



700 North Road, Gabriola Island, BC V0R 1X3
Telephone 250-247-2063 Fax 250-247-7514
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email northinfo@islandstrust.bc.ca
Web www.islandstrust.bc.ca

April 30, 2024

File No. TH-RZ-2022.1; TH-6410-03; 0110-20

Via email: Amber.1.MacDonald@gov.bc.ca

Addressee:
Amber MacDonald
Resource Manager, Aquaculture
Ministry of Water, Land and Resource Stewardship
142 – 2080 Labieux Rd
Nanaimo BC V9T 6J9

Dear Ms. MacDonald,

Re: Crown Land file 1414783

Thank you for your letter of March 27, 2024 in response to the Thetis Island Local Trust Committee's letter of November 20, 2023 to Minister Ralston, regarding Abrupt Shellfish Inc's rezoning application in the area of Preedy Harbour, Thetis Island.

Thank you for the extension until May 6, 2024 to provide us with time to prepare a response to your request for clarity in order to consider our concerns with respect of the application.

The Thetis Island Local Trust Committee (LTC) continues to support the motion passed in November 2023:

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 LTC appreciates your remarks regarding marine debris and hazards to navigation and we are certainly aware that those concerns, in an operational context, should be directed to the agencies you have outlined in your letter. However, the potential environmental impact and the fact that the proposed use is not compatible with upland zoning nor current public and community uses of the locally zoned marine area is still a concern.

As you have indicated in your letter *"The Minister recognizes Islands Trust's mandate as expressed through the Official Community Plan and corresponding Zoning Bylaws, and the importance of*

.../2

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

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

representing the views of those who live and work within the jurisdiction of the Thetis Island Local Trust Committee.” It is in this context that the LTC finds the Abrupt Shellfish Inc’s rezoning application incompatible with the local community expectations regarding the proposed industrial uses of the marine area. The proposed aquaculture operation is in a very visible, well used and highly appreciated area that is extremely valued for its natural and recreational values by residents and visitors alike. In addition, the proposed industrial uses could displace and disrupt common recreational and boating uses.

As you have pointed out, our *“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”*. The LTC and the community do not find that this change of use is compatible with the *“Fisheries and Oceans Canada (DFO)’s mandate for the conservation and protection of fish and fish habitat”*. The staking, netting and liquefaction of the seafloor, which are methods used in the raising and harvesting of geoducks, in our opinion, do not protect fish habitat.

You also state that *“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.”* and that *“DFO approved this application and licensed this facility in January 2020.”* The tentative approval was done prior to consideration of the LTC and community regarding the compatibility of these uses in the existing zone in the zoning bylaw. We encourage DFO to be clear with applicants that compliance with zoning bylaws is an integral part of the licence application approval process.

The Thetis Island community has been clear that aquaculture uses are not compatible with local uses particularly with upland zoning, that is residential, institutional and recreational. The existing historic aquaculture uses are tolerated by the community, but the Thetis Island LTC holds that an expansion of operations into a zone that does permit this use is not acceptable.

The current zoning, as outlined in the [Thetis Island Land Use Bylaw No. 89](#), in the area being proposed for aquaculture operation is Water 4 (W-4). The principle permitted uses in the W-4 zone are:

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

With regards to your remarks that our concern about hazards to navigation is best addressed to *“Transport Canada (TC), who issued approvals under the Canadian Navigable Waters Act and associated Navigable Waters Works Regulations, in order to protect open waterways for transportation and recreation”* and that *“Transport Canada approved this application and issued approval for this facility in August 2019”* we wish to point out that this approval was done without consultation of the local community, and we suspect Transport Canada considered external information only provided by the applicant. The area concerned is highly utilized by recreational boaters to anchor throughout the year. The placement of netting on the seafloor could certainly be a hazard to navigation.

The Thetis Island LTC would like to add that a recent rezoning of an area adjacent to the proposed lease has been zoned to specifically exclude aquaculture. This further illustrates the community’s lack of support for such uses and any potential future expansion to other adjacent areas.

Amber MacDonald

April 30, 2024

Page 3

As stated in our November 20, 2023 letter the community has no interest in, or benefit from, the proposed commercial activities which would be conducted in close proximity to a populated residential area and potentially impact recreation and environmental values held dear by our community.

I ask you to consider the original remarks regarding our community's concerns and our Official Community Plan (OCP).

For clarity the community concerns are as follows:

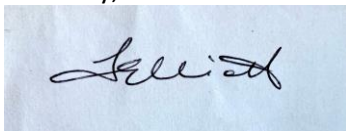
1. The large scale nature of the proposed commercial infrastructure of underwater staking netting and anchors.
2. The potential negative impacts the proposed operation may have on environmental/ecological features, flora and fauna;
3. The potential negative impacts to the natural visual/scenic features of the area from the use of mooring buoys and navigational lights associated with the proposed operation;
4. The potential impacts to recreational boaters that frequent the area year round from the proposed operation;
5. Potential conflicts between the proposed operation with other recreational uses, and potential conflicts between the proposed operation and adjacent upland properties that are zoned recreational or residential or recreation marine uses;
6. Potential negative impacts from the operation to local marine and adjacent upland tourism, and the enjoyment of residential properties;
7. Conflict with Thetis Island Official Community Plan Policy 2.7 Mariculture and Sections 3, 4 and 5 of the Islands Trust Policy Statement.

It is important to note that the LTC is not down zoning the existing uses or asking for existing leases to be revoked in the area; however, the LTC does not accept: the expansion of use or change of species on existing leases or that new leases be provided.

The Thetis Island Local Trust Committee asks the Ministry of Land, Water and Resource Stewardship to respect this community and the Local Trust Committee's rejection of this rezoning application by denying issuance of the tenure for Crown Land File 1414783, which is subject to the use being in conformance with local bylaws.

The LTC would be happy to meet with you to discuss, if further clarification is required.

Sincerely,



Tobi Elliott

Chair, Thetis Island Local Trust Committee

cc: Thetis Island Local Trust Committee
David Travia, Executive Director, Fisheries, Aquaculture and Wild Salmon, Ministry of Water, Land and Resource Stewardship
Paula Mackay, Director of Authorizations, West Coast Region, Minister of Water, Land and Resource Stewardship

Amber MacDonald

April 30, 2024

Page 4

Islands Trust Executive Committee
Islands Trust Website