

**From:** MacDonald, Amber WLRS:EX <Amber.1.MacDonald@gov.bc.ca>  
**Sent:** Wednesday, March 27, 2024 4:35 PM  
**To:** Wil Cottingham; t.elliott@islandstrust.bc.ca  
**Cc:** Mackay, Paula A WLRS:EX; Travia, David V WLRS:EX  
**Subject:** RE: Thetis Island Local Trust Committee decision regarding Oreste Panacui for Abrupt Shellfish, Inc. (Crown Land file 1414783) application  
**Attachments:** TH-LTC\_2023-11-08\_LTC to Ministry-TH-RZ-2022.1\_COR.pdf; 2024-03-27 Response to Minister letter - Thetis Island Local Trust Committee 1414783.pdf

Ms. Elliot,

Please find attached the response to your letter to Minister Ralston dated November 20, 2023 (included).

Please let me know if you have any questions or concerns.

Sincerely,



**Amber MacDonald BA, CSP** | *(she/her)*

**Resource Manager, Aquaculture**

Ministry of Water, Land and Resource Stewardship, West Coast Region

142 – 2080 Labieux Rd | Nanaimo BC V9T 6J9

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*I acknowledge with gratitude and respect that I live and work in the territory of the Snuneymuxw First Nation.*

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**From:** Wil Cottingham <[wcottingham@islandstrust.bc.ca](mailto:wcottingham@islandstrust.bc.ca)>  
**Sent:** Monday, November 20, 2023 10:37 AM  
**To:** Minister, FOR FOR:EX <[FOR.Minister@gov.bc.ca](mailto:FOR.Minister@gov.bc.ca)>  
**Cc:** Outhwaite, Jessica FOR:EX <[Jessica.Outhwaite@gov.bc.ca](mailto:Jessica.Outhwaite@gov.bc.ca)>; EC <[ec@islandstrust.bc.ca](mailto:ec@islandstrust.bc.ca)>  
**Subject:** Thetis Island Local Trust Committee decision regarding Oreste Panacui for Abrupt Shellfish, Inc. (Crown Land file 1414783) application

You don't often get email from [wcottingham@islandstrust.bc.ca](mailto:wcottingham@islandstrust.bc.ca). [Learn why this is important](#)

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Dear Minister Ralston,

On behalf of Tobi Elliott, Chair of the Thetis Island Local Trust Committee (LTC), please find attached a letter advising of the decision made by the LTC to proceed no further with a request to rezone 14 hectares of Marine area in Preedy Harbour adjacent to Crescent Point, Thetis Island.

Sincerely,

## Wil Cottingham

Office Administrative Assistant

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2063 | [islandstrust.bc.ca](http://islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

## Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

*I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwáəḡən məsteyəx'w, Scia'new, səlilwətaḡ, SEMYOME, shíshálh, Sḵwəwú7mesh, Snaw-naw-as, Snuneymuxw, Spuné'luxutth, SḶÁUTW, Stz'uminus, ʔaḡəmen, toq qaymux'w, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉEP, WSIKEM, Xeláltw, Xwémalhkwu/ḡop qaymux'w, and x'wəḡk'əḡəm.*



Reference: Crown land file 1414783  
Your file: TH-RZ2022.1; TH-6410-03

March 27, 2024

**VIA EMAIL: [northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca); [wcottingham@islandstrust.bc.ca](mailto:wcottingham@islandstrust.bc.ca)**

Tobi Elliot, Chair  
Thetis Island Local Trust Committee  
700 North Road  
Gabriola Island, British Columbia  
V0R 1X3

Dear Mr. Elliot,

Thank you for your letter of November 20, 2023 to Minister Ralston, regarding Abrupt Shellfish Inc's rezoning application in the area of Preedy Harbour, Thetis Island. My apologies for the late reply. As you may know, the Ministry of Forests (FOR) and Ministry of Water, Land and Resource Stewardship (WLRS) have undertaken a rebalancing recently, leading to a change in administration of this file. Minister Cullen of WLRS is now the Minister responsible for the *Land Act*.

The Minister recognizes Islands Trust's mandate as expressed through the Official Community Plan and corresponding Zoning Bylaws, and the importance of representing the views of those who live and work within the jurisdiction of the Thetis Island Local Trust Committee.

Upon review of your letter and the reasons provided for not proceeding with Abrupt Shellfish Inc's rezoning application, I note that you have listed concerns regarding marine debris, impacts to the environment and hazards to navigation as considerations in your decision.

The first two concerns would seem to fall under Fisheries and Oceans Canada (DFO)'s mandate for the conservation and protection of fish and fish habitat, as outlined in the *Fisheries Act*. DFO issues aquaculture licences under the authority of the *Pacific Aquaculture Regulations*, which require licence holders to abide by conditions of licence which seek to protect against detriment to fish and fish habitat. DFO approved this application and licensed this facility in January 2020.

The concern around hazards to navigation is best addressed to Transport Canada (TC), who issues approvals under the *Canadian Navigable Waters Act* and associated *Navigable Waters*

*Works Regulations* in order to protect open waterways for transportation and recreation. Transport Canada approved this application and issued an approval for this facility in August 2019.

In light of the approvals in place from DFO and TC as described above, in order to properly consider the concerns you raised and proceed with a decision on this application, the Province would like to request clarification on your rejection of this rezoning application (TH-RZ-2022.1) as it relates to Islands Trust bylaw authority.

Please provide any further information **by April 15, 2024** as we are intending to proceed to decision on or after that date. Again, thank you for writing and sharing your concerns.

Sincerely,

A handwritten signature in blue ink that reads "Amber MacDonald". The signature is cursive and fluid.

Amber MacDonald  
Resource Manager, Aquaculture  
250-739-8153  
[Amber.1.MacDonald@gov.bc.ca](mailto:Amber.1.MacDonald@gov.bc.ca)

pc: David Travia, Executive Director, Fisheries, Aquaculture and Wild Salmon  
Paula Mackay, Director of Authorizations, West Coast Region



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November 20, 2023

File No: TH-RZ-2022.1; TH-6410-03

Honourable Bruce Ralston  
Minister of Forests  
[FOR.Minister@gov.bc.ca](mailto:FOR.Minister@gov.bc.ca)

Dear Minister Ralston,

Please be advised that on November 7, 2023, the Thetis Island Local Trust Committee advised staff to proceed no further with Oreste Panacui for Abrupt Shellfish, Inc. (Crown Land file 1414783) application to rezone 14 hectares of Marine area in Preedy Harbour, adjacent to Crescent Point, Thetis Island.

The following motion was moved and carried unanimously:

That the Thetis Island Local Trust Committee proceed no further with application TH-RZ-2022.1 for the following reasons:

- a. Inconsistent with the Thetis Island Official Community Plan No. 88;
- b. Inconsistent with the Islands Trust Policy Statement;
- c. Incompatible with adjacent land and recreational uses; and
- d. Potential risk to sensitive ecosystems.

The Thetis Island Local Trust Committee asks the Minister to respect the Local Trust Committee's rejection of this application and to deny issuance of the tenure for Crown Land File 1414783.

The Applicant had made a very similar application in April 2020 which was denied for reasons much the same as the recent LTC decision. The reasons to proceed no further for the first application are listed below:

- The large scale nature of the proposed commercial infrastructure of underwater staking netting and anchors.
- The potential of the infrastructure materials becoming marine debris due to storms or marine fouling, and the potential negative impacts it may have on environmental/ecological features, flora and fauna;
- Introduction of mooring buoys and navigational lights to the area and the negative impact to the Natural visual/scenic features of the area;
- Potential hazards that the operation might be to navigation of the significant numbers of recreational boaters that frequent the area year round;
- Potential conflicts with recreational uses and with adjacent upland properties that are zoned recreational or residential or recreation marine uses;
- Potential negative impacts to local marine and adjacent upland tourism, associated commercial activities and the enjoyment of residential properties;
- Conflict with Thetis Island Official Community Plan Policy 2.7 Mariculture and;
- There are potential conflicts with Sections 3, 4 and 5 of the Islands Trust Policy Statement.

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Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

When the Local Trust Committee (LTC) received the recent application for rezoning, it was reviewed at a public meeting of February 28, 2023. The applicant attended the meeting and answered questions from the LTC, the most significant being:

- What had changed with this application since 2020 that they thought it may be well received by the community and the LTC, since the previous application was turned down; and
- Had the applicant consulted with Penelakut Tribes and other First Nations.

The response to the above questions was generally, that nothing of significance had changed and that they had not consulted with Penelakut Tribes or other First Nations. The applicant was advised at the meeting that they should consult with the Thetis Island community through a Community Information Meeting and consult with Penelakut Tribes.

In the period of time leading up to the meeting (on November 7, 2023), the LTC has received many letters, emails and phone calls in opposition to the rezoning. The applicant did hold a virtual Community Information Meeting at which there were approximately 30 attendees including the applicant and Thetis Island Local Trustees. Most, if not all, members of the public were not in favour of the application. Many of the comments were regarding negative impacts to the area and questioning what benefits there would be to the Thetis Island community. The applicant provided responses during the meeting to comments and questions. Since the Community Information meeting, the Local Trust Committee has received many more letters of concern and clear opposition to the rezoning.

The LTC thinks it is important to note that the current Official Community Plan (OCP) amended in recent years and the previous OCP both had restrictive zoning in place regarding marine aquaculture. The Thetis Island community is very familiar with marine aquaculture as there are a number of oyster leases already in place and that geoduck farming has been being conducted on a converted lease not far from the current rezoning location. There have been environmental issues associated with plastic pipe with this lease operation since 2019.

The recent OCP review confirmed the community's concerns regarding aquaculture and the community has purposefully retained restrictive zoning in this regard. The Thetis Island community have concerns about the existing lease use and potential for species changes with no notice to the public. There is no social or economic benefit to the Thetis Island community and the community has made it clear to the Local Trust Committee that there is strong opposition to this application.

The Thetis Island Local Trust Committee asks the Minister to respect this community and the Local Trust Committee's rejection of this application and to deny issuance of the tenure for Crown Land File 1414783, which is subject to the use being in conformance with local bylaws. The above denial to advance the application does not provide the applicant with conformance of this work in the existing zoning.

Sincerely,



Tobi Elliot  
Chair, Thetis Island Local Trust Committee

cc: Thetis Island Local Trust Committee  
Jessica Outhwaite, Section Head, Ministry of Forests  
Islands Trust Executive Committee  
Islands Trust Website

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