a href="#">Fisheries Act</a> – Development may not result in a harm to fish or fish habitat.  BC Crown Lands General Permission for private moorage: <a href="#">General Permission Checklist and Interpretive Guide</a> applies to docks constructed under the General Permission rules, this includes the requirement that all docks constructed under the General Permission meet local government bylaws.
Covenants	None

Bylaw Enforcement	LA-BE-2019.3 – Regarding the construction of a non-permitted dock in the M2 zone.
-------------------	---

**SITE INFLUENCES**

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) –owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Referral to ITC for comment is not required.
Species at Risk	None mapped
Sensitive Ecosystems	<u>Upland</u> : Secondary Class Mature Forest, Tertiary Class Wetland <u>Marine</u> : Eelgrass beds (Flat, Continuous and Flat, Patchy) mapped within Scottie Bay area, Forage Fish (Surf Smelt/Pacific Landlance) mapped within Scottie Bay area.
Hazard Areas	None mapped
Archaeological Sites	RAAD mapping does not indicate an archaeological site. There is a registered archaeological site mapped within 200m of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot 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 as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	Boulder/Cobble Beach

**ISLANDS TRUST POLICY STATEMENT**

To be reviewed at the time that draft bylaw amendments are presented to the LTC.

**LASQUETI ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 77, 2005**

OCP Objective/Policy	Complies	Planner Comments
<b>3.6 Environmental Management</b>		
<b>Policy 3</b> Lasqueti Island's rural marine landscape and scenic views should be maintained and protected.	No	Development of the foreshore, including dock facilities, associated land clearing and placement of fill near the foreshore, may impact the rural marine landscape and scenic views.
<b>Policy 8</b> When fill or debris is placed on land in such a way that it could lead to discharge of deleterious material into a water course, adequate mitigative design and construction measures are required acceptable to Fisheries and Oceans Canada, Ministry of Sustainable Resource Management, and the Ministry of Water, Land and Air Protection.	Unknown	This application is retroactive and it is uncertain whether material discharged into the water, and if mitigative design and construction measures were used. A survey has been provided showing that the fill and retaining wall have been moved so that they no longer encroach into the foreshore.
<b>Policy 9</b> Native flora and fauna should be retained to protect natural habitats of local significance along the foreshore and in the intertidal areas.	No	Applicant has provided a Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd., dated November 10, 2020 that states some areas impacted by development "...had been sparsely populated by sea asparagus which is expected to recolonize from adjacent areas and root material in the disturbed area." The report also states, "Marine habitat conditions are deemed to be low quality with limited species abundance and diversity."
<b>Policy 10</b> The marine environment, including associated riparian areas, should be adequately protected from unreasonable adverse effects or inadequate mitigation measures resulting from development.	No	The Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd., dated November 10, 2020 states the, "...installation of the dock and dirt access have not resulted in a negative impact to marine habitat that would result in an impairment to the habitat's capacity to support one or more life processes of fish." Impacts beyond the



		<p>habitat capacity to support the life process of fish are beyond the scope of the Aquaparian report.</p> <p>The marine riparian area adjacent to the foreshore has been cleared and fill has been placed in order to allow for an access road.</p>
<p><b>Policy 12</b> Designation and regulation of the foreshore and marine coastal areas should be designed to preserve and protect the natural environment and character and should recognize the need to dedicate areas of the foreshore for the following purposes:</p> <ul style="list-style-type: none"> <li>• to provide for access;</li> <li>• to protect existing mariculture uses;</li> <li>• to encourage low impact public uses on and along the foreshore;</li> <li>• to provide for public transportation services;</li> <li>• to maintain public access to shellfish;</li> <li>• to retain the undeveloped character of the marine coastal area;</li> <li>• to protect marine coastal habitats for conservation purposes;</li> <li>• to provide for commercial and industrial uses; and</li> <li>• to retain representative areas of natural foreshore.</li> </ul>	<p>No</p>	<p>The LUB currently permits private docks in the M2 zone at 10 locations; 6 of which are located on Lasqueti Island (the other 4 docks being on Bull, Boho, Jenkins and Sangster Islands).</p> <p>Works completed to date at this location have provided for private access and altered the undeveloped character of the marine coastal area.</p> <p>The LTC is asked to consider permitting a private dock providing access to the adjacent upland.</p>
<p><b>Policy 13</b> The type and use-level of foreshore and coastal water areas can significantly influence the rural/marine character of Lasqueti Island. Uses of Crown foreshore and water areas must be authorized by the appropriate Provincial Ministry, comply with the provisions of the <i>Navigable Waters Protection Act</i> administered by the Coast Guard, and also comply with the bylaws of the Local Trust Committee.</p>	<p>TBD</p>	<p>The LTC is asked to consider a rezoning application to permit a private dock providing access to the adjacent upland as current regulations in the Lasqueti Island Land Use Bylaw do not permit a dock at this location.</p> <p>The Lasqueti Island Local Trust Area is not within a designated application-only area, and is subject to the provincial General Permission for the use of Crown land for private moorage. A Crown land application is not required provided a dock is constructed in accordance with the terms and conditions in the General Permission. Under the <a href="#">General Permission</a>, non-compliance with local government bylaws and modification of the foreshore (including placement of new fill) would make the dock ineligible for General Permission. However,</p>

		<p>Provincial staff have stated that since a survey confirms the fill does not extend beyond the natural boundary of the sea the dock could be considered under the general permission guidelines should the appropriate zoning be in place.</p> <p>It is the property owner's responsibility to comply with provincial and/or federal regulations.</p>
<b>3.7 Community Servicing and Utilities</b>		
<p><b>Policy 15</b> Private docks may be considered on a site specific basis in the Marine General (M-2) zone. In considering an application for a dock, environmental and social effects must be addressed. Structures should not be sited or extended towards the sea beyond 37 metres (120 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea.</p>	<p>LTC direction required</p>	<p>Aerial photos indicate this area of Scottie Bay to be well-used by other marine vessels, including the presence of other existing docks within the M2 zone in this area of Scottie Bay.</p> <p>There is a commercial dock within a Crown lease area to the southeast of the subject property, in an area zoned M5.</p> <p>The Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd., dated November 10, 2020, indicates there are many boats anchored or moored together in Scottie Bay as it is a natural harbour. The assessment also notes that the habitat conditions were found to be relatively low likely as a result of the enclosed nature of the bay and the large number of moored boats.</p> <p>The effects of the dock are not consistent with other OCP policies regarding the environment including the protection of scenic views, retention of flora and fauna along the foreshore, and the protection of marine riparian areas.</p> <p>It is uncertain what the social effects of the proposed dock are and how they will be addressed.</p> <p>The existing dock does not extend towards the sea beyond 37 metres.</p>
<p><b>Policy 16</b> In order to reduce the overall number of docks located along the foreshore, and thereby alleviate the ecological damage that can be caused by the proliferation of docks, private boat</p>	<p>TBD</p>	<p>Application is for a private dock.</p> <p>Applicant has provided a report confirming the installation of the dock has "...not resulted in a negative impact to marine habitat that</p>

<p>ramps may be considered on a site specific basis in the Marine General (M2) zone. In considering an application for a boat ramp environmental and social effects must be addressed and the environmental effects of both private docks and boat ramps should be considered and the alternative with the least environmental impact chosen. Structures should not be sited or extended toward the sea more than 21 metres (70 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea. Applicants must submit proposals for construction of docks and boat ramps to the Department of Fisheries and Oceans Canada, as per the federal <i>Fisheries Act</i>, for review.</p>		<p>would result in an impairment to the habitat's capacity to support one or more life processes of fish."</p>
<p><b>3.8 Crown Lands</b></p>		
<p><b>Policy 2</b> Development on Crown lands including, but not limited to, gravel extraction, road construction or community facilities must be compatible with overall conservation values.</p>	<p>No</p>	<p>The fill that was placed on the shoreline, beyond the natural boundary of the sea, has now been removed from the foreshore. Applicant has submitted a Survey showing that the road construction or fill no longer encroaches beyond the natural boundary of the sea. The dock and ramp encroach into Crown Lands.</p> <p>Lasqueti OCP Goals include conservation of foreshore areas and the following objective is stated in Section 3.6 regarding the conservation of foreshore areas: "to encourage and promote the protection of foreshore and marine areas for public enjoyment, public access and conservation."</p>
<p><b>3.9 Climate Change Adaptation and Mitigation</b></p>		
<p><b>Policy 1</b> The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation. This criteria will address issues such as the impact of the density proposed on reducing GHG emissions, land use and the form of the development, use of building materials and construction methods, energy efficiency and sources,</p>	<p>N/A</p>	<p>For LTC information, this criteria has not been developed.</p>

and the long term potential for the development to result in a decreased footprint on the landscape.		
--	--	--

Lasqueti Island Local Trust Committee  
700 North Road  
Gabriola Island, BC  
V0R 1X3

**RE: Supporting Information to the Application to Amend Lasqueti Island Local Trust Committee Land Use Bylaw**

To the committee members, administration and staff.

We are the owners of Lot 62 Section 29, Lasqueti Island, Nanaimo District, Plan 25495 on Spring Bay Road and we wish to make application to Amend: ***Lasqueti Island Local Trust Committee Land Use Bylaw No. 78, 2005, Section 4.15***, to add this location to the list of permitted docks.

We have completed the installation of a dock under the guidance and supervision of both our Biologist and BC land surveyor.

We had hired the biologist to study the bay, specifically the area that our dock was going to be installed to ensure the environmental impact would be as minimal as possible and to oversee the process and materials use to be acceptable. The surveyor was hired to ensure us of the exact location of the present natural boundary to the sea and make sure that we had kept within that space. The specifications of the dock are compliant with the size restrictions and parameters of the local bylaw as well as compliant with the General Permission Requirements set out by the Province of BC.

All steps were taken to ensure that the marine environment was protected from damage.

We feel that the addition of our dock to the allowable docks stated within Section 4.15 would prove to be a benefit to the island and contribute to the community and help preserve the infrastructure and integrity of the island as it is today.

To date it has had very little, to no impact on nature and wildlife on the island or in the marine environment and has contributed to the well being of several residents and has likely improved the health of the bay. The shoreline has been cleaned up and rid of derelict vessels, garbage and fallen trees that both had made the shoreline impassable. Light in the bay has generated a lot of growth in the marine environment and the water looks cleaner.

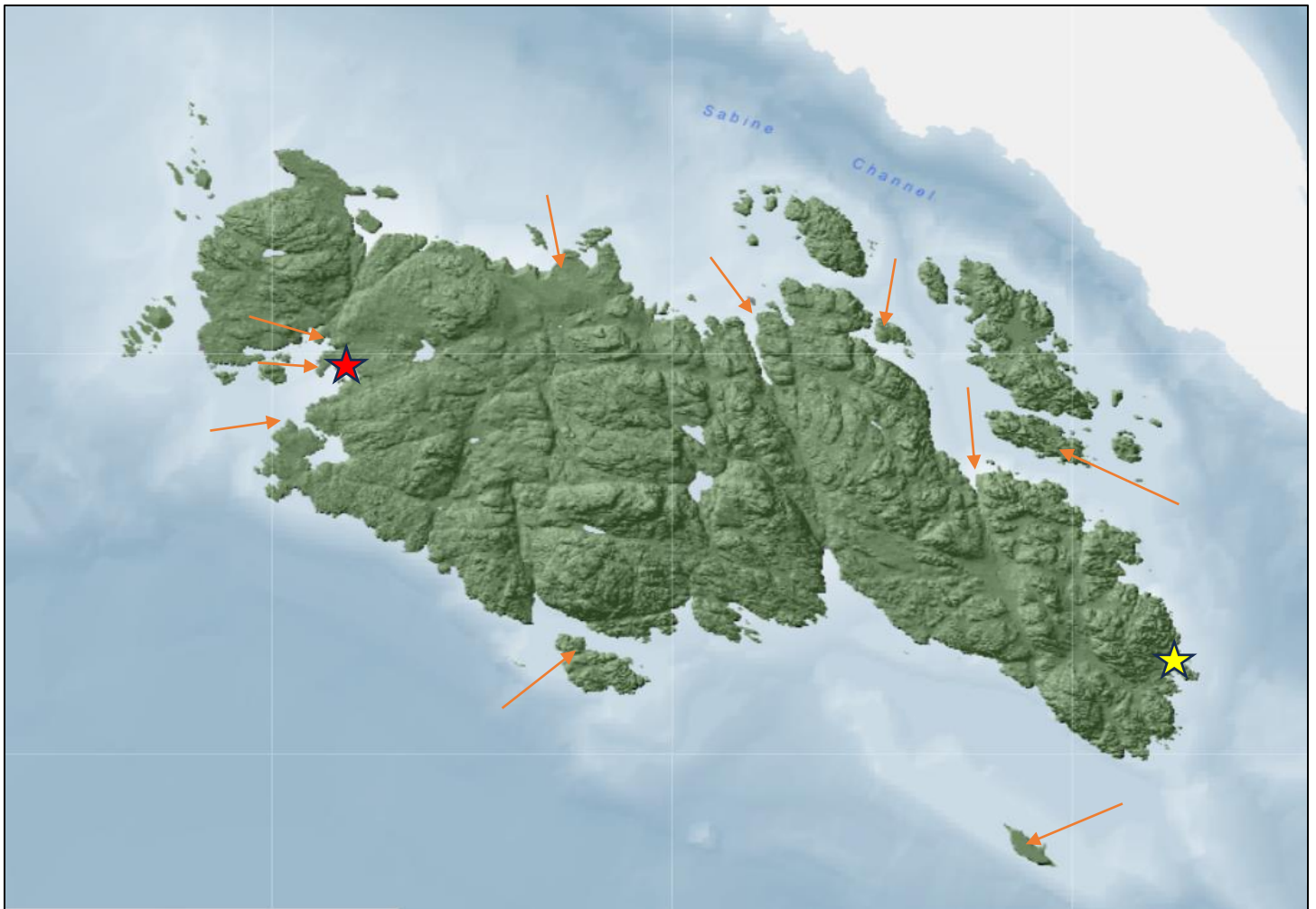
A dock at our location allows us and others to maintain a self-sufficient life on Lasqueti Island, helps others with their need to access the water and allows for emergency access on the northeast location of the Island, all of which helps to prevent an added burden to the 2 public docks locations and to the ferry services for both passengers and freight. We have had discussions with many members of the community and have a lot of support for the dock.

Although the Official Community Plan has been written to try stop the proliferation of docks in the Marine environment, research shows that the likelihood for this to occur is not possible given a great number of factors such as; the location of Lasqueti Island in the open ocean; lack of protected bays from all wind directions; topographical complexities of many areas being sheer bluff water front; many bays that go dry on a low tide; protected forage fish habitats; mariculture designation; established kelp beds and eel grass locations.

Bylaw 78, Section 4.15 currently permits ten existing private docks located within the Marine General (M2) zone in various locations in and around Lasqueti Island. Six of the ten docks listed in Section 4.15 of the Bylaw 78 are located and are attached to Lasqueti island, the other 4 are located on separate Islands, these are:

- Jenkins Island,
- Sangster Island,
- Boho Island and
- Bull Island

**Current approved dock approximate locations:**



Lasquesti Island has 2 public docks. The largest one is located at the northwest end of the Island in False Bay (red star) and the second dock is located at the southeast end of the Island in Squitty Bay (yellow star).

**The False Bay dock** which has reserved space for the ferry service and float plane with the remaining space for unsupervised public tie up. The false bay dock is used by locals as well as visitors to the island. Visitors to the island can come via Ferry, private boat or chartered float plane service to enjoy the pub, restaurants or local market during the summer months.

The dock has a crane and freight shed and gangway wide enough to accommodate vehicles to drive to the top of the ramp to load and unload cargo from the ferry or private boat.

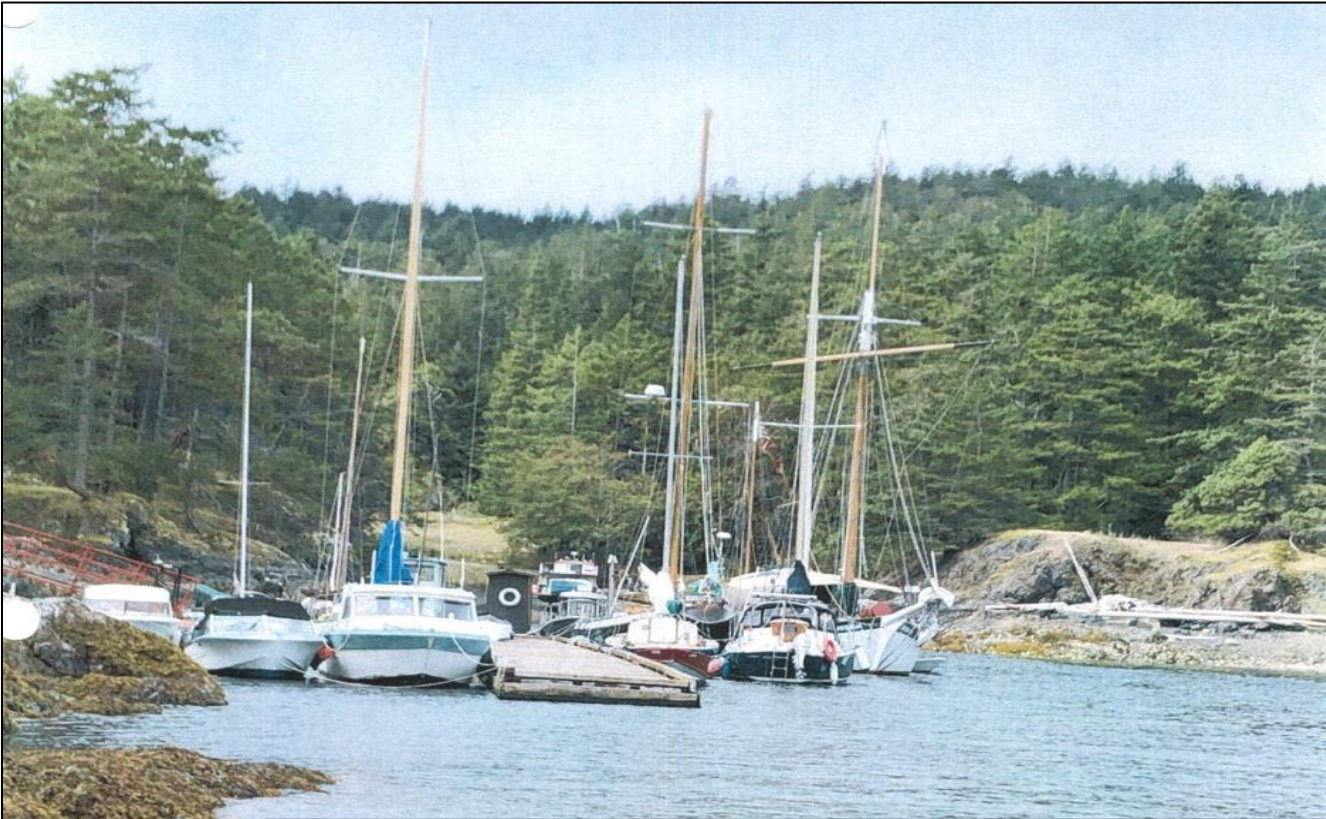
Tie up is not always available so rafting several boats deep is not uncommon.

However, the bay is not completely protected from all wind directions and is subject to harsh condition should the west wind come up, so reliable year-round time up is not always suitable for this location.

**False Bay Public Dock**

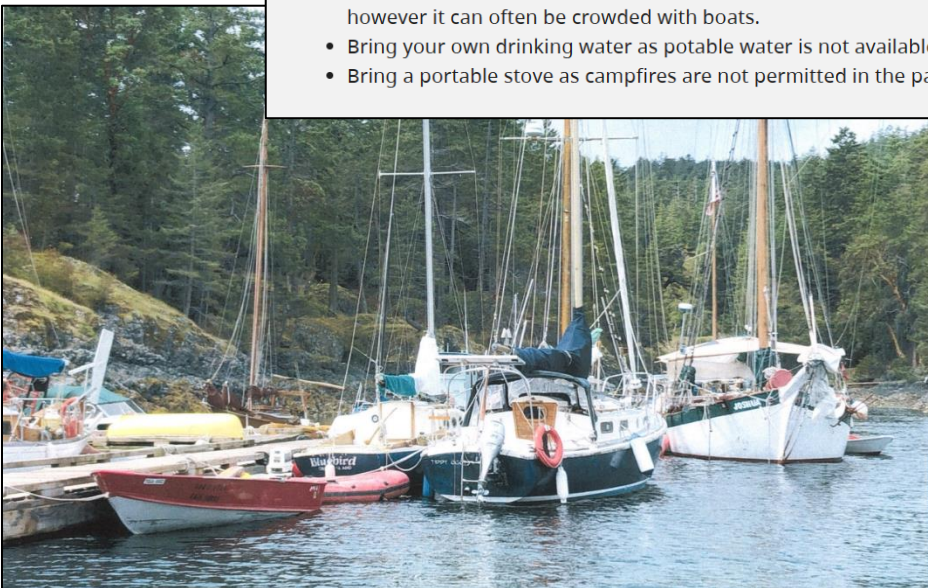


**Squitty Bay Dock** is a much smaller bay with even less dock space for tie up. This dock hosts several boats year-round. Space on the is dock is also well used and rafted boats are also common at this location however the bay is very skinny and rafting usually more than 2 boats deep is not possible without either blocking the water or running aground. Similarly, the Squitty Bay dock is also not a completely protected space and does experience troubling winds from the south that blow into the bay. (excerpt from BC Parks website)



### Safety info

- Several rocks obstruct the entrance to the bay. The safest passage by boat is along the south shore when entering. There is limited maneuvering room in the bay and no space for anchorage. A small federal dock is available to tie up, however it can often be crowded with boats.
- Bring your own drinking water as potable water is not available in the park.
- Bring a portable stove as campfires are not permitted in the park.





## ISLAND DESCRIPTION

Lasqueti Island has a restaurant, pub, hotel, community hall, church, post office, café and small convenience store, a recycle depot, garbage dump and fire department with 2 locations and a large variety of services offer by residents. Food sources on the island are limited to seasonal gardens, raised meat, poultry and dairy, hunting, fishing but mainly grocery delivery or pickup. There are a few farm stands that offer fruits, vegetables and baking for sale occasionally as well as a small used items free store. Most of the items people consume are brought over from Vancouver Island.

The Community context information from the date of Bylaw 77's adoption (October 25, 2006) (pg 7) shows the number of homes on the Island at 185. (excerpt below)

Statistics Canada Data for the year 2021 shows total private dwellings at 506 (an increase of 321 over the past 20 years).

The data also shows that of the 506 current homes on Lasqueti, only 294 are occupied by usual residents – that is a substantial number of seasonal visitors that impact the public docks and other facilities.

The bylaw and OCP may have been suitable at the time and for that population, however with such an increase to the number of residents, it may not be completely appropriate in all aspects any longer and some concessions may have to be made.

Lasqueti is 68 square kilometers in area, 5 km wide and 21 km long. The ferry does not provide vehicle service, which therefore requires barging over of vehicles and other large items. For additional information Appendix B – Measuring Our Progress Report is attached for information purposes.

	1991	1996	2001
Population	326	374	367
Number of Dwellings		180	185
Owner Occupied			140
Rented Dwellings			55
Average Rent of Tenant Household			\$320
Average Value of Dwelling			\$180,817

Characteristic	Lasqueti Island Trust Area, Island trust (IST) ⓘ British Columbia [Designated place]	
	Counts	Rates
	Total	Total
<b>Population and dwellings</b>		
Population, 2021 <sup>1</sup>	498	...
Population, 2016 <sup>1</sup>	399	...
Population percentage change, 2016 to 2021	24.8	24.8
Total private dwellings <sup>2</sup>	506	...
Private dwellings occupied by usual residents <sup>3</sup>	294	...
Population density per square kilometre	6.8	6.8
Land area in square kilometres	73.32	...

## **FERRY SERVICE**

The Lasqueti Island Ferry has scheduled passenger service as well as small amounts of freight transport as follows:

Sunday – 2 returns trips

Mondays, Thursday, Friday and Saturday – 3 return trips

Tuesday and Wednesday (after labour day in September to last Wednesday in June)- NO FERRY SERVICE

Wednesday (July, August only) 3 return trips

The ferry transports passengers, pets, freight (including groceries, furniture, small building materials, gardening supplies, animal feed, car parts, bicycles, Canada Post mail and parcels, medications etc).

Hazardous materials such as gasoline, diesel, propane etc are not permitted on the ferry so these things must be acquired from on Island businesses or brought over on private boats or barge rentals. Even small engines are typically restricted from being transported across on the ferry, so chain-saws, outboard engines, gas powered tools, generators and motor bikes so if an of those items need to be transported (at the discretion of the captain or crew), then they must be put on a paid barge or personal boat or chartered boat.

During the summer months the ferry is usually close to capacity for passengers and freight, overloads are a common especially on long weekends.

The Island itself is not protected from the weather and is surrounded by vast expanses of open water. The crossing for the ferry can be cancelled by weather which is a common occurrence in the fall & winter months and can also occur in the spring. There is no vehicle Ferry to Lasqueti Island. Access to the island is by Ferry, private vessel or chartered plane or boat.

## **SCOTTIE BAY**

Scottie bay is located on the North end of the island. The access to the bay is from the east and the bay cuts off in the northwest direction, making it one of Lasqueti's safest anchoring locations.

In the past Scottie Bay was used for a logging operation and marine transport of logs off the island. Now one large piece of land is operating as a Shipyard, and at full capacity as safe harbour for a fleet of commercial fish boats. The owners of this working dock and shipyard are all residents and landowners on Lasqueti Island. For decades the shipyard has been, a source of employment for many locals and continues to this day under the support of the community.

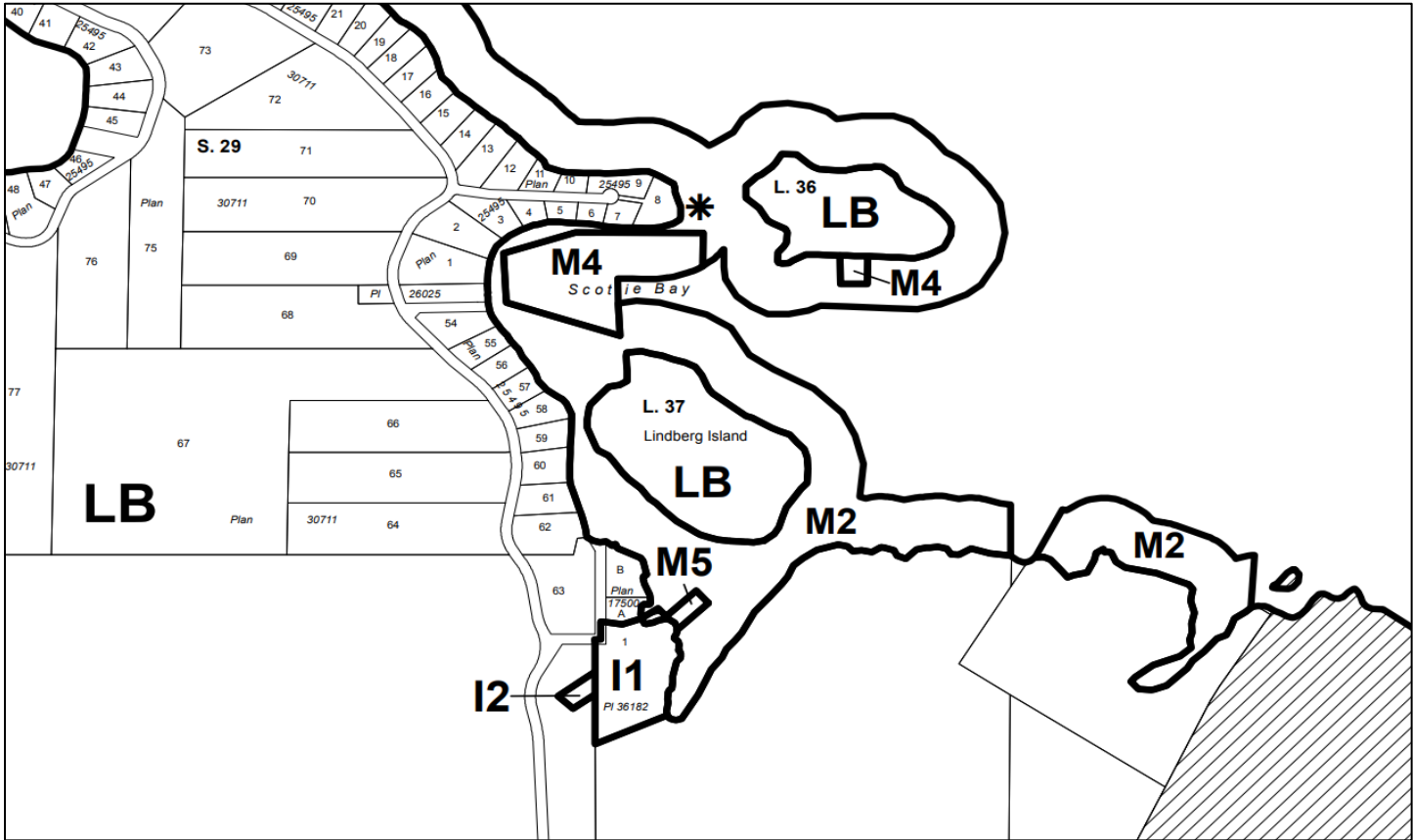
The bay is a safe spot to anchor sail boats, power boats and live-a-boards year-round.

The bay only has one small public beach access that many residents use to get to their boats however the access location is very steep, rocky and slippery at times and there is no float or flat safe space for easy access to transport goods to and from their boats. The access is at the end of a narrow residential road and a dirt path leads to the shoreline. Several residents keep their row boats pulled up on rock bluffs out of the tide so that they can row out to their boats when they would like to use or work on them.



The Bay's zoning is listed as M2 (marine general) and M5 (marine industrial) and is the only Bay on the Island with zoning for marine industrial use (see LASQUETI ISLAND Schedule B, Land Use Zoning Bylaw 78)

**Marine Zoning – Scottie Bay and surrounding areas:**

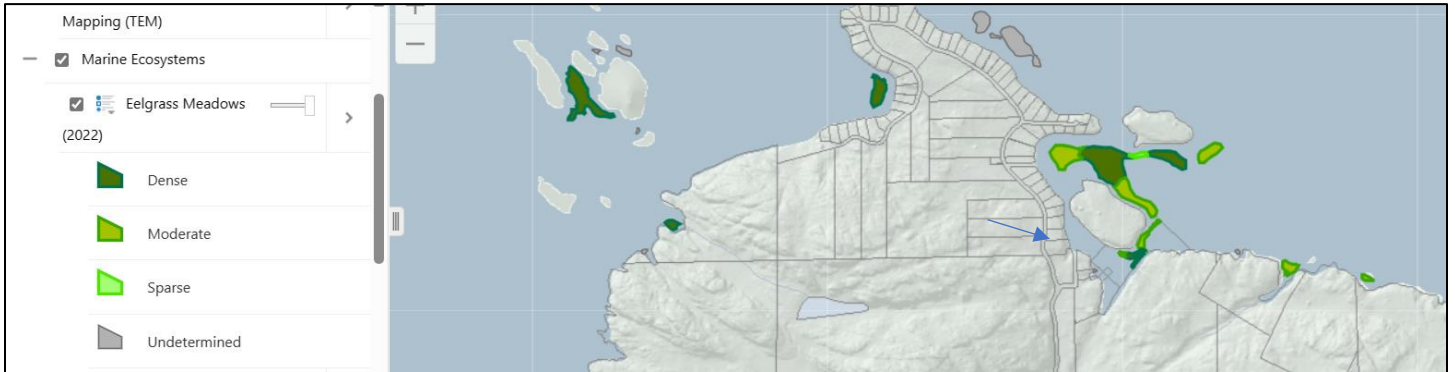


## DOCK LOCATION

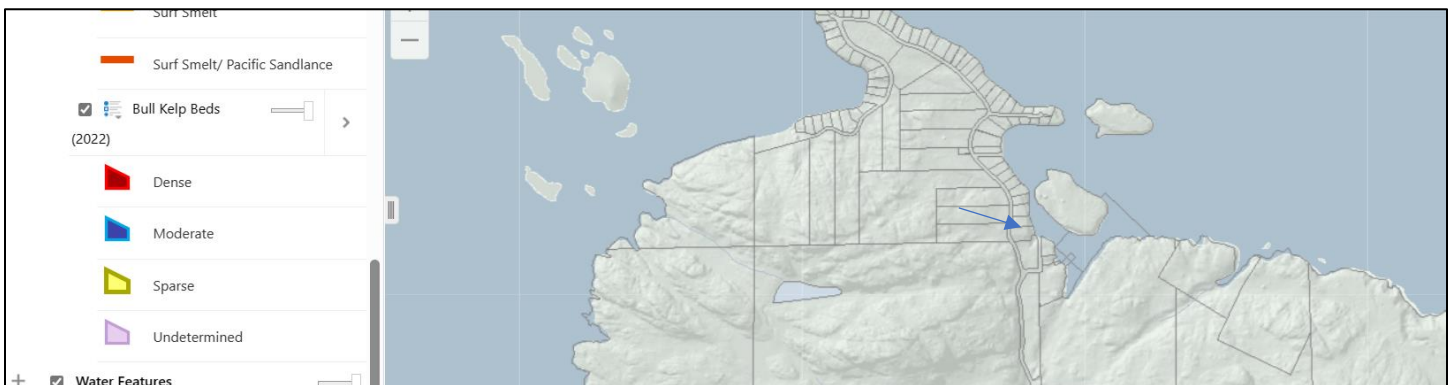
Lot 62 is located 3 properties to the North of the M5 zoned area referred to as the Shipyard. This lot is one of the last lots that has water in front of it during a low tide event. Somewhere in vicinity of lot 60, the tide recedes leaving only mud flats. The dock does not block safe passage to bay nor access to any other landowner.

Lasqueti Island has several beaches, bays and shore areas that host Eelgrass beds and fish habitats. Scottie Bay is not a productive area for either of those nor is it an area where kelp grows therefore the dock would not have a significant impact on the survival of any of those habitats, but to the contrary as the dock hosts quite a substantial variety of ocean life growing underneath it.

### **MapIt – Screen shot of Lot 62 in Scottie Bay shows no indication of Eelgrass beds.**



### **MapIt – Screen shot of Lot 62 in Scottie Bay shows no indication of Kelp beds.**



### **MapIt - Screen shot of Lot 62 in Scottie Bay shows no indication of Forage Fish habitat.**



## SUMMARY

We spend 60 % of our time on Lasqueti Island throughout the year. John works in the community using vehicles and heavy-duty equipment that require servicing materials, construction materials and fuel that can not be transported on the ferry. (large sized, high volume, frequent trips, tight schedule and hazardous materials)

Acceptance of our application and an amendment to the bylaw would not amount to a proliferation of docks since there are so few locations that are viable due to wind exposure issues, mud flats, sheer bluffs, large acreages, eel grass areas, protected fish habitats, mariculture areas and other restriction set out by different levels of government.

Being self sufficient and not using public services such as ferry/food supplies, fuel supplies and garbage/recycling disposals alleviates the strain added to the Island's resources and minimizing that preserves and aids other residents. With several residents and visitors that have used the dock over the last few years, this also helps preserve the island and its infrastructure.

Reviewing the Official Community Plan we find that our application can be considered as a bylaw change and not a change to the OCP as it already has language to support this change to the current bylaw.

Official Community Plan (bylaw 77) Part 3. Section 3.7 COMMUNITY SERVICING, **Boats and Maritime Vessels:**

**Policy 15 Private docks may be considered on a site specific basis in the Marine General (M-2) zone. In considering an application for a dock, environmental and social effects must be addressed. Structures should not be sited or extended towards the sea beyond 37 metres (120 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea.**

As there is no longer an application for a dock to the provincial or federal government, the installation allowance falls under either Specific Permission or General Permission based on the area of desired installation and protected areas.

Scottie Bay falls under the General Permission category as such, all the requirements of the "GENERAL PERMISSION REQUIREMENTS CHECKLIST" are satisfied to the best of our knowledge.

Our goal is to have the Local Trust Committee use the existing language within Bylaw 77 and amend Bylaw 78 4.15 (MARINE GENERAL) to include the Lot 62 location.

The Official Community Plan Approach states:

*"The Bylaw's approach to land use and development growth is one of consideration and caution. It is hoped that by laying out a pattern of low density land use, adopting a cautious approach to development, and fostering a cooperative relationship among the local community, Islands Trust and other government agencies, needed and reasonable land use and development will take place without requiring complex and expensive facilities and services, thereby maintaining the island's unique character as a place where the human community live in and with nature."*

Furthermore, by spreading out the access to the Island, the current spaces that are used to access the island will receive less of an impact.

As such we can suggest that the following language be suitable for this application's consideration:

Amendment to Lasqueti Island Local Trust Committee Land Use Bylaw No. 78, 2005, Section 4.15. Marine General (M2), Subsection (1) (c), by adding after Subsection (1)(c)(x), **Subsection (1)(c)(xi)**;

***A dock extending towards the sea not more than 37m (120 feet) from the natural boundary of the sea, including a float of not more than 23 square metres (245 square feet), all within an area of approximately 518 square metres (.13 acres), commencing at the North East corner of Lot 62, Section 29, Lasqueti Island, Nanaimo District, Plan 25495; thence 37m (120 feet) at 77°, then 14m (46 feet) at 167°, then 37m (120 feet) at 257°, then following the natural boundary of the sea to the point of commencement.***

As it states in 3.7 Community Servicing and Utilities – Policy 7 (page 20 bylaw 77 OCP)

*“A precautionary approach should be used when considering additional and more sophisticated service facilities as they typically have significant associated costs.”*

Allowing private docks would aid in reducing the strain on the services of the island. As time passes and population increases, those strains could force the need for such facility changes that may not be affordable to the island in the future.

Thank you for your time and consideration,

John Carey  
250.954.8672  
[johncarey@shaw.ca](mailto:johncarey@shaw.ca)

Tracee Carey  
250.954.8673  
[traceecarey@shaw.ca](mailto:traceecarey@shaw.ca)

61  
PLAN 25495

62  
PLAN 25495

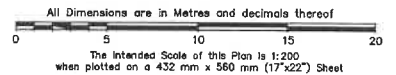
63  
PLAN 25495

SCOTTIE BAY



The Present Natural Boundary (PNB) is no longer visible along the Bottom of the Rock Wall on Lot 62. The Elevation of the PNB has been determined by observations of the PNB where visible to the north and to the south of the Rock Wall, and by observation of the line of the higher high water mark on the concrete block support structure. The Elevation of the Present Natural Boundary has been determined at Orthometric Elevation 2.1 m. It has been determined that the Bottom of the Rock Wall has been placed at the PNB of Lot 62.

**ELEVATIONS:**  
Orthometric Elevations are to CGVD288C Geodetic Datum and are derived from Dual Frequency GNSS ties to the Nanose Bay Active Control Station GCM 816868.



© Copyright 2020 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory. This Plan has been Prepared in Accordance with the Professional Reference Manual and is Certified Correct this 6<sup>th</sup> Day of November, 2020.  
*Kenneth Kyler* Digitally signed by Kenneth Kyler D9ENAO Date: 2020.11.06 09:02:16 -08'00'  
This document is not valid unless digitally signed.

**JEA** JE ANDERSON & ASSOCIATES  
SURVEYORS AND ENGINEERS  
# 203 - 177 WELD ST., PO BOX 247  
PARKSVILLE, B.C. V9P 2G4  
250-248-5755 parkville@jeanderson.com

<b>TOPOGRAPHIC SURVEY</b>	
<b>LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495.</b>	
PID 002-917-475	
PREPARED FOR <b>JOHN CAREY</b>	
OUR FILE : 61580-8	REVISION :



November 10, 2020

Attn: John Carey & Merle Mann  
Lot 61 & 62 Scottie Bay,  
Lasqueti Island, BC

**Via Email:** [johncarey@shaw.ca](mailto:johncarey@shaw.ca); [mimann@shaw.ca](mailto:mimann@shaw.ca)  
[Cc: Boone.Barber@dfo-mpo-ca](mailto:Boone.Barber@dfo-mpo-ca)  
[Cc: ken@jeanderson.com](mailto:ken@jeanderson.com)

**RE: POST CONSTRUCTION IMPACT ASSESSMENT  
SCOTTIE BAY, LASQUETI ISLAND**

## **1.0 INTRODUCTION AND BACKGROUND**

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained to complete a post construction Impact Assessment for two adjacent waterfront lots in Scottie Bay, Lasqueti Island, BC. The intent of the assessment is to determine if the upland construction encroached past the natural boundary of the shoreline. A site location map of Scottie Bay has been included as Figure 1. Figure 2 shows a close-up aerial view of Scottie Bay and the general location of the parcels. This assessment includes an as-built survey by J.E. Anderson and Associates which has been included as Figure 3. Images of the site showing before and after construction and general shots of the bay are included in Appendix A.

