

REGIONAL DISTRICT OF NANAIMO

**COMMITTEE OF THE WHOLE
TUESDAY, APRIL 23, 2002
7:30 PM**

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 3-52 **Joe Truscott, Coast & Marine Planning, Ministry of Sustainable Resource Management, re Baynes Sound Action Plan.**

MINUTES

- 53-58 Minutes from the Committee of the Whole meeting held on Tuesday, March 26, 2002.

BUSINESS ARISING FROM THE MINUTES

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- 59 **Dan Whiting, School District 69, re Appointment of Trustee Barbara Ferry to the D69 Recreation Commission.**
- 60-62 **Jerri New, Office & Professional Employees International Union re BC Hydro. (The information package is available from Administration.)**

DEVELOPMENT SERVICES

BUILDING INSPECTION

- 63-64 Section 700 Filings.

PLANNING

- 65-85 OCP/Zoning Bylaw Amendment for E&N Railway Corridor.
- 86-91 Delegation of Authority Amendment Bylaw No. 1166.01 - Home Lake - Area H.
- 92-138 Home Lake Regional Park - Interim Management Plan.

COMMUNITY SERVICES

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COMMISSION, ADVISORY & SELECT COMMITTEE

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

BOARD INFORMATION (Separate enclosure on blue paper)

ADJOURNMENT

IN CAMERA

-----Original Message-----

From: Truscott, Joe SRM:EX [mailto:Joe.Truscott@gems7.gov.bc.ca]
Sent: Tuesday, April 16, 2002 5:22 PM
To: Reynolds, Brigid
Subject: Committee of the Whole Meeting

HI Bridget:

As a follow-up to our telephone discussion today, I would like to confirm my request to make a short presentation to the Committee of the Whole on the Baynes Sound Action Plan on the evening of Tuesday April 23.

I will require about 20 minutes for the presentation and then am prepared to take questions afterwards at the committee's convenience. I will bring some over head transparencies and maps as well. Would it be possible for an overhead projector to be available?

The draft plan that you saw on our website will still be under revision at the time of my presentation but I can give a fairly good idea of what is likely to be proposed in the final plan. This will be an opportunity for the committee to provide feedback for our consideration as we finalise the

plan. Since I won't have a copy of the revised plan available by the meeting, I suggest making copies of the draft plan you have for the committee members to review before the meeting.

Would you please confirm what time you would like me to arrive, if the committee agrees to have me present? Also I will require details on location.

Sincerely,

Joe Truscott
Sr. Coastal Planning Officer
Coast and Marine Planning

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*Baynes Sound Shellfish
Aquaculture Action Plan*

DRAFT

March 8, 2002

Ministry of Sustainable Resource Management
Resource Management Division

Introduction - Draft Baynes Sound Shellfish Aquaculture Action Plan

Thank you for your interest in this first draft of the Baynes Sound Shellfish Aquaculture Action Plan. The Action Plan has been developed with representatives of the provincial Ministries of Water, Land and Air Protection, Sustainable Resource Management, Agriculture, Fisheries and Food and Land and Water British Columbia (formerly B.C. Assets and Land Corp.). Fisheries and Oceans Canada provided technical information. We appreciate and acknowledge the valuable input contributed by individuals, associations, First Nations, Islands Trust and local governments.

An accompanying document, *A Review of Activities and Potential Environmental Effects Associated with Shellfish Aquaculture in Baynes Sound*, which was prepared by Archipelago Marine Research Ltd., is posted on the Sustainable Resource Management Website (<http://srmrpdwww.env.gov.bc.ca/coastal/planning/index.htm>). The Action Plan references this report for information on potential environmental risks.

This is the first draft of the plan and we want to invite input from the public and interested parties. It is based on preliminary research which was developed with client and community input. You are invited to read the plan and provide us with your thoughts and suggestions for improvement. Please make your comments as specific as possible. The deadline for final submissions is April 22, 2002. We expect the final plan to be completed and approved by April 30th.

Additional opportunity for clarification and discussion of the recommendations is being provided through two public open houses. The first is planned for the Union Bay Community Hall on March 22 from 2:00-8:00 p.m. Short presentations will be given at 4:00 and 6:00 p.m. The second open house is at the Denman Island Community Hall (back room) on March 23 from 9:00-2:00. Brief presentations will take place at 11:00 and 1:00.

Comments can be sent to: Christine.Askew@gems4.gov.bc.ca or by mail to: Christine Askew, Communications, Ministry of Sustainable Resource Management, 2080 Labieux Rd. Nanaimo BC, V9T 6J9.

Baynes Sound Shellfish Aquaculture Action Plan Project Team

Executive Summary

Baynes Sound is an important area to the shellfish aquaculture industry, which has operated in the area since the turn of the last century. Area residents and many other stakeholders, including fishers, recreationalists, and commercial tourism operators also greatly value the economic, environmental and social amenities in the area. While the aquaculture industry has requested additional shellfish farming opportunities, some residents and resource users oppose expansion, stating that the existing industry is creating environmental and aesthetic problems, has reduced the quality of life in Baynes Sound, is not complying with regulations and it not sustainable in the long run.

In order to address these issues, the Ministry of Sustainable Resource Management led an interagency planning team to develop this Action Plan.

Public Consultation

The public consultation process involved two main phases. The overall goal of being fair and transparent. The first phase involved meetings between representatives of the project team and stakeholders to identify issues to be addressed in the Terms of Reference. Following this, open houses were held on Denman Island and Fanny Bay to inform the public about the process and to solicit comment. The project team also met with members of the Qualicum and Denman Island communities.

Once the draft plan was completed, it was made available on the ministry's website. Several weeks afterward, two more open houses were held in Fanny Bay and on Denman Island to solicit more public comment before the plan was completed.

Environmental Impact and Risk Assessment and Decision Analysis

An assessment of existing scientific information found that most shellfish culture activities present a low risk of impact to the environment. Not all activities and interactions are exclusive to shellfish aquaculture, and other uses in the Sound may also have impacts on the natural environment. The exceptions to this were stream channelization, beach modification, driving on the beach and the use of predator netting, all activities that could pose environmental risks in some cases. The assessment identified a lack of information on birds and their interactions with shellfish aquaculture activities as a major data gap.

The assessment indicated potential for impacts are less for off-bottom culture than beach culture.

Compliance and Enforcement

The Action Plan identifies compliance as a significant issue and includes a compliance and enforcement strategy. Growers must comply with all relevant licensing and tenure agreements as well as regulatory provisions related to environmental protection and public health.

The strategy includes a collaborative enforcement strategy, increased education and monitoring, inspection and graduated enforcement activities to ensure compliance with regulatory provisions. In addition, enforceable Standards of Operations will be developed by the province based on the voluntary Code of Practice developed by the BC Shellfish Growers Association.

Management Areas for Shellfish Aquaculture

Using an ecosystem-based approach, the Action Plan identified six "Management Areas" which provide direction to future shellfish aquaculture development in the Sound. These areas include:

1. Off Bottom Shellfish Aquaculture Opportunity Area, where expansion or new off bottom tenures should be permitted.
2. Special Management Area (Off-Bottom culture) where some expansion of off-bottom culture may be permitted if development can avoid visual impacts and user conflicts.
3. Special Management Area (Beach Culture) where a small low visual impacts intertidal area may be developed that does not use predator netting or stream channelization.
4. Restricted Expansion Area (Off Bottom and Beach culture) where conflicts are higher but some limited expansion at existing sites subject to meeting site-specific requirements may be recommended.
5. Future Analysis Areas where current conditions may prevent development but may not in the future.
6. No Additional Development Areas where significant user conflicts prevent further development.

With the exception of management areas 2 and 3, no other development is recommended. The Action Plan recommends ongoing research, but no new tenures are allocated for intertidal culture, the requirement for netting, and that future stream channelization not be permitted without approval.

Plan Implementation and Review

No new tenure allocation is recommended until a number of compliance actions are completed and an enforceable Standard of Operations is developed and approved. This will enable implementation of better operational management of the existing industry. An ongoing Community Aquaculture Advisory Group is recommended as a method to keep the public informed about shellfish aquaculture in the Sound and as a feedback mechanism for ensuring the Action Plan is implemented effectively.

The Plan will be reviewed in 5 years, or when new information from research or monitoring warrants reconsideration of Plan recommendations. Comox Harbour, which is currently closed to development due to microbial contamination, may be considered for development at some point in the future.

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1.0 BACKGROUND AND PURPOSE

The following section briefly outlines the background leading to the development of the need for the Baynes Sound Shellfish Aquaculture Action Plan (BSSAAP).

1.1 Background to the Baynes Sound Shellfish Aquaculture Action Plan

Shellfish aquaculture has taken place in Baynes Sound since the early 1900's, when the Pacific Oyster (native to Japan, Korea and China) was first introduced to Fanny Bay. Since that time, both wild and farm harvesting of the Manila clam and the Pacific oyster in Baynes Sound have become an integral part of the local economy.

In November 1998, the province announced the Shellfish Development Initiative (SDI). Under this initiative, government would work with communities and the industry to discuss where new shellfish development could occur. The SDI was also intended to set regional targets for new tenures and to allow existing tenure holders to apply for expansion.

The Comox Valley Shellfish Steering Committee (CVSSC) was established under the Shellfish Development Initiative to identify opportunities for new shellfish tenures. The CVSSC included the participation of Land and Water BC, the Comox Valley Shellfish Producers Association or BCAL), Ministry of Agriculture, Food and Fisheries and Natural Resources Canada, Comox Strait Regional District, Island Trust and local stakeholders. From March to August 2000, the CVSSC met monthly to identify opportunities for shellfish farms. Despite a lack of consensus on identifying suitable areas for expansion, the CVSSC was disbanded.

In Baynes Sound, applications covering 141 hectares were submitted in April 2001, Land and Water BC (LWBC) had conditions approved for these expansions covering 141 hectares. The conditions on these expansions required applicants to receive approvals from local and federal governments. As of November 2001, 14 of the 33 applications, covering 78 hectares, had received all the approvals required to expand their tenures. Sixty of the 78 hectares were intertidal and 18 hectares were deepwater.

Although some expansions were approved and tenures issued on the west side of Baynes Sound, no tenures have recently been issued on the east side of the Sound because of zoning. Although zoning in that area had at one time supported shellfish aquaculture, in 1997 the Islands Trust responded to the concerns of Denman Island residents by changing the zoning from Aquaculture to Conservation.

Due to increasing concerns about the industry from residents and other resource users, as well as frustration from the shellfish industry that opportunities for expansion were not being made available, the Baynes Sound Shellfish Aquaculture Action Plan was initiated by the Ministry of Sustainable Resource Management (MSRM) in November 2001.

Land and Water BC, the agency of the province responsible for administering Crown Lands, agreed not to accept further applications for shellfish aquaculture pending the results of the Action Plan.

1.2 Issues and Perspectives to be Resolved

Non-aquaculture resource users generally do not object to shellfish aquaculture, but feel that, in Baynes Sound, the industry may be approaching its environmental and social carrying capacity and may, in fact, have exceeded it. Many people feel that intertidal oyster and clam culture have occupied the majority of the beaches, alienating a public resource from water sports and recreational shellfish harvesting. Some also expressed the view that clam culture has an impact on shorebirds because predator netting (called "car cover") removes intertidal food sources from bird diets and that it alters the intertidal ecosystem.

Upland residents, particularly those in the Deep Bay, Ships Point and Denman Island areas state that the industry has been escalating its use of aesthetically obtrusive technology for off-bottom culture. They feel this is causing visual and sound impacts as well as littering beaches with materials that float onshore from rafts and long lines. Additionally, some people feel that impacts are created when aquaculture operators drive along the beach to service tenures.

Some landowners feel that visual impacts from shellfish culture have reduced their property values and will continue to do so if the industry is allowed to expand. Many people concerned about the industry feel that regardless of the historical use of the area by the industry, recent developments have reduced the quality of life in the Sound. Some residents of Denman Island hold the view that the majority of the shellfish growers in Baynes Sound live on Vancouver Island and are therefore not part of their community.

Recreationalists and commercial tourism operators see offshore culture as interfering with water activities such as kayaking, ecotourism and recreational fishing as well as negatively affecting the environmental values those groups depend on. Tourism groups have indicated that the Sound is a high day use area and that Henry Bay is an essential area for anchoring in adverse weather. These groups find shellfish culture visually obtrusive and that obtrusive culture technology gets in the way of marine activities.

Commercial underwater herring harvesters have expressed concern that areas important for geoduck harvesting could be denatured or lost due to shellfish culture expansion.

The Sound has historically been an important spawning area for herring, although it is not possible to predict exactly when herring will spawn in the Sound from one year to the next. While all areas are considered to have spawned herring at one time or another, some areas are more important than others are. There are concerns that expanded beach culture and off-bottom culture will interfere with the gill-net and seine herring fishery and ability of the herring to spawn.

The shellfish aquaculture industry has indicated that it has a 60-year history of farming in Baynes Sound. It has stated that the Sound is an important and unique area for shellfish aquaculture due to good growing conditions and the nearby infrastructure. This makes the area particularly productive and economically viable. For all these reasons the industry feels modest additional expansion should be permitted.

Shellfish growers see themselves as environmentally sustainable and have put a great deal of effort into developing a voluntary Code of Practice and Environmental Management System. It recognizes that there are some operational, compliance and environmental management issues that have to be addressed, but believes that it is possible for the industry to expand and coexist harmoniously with other resource users and the environment.

There is a prevalent view within the industry that there are many environmental benefits from shellfish culture. Some of these may include: increased food biomass for foraging wildlife under floating operations, additional seed washed onto the higher beach areas above tenures that forms food for birds, and a strong advocacy to ensure that the marine environment is uncontaminated by sewage and agricultural runoff.

1.3 Purpose

As noted above, uncertainty exists in Baynes Sound regarding opportunities for expansion of current tenures and opportunities for new shellfish farmers to secure tenures. The province hopes to balance social and environmental issues and the needs of other resource users with the provision of economic opportunities for coastal communities.

The purpose of the Action Plan, through a transparent and science-based approach, is to:

- Address concerns of upland residents, fishery resource users and the aquaculture industry by documenting problem areas and developing workable industry management tools to apply where required;
- Identify whether or not any additional areas are suitable for further shellfish aquaculture development; and,
- Ensure that, if any shellfish aquaculture expansion does take place, it does so in an environmentally sustainable fashion.

The study area for the plan includes near-shore waters in tidal areas within Baynes Sound. The study area extends four to five hours high tide. See Appendix A for complete terms of Reference.

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2.0 DESCRIPTION OF THE STUDY AREA

2.1 Biophysical Environment

Baynes Sound is located between Vancouver Island and Denman Island just south of Courtenay and north of Parksville. The study area includes the large Comox Bay Estuary and the embayments near Mapleguard Point as well as the west shoreline of Denman Island.

Baynes Sound comprises approximately 9,000 hectares of shoreline and aquatic areas with a variety of geophysical characteristics. The Sound consists of a shallow coastal channel fringed by protected bays, open foreshore, intertidal mud and sand flats, low grade deltas, tidal estuaries, inshore marshes and rocky shorelines. Comox Harbour is one of the largest low-gradient deltas on the east coast of Vancouver Island.

Baynes Sound supports a variety of plant life and provides biologically diverse habitats for bird and marine species. These rich, productive habitats are a result of the combination of sheltered water, low gradient tidal areas, fine substrates and nutrient-rich freshwater input. Several of these areas have been incorporated into Wildlife Management Areas and reserves.

Baynes Sound supports a wide variety of aquatic invertebrates including oysters, Olympia oysters, footed mussels, yellowish limns, blue clams, little neck clams, butter clams, geoducks, horse clams, basket oysters, shell crabs, Baltic macomas, blue mussel macomas, and pointed macomas.

Baynes Sound is an important breeding and rearing area for migratory birds and is considered to be the most important area of shore habitat in British Columbia after the Fraser River estuary. Over the course of the year, more than 176 bird species use the area. Of these, 20 species are on the British Columbia Conservation Data Centre list as being species of concern, while 4 are considered threatened.

Globally significant populations of nine species of birds including trumpeter swans, great blue herons and Pacific loons use the area. The Canadian Wildlife Service ranks the area as a critical bird area. The Sound is an important part of a large system of wildlife corridors, linkages and migratory paths in the ecological region of Vancouver Island's East Coast and the Gulf Islands.

Numerous salmon-bearing streams enter the waters of Baynes Sound. These streams provide spawning and rearing habitat for coho, chum, chinook, pink, sockeye, coastal cutthroat and steelhead salmon in addition to other fish species. Estuaries provide important habitat for the early life stages of some salmonid species. The Sound is also one of the most productive Pacific herring spawn areas on the BC coast.

2.2 Economic and Social Activities

Baynes Sound is one of the most important areas for shellfish aquaculture production in B.C. The area produces approximately 50% of the province's cultured shellfish. The major commercial bivalves are oysters and manila clams. The industry in Baynes Sound is currently developing a geoduck clam culture that has significant potential. The aquaculture industry generates \$6 million in produce per year and it is estimated that over two hundred full-time individuals are employed in the Baynes Sound area.

The roe herring fishery in this area is extremely important to the fishing industry with 2001 catches amounting to approximately 8,400 metric tonnes for the seine fleet and 400-1000 tons for the gillnet fishery, for a total landed catch of 15-25 million dollars. Baynes Sound accounts for 100% of the seine fleet and a significant portion of the gillnet fleet on the British Columbia coast. Geoduck, sea urchin, prawn and commercial clam fisheries are also active in the Sound.

Baynes Sound is an important destination for many recreationists visiting the Comox Valley. Tourists and local residents alike use the recreation sites. Popular activities such as boating, beach combing, sport fishing, kayaking, and marine wildlife viewing are dependent on access to the foreshore and adjacent waters. Tourism related businesses such as bed and breakfasts, water and land tours and gift shops cater to the influx of tourists and are a major economic contributor to the local economy.

Baynes Sound is an important transportation corridor for commercial fishing vessels and pleasure craft, as well as the ferries travelling between Vancouver and Denman Island.

Upland areas around the Sound are utilized for agricultural, forestry, settlement and other commercial and recreational purposes.

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3.0 THE CONSULTATION PROCESS

3.1 Public Consultation

The Baynes Sound Shellfish Aquaculture Action Plan process provided opportunities for local governments, First Nations, stakeholder groups and the public to provide comments, advice and recommendations on the future of aquaculture.

The consultation process was started with public meetings in Fanny Bay and on Denman Island in November 2001. The purpose of these meetings was to review the Terms of Reference for the Action Plan and to receive input on key issues from the local residents.

During the public meetings, participants were provided an opportunity to meet with the project team and review the preliminary maps of Baynes Sound. Feedback questionnaires and maps were provided for attendees. In total approximately 300 people attended the meetings and approximately 65 questionnaires were returned. Feedback from these questionnaires was compiled into an "issues tracking" document that attempted to provide answers to how the Action Plan would address concerns and questions posed by the public. A number of groups have submitted comments and a document outlining their specific concerns. The complete list of issues and responses can be found in Appendix B.

In March, the Draft Plan was prepared and placed on the internet for public comment. Open Houses were held locally that invited stakeholders and the public to comment on the plan and provide advice and feedback to the project team.

See Appendix A for the Terms of Reference, description of the project workplan and stakeholder groups involved.

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4.0 ENVIRONMENTAL ANALYSIS

4.1 Approach to Assessing Environmental Impacts

During consultations with local community members it became clear that many people felt that the shellfish aquaculture industry was having an impact on the environment of Baynes Sound. Several reports on interaction between shellfish aquaculture operations and the environment in Baynes Sound had been completed prior to initiation of the Action Plan. They included:

1. A Review of the Impacts of Shellfish Aquaculture Lease Operations on Marine and Shorebird Species in Baynes Sound, British Columbia by Axys Environmental Consulting in 2000; and,
2. Phase 0 - Review of Environmental Impacts of Intertidal Shellfish Aquaculture in Baynes Sound by the Pacific Science Assessment and Review Committee (PSARC) in 2001

In 2001, the Ministry of Agriculture Food and Fisheries conducted a literature review of the environmental effects of shellfish aquaculture.

Notwithstanding this information, opinions differ regarding the level of environmental risk associated with shellfish aquaculture. Stakeholders may feel that sufficient environmental information to make decisions while they believe that extensive ecosystem research is necessary before decisions can be made.

In order to recognize existing work and to approach the environmental issues in an objective and scientific manner, the MSRM contracted Archipelago Marine Research Ltd. to:

1. Review the available data and reports;
2. Provide an executive summary of the identified areas of potential effects;
3. Prepare a risk assessment of both intertidal and off-bottom culture for Baynes Sound;
4. Identify information gaps;
5. Recommend areas where additional information is required; and,
6. Develop a decision analysis framework to indicate the kinds of decisions that could be made given the available information.

The Archipelago Marine Research report resulting from this contract is presented as a technical appendix to this plan and can be found on the MSRM website.

4.2 Spatial Extent of Aquaculture Tenures in Baynes Sound

Another source of contention discussed during the plan was the actual amount of shellfish aquaculture tenures that exist in Baynes Sound. A spatial analysis of these tenures is included in the following table. The map on the following page shows the overall planning area, shellfish aquaculture tenures and the areas upon which the spatial analysis is based.

Table One: Approximate areas and percentages of water and beach occupied by shellfish aquaculture tenures (as of April 2001)

Baynes Sound: Total Area of intertidal beach (ha)	1650	28.6
Area of beach under beach culture tenures (ha)	473	
Baynes Sound: Total Area of water (ha)	3987	1.5 ¹
Area covered by off-bottom culture tenures (ha)	61	
Baynes Sound: Total Area of water and intertidal beach (ha)	5637	9.4
Area covered by off-bottom culture tenures (ha)	534	
Open water: No. of Bays (ha)	1829	<0.2%
Area covered by off-bottom culture tenures (ha)	1.9	
Comox Harbour: Total area of intertidal beach (ha)	565	3.4%
Area covered by beach culture tenures (ha)	19	
Comox Harbour: Total area of water (ha)	300	0
No off-bottom tenures	0	

Table One (from Archipelago Marine Research report) shows that, of the 1,650 hectares of intertidal beach area in Baynes Sound, 473 hectares are under tenure, representing about 29% of the total beach area in Baynes Sound.² Of the 3,987 total hectares of water area in Baynes Sound, only 61 hectares were allocated to tenure, representing less than 2% of the area of the Sound. Less than 4% of the intertidal area of Comox Harbour is under tenure.³

Analysis of air-photos taken in June 2001 indicated that approximately 76 ha, or predator netting covers about 5% of the total intertidal area of Baynes Sound. This same analysis indicates that predator netting may cover approximately 0.05% of all eelgrass beds in Baynes Sound. This will require field verification.

²This 1.5% represents the whole water area of Baynes Sound, of which some areas would not be suitable for off-bottom shellfish aquaculture. The figure would be higher if only suitable areas were factored.

³It should be recognized that each beach is different, and varies in composition, productivity, value to wildlife and suitability to aquaculture. See the Archipelago Marine Research report for more details.



⁴For comparison purposes, there are 67 non-aquaculture related foreshore tenures totalling 210 hectares, 92 hectares of intertidal wildlife reserves, and 134 hectares of subtidal shellfish reserves in Baynes Sound.

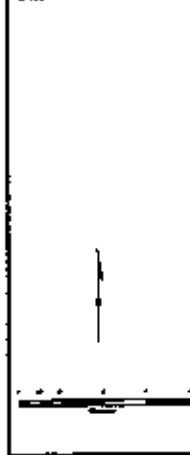
Baynes Sound Shellfish Action Plan
Map 1 - Fishing Area & Shellfish Aquaculture Testes



Prepared For:
Coastal Resource Planning Branch

Legend

 Shellfish Aquaculture Testes
 Fishing Area



Decision Support
Services

Member of the Ministry
of Environment

Created by: JES
Date Created: February 2002
Reference: A02253.7
Project Name: Shellfish Aquaculture Testes
Client: DFO/DFP
Drawing No.: 2-0000

4.3 Results of the Environmental and Decision Analyses

A number of impacts can potentially occur from both beach and off-bottom culture activities. Based on a rating of potential impacts in terms of severity, duration and extent, shellfish culture activities, with a few exceptions, generally present a low risk to the environment.

There are uncertainties associated with risk of impact on shorebird habitat and this factor was weighted quite heavily in the determination of Management Emphasis Areas described in section 6.0 of this plan. The risk of environmental impact is less for off-bottom culture than beach culture. As a result, most of the management considerations concerning off-bottom culture opportunities relate to resource use conflicts.

A number of conclusions and recommendations related to environmental impacts can be derived from the preceding information (for a full description, see the Archipelago Marine Research report):

1. Clam Beach Culture:

- Baynes Sound is a particularly important area for bird use;
- The primary concerns related to beach culture are related to the potential impacts on shorebird habitat;
- Medium severity but considerable uncertainty exists as to what level of risk can be assigned to predator netting; continue to that steps in ecosystem studies;
- Predator netting probably poses a low risk to birds foraging in Baynes Sound; and,
- The plan should consider additional monitoring of intertidal areas requiring the use of predator netting until additional ecosystem studies can reduce the uncertainty associated with the impact of predator netting on birds.

2. Oyster beach culture:

- Oyster beach culture presents a low risk of impact on intertidal habitat, but that risk is not zero;
- A relatively high percentage (over 28%) of Baynes Sound intertidal area is tenured for beach culture, most of which is for oyster culture.

3. Stream channelization:

- Stream channelization is likely to have a high severity and medium duration impact on streams and fish habitat;
- This represents a high risk of impact; and,
- There should be no further channelization of streams.

4. Beach modification:

- Habitat modification during beach culture has a potential to both positively and negatively impact shore spawning species such as sand lance and smelt through habitat creation and disruption, respectively;
- There is uncertainty regarding severity and duration, which may or may not be high, but has a potential for significant impacts;
- There is a data gap in terms of where and when these species spawn on the beach; and,
- A survey of spawning location and timing would be relatively inexpensive and provide a valuable clarification on relative risk as well as time windows for beach modification if the risk is unacceptable.

5. Driving on the beach:

- This activity has the potential to modify habitat;
- The level of risk may be high or low depending on site-specific location habitat characteristics and history;
- An evaluation to determine site-specific impacts will be made of each circumstance regarding vehicle access; and,
- Mitigation may be required, where necessary and appropriate.

6. Decision Analysis:

- Conflict and environmental management issues associated with resource development requires a combination of both scientific and non- scientific information.
- All resource development issues carry some level of risk and decision making needs to take account of the level of risk and ways to avoid or reduce it where unacceptable ;
- Decisions should be innovative and adaptive in order to address complex issues in a fair manner; and,
- Resource allocation decisions should demonstrate a high level of transparency through monitoring and evaluation mechanisms that gain public trust and willingness to accept change. Monitoring is a significant component of an adaptive management approach.

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5.0 COMPLIANCE AND ENFORCEMENT

5.1 Introduction

Discussions during the consultation process indicated that regulation of the shellfish industry in Baynes Sound was a significant concern. As noted in section 1.2, residents in the area noted specific issues with noise pollution, industrial debris, driving on beaches and lack of washroom facilities for the workers. The general belief appears to be that the industry is not sufficiently regulated by government and existing regulations are not being enforced. The consultation process also revealed that individuals were uncertain as to the process for registering their concerns regarding shellfish culture operations.

This section begins by providing a brief overview of the current compliance and enforcement regime that applies to shellfish aquaculture farming practices. The section then moves on to identify a new compliance and enforcement plan for Baynes Sound which will address the concerns identified during the consultation process.

5.2 Current Practices and Requirements

Shellfish aquaculture farmers are required to comply with government regulations and information sheets. In addition, many growers follow a Voluntary Code of Practice developed by the British Columbia Shellfish Growers Association (BCSGA). Some of these current rules include:

5.2.1. Management Plan and Aquaculture Licence

All shellfish aquaculture farmers must have an approved Shellfish Management Plan prior to receiving tenure for shellfish culture. The applicant must include the following in their Management Plan:

- Description of the Site. This is a legal description of the boundaries of the tenure;
- Schedule of Development. This covers the approved culture species, grow-out systems, list of structures and facilities such as floats and markers; and a five year plan for achieving full production;
- Operational Facilities and Layout. Includes a Canadian Hydrographic Services marine chart identifying other users in the area; a top viewed map that illustrates the operations; and a detailed illustration of all ropes, cables, anchors, anchor lines, grow-out units, and rafts; and,

There are a number of general terms and conditions specified in the aquaculture licence and additional terms and conditions may be attached to individual aquaculture licences.

The Management Plan forms the specific conditions of the Aquaculture Licence. If the Management Plan is not adhered to, possible consequences can include fines or the loss of the Aquaculture Licence and/or tenure.

5.2.2 Legislative and Regulatory Provisions

All shellfish operators must comply with the legislative and regulatory framework associated with shellfish aquaculture activities, including all appropriate governing statutes and regulations. There are over thirty-five provincial and federal statutes and regulations that apply to shellfish farmers.

The onus is on the shellfish farmer to adhere to these regulations. Compliance and enforcement is maintained through:

- Voluntary adoption of the BCSGA Code of Practice;

- On-site inspections by MAFF Inspection staff; and,
- Concerns registered with agencies such as MAFF and the Farm Practices Board.

Section 5.3 identifies how each of these enforcement/compliance mechanisms will be enhanced.

5.2.3 BCSGA Voluntary Code of Practice

The BCSGA has developed and published a Code of Practice (COP) which is part of their Environmental Management System. Full details can be found by contacting the BCSGA. The COP addresses the following issues.

- | | |
|--|---|
| • Waste Management | • Controls on Transplant and Import of Stocks |
| • Public education | • Biofouling Control |
| • Access Private Property and Riparian Rights | • Tenure Modification |
| • Noise Abatement | • Vehicle Operation |
| • Use of Artificial Lights | • Vessels and Marine Equipment |
| • Odour Control | • Visual Navigation Safety |
| • Chemical, Fuels and Lubricant Handling and Storage | • Harvesting Seed collection, Setting and Nurseries Operation |
| • Site Density and Carrying Capacity | • Equipment and Construction Standards |
| • Minimising Interaction with the Environment Including Predator Control | |

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It is anticipated that these issues, which form the basis of the voluntary BCSGA Code of Practice, will be incorporated into enforceable Provincial Standards of Operation with a completion target of late in 2002.

5.3 An Action Plan for Compliance

5.3.1 Compliance with Management Plans and Aquaculture Licenses

In recognition of the concerns expressed through the consultation process, the following actions will be taken to ensure compliance with Management Plans and Licenses:

a) Review of Aerial Photographs

Part of the compliance strategy for Baynes Sound involves the collection of aerial photography taken during a period of extreme low tides in June 2001. These photographs were transformed into digital images for use in a Geographic Information System and provide an aerial view of the entire coastline. This provides a preliminary assessment of types of structures on tenures and may indicate any trespass or habitat alteration issues.

These images will be compared with Management Plans to ensure that only authorized species and structures (such as clam netting, rafts or longlines) are in place. Apparent license violations will be investigated, and where appropriate, sanctions will be applied.

b) Review of Historic Data

Historic information may already exist within individual files that indicates non-compliance issues. These will be reviewed with information gathered from the aerial and field surveys to determine if unauthorized changes have been made.

c) Detailed Site Inspection for Baynes Sound

Beginning with the first appropriate daylight low tides in April 2002, MAFF Fisheries Inspectors, staff from Land and Water British Columbia (LWBC), Ministry of Water, Land and Air Protection (MWLAP) and Fisheries and Oceans Canada (FOC) will conduct detailed site inspections on all shellfish tenures within Baynes Sound. During these inspection trips, inspectors will compare field observations with approved Management Plans and all appropriate legislation and regulations. A detailed report will be prepared to identify the level of compliance with Management Plans and Aquaculture Licences. The appropriate compliance or enforcement action will be taken either on-site or via necessary follow-up.

5.3.2 Compliance with Legislative and Regulatory Provisions

A number of specific issues have been raised by the public regarding farming practices in Baynes Sound. Existing legislation and regulations address the majority of these issues and many are addressed with the BCSGA Codes of Practice. Compliance with these existing regulations and codes is key to resolving a number of issues that have been raised by the public.

Certain issues, such as those from land adjacent to the aquaculture tenures, require specific enforceable actions and will be considered by the department in its Provincial Standards of Operation.

5.3.3 Compliance with BCSGA Code of Practice

As noted above, the BCSGA has developed a Code of Practice (COP) that is part of their Environmental Management System. However, the compliance strategy for Baynes Sound will be to ensure that the industry is adhering to its own Code of Practice. A checklist based on the Code has been developed and this will be completed during the on-site inspection.

The assessment will be compiled for all the tenures in Baynes Sound and the results will be forwarded to the BCSGA and will also be available to the public. A copy of the checklist will also be forwarded to the tenure holder. These results will assist both government and growers to gauge the level of compliance and focus on outstanding issues.

5.3.4 A New Provincial Standard of Operation

The BCSGA's Code of Practice is a starting point for the province to develop enforceable Provincial Standards of Operation. It is anticipated this will be developed over the summer and fall of 2002.

Using the information gathered from the site inspections and input to the Baynes Sound Action Plan, a team of industry and government representatives will draft appropriate enforceable Standards of Operation. The team may also make recommendations regarding any additions to the voluntary Codes of Practice.

The new provincial Standards of Operation will be useful in ensuring that government(s), the public and aquaculture operators all have a clear understanding of what are acceptable operational practices within the shellfish tenure.

5.4 Responsiveness to Disputes

The consultation process identified a number of concerns with the process of dispute resolution. One of the main benefits of the Baynes Sound Shellfish Aquaculture Action Plan is the proactive identification of potential social and environmental conflicts. The open process has allowed the public to discuss their concerns and be involved in the decision-making process. However, the ongoing operations of shellfish growers may still generate legitimate concerns from residents and those with an interest in the long-term sustainability and operations of the industry. In an effort to address these concerns, an open and easy to understand dispute resolution process has been included as part of the BSSAAP.

5.4.1 Aquaculture and the Farm Practices Board

The main body that is responsible for overseeing the dispute resolution process around shellfish aquaculture is the Farm Practices Board. The Board was established by the *Farm Practices Protection (Right to Farm) Act* in 1996, and is responsible for providing a fair and equitable process for resolving farm practices disputes out of court. The *Farm Practices Protection (Right to Farm) Act* prohibits laws, regulations, bylaws, or other legal instruments that restrict normal farm practices while providing a dispute resolution process for resolving conflicts between farm operators and their neighbours.

The Farm Practices Board consists of 20 members who represent both farming and non-farming interests across the province. The Board is responsible for making recommendations regarding disputes where aquaculture operations are using normal practices.⁴

It should be recognized that the Farm Practices Board only deals with disputes over "normal" farm practice, not land-use or allocation issues. Land-use and allocation issues are addressed by Land and Water BC.

5.4.2 Dispute Resolution Options (see flow chart below)

Option 1.

A person with a concern about noise, aesthetics, or other disturbances arising from a specific aquaculture venture should initially contact the operator to discuss the concerns. In many cases, the operator may be able to explain the nature of the operation and/or resolve the concern at this local level.

Option 2.

If the person has talked to the aquaculture operator and has not been able to resolve their concern, OR, if the person would rather not talk to the operator, the person can use an informal "concerns" process by contacting the MAFF office. The contact number is located below.

MAFF staff will endeavour to develop a timely and reasonable resolution to a concern. Often peer advisors - aquaculture operators familiar with the farm practices in question - play an important role in such a resolution.

⁴ The fundamental policy of the *Farm Practices Protection (Right to Farm) Act* is that farmers have a right to farm in BC's important farming areas, provided they use normal farm practices and follow other legislation listed in the Act. The FPPA applies to all commercial aquaculture operations in the Province. Under the FPPA "Normal Farm Practices" are those conducted by a farm business in a manner consistent with proper and accepted customs and standards as established and followed by similar farm business under similar circumstances.

Option 3.

If the concerned party does not wish to approach the aquaculture operator or use the informal MAFF process, the person can file a formal complaint directly with the Farm Practices Board. The full process is outlined in Appendix C.

The Farm Practices Board will undertake an initial investigation by contacting all the interested parties and give the complainant the opportunity to be heard. The FPB then has a number of options:

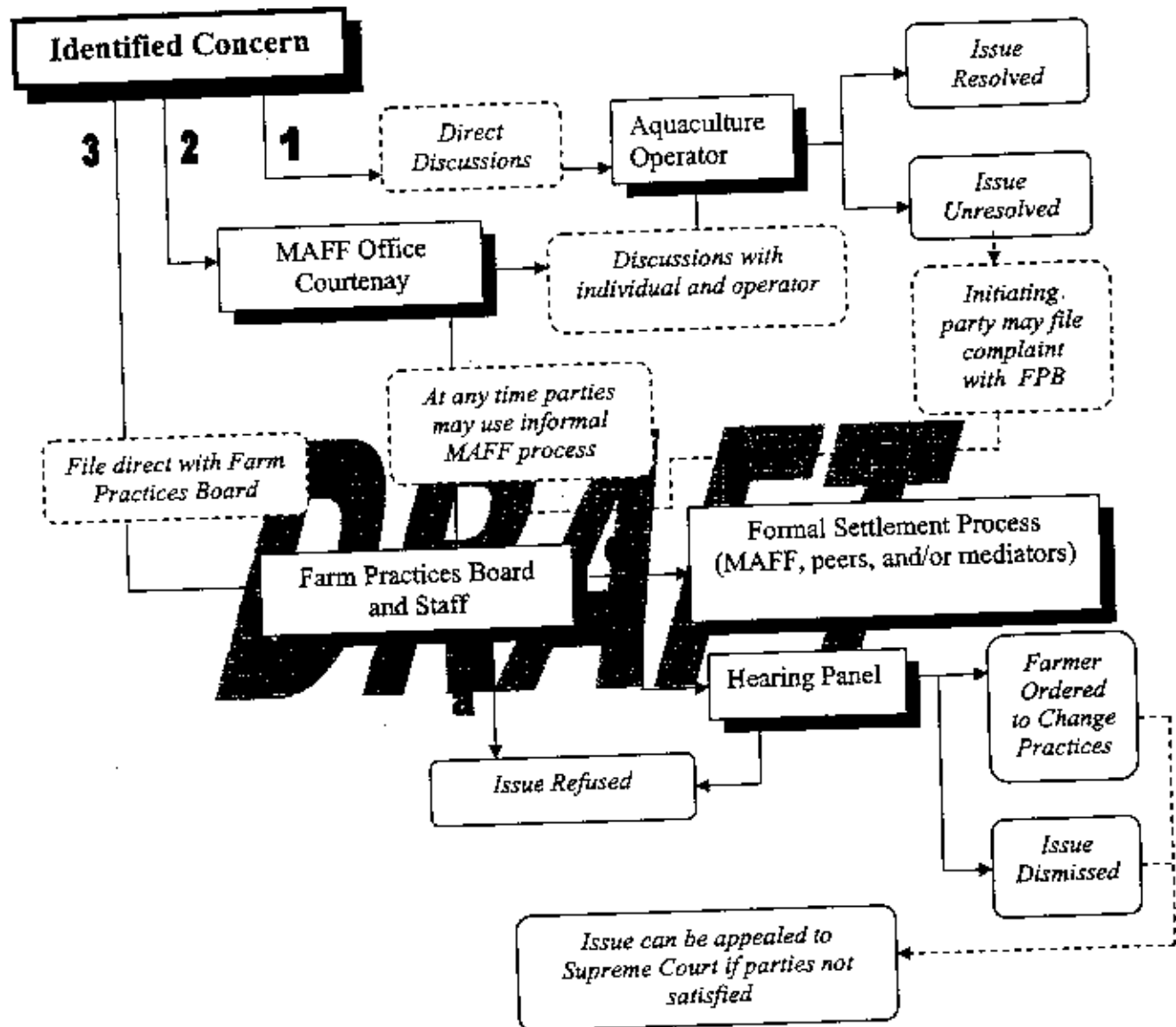
- a. The FPB can "refuse" the complaint if they consider it trivial, frivolous, vexatious or not made in good faith.
- b. The FPB can, if it is acceptable to all the parties, adjourn the matter to the informal MAFF "concerns" process.
- c. The FPB can use a formal "settlement" process that may include MAFF, peer advisors and/or a mediator. This FPB oversees this process.
- d. The FPB can convene a hearing. The hearing panel must either dismiss the complaint or order the farmer to cease or modify the practice in question. The panel may also refuse the complaint for reasons other than "a" above. FPB decisions may be appealed to the Supreme Court of British Columbia.

Contacts for Ministry of Agriculture, Fisheries and Food and the Farm Practices Board:

Farm Practices Board
3rd floor, 1007 Fort Street
PO Box 9129 ST. JAMES
Victoria, V8W 9B5

Ministry of Agriculture, Food and Fisheries
Aquaculture License and Compliance
Branch
2500 Cliffe Avenue
Courtenay, BC, V9N 5M6
250-897-7540

Dispute Resolution Process



6.0 MANAGEMENT AREAS

6.1 Analysis and Method

A significant component of this planning process has been to determine if, given competing resource interests and environmental values, there are areas within the Sound with opportunities for future shellfish aquaculture development.

To accomplish this the project team mapped various commercial and recreational uses in the Sound, such as commercial fisheries (e.g. geoduck, herring, sea urchins, prawns) and sea kayaking. Existing shellfish aquaculture tenures were also mapped, as were outstanding shellfish applications and areas of future interest.

Various maps of natural values were also generated, including eelgrass beds, clam beds, salmon streams, kelp beds, red and blue listed species, and areas used by waterfowl and migratory birds.

Once all the uses and resources were mapped and the issues raised by area residents and stakeholders documented and considered, the project team undertook a spatial analysis to identify potential conflicts between shellfish aquaculture and other coastal uses in the Sound. Based on this spatial analysis, Management Areas were identified to address potential aquaculture development. The map of Management Areas is located in Appendix D.

6.2 Management Area Descriptions

The purpose of this plan is to identify a list of areas, where, if any, are suitable for shellfish culture. The "Management Area" system was developed to direct future shellfish aquaculture development and provide recommendations for operational conditions of new shellfish tenures. Appendix D has the rationale for how these areas were developed, and Appendix E has a map of the Management Areas.

6.2.1 Off Bottom Shellfish Aquaculture Opportunity Area

This area is located along the lower, west side of Denman Island north of, but not including Metcalf Bay. Given the values and concerns in the area, the following management direction should be considered for aquaculture in the area:

- a. New off-bottom culture should be permitted, based on low visual impact and reduced number of conflicts.
- b. No new or expansion of beach culture. The rationale for this is because of potential conflicts with natural values and other resource uses and the existing intensive beach culture use.
- c. Operator should adhere to the BCSGA Code of Practice until the province completes the provincial Standards of Operation.
- d. Use of sound abatement technology.
- e. Subject to prescriptive advice from referral agencies
- f. No stream channelization

6.2.2 Special Management Area (Off-Bottom Culture)

This area is located along the upper west side of Denman Island around Denman Point. Given the values and concerns in the area, the following management direction should be considered for aquaculture in the area:

- a. Expansion or new off-bottom culture tenures limited to:
 - i. Operations with minimal above water surface structures except for coast guard markers

- ii. Operations using equipment that is unobtrusive in terms of sound generation
 - iii. Mitigation of impacts on herring fishery.
 - iv. Daytime operations only.
- b. No new tenures or expansion of beach culture tenures. The rationale is based on potential conflicts with natural values and other resource uses and the existing levels of intensive beach culture use.

6.2.3 Special Management Area (Beach Culture)

This area is located around Base Flat on the east side of Vancouver Island. Given the values and concerns in the area, the following management direction should be considered for aquaculture in the area:

- a. Limited opportunity for new tenures or expansion of existing tenures (3.0 foot tide height) and above.
- b. No use of clam netting on the new or expanded tenures (3.0 foot tide height) and above pending the results of the scientific studies.
- c. Recommended intertidal expansion (below 3.0) to be based on increased potential for environmental impacts because of increased exposure to wave action. No additional off-bottom tenures during construction to avoid visual impacts and herring fishery.
- d. No channelization or stream modification.

6.2.4 Restricted Expansion Areas (Off-bottom Beach Culture)

This area is located on the east side of Vancouver Island between Base Flats and Comox Harbour. Given the values and concerns in the area, the following management direction should be considered for aquaculture in the area:

- a. Expansion limited to areas contiguous with existing beach and off-bottom tenures at existing sites only. The rationale is based on potential conflicts with natural values and other resource uses and the existing intensive beach culture use.
- b. Expansion applications should only be considered based on the results of detailed site-specific analysis of conflicts and ways to mitigate them.
- c. No clam culture or use of predator netting on intertidal expansion areas, where areas are important for bird use, pending the results of scientific studies.
- d. No stream channelization

6.2.5 Future Analysis Areas

These areas are located along in Comox Harbour and on Union Point on the east side of Vancouver Island. Given the values and concerns in the area, the following management direction should be considered for aquaculture in the area:

- a. Given the environmental and social concerns and constraints of these two areas, aquaculture is not considered at this point in time. It may be re-evaluated at a point in the future.

6.2.6 No Additional Aquaculture Areas

There are four areas in which further aquaculture will not be considered. There are on the very south end of Denman Island, midway up the west side of Denman Island, and the are from Fanny Bay, Ship's Point and Mud Bay on Vancouver Island.

- a. No new tenures or expansion of existing beach or off-bottom tenures, due to existing intensive beach culture use of the area, potential herring fishery and other conflicts,

visual impacts, anchorages, potential, but uncertain impacts on shore bird habitat, and use of the area for recreational or conservation purposes.

Note: None of these designations preclude the need for site-specific application review through the Land and Water BC referral process (e.g. addressing Fisheries and Oceans Canada site specific concerns) or the need to address local government (e.g. Islands Trust) zoning issues where this zoning may preclude development.

6.4 Shellfish Aquaculture Opportunities and Considerations In Baynes Sound

6.4.1 Beach Culture Opportunities and Considerations

Given the level of environmental uncertainty associated with the potential impacts of clam netting on birds, and the fact that clam beach netting already occupies almost 5% of the intertidal area of Baynes Sound, this plan has been extremely conservative with the expansion of further intertidal areas for shellfish beach culture.

There are two small opportunity areas for beach culture. One is located on west side of the Sound and has been designated a "Special Management Area - Beach Culture Management Area 3). The other area is located on the east side of the Sound on the shore of Vancouver Island.

6.4.2 Off-Bottom Culture Opportunities and Considerations

The risk of environmental impacts from off-bottom culture is considered to be low, but many of the areas under application for permits to the herring fishery are subject to considerable resource use conflicts. In terms of management emphasis Areas, where conflicts are considered minimal.

All areas in Baynes Sound have the potential for herring fishery impacts, however the changing spatial location of herring spawn areas make planning around this fishery a real challenge. The plan seeks to recognize the importance of the herring fishery by offering aquaculture development opportunities in areas of low conflict.

7.0 IMPLEMENTATION OF THE ACTION PLAN

7.1 Actions and Timelines

In order to ensure the spirit and intent of this plan is implemented, a number of **short term** actions need to be taken before new shellfish aquaculture tenures are issued in Baynes Sound. The plan recommends that Land and Water BC not issue new tenures fronting Vancouver Island until these actions are completed. They may include, but are not limited to:

1. Review of aerial photographs to screen for possible tenure infractions;
2. Reviewing historic data and files to scope non-compliance issues;
3. Site inspections of all aquaculture tenures in Baynes Sound;
4. Development and approval of an enforceable Standards of Operations for shellfish aquaculture; and,

The Plan recommends that Land and Water BC not issue new tenures fronting Denman Island until the following is completed:

4. Resolve zoning conflicts between the Trust and the Province on the use of Denman Island.

In addition to these short term actions, a number of **medium term** actions are required to resolve conflicts and develop greater sustainability. They may include, but are not limited to:

1. Developing a Code of Practice based on the BCSGA Code of Practice;
3. Developing a role for the community in monitoring and informing themselves on the on-going operations of shellfish growers in Baynes Sound; and,
4. Facilitate and support scientific research and studies to increase knowledge about the interactions between shellfish aquaculture and the marine environment, particularly focusing on waterfowl and birds.

7.2 Community Aquaculture Advisory Group

One source of community conflict is often a lack of current and accurate information. Another is the absence of a useful and timely forum for discussion and feedback. Both these issues can be addressed through the creation of a community-based "Aquaculture Advisory Group." This Action Plan proposes that a Community Aquaculture Advisory Group may be a useful tool for enhancing communication in Baynes Sound.

It is proposed that everyone who has been involved in the Action Plan will be placed on a mailing list, maintained by the Courtney MAFF office. The Community Aquaculture Advisory Group would be invited to meet once a year. At the meeting, operators could discuss changes to operations over the year; government staff will present new information, studies, and the results of on-going monitoring. A field trip may also be scheduled. The mailing list may be used for mail-outs of new information or results of deliverables set out in the action plan. It is anticipated the first meeting may be held in the spring of 2003.

7.3 Plan Review

This plan will be reviewed in five years time. Recommendations may be subject to revision based on the results of ecosystem studies or ongoing monitoring. Comox Harbour, which is currently closed to development due to microbial contamination, may be considered for development at some point in the future.

Appendix A - Baynes Sound Terms of Reference

Terms of Reference for Development of the Baynes Sound Shellfish Aquaculture Action Plan

Rationale:

Background/Issues:

Historically, the shellfish aquaculture industry has used Baynes Sound (Figure 1) for shellfish aquaculture and considers the area to have additional culture potential. The industry believes that shellfish farming is an activity that is environmentally sustainable. While some applications for limited expansion were approved on the West side of Baynes Sound, none were approved on the East side because they did not meet zoning requirements. A shellfish aquaculture development community planning process failed because there was no agreement on suitable areas for new farm tenures. The industry has voiced concerns that the government has not provided for new development opportunities in the Sound.

Baynes Sound upland residents also value the area for amenities, including wildlife values and opportunities for tourism and recreation. Over the past several years many upland residents have repeatedly stated concerns about potential shellfish aquaculture development in the area and have asked the provincial government and local government (including the Islands Trust) to not approve any further shellfish aquaculture development in the area. Their stated reasons include resource use conflicts, insufficient compliance and enforcement, environmental and wildlife impacts, insufficient information to make siting decisions and lack of a complaint resolution process.

Response:

In response, the province has placed a hold on expansion and new development applications pending the results of this Action Planning process which has been designed to address issues raised by both shellfish growers and concerned upland residents. An interagency government project team developed these Terms of Reference based on consultations with key stakeholder groups.

Purpose:

The plan will:

- Identify whether or not any additional areas are suitable⁵ for further shellfish aquaculture development.
- Address concerns of upland residents, other fishery resource users and the aquaculture industry by documenting problem areas and developing workable industry management tools to apply where required;
- Ensure that if any shellfish aquaculture expansion does take place, it does so in an environmentally sustainable fashion;

Principles:

A number of principles will guide this planning process. These include:

- Adaptive: Be prepared to look at new solutions

⁵ Suitability is a determination of the acceptability of a development based on a technical analysis of its compatibility with environmental resources and other uses

- No pre-conceptions: Prepare the plan with no pre-conceived expectation of plan outcomes regarding shellfish aquaculture opportunities;
- Consultative: Strive to ensure that adequate opportunities are available for public consultation;
- Non-prejudicial: The plan will not prejudice First Nations treaty negotiations or discussions regarding pre-treaty or interim management discussions;
- Time-sensitive: Work to meet time deadlines, but be prepared to take extra time if required to gather additional information;
- Fairness: Treat all stakeholders equally.
- Respectful: Respect stakeholder concerns, the key role that the regional district and the Islands Trust play in zoning, and First Nations interests.

Plan Products

The Action Plan will generate a variety of products including:

1. Reports that:

- Describe the planning process and the planning information that was collected;
- Describe shellfish resources used in the plan area;
- Describe other fishery resources of significant importance or near shore waters;
- Describe physical, environmental, and biological resources in the plan area;
- Generally summarize possible positive and negative environmental effects from shellfish aquaculture with specific focus on effects on life, where possible, prioritize negative effects in terms of priority production including a review of an existing environmental assessment work already conducted in Baynes Sound as well as a review of other literature sources;
- Identify information gaps and priorities for further information collection;
- Recommend decisions that can be made given the current information available and based on an assessment of environmental risk;
- Identify areas considered suitable for additional shellfish aquaculture development, if any exist, depending on the results of the decision analysis;
- Describe existing local government zoning and process;
- If appropriate, recommend parts of the plan area for discussion with the Comox-Strathcona Regional District or the Islands Trust for rezoning;
- Recommend Shellfish Aquaculture farm practices to address identified problems in the plan area. These practices would inform the development of a provincial Standard of Operations for shellfish aquaculture;
- Present a compliance and enforcement plan, identifying responsible agencies, what regulations will be used, a monitoring plan and available remedies and penalties;
- Describe practices available to mitigate the identified environmental effects of shellfish aquaculture; and,
- Outline the complaint resolution process, including a list of the key contacts and the steps available for complaint resolution.

2. Map Products that include:

- Bathymetric and upland contours of the plan area;
- Shellfish Aquaculture Biophysical Capability⁶ maps;

⁶ Capability is the biophysical capability of local waters to be utilized for aquaculture, based on a technical analysis of the biophysical requirements of shellfish culture and oceanography of the area.

- Location of existing shellfish tenures and other uses, whether on Crown or private land;
- Local Government zoning maps
- Biological resource maps;
- Areas that may be suitable for additional shellfish aquaculture development, if any

Roles and Responsibilities:

The Ministry of Sustainable Resource Management (MSRM) will lead a project team that includes the Ministries of Agriculture, Food and Fisheries (MAFF) and Water, Land and Air Protection (WLAP), Land and Water British Columbia Inc (LWBC) and the federal Department of Fisheries and Oceans (DFO). Each of the project team agencies will be responsible for the delivery of components of the plan that are within their area of responsibility. MSRM has the role of overall project management and to maintain an equitable balance between social, environmental and economic sustainability perspectives.

• Project Team:

• MSRM

- Mike Lamb, Regional Director, Vancouver Region, Director, Coast and Inland Salmon Operations
- Joe Truscott, Coastal and Marine Planning Office, Victoria: Project Management, Coordination, liaison, reporting, environmental assessment and summary report preparation
- Rick Deegan, Analysis Support Services Director, Data compilation, analysis and report preparation
- Christine Askew, Communications Office, Vancouver Region: Communications packages, advice, information and assistance in coordination of public consultation and stakeholder meetings.

• MAFF

- Barron Carswell, Victoria: Lead on farm practices and compliance and enforcement plan, research and development, assistance on planning

• LWBC

- Jim Russell, Region: Lead on tenuring issues, assist on compliance and enforcement. Recently returned to MAFF.
- Duncan Williams, Aquaculture Manager

• WLAP

- Bill Hubbard, Vancouver Island Region: Environmental assessment, compliance and enforcement, wildlife information. Contact Environment for information regarding federally regulated migratory bird conservation.

• Department of Fisheries and Oceans:

- Randy Webb: Federal Fisheries Act, information on existing fisheries, Environmental Assessment, Canadian Environmental Assessment Act Requirements; navigation route regulation.

• Other Levels of Government: to provide community perspectives, information on zoning and review and comment on draft project materials:

- Islands Trust
- Comox-Strathcona Regional District
- Nanaimo Regional District
- Qualicum Indian Band
- Comox First Nation

- Stakeholder Groups (Focussed meetings periodically during project implementation to review and comment on draft products):
 - Alliance for Responsible Shellfish Farming,
 - BC Shellfish Growers Association,
 - Independent Shellfish Growers,
 - Vessel Owners Association (herring roe fishery),
 - Underwater Harvesters Association,
 - Area D Commercial Clam Harvesters,
 - Baynes Sound Roundtable.
 - Coastal Tourism Operators Association
 - Tourism Comox Valley
- The Farm Practices Board: advice on farm practices discussed in context with Farm Practices Protection (Right to Farm) Act.

Project Area and Scale:

- Includes all near-shore waters, shallows and intertidal areas of the Baynes Sound (including Comox Harbor) (Figure 1).
- Includes the upland shoreline (Figure 1).
- Crown and private lands adjacent to the marine areas will be considered regarding potential for resource use conflict.
- The final project area will be justified based on available and extent of resource information available as well as the assessment of planning requirements. Scale of planning will be determined during the planning process. However, it is anticipated that the scale will be relatively detailed in order to optimize problem analysis, probably about 1:20,000.

Relationship to existing land tenures:

This Action Plan will recognize existing legal Crown land tenures and private land ownership. This information will be of use in determining areas of potential resource use conflict. The action plan will recognize areas under discussion or identified for First Nations Agreement-in-principle.

Process Steps, including Public Consultation:

The project team will do the bulk of the technical work required during the planning process. However, the process also provides for consultations with specific key stakeholder groups (mentioned above) and the public to provide comments, advice and recommendations. The province will hire an independent consultant knowledgeable in marine environmental assessment to assist with the environmental assessment component and a professional facilitator to assist with the public meetings. In addition the project team will invite the Comox First Nation to participate in the process on a government-to-government basis. Public consultation will take place at two distinct points in the planning process:

1. The planning team will meet with key stakeholder groups to clarify the issues, steps to be taken to address those concerns and products to be expected. These groups will also have an opportunity to offer additional technical information for use in the planning process, based on their experience with the area.
2. The project team will then undertake a technical analysis to prepare draft products as described under Plan Products. Once the draft materials have been completed the key stakeholder groups and the public will again be provided with an opportunity to review the materials and provide comments and advice to the project team.

Following this the team will revise draft products as required and publish the final reports and maps as the final plan.

Timelines:

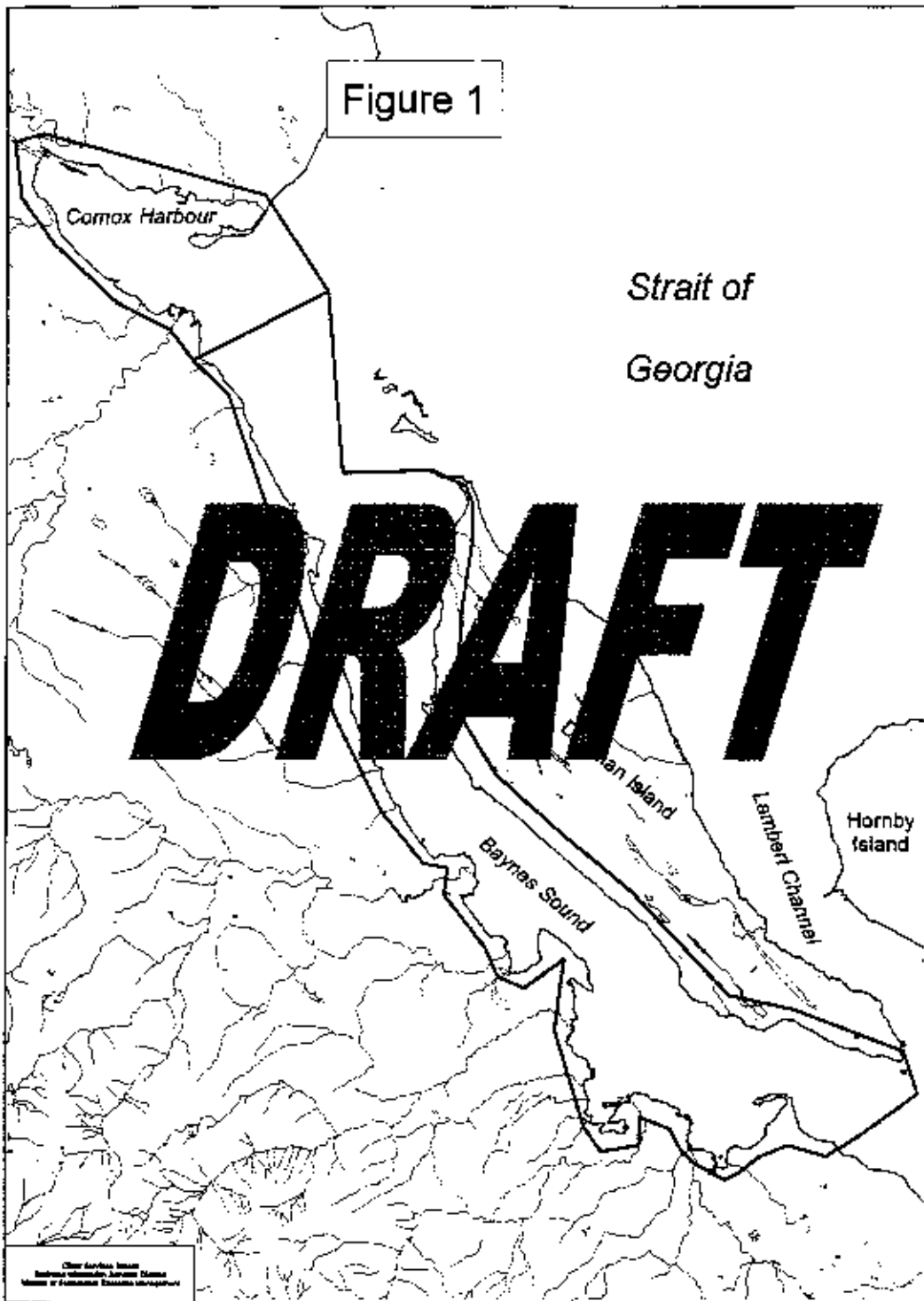
September 2001 - February 2002

- Collect field information on shellfish aquaculture practices in Baynes Sound: Completed end August.
- Preparation of draft Terms of Reference (TOR), stakeholder consultation and completion of TOR: September- November
- Collect resource and land use information, draft base and information map compilation: September - November.
- Introductory public meetings and stakeholder consultations on Denman Island and Fanny Bay: Mid-November
- Analysis, assessment and preparation of draft reports and maps by the project team: Mid-November - end-January.
- Final public meetings and stakeholder consultations on Denman Island and Fanny Bay: End January/Early February
- Completion of final maps and reports: End to mid-February
- Publication of Plan: Early March
- Implementation: March

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Mike Lambert, Resource Director, Ministry of Sustainable Resource Management

Attachments



Appendix B - Farm Practices Board Formal Complaint Process

FARM PRACTICES BOARD FORMAL COMPLAINT PROCESS

Revised September 5, 2000

Steps/Action

1. A potential complainant contacts the Farm Practices Board (FPB) prior to filing an official complaint. FPB staff will informally discuss the nature of the complaint with the complainant and explain the formal complaint process under the legislation. If the person does not wish to file an official complaint, they will be redirected to the Ministry of Agriculture, Food and Fisheries (MAFF) office nearest to them for information on MAFF's informal 'concerns' process. No further FPB action will normally be taken unless a formal complaint is filed.
2. An official complaint is filed. It must be in writing and have information regarding the nature of the complaint, the name and address of the complainant, the name and address of the farmer and the location of the farm. It also must include a completable filing fee of \$100.00. The Farm Practices Board (FPB) staff will inform the filing of a formal complaint (if the informal process has failed) or persons who are required to use it would be to provide the potential complainant with a pre-printed registration and the Board's address and telephone number.
3. FPB staff will acknowledge receipt of a complaint and send a letter to the complainant and the farmer explaining the complaint process in detail. The letter to the farmer will also enclose a copy of the written notice of complaint and any supporting documentation the complainant provided with the notice.
4. In most cases, following the receipt of a complaint, a member and staff representative of the FPB will visit the complainant and the farmer at the location of the complaint. This informal visit will be used to establish expeditious and effective communication with the parties, to ensure that the FPB process is understood and to assist the FPB staff in preparing for Steps #5 and #6. The member will not serve on any FPB panel that may eventually hear the complaint and details of the visit will not, without the agreement of the parties, be communicated to the hearing panel.
5. In consultation with the parties, FPB staff will commence assembling background information and identifying any other 'interested parties' that might become involved. Normally, FPB staff will contact the appropriate MAFF, or other external agency, office as part of this background investigation.
6. FPB staff will make initial recommendations to the FPB chair regarding the best approach, or combination of approaches (see Steps #7-11) to handle the complaint. The chair will then issue the appropriate direction(s). Usually, this direction will include the establishment of a hearing panel regardless of whether the complaint will be proceeding directly to a hearing.
7. If deemed appropriate, and before appointing a panel, the chair may seek to determine whether the complaint should be referred to a panel for the purposes of a hearing. After giving the complainant an opportunity to be heard on the issue, the chair will decide whether the subject matter of the application is trivial, the application is frivolous, vexatious or is not made in good faith, or whether the complainant has a sufficient personal interest in the subject matter of the application. If so, the chair may 'refuse' the complaint.
8. If acceptable to all parties, the complaint may be adjourned in order for the parties to participate in the MAFF 'concerns' process. The FPB would not be directly involved pending a successful resolution, or the failure to achieve one.

9. If Step #8 is not used, the formal 'settlement' process may be utilized. This may include MAFF, peer advisors, and/or a mediator (all "knowledgeable persons"). This is similar to Step #8, except that the FPB maintains an active and direct management of the process.
10. A pre-hearing conference is held. This will occur if the settlement process is not used, or if it fails. This is a formal process, conducted in person or by telephone, to confirm the issues and parties involved, to identify the background information required and to set the date, time, location and procedures for the hearing.
11. A hearing is conducted. This will be done on a date and in a location suitable to all parties. Although a standard hearing process is employed, the formality and type of hearing (which may include a tour of the farm) will vary depending on the issues and parties involved.

After a hearing has begun, the panel may 'refuse' the complaint for the same reasons as the chair might in Step #7.

At any time before a decision is issued, the complainant can (1) withdraw the complaint (2) the settlement process in writing. A decision not requiring a hearing.

12. A decision is issued by the FPB panel. The FPB may dismiss the complaint, order the farmer to cease or modify the practice in question. Once the written 'reasons for decision' are issued, the FPB's role in the complaint is terminated. Copies of the FPB's decision will be forwarded to the MAFF office for information and record.
13. A party to the complaint has 60 days in which to appeal the FPB's decision to the Supreme Court of British Columbia on a question of law or jurisdiction.

If the farmer does not comply with the decision of the FPB, a court may order the farmer to comply, the farmer may be subject to contempt proceedings and he or she will be open to nuisance and other actions initiated in the courts or at the local government level.

In certain cases, the FPB may follow up with post-decision comments and/or recommendations regarding larger issues that may have been identified during the resolution of a complaint.

Appendix C - Issues and Responses

ISSUES AND CONCERNS IDENTIFIED IN PUBLIC MEETINGS AND ON COMMENT SHEETS

As of Feb.8, 2002

BIRD ISSUES	RESPONSE
<p>Studies must be done to identify the impacts of shellfish aquaculture before decisions are made regarding expansions.</p>	<ul style="list-style-type: none"> Archipelago Marine Research Ltd. has summarized existing environmental impact work, conducted a risk analysis, identified data gaps and prepared recommendations for decision making Their report indicates that generally the environmental risk from shellfish aquaculture is low for off-bottom culture Potential for negative environmental impact is higher for beach culture than off-bottom culture The risks to birds related to predator netting are uncertain, therefore, consultants report and recommend additional ecosystem work
<p>Baynes Sound is an important birding area because of the abundance of herring, which are here because of the eelgrass. Does shellfish farming impact eelgrass?</p>	<ul style="list-style-type: none"> There are potential impacts to eelgrass habitat from clam netting, which covers less than 1% of eelgrass habitat in the Sound Management Emphasis Areas take into account the location of eelgrass beds and other potential conflicts When tenure applications are made, the site-specific application referral process pays close attention to avoid impact on eelgrass habitat
<p>The Brant geese population is declining due to habitat loss. Raft activities force the birds from their habitat.</p>	<ul style="list-style-type: none"> The project team has mapped important bird use areas based on input from the Canadian Wildlife Service These maps were used in a compatibility matrix to assess suitability of areas for future shellfish development Management Emphasis Areas and management prescriptions within them have accounted for potential for bird impacts, including Brant, and the need to avoid them

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<p>Predator netting now covers Heron habitat.</p>	<ul style="list-style-type: none"> • Predator netting from existing shellfish farms occupies about 5% of the Sound's inter-tidal area • Heron don't breed in the Sound; the environmental analysis determined shellfish farming poses a low risk to heron foraging • For a number of conflict-related reasons, the plan recommends no additional beach culture development for most areas in the Sound
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TOURISM ISSUES	RESPONSE
<p>Tourism representatives need to be included in the process because shellfish farming impacts tourism and kayaking.</p>	<ul style="list-style-type: none"> • The project team met with Tourism Comox Valley, Coastal Eco-Tourism Operators Association and Baynes Sound Charters • Information from these groups on important tourism and ecotourism areas were mapped during the planning process • Development of the Management Emphasis Areas took information from the tourism industry into account • As a result, the plan recommends no beach culture in most areas of the Sound, and only limited opportunities in other areas
<p>Many boat owners oppose new shellfish farming because of restrictions on navigable waters and anchorage, risks associated with hitting underwater hazards and protect public access to beaches.</p> <p>Ecotourism operators indicated Henry Bay is a valuable, sheltered area for yachters and the whole of Baynes Sound is a day use area; they do not want to see any expansion of the shellfish aquaculture industry.</p>	<ul style="list-style-type: none"> • The plan has excluded Henry Bay from future development to preserve anchorage and avoid further conflicts

ENVIRONMENTAL ISSUES	RESPONSE
<p>Visible and noise pollution are a major concerns for residents.</p>	<ul style="list-style-type: none"> • Government is developing a Standard of Operations for shellfish aquaculture; this code will be enforceable under the terms and conditions of aquaculture licences • Management Emphasis Areas have taken visual and noise pollution into account to reduce further conflicts

<p>Workers are not provided with washrooms; using the beach and the private foreshore as their toilet.</p>	<ul style="list-style-type: none"> • Government is developing a Standard of Operations for shellfish aquaculture; this code will be enforceable under the terms and conditions of aquaculture licences • Toilet facilities must be provided by the employer under the Workers Compensation Act
<p>Why is it that Baynes Sound receives oysters from polluted areas to be cleansed in our waters?</p>	<ul style="list-style-type: none"> • Oysters grown in marginally contaminated areas and relayed (i.e. transferred) to an uncontaminated area so they can flush out contamination prior to marketing is an approved activity • The relay process is highly regulated and monitored by the Canadian Food Inspection Agency of Environment Canada, Fisheries and Oceans • Marine water quality is monitored on an ongoing basis by Environment Canada
<p>If it is environmentally unfriendly for residents to drive their vehicles on the beach, how can it be environmentally friendly for shellfish farmers to drive their vehicles on the beach?</p>	<p>The activity required for operators to service their tenures</p> <p>Management of this activity is under discussion between DFO and provincial agencies</p> <ul style="list-style-type: none"> • It is likely this issue will be addressed in the future on a site-by-site basis
<p>How can shellfish farming be "environmentally sensitive" when the beaches are littered with their industrial debris? Predator netting? Infrastructure on the beach, such as rebar, is a safety hazard.</p>	<ul style="list-style-type: none"> • Farmers rely on a specific kind of netting to protect their product from wildlife predators • Less than 5% of inter-tidal areas in the Sound are covered by predator netting • The plan allows for one small area on the west side of Baynes Sound be made available for deep inter-tidal culture; predator netting will not be authorized in this area • Government is developing a Standard of Operations for shellfish aquaculture. This code will be enforceable under the terms and conditions of the aquaculture licence • The shellfish farming industry regularly initiate beach clean ups to deal with these problems; government recommends this practice continue

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<p>Minister Hagen stated that decisions about the sustainability of the shellfish farming industry would be based on sound science.</p>	<ul style="list-style-type: none"> • This planning process has employed a scientific and objective approach to environmental data collection of available science, mapping resource use analysis, and development of Management Emphasis Areas • Archipelago indicated the overall risk from shellfish aquaculture is low with some uncertainty around the impact of predator netting on bird habitat • This information, along with an objective evaluation of potential conflicts, played a significant role in developing the Management Emphasis Areas • Archipelago Marine Research was hired because of their independence for marine ecology and scientific objectivity
<p>Fish streams should not be modified for shellfish aquaculture.</p>	<p>All Management Emphasis Areas designated in this plan recommend no channelization of streams.</p> <p>Proposals to channelize streams are rare and must be approved by Fisheries and Oceans Canada, Land and Water BC and MAFF</p> <ul style="list-style-type: none"> • Approvals are only granted following an exhaustive environmental review