This report is being forwarded by Aquaparian to Fisheries and Oceans Canada, Fish and Fish Habitat Protection Program (Boon Barber, R.P.Bio, Senior Biologist) for inclusion in an investigative file resulting from a complaint submitted by a neighbour of the subject properties during construction. This report is also to be forwarded by the property owners (John Carey and Merle Mann) to the Island's Trust to be included in their files resulting from a complaint and an application for a zoning bylaw amendment submitted by the property owners.

On July 31, 2019, Aquaparian completed a marine habitat assessment by drop camera for two proposed small, private docks to determine if the docks were likely to result in a negative impact to the marine environment as defined by the *Fisheries Act 2012* which was in force at the time of the assessment. At that time, the *Fisheries Act* prohibited Serious Harm to Commercial, Recreational or Aboriginal Fisheries, or to fish that support such a fishery without an Authorization. This *Act* also included a self assessment process to determine if an Authorization would be required, or to submit a request for review if it was unclear.

203-321 Wallace St. Nanaimo, BC V9R 5B6, 250-591-2258  
Cell SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864



As understood prior to construction, the dock designed was intended to meet the BC Crown Lands General Permit criteria for private moorage. The design and materials were selected to minimize marine impacts by utilizing steel grating for the gangway to allow maximum light penetration. The small wood dock is held in place by anchor blocks and chains. The moorage is comprised of the following components starting at the shoreline:

- 1m wide x 4m long ramp supported on stacked lock blocks at the shore end and the dock at the other end;
- 1.37m wide x 18.29m long aluminum grate dock supported at 3 locations (1: stacked concrete blocks, 2: support posts on native bedrock, 3: support posts on concrete block).
- 1.37m wide x 15.2m long aluminum grate ramp supported on the 3<sup>rd</sup> dock support at one end and overlaps the wood float at the other end;
- 3.6m wide x 6.1m long floating wood dock anchored by chain and sub-tidal anchor blocks.
- The total length, excluding overlaps, from the PNB to the end of the floating dock is 40.7m. The crown lands General Permission allows for a total length of 60m from the PNB.

The intent for constructing the private docks as reported by the landowners, is that moorage is hard to secure on Lasqueti Island, as existing dock space is very limited and the most reliable way to access the island is by private boat. The ferry that runs between French Creek and Lasqueti Island is privately operated and open to foot passengers only, with a limited, irregular schedule. There is no government dock on the island and the public dock is over capacity typically with several boats moored up side by side. As further reported, it is unsafe to attempt to access the island without proper moorage due to the steep rocky shoreline. As a result, many boats are anchored or moored and rafted together in Scottie Bay as it is a sheltered natural harbour. Some of these boats are live-aboard with two moorings that include small sections of dock with small buildings constructed on them. These boats are not within crown water leases. Some boats have become derelict and left to decompose in the intertidal zone along with other marine related waste. Reportedly, the bay is subject to raw sewage discharge and is closed to fisheries due to the resulting poor water quality. According to Fisheries and Oceans Canada, Scottie Bay is subject to both sanitary and biotoxin contamination closures for shellfish.

The pre-construction marine habitat assessment was completed on July 31, 2019 with the report completed on August 6, 2019. Habitat conditions were found to be relatively low during the summer assessment likely resulting from the enclosed nature of the bay and a large number of moored boats, some of which are live-aboard and tied to old sections of docks. Aquaparian determined based on the existing marine habitat conditions and the dock design that the docks would not result in a negative impact to the marine environment. The assessment was limited to the dock alignment. Information regarding the upland access to the dock was very limited as



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

the plan was not determined at the time of the assessment and there are no upland permitting requirements on Laqueti Island.

On August 28, 2019, fish and fish habitat protection provisions under the new *Fisheries Act*, as well as some of the regulations that support these provisions, officially came into force. The new prohibitions include the following:

- No person shall carry on any work, undertaking or activity, other than fishing, that results in the death of fish; and,
- No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat (HADD). The definition of harmful alteration, disruption or destruction of fish habitat is any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat's capacity to support one or more life processes of fish.

Projects that were assessed prior to the new *Act* coming into force were not required to undergo a re-assessment if a HADD was not expected to result. Based on the existing conditions of the bay and the proposed dock design, a HADD was not expected.

Mr. Carey proceeded to construct his dock fronting Lot 62. In addition, a dirt access road was cut across the slope to access the bottom of the slope and the dock location from the upland portion of the property. The access road levels off at the bottom of the slope above the shoreline to form a narrow flat bench cut into the toe of the slope to access the dock and Mr. Mann's waterfront (Lot 61). Armour rock was placed to retain the soils and crushed shale forming the upland bench. The soil and shale is native material excavated from the upland area of the property near the top of slope. The second dock was not constructed by Mr. Mann but two additional subtidal anchor blocks were placed; the other two chains could be attached to Mr. Cary's anchor blocks.

This report documents the construction impact near the shoreline of both parcels. Any future assessments required will be completed as separate reports for each parcel.

## 2.0 LOCAL BYLAWS

The subject properties are located on the northwestern end of Lasqueti Island fronting Scottie Bay. Lot 61 and Lot 62 are adjacent, with Lot 61 situated north of Lot 62. The properties are accessible in the upland by an unnamed dirt and gravel road.

There are no Development Permit Areas on Lasqueti Island, so a Development Permit is not required for any upland development or vegetation removal.



A review of the Lasqueti Island zoning map shows the project area is zoned Marine General M2 which identifies no other uses are permitted in the marine general zone except for Moorage for non-commercial purposes, slipways and 10 private docks listed by location which all have a provincial lease. As understood, these identified docks were constructed prior to this zoning implementation and so were grandfathered to make them conforming. Based on this information, any new docks in the M2 zone would require a zoning variance application or an amendment to the zoning bylaw. As a result, the owners applied to the Island's Trust for a zoning bylaw amendment to allow for their proposed docks. Following a lengthy process, this request was denied by the Island's Trust meeting in early October 2020. The work was completed prior to the Island's Trust decision.

The Island's Trust requested that an assessment be completed to determine if the upland work had extended beyond the original shoreline and onto the crown foreshore (Present Natural Boundary). Fisheries and Oceans Canada also requested documentation of the construction. J.E. Anderson & Associates completed an initial survey of the site which identified the elevation of the high tide line (Present Natural Boundary) from the adjacent shorelines north and south of the subject parcels and projected it to the construction area. The elevation of the PNB was determined at Orthometric Elevation of 2.1m. It was determined that the lower level of the retaining rock had extended approximately 2.5m past the PNB. Mr. Carey then removed and pulled back the installed material to the PNB flagged by the surveyors as being the original PNB location. The result is a more vertical rock stack retaining wall; the top of the wall did not substantially change location.

### **3.0 IMPACT ASSESSMENT**

#### **3.1 PRE-CONSTRUCTION ASSESSMENT**

The constructed dock is located close to Transect 6 identified in the original marine habitat assessment. The Transect 6 alignment started (0m) at the toe of slope upland of the high-water mark. The upper shore had a band of relatively level rocky substrate sparsely populated with sea asparagus and Lingby's sedge which typically occupy the high high intertidal and splash zone in areas suitable for its growth. The barnacle band and fucus zone started at 4.5m along the transect representing the typical or mean high tide line. The following transect data and subtidal description below are from the original assessment:



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**Transect 6**

Time: 12:00 pm

Tidal height: 0.3 m (lowest tide)

Description: From Lot 62 property pin towards water

Coordinates: Start: 49°30'51.6"N, 124°20'50.7"W; Finish: 49°30'52.0"N, 124°20'49.8"W

Distance along transect (upland towards water):	Substrate (% composition):	Species present:
Above transect (on slope)	91% grade slope with silty soil and boulders, vegetation	Douglas fir, Terrestrial grasses Arbutus, Red cedar, Small grand fir
0m	Rip rap boulders	
3.7m	40% Boulder, 50% Cobble, 10% Gravel	Lynxby's sedge, Sea asparagus
4.5m		"Splash zone": sparse barnacles start
5.6m		Barnacle band starts
6.9m		Sea asparagus ends
7.8m	20% Boulder, 30% Cobble, 40% Gravel 10% Sand	<i>Fucus</i> Oysters
11.4m	Mud starts	Cladophora starts
13.0m	15% Boulder, 15% Cobble, 10% Gravel, 60% Mud	
14.0m		Siphon holes
19.0m-20.0m		Oysters end

The subtidal substrate is comprised of a loose, silty mud bottom occasionally scattered with cobble and empty shells. The marine flora (Seaweed and Kelp) is dominated by moderate to high densities of brown tuft algae (*Ectocarpus* sp.) and green tuft algae (*Cladophora* sp.), which cover the sea floor almost completely. Observations of invertebrates were limited to several small Dungeness crabs (*Cancer magister*) and a low to moderate abundance of bivalve siphon holes in the mud. Several small schools of sticklebacks were observed, but the exact species of stickleback was not identified due to limited visibility. Likewise, two sculpins were observed but could not be identified to species. Abandoned boats on the shoreline and sunken boats and boat parts were observed on the sea floor and along the shore. There are several live-aboard boats moored within the bay reportedly discharging effluent. Based on observations, marine habitat within this area appears to have been impacted by uncontrolled moorage and discharge of waste material and waste water. Marine habitat conditions are deemed to be low quality with limited species abundance and diversity.

**3.2 POST CONSTRUCTION ASSESSMENT**

Aquaparian's Biologist (Sarah Bonar R.P.Bio), completed a post construction impact assessment of the project area on October 22, 2020. The intent of the assessment was to document what was constructed at the site including the dock and the upland road and compare it to the pre-construction site conditions. The assessment was completed concurrently with an as-built survey by J.E. Anderson and Associates. The as-built survey is included as Figure 3.



203-321 Wallace St, Nanaimo, BC V9R 5B6  
 SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

A ~4m wide dirt access road was cut into the steep slope to a level bench above the shoreline to access the new dock from the upland portion of the property. The bench is approximately 8m wide by 10m long near the dock then narrows to 4m wide for the remaining 30m length northward of the dock. The soils appear to be stable with a high shale content. Disturbed soils beside the road have been seeded with grass which has germinated. The lower bench is slightly sloped back toward the excavated toe of slope to prevent rainwater flowing across the bench toward the shore during storm events. The slope excavation required the removal of a few coniferous trees which can be seen in the attached photo appendix comparing before and after photos of the site. The remainder of the steep slope remains forested with a mature second growth canopy and sparse understory. The understory is sparse due to the slope and soil condition which is rocky. There are areas of exposed bedrock on the near vertical slope.

The lower bench is supported by stacked rock. The toe of the rock was confirmed by survey to be located on the pre-construction PNB with the exception of a 15m long section that slightly encroaches past the PNB by 0.2 to 0.4m and one boulder that is ~0.5m past the PNB. These rocks are located close to the high high tide line with the lowest elevation at 1.73m. As previously discussed, the rock had to be moved back by approximately 2.5m to the PNB. Moving the rock material back recovered a strip of high high intertidal zone. Based on this assessment, this zone had previously been sparsely populated with sea asparagus which is expected to recolonize from adjacent areas and root material in the disturbed area.

The dock ramp and float are consistent with typical small private dock systems. The structure is narrow and oriented east-west. The dock and ramp are aluminum grating which allow light penetration. The small size and solar angle are not expected to result in any shade impact on the sea floor. Pre-construction conditions were found to be low due to poor flushing, derelict boats and other waste as well as several live-aboard boats (two with shacks on sections of old dock) in the bay. The remainder of the shoreline around the bay is forested. Due to the near vertical slope above the subject parcel's shoreline, leaf litter and large woody debris from the upper slope are expected to still drop into the foreshore in time. The shoreline is directly east facing and is therefore exposed to sunlight through the mornings and is shaded through the afternoons as a result of the topography rather than the tree canopy. The tree removal does not appear to have affected shade along this section of shoreline.

#### 4.0 CONCLUSION

Aquaparian Environmental Consulting Ltd was retained to complete a post construction impact assessment for two properties fronting Scottie Bay, Lasqueti Island, BC for the installation of one private dock and an access road within the upland.



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

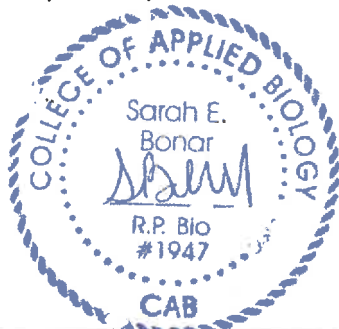
It is Aquaparian's professional opinion that the installation of the dock and dirt access road have not resulted in a negative impact to marine habitat that would result in an impairment to the habitat's capacity to support one or more life processes of fish.

Findings and recommendations provided are based on known site conditions and past project experience with working in and near marine environments and in accordance with generally accepted practices within the profession of biology and natural resource management. No other warranty is made, either expressed or implied.

Any questions regarding this report or its findings, please contact the undersigned. Aquaparian trusts that the information provided in this report meets your requirements.

### **AQUAPARIAN ENVIRONMENTAL CONSULTING LTD**

Prepared by:



Sarah Bonar, B.Sc., R.P.Bio  
Principal/Senior Biologist

Y:\Projects\Projects\N535 Scottie Bay, Lasqueti Island\Post construction impact sssessment\Scottie Bay Post Construction Assessment.docx



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**FIGURE 1 & 2**  
**SITE LOCATION MAP**



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864



**FIGURE 1 & 2: SITE LOCATION**





**FIGURE 3**  
**AS-BUILT SURVEY**  
**J. E. ANDERSON & ASSOCIATES**



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

60  
PLAN 25495

61  
PLAN 25495

62  
PLAN 25495

63  
PLAN 25495

SCOTTIE BAY



The Present Natural Boundary (PNB) is no longer stable along the bottom of the Rock Wall on Lots 61 & 62. The Elevation of the PNB has been determined by observations of the PNB where visible to the north and to the south of the Rock Wall, and by observation of the line of the higher high water marks on the concrete block support structure.

The Elevation of the Present Natural Boundary has been determined of Ordnance Datum 2.1 m. It has been determined that the bottom of the Rock Wall has been placed at the PNB of Lot 61; however a large boulder and several small boulders extend past the PNB as noted.

**ELEVATIONS:**  
Ordnance Elevations are to GDS/2000 Geospatial Datum and are derived from Dual Frequency GNSS Data to the Nanaimo Bay Active Control Station 054 09000.

All Dimensions are in Metres and decimal thereof

The intended Scale of this Plan is 1:200 when plotted on a 432 mm x 560 mm (17"x22") Sheet

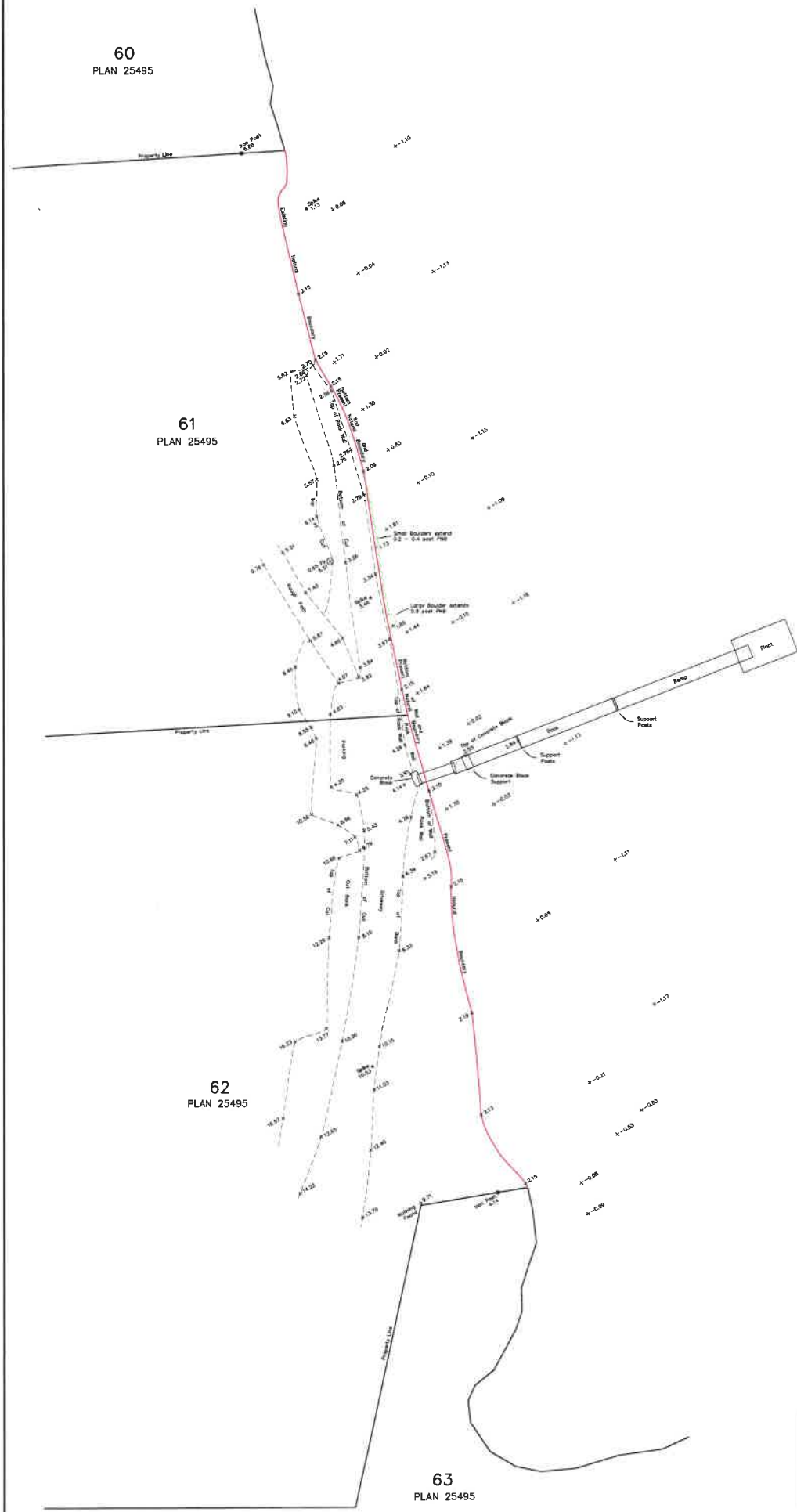
© Copyright 2020 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or alter this document, in whole or in part without the consent of the signatory.

This Plan has been Prepared in Accordance with the Professional Reference Manual and is Certified Correct 8th Day of November, 2020.

*[Signature]*  
This document is not valid unless digitally signed.

**JEA** JE ANDERSON & ASSOCIATES  
SURVEYORS AND ENGINEERS  
# 203 - 177 WELD ST., PO BOX 247  
PARKSVILLE, B.C. V0P 2S4  
250-248-5750 jea@jeaanderson.com

TOPOGRAPHIC SURVEY	
LOTS 61 & 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495	
PID 002-917-475	
PREPARED FOR <b>JOHN CAREY</b>	
OUR FILE : 01560-9	REVISION :



**APPENDIX A**  
**SITE PHOTOGRAPHS – BEFORE AND AFTER**



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**SCOTTY BAY LASQUETI ISLAND POST CONSTRUCTION OCTOBER 22, 2020**  
**Photo Sheet 1**



Photo 1. Showing the shoreline taken at low tide in July 31, 2020 10:00am at a 0.7m tide prior to construction. Note the location of the house at the top of slope to compare to Photo 2 below and red arrows indicating the high tide line and the same Douglas fir for comparison between photo angles. The black dashed arrow indicates the approximate property line between Lots 61 and 62.



Photo 2. Showing the shoreline taken October 22, 2020 at 9:00am at a 3.6m tide post construction. The rock retaining wall was recently pulled back approximately 2.5m at the toe as it was determined to have encroached past the original Present Natural Boundary of the shoreline. Approximate property line between the two affected parcels is indicated by the black dashed line.

**Photo Sheet 2**

Photo 3. Showing the shoreline in front of Mr. Merl Mann's parcel prior to construction July 31, 2020 during a low tide 0.7m. Note the location of the same reference Douglas fir tree for comparison to post construction in photo 2. This is the approximate location of T7 in the original assessment.



Photo 4. Showing the shoreline in front of Mr. John Carey's parcel prior to construction July 31, 2020 during a low tide 0.7m. A narrow band of sea asparagus (*Sarcocornia pacifica*) was present in the high intertidal zone during the peak growing season.

**Photo Sheet 3**

Photo 5. Looking the other direction at Mr. Carey's parcel during the initial construction of the road prior to the initial retaining rock placement. The retaining rocks and soil were subsequently moved back at the toe to make a more vertical wall to remove the bottom row of rocks back to the original high water mark.



Photo 6. Showing the shoreline in front of Mr. John Carey's parcel post construction October 22, 2020 during a rising tide 3.6m. The narrow band of sea asparagus is still visible but slightly impacted by the initial rock placement that was pulled back to the surveyed high tide line (PNB). This area is expected to regenerate naturally.



Photo Sheet 4

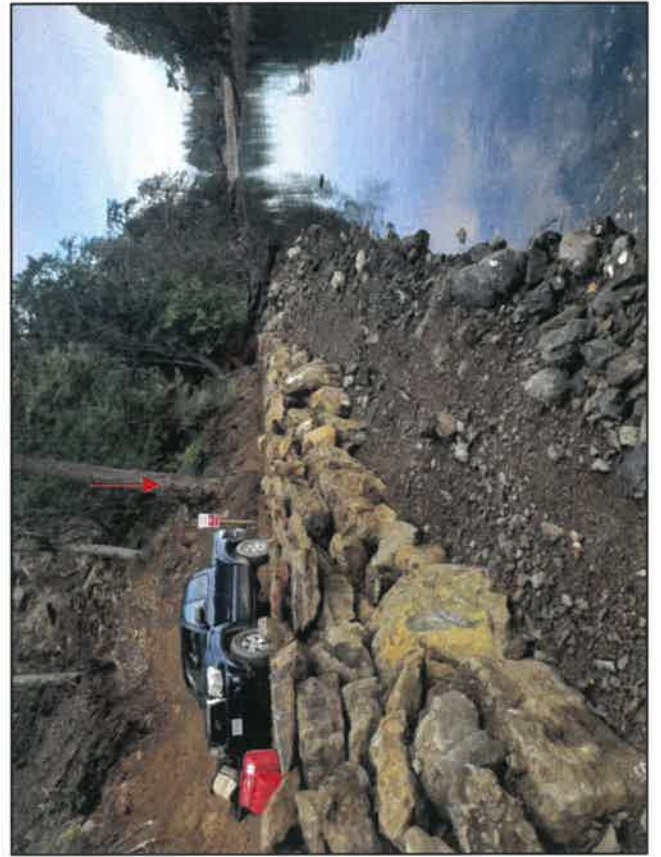


Photo 7-9. Showing the same section of shoreline post construction at a 3.6m tide looking across Mr. John Carey's shoreline and dock where the slope cut was further back into the slope to create the road. The property line (black dashed line) is approximately at the front of the pick-up truck.

**Photo Sheet 5**



Photo10 & 11. Showing the new dock fronting Mr. Carey's parcel. The shoreline ramp and the end of the dock is supported on lock blocks. The second pier is on a natural bedrock with small wood piers. The third support is lock blocks. The dock is held in place by anchor chains to lock blocks.





Photo Sheet 6



Photo 12 & 13. Taken each side of the dock Oct 22, 2020 showing the edge of disturbance and water clarity showing the start of the fucus zone at a 3.6m tide. The narrow band of sparse sea asparagus (*Sarcocornia pacifica*) is still visible left of the disturbed area of that band above the tide line in the photo. It is turning slightly yellow due to the time of year – its an annual salt tolerant plant.

Photo Sheet 7



Photo 14. Looking into Scottie Bay from the entrance toward the parcels showing many boats tied anchored or tied to single point moorings in the bay without legal tenures, some of which are live-aboard. The only legal dock (centre left) has fishing boats tied up and becomes over-used due to lack of docks on the island. A total of 16 boats were counted on moorings or anchors.



Photo 15 & 16. Looking back across the bay from in front of the subject parcels showing several boats tied together in groups. Some had small floating buildings on sections of old docks.