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SHELLFISH INDUSTRY ISSUES	RESPONSE
<p>The government hasn't provided adequate expansion opportunities.</p>	<ul style="list-style-type: none"> • The plan has provided some limited expansion opportunities for off-bottom culture
<p>Some of the plan areas adjacent to Denman Island have zoning that is not appropriate for shellfish aquaculture.</p>	<ul style="list-style-type: none"> • The purpose of this plan is to identify if there are any suitable areas for expansion of the industry and does not address local zoning issues
<p>The different branches of government that have responsibilities for shellfish farming aren't speaking to each other.</p>	<ul style="list-style-type: none"> • The BSSAAP has been developed by a multi-agency provincial/federal project team • The resulting plan is a valuable resource for Land and Water BC and the referral agencies to determine whether tenure applications should be approved for areas in Baynes Sound
<p>Industry has a desire to see shellfish farming grow in a sustainable fashion.</p>	<ul style="list-style-type: none"> • MSRM has been given the lead for this planning process to ensure a fair treatment of all resource users and the development of a balanced set of recommendations

<p>Process needs to be aligned with Farm Practices Board.</p>	<ul style="list-style-type: none"> The dispute resolution process in the plan is consistent with the Farm Practices Board approach to addressing disputes
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<p>ISSUE WITH TERMS OF REFERENCE and CONSULTATION PROCESS</p>	<p>RESPONSE</p>
<p>The timelines to complete the study are too rushed.</p>	<p>Government is committed to playing a stronger leadership role to facilitate the timely completion of land use management plans</p>
<p>Why are you conducting more research into the environmental impacts when the government commissioned Axys Report of April 2000 recommends taking a precautionary approach and the Pacific Science Advisory Review Committee identified concerns regarding the shellfish farming expansion in Baynes Sound?</p>	<ul style="list-style-type: none"> New research was not conducted during this process; Archipelago Marine Research was hired to review the Axys Report and the Pacific Science Advisory Review Committee (PSARC) Phase 2 Environmental Impact Report and suggest decisions that could be made given the information available. The Archipelago review of existing information included interviewing the Canadian Wildlife Service to clarify impact risk information. The Archipelago report also identifies information gaps and future research priorities The interpretation of the term "precautionary approach" has historically been the subject of considerable debate

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<p>Is the outcome of this planning process predetermined?</p>	<ul style="list-style-type: none"> • The project team made a sincere attempt to gather all the resource and resource use information available to determine if any areas in Baynes Sound are suitable for further shellfish farming development. • The Action Plan also addresses operational management concerns raised by residents in the area. • The project team required feedback from the public order to ensure it was aware of all the issues • While the plan does identify some limited opportunities for off bottom culture development, the plan recommendations are very specific and provides for avoidance of conflicts with other coastal and marine values. • The plan provides valuable direction on better management of the industry in the area as well as an education tool to inform the public on what is actually being done and the process to monitor the results
<p>Are we going to have a chance to meet with the consultants or review their findings and your recommendations before the next meeting? Or are you simply going to tell us what you found?</p>	<ul style="list-style-type: none"> • Brian Emmett Archipelago Marine Research will be attending the Open Houses in February to answer questions regarding their findings
<p>Who is a stakeholder?</p>	<ul style="list-style-type: none"> • A wide variety of groups have been consulted during this process including the public, industry, concerned residents, other resource users and First Nations
<p>Keep speakers to time limits at public meetings to avoid monopolization of time by one interest group.</p>	<ul style="list-style-type: none"> • The next public forum will be an Open House where the public will have the opportunity to meet one on one with project team members
<p>There was not enough time to address resident's concerns at public meeting.</p>	<ul style="list-style-type: none"> • The next public forum will be an Open House where staff will have the opportunity to meet one on one with project team members; these sessions will be day-long sessions allowing plenty of time for questions and responses

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<p>Development is currently taking place on shellfish farms when government said there would be no approvals granted while this action plan process is underway.</p>	<ul style="list-style-type: none"> • The province placed a hold on expansion and new development applications pending the results of this Action Planning • This does not apply to tenures that were issued prior to initiation of the Action Plan • A few tenures were issued in April 2000; development of those tenures is only beginning to occur on the farms now
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ENFORCEMENT AND COMPLIANCE ISSUES	RESPONSE
<p>Does the provincial government endorse the Shellfish Growers Association (SGA) Code of Practice? If they don't, when will the government develop their own code?</p>	<ul style="list-style-type: none"> • The government is using the BCSGA Code of Practice as a starting point for developing it's own Standard of Operations. • The code of practice may be available by the end of the year. • It will be enforced under the Terms and Conditions of the Aquaculture Licence
<p>Why were the Department of Fisheries and Oceans and the Ministry of Land and Resource Protection not involved in the development of the SGA Code of Practice?</p>	<p>The province cannot speak for the BCSGA</p> <p>The province involving DFO in the development of the provincial code</p>
<p>If the Shellfish Growers Association received provincial funds to develop a code, are there funds also available to allow other stakeholders to review the code and provide other options?</p>	<ul style="list-style-type: none"> • The BCSGA received a grant from Fisheries Renewal BC (FsRBC) to assist it in the development of its code • FsRBC was an independent funding agency that no longer exists therefore, funds are no longer available for this purpose.
<p>There is no complaint resolution process.</p>	<ul style="list-style-type: none"> • The plan describes a dispute resolution process already in place under the Farm Practices Protection (Right to Farm) Act

<p>How can the Province enforce shellfish farming regulations when you are facing cutbacks and will have fewer inspectors?</p>	<ul style="list-style-type: none"> • There has been an increase of enforcement staff available to address Baynes Sound Shellfish Aquaculture issues • A Compliance and Enforcement Strategy has been developed as part of the Action Plan and is outlined in section; this strategy has been developed by MAFF in consultation with DFO and Land and Water BC <p>This strategy takes into account the need for a collaborative approach between federal and provincial agencies to increase efficiency of monitoring and enforcement</p> <p>Government is making greater use of available technology for compliance monitoring to increase both accuracy and efficiency of monitoring, thereby enabling staff to focus more on enforcement</p>
<p>How can we be confident that enforcement will take place, when we have no enforcement staff at Fisheries and Oceans nor provincial inspectors admitting that they have no enforcement staff under the Fisheries Act?</p>	<p>See response above</p> <p>Fisheries and Oceans has increased its focus on aquaculture activities and supports environmentally sustainable aquaculture.</p> <ul style="list-style-type: none"> • Additional resources at DFO have recently been allocated to respond to enforcement needs related to aquaculture development and habitat related issue
<p>Shellfish farmers want laws enforced to bring farms into compliance, making the whole industry look better to the public.</p>	<ul style="list-style-type: none"> • A work plan is being developed for MAFF and DFO enforcement officers to carry out inspections; officers will inspect shellfish farms as part of their regular duties • The government Standards of Operations will also be enforceable once developed

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RIPARIAN RIGHTS ISSUES	RESPONSE
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<p>Riparian rights are not respected. Lease expansions need to involve upland landowners.</p>	<ul style="list-style-type: none"> • Where a lease would infringe upon the riparian rights of an upland property owner, written approval from that owner will be required prior to a tenure being granted. • Where a riparian infringement can be demonstrated to occur without the written consent of the owner of the adjacent upland property, the offending structure(s) must be removed, altered or relocated. • Where a proposed use can be demonstrated to infringe upon the riparian rights of the owner of an adjacent upland property, that property owner, by refusing to provide his written consent, may veto that use unless it can be demonstrated that the use is in the public interest.
<p>Farmers should work between the hours of 7 am and 11 pm and not in Sunday/s designated areas.</p>	<p>Produce the normal business of shellfish aquaculture involves some activities at night in order to take advantage of low tides and exposed beaches in the fall and winter</p> <ul style="list-style-type: none"> • The industry Code of Practice addresses ways to reduce social impacts from these activities; the provincial Standard of Operations may address this as well
<p>How can we deal with industrialization of shellfish farming vs. local zoning?</p>	<ul style="list-style-type: none"> • The purpose of the Action Plan is to address operational management issues and whether there are any areas remaining for shellfish expansion • This planning process has no jurisdiction or authority to overstep local government zoning. • The plan should function to help inform either rezoning activities or discussions about zoning between the Islands Trust and the province at senior policy level.
<p>More attention should be paid to new technologies that make the industry invisible to upland landowners (e.g. Manatee Holdings Ltd. - Gartley Point Shellfish Nursery).</p>	<ul style="list-style-type: none"> • The plan has identified Management Emphasis Areas that state either no further aquaculture development is allowed or require use of technology that is not visually obtrusive in high visual impact areas

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MISCELLANEOUS ISSUES	RESPONSE
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<p>How important an economic contributor is shellfish farming? For instance, how much revenue did the province generate from oyster leases over the past 5 years? What are the projections for the next 5 years? What was the amount of the grants/subsidies to lease holders over the past 5 years?</p>	<ul style="list-style-type: none"> • Shellfish aquaculture tenure holders have not received grants or subsidies in the last five years • Farmgate value (price farmers receive for product) is around \$13 million per year, not including spin off benefits to the area • While there are no projections for Baynes Sound specifically, recent projections indicate that doubling tenure areas can result in a nearly ten-fold increase in provincial revenue generation to \$100 million annually
<p>Why were expansions near Denman Island cancelled before Action Plan was finalized?</p>	<p>No tenures have been issued near Denman Island. The plan does not support shellfish aquaculture in that area.</p> <p>The Action Plan will determine if there are any future opportunities for expansion and help with rezoning applications</p>
<p>Land and Water BC is accountable to the public when issuing offshore leases.</p>	<p>As a public agency Land and Water BC is accountable to the public</p> <ul style="list-style-type: none"> • LAND AND WATER BC is making efforts to increase its efficiency and accountability
<p>New/expansion tenures resulting from The Shellfish Development Initiative will be mainly approved in Baynes Sound and no where else on the coast.</p>	<ul style="list-style-type: none"> • Some small areas are recommended for expansion in areas with the least amount of conflict • Many areas where applications had been made will not be available for development • Shellfish farming opportunities have been made available in other areas, including the west coast of Vancouver Island

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FISHERIES RESOURCE ISSUES	RESPONSE
<p>Is there conflict between shellfish farming and other resource industries in Baynes Sound including the herring Roe, geoduck and commercial clam fisheries?</p>	<ul style="list-style-type: none"> • The project team has consulted with the Fishing Vessel Owners Association and Underwater Harvesters and mapped their areas of interest • The plan has recommended Management Emphasis Areas that allow either no further beach culture development in most areas and limited off-bottom culture opportunities in order to avoid impacts on other industries

FIRST NATIONS ISSUES	RESPONSE
<p>Comox Indian Band is interested in shellfish aquaculture development and also wants to ensure that its wild harvest areas are not impacted.</p>	<ul style="list-style-type: none"> • The project team has consulted with the Comox Band and has mapped its areas of interest for shellfish aquaculture in the plan area. • The Plan has identified a Management Emphasis Area in Comox Harbour where the Band is interested in aquaculture, as an area with some potential for development in the future • The Band will inform the team of its areas of interest for wild harvest within the plan area
<p>Comox Indian Band is interested in environmentally sensitive and sustainable shellfish farming.</p>	<ul style="list-style-type: none"> • Management Emphasis Areas and operational management provisions in the plan have been developed to ensure the industry is environmentally sensitive both in terms of operational management and siting
<p>Issues raised by the Qualicum Band</p>	<p>The project team met with the Qualicum Band and asked whether the Band would be interested in aquaculture or providing information on areas of interest</p> <p>The Band indicated that areas of interest to them had already been alienated</p> <ul style="list-style-type: none"> • The Project Team will be contacting the Band to determine their interest in meeting to discuss the Draft Report

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Appendix D - Management Areas Analysis and Rationales

1) Off-Bottom Shellfish Aquaculture Opportunity Area

This area is located along the lower, west side of Denman Island in the vicinity of Metcalf Bay. An analysis of the values in the area gave the following results. An "+" indicated a favourable factor, a "-" indicated a conflict, and a "+/-" indicated that the interaction was either neutral or required more consideration.

- | | |
|---|--|
| + shellfish industry interested in area and has historical use; | + not on kayaking or outer identified tourism use routes; |
| + no geoduck, sea urchin or prawn fisheries; | + no parks, Wildlife Management Areas or reserves; |
| + small areas of eelgrass | +/- low to moderate migratory bird values |
| + no kelp beds | +/- area used by the herring fishery, but is not a major tie-up/anchoring point; |
| + upland is zoned ALR; | - foreshore zoning is incompatible with aquaculture |
| + no bird colonies; | |
| + no sea lion or seal haulouts; | |
| + no salmon streams; | |
| + no identified red and blue listed species; | |

Given the relative concentration of conflicts with other private and recreational users, as well as the herring fishery and geoduck harvesting, the Project Team recommends that some new tenures or expansion of existing tenures can occur in this area. Off-bottom culture is recommended with minimal impact on small areas of eelgrass. Concerns of the herring fishery should be addressed prior to the issuance of new tenures.

2) Special Management Area (Off-Bottom culture)

This area is located along the upper, west side of Denman Island in the vicinity of Denman Point. An analysis of the values in the area gave the following results. An "+" indicated a favourable factor, a "-" indicated a conflict, and a "+/-" indicated that the interaction was either neutral or required more consideration.

- | | |
|--|---|
| + shellfish industry interested in area and has historical use; | - foreshore zoning is incompatible with aquaculture |
| + no sea urchin or prawn fisheries; | - clam beds on shore |
| + no kelp beds | - areas of eelgrass |
| + no bird colonies; | - on major kayaking and identified tourism use routes |
| + no sea lion or seal haulouts; | - adjacent to Henry Bay, a preferred anchorage |
| + no salmon streams; | - geoduck harvesting area |
| + no identified red and blue listed species | - upland is primarily private, residential, and not ALR |
| + low migratory bird values | |
| +/- area used by the herring fishery, but is not a major tie-up/anchoring point; | |

Given the relative concentration of conflicts with other private and recreational users, as well as the herring fishery and geoduck harvesting, the Project Team has recommended that some new or expansion of shellfish tenures can occur in this area, but under special conditions. The Project Team recommends that any new tenures should have minimal above water structures, be visually unobtrusive and have minimal impact of adjacent upland users. Concerns of the herring and geoduck fishery should be addressed prior to the issuance of new tenures.

3) Special Management Area (Beach Culture)

This area is located around Base Flat on the east side of Vancouver. An analysis of the values in the area gave the following results. An "+" indicated a favourable factor, a "-" indicated a conflict, and a "+/-" indicated that the interaction was either neutral or required more consideration.

- | | |
|---|--|
| + shellfish industry interested in area and has historical use; | + few visual concerns |
| + no sea urchin, geoduck or prawn fisheries; | + not on major kayaking and identified tourism use routes |
| + no kelp beds | + areas of eelgrass |
| + no eelgrass | +/- area used by the herring fishery, but is not a major tie-up/anchoring point; |
| + no bird colonies; | +/- several salmon streams; |
| + no sea lion or seal haulouts; | - clam beds on shore |
| + upland is primarily agricultural and is in the ALR | - area is a very important harvesting area for the commercial wild clam fishery |
| + no identified red and blue listed species | |
| + foreshore zoning is compatible with aquaculture | |

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Given the limited number of conflicts in the area, the Project Team recommends that new tenures or expansion of existing tenures be permitted in the area. The special conditions that will apply will be no change in zoning, no new intertidal tenures, and that any new or expanded intertidal tenures be permitted only until further scientific research indicates that it has minimal impact on the herring fishery. The Project Team believes there was little conflict with the herring fishery since there would be no additional infrastructure for the fleet to deal with. An outstanding conflict is potentially with the wild clam fishery.

4) Restricted Expansion Area (Beach and Off-Bottom culture)

This area is located in two areas from Comox Harbour to Base Flat, with the exception of Union Point on Vancouver Island. An analysis of the values in the area gave the following results. An "+" indicated a favourable factor, a "-" indicated a conflict, and a "+/-" indicated that the interaction was either neutral or required more consideration.

- | | |
|--|---|
| + no sea urchin or prawn fisheries; | +/- shellfish industry has historical use north of Base Flats, but less south of Comox Harbour; limited expression of interest in expansion |
| + no kelp beds | - clam beds on shore |
| + no bird colonies; | - areas of eelgrass |
| + no sea lion or seal haulouts; | - some geoduck harvesting |
| + no identified red and blue listed species | - upland is primarily residential and has high levels of recreational use |
| + foreshore zoning is compatible with aquaculture | - some Wildlife Management Areas and reserves |
| + low migratory bird values | |
| +/- area used by the herring fishery, but is not a major tie-up/anchoring point; | |
| +/- several salmon streams | |
| +/- some kayaking, not major route | |

Given the moderate number of conflicts in the area but the very significant amount of residential upland and public recreation on these beaches, the Project Team recommends that expansion can only be permitted contiguous to existing tenured areas. Any new tenures would not be permitted

to use predator netting. The rationale for this Management Area was to provide opportunities for expansion, but in areas in which the public and other users were already familiar with and had accommodated the use. The special conditions that will apply will include no channelization of the salmon streams in the area, and that any expanded intertidal tenures will not be permitted to use predator netting until further scientific research indicates that it has minimal impact on birds. The Project Team believed there was little conflict with the herring fishery since there would be little new additional infrastructure for the fleet to deal with.

5) Future Analysis Areas

These two areas are located in Comox Harbour and on Union Point. Given the existing microbial contamination in the area, extremely high importance to waterfowl and birds, major areas of kelp and eelgrass, potential conflicts with other industrial and recreational users, and interest from First Nations, the analysis of these areas was considered to be outside the scope of this plan, and will be addressed at a later date.

6) No Additional Aquaculture Areas

These areas are distributed in four separate locations: Henry Bay on northern Denman Island, midway up the west side of the main island on the South end of Denman Island around Repulse Point, the entire area south of the main island on Vancouver Island including Mud Bay, Deep Bay and Ship Point. An analysis of the values in these areas gave the following results. An "+" indicated a favourable value, a "-" indicated a negative value and a "+/-" indicated that the interaction was either neutral or required more consideration.

- | | |
|---|--|
| <ul style="list-style-type: none"> + shellfish industry interested in area and has historical use; + no sea urchin or prawn fisheries; + no kelp beds + no identified red and blue listed species +/- foreshore zoning is incompatible with aquaculture on Denman and supportive on Vancouver Island - very important migratory bird values - clam beds on shore - several major wild clam fisheries - areas of eelgrass - major kayaking and identified tourism use routes (Mud Bay and Henry Bay to Sandy Islets) | <ul style="list-style-type: none"> - bird colonies; - sea lion or seal haulouts; - numerous salmon streams - Henry Bay a preferred anchorage - major geoduck harvesting area - upland is primarily private, residential around Henry Bay, Vancouver Island and southern Denman Island (except Henry Bay) - very important area used by the herring fishery and are also used as major anchoring point |
|---|--|

Given the considerable resource and users conflicts that exist in these areas, the Project Team recommends that no further expansion of shellfish aquaculture should occur in these four areas and that no additional tenures are allowed.

Baynes Sound Shearfish Action Plan

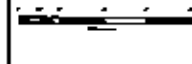
Management Areas



Prepared For:
Coastal Resource Planning Section

Legend

Management Areas



Inset Map



Decision Support
Services

Map created by datasets
for Resource Management

Contract No. 033
Date Completed: February 2002
Reference: PAC2726 /
Mapmaker: Marine Spatial Data Centre
Dataset: PAC2726
Shoreline Class: 4 - 400M

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, MARCH 26, 2002, AT 7:53 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director L. Sherry	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Alternate	
Director M. Klee	Electoral Area G
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director D. Rispin	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Alternate	
Director T. Beech	City of Nanaimo

Also in Attendance:

C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
J. Finnie	General Manager of Environmental Services
N. Connelly	General Manager of Community Services
P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director McLean, that the following delegations be permitted to address the Committee.

CARRIED

Philip Sopow, re Building Strata Conversion Application – 2525 Myles Lake Road – Area C.

Mr. Sopow was not in attendance. The Chairperson noted that Mr. Sopow's concerns had been addressed shortly before commencement of the meeting.

Frank Van Eynde and George Legg, re Growth Management Monitoring Program – Scope and Approach.

Mr. Van Eynde reviewed the Performance Review Committee's questions and concerns as listed in the staff report and raised his concerns with respect to the estimated costs related to meetings as noted in the staff report.

Mr. Legg addressed a number of critiques which were forwarded to the Board with respect to the Growth Management monitoring program and urged the Committee to approve alternative number four of the staff report.

Alan Looy, re Electoral Area 'F' Official Community Plan Bylaw Amendment Bylaw No. 1152.02.

Mr. Looy raised his concerns with respect to the abandonment of Electoral Area 'F' OCP Amendment Bylaw 1152.02 which proposes to reduce the minimum parcel size for land located in the ALR from 4 hectares to 2 hectares.

MINUTES

MOVED Director Korpan, SECONDED Director Hamilton, that the minutes from the Committee of the Whole meeting held on Tuesday, February 26, 2002 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Richard Taylor, UBCM, re 2002 Resolution Process.

MOVED Director Korpan, SECONDED Director Krall, that the correspondence received from UBCM with respect to the 2002 resolution process, be received.

CARRIED

Town of Ladysmith, re Transit System.

MOVED Director Korpan, SECONDED Director Krall, that the correspondence received from the Town of Ladysmith with respect to regional transit linkages between the RDN and CVRD transit systems, be received.

CARRIED

Jim Bowden, City of Nanaimo, re Regional Transit Authority Feasibility Study Request.

MOVED Director Korpan, SECONDED Director Krall, that the correspondence received from the City of Nanaimo with respect to the City's request for a feasibility study of various options and costs of providing a high frequency transit link between Malaspina University College and the downtown core, be received.

CARRIED

Agnes & Albert Meers, re Request to Survey Park Boundaries -- Crows Nest Park -- Area E.

MOVED Director Korpan, SECONDED Director Krall, that the correspondence received from Agnes and Albert Meers with respect to the RDN's park policy on trimming of trees in parks, be received.

CARRIED

George Legg, re Performance Review Committee.

MOVED Director Korpan, SECONDED Director Krall, that the correspondence received from George Legg with respect to comments made at the February 27, 2002 Performance Review Committee meeting, be received.

CARRIED

Felicity Adams, re Performance Review Committee Minutes.

MOVED Director Korpan, SECONDED Director Krall, that the correspondence received from Felicity Adams with respect to the minutes of the Performance Review Committee meeting held February 27, 2002, be received.

CARRIED

Gayle Jackson, City of Parksville, re Electoral Area 'F' OCP Bylaw No. 1152.02.

MOVED Director Korpan, SECONDED Director Krall, that the correspondence received from the City of Parksville with respect to a potential reduction in minimum lot size for designated resource lands which are within the ALR from 4.0 ha to 2.0 ha in Electoral Area 'F', be received.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 700 Filings.

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

MOVED Director Klee, SECONDED Director Holme, that a notice be filed against the title of the property listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Re-amended Lot A (DD 27360N), District Lot 8, Plan 1949, except Parts in Plans 14093, 17057 and VIP58478, Newcastle Land District, 250 Hilliers Road, Electoral Area 'G', owned by Qualicum Farms Ltd.

CARRIED

PLANNING

Request for Acceptance of Cash-in-Lieu of Park Land and Relaxation of the Minimum 10% Perimeter Requirement – Glencar Consultants on behalf of Chris Ball – Barnes & Leask Road – Area A.

MOVED Director Elliott, SECONDED Director Krall, that the requests, submitted by Glencar Consultants Inc., on behalf of Chris Ball, for cash-in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lot 4, as shown on the plan of subdivision of Lot 1, Section 18, Range 4, Cedar District, Plan 7206 Except Parcel A (DD 94411N) Thereof and Except Part in Plan 36841, be approved subject to the applicant registering a section 219 covenant on proposed Lot 4 restricting further subdivision unless the minimum 10% requirement pursuant to section 944 of the *Local Government Act* can be met.

CARRIED

Building Strata Conversion Application – Philip Sopow – 2525 Myles Lake Road – Area C.

MOVED Director Hamilton, SECONDED Director Quittenton, that the request from Philip Sopow, to amend the Board resolution with respect to approval of the building strata conversion as shown on the Sketch Plan of Lot A, Cranberry District, Section 8, Range 3, Plan VIP53510, be approved subject to the conditions being met as set out in Schedule No. '1' of the staff report.

CARRIED

Update on Implementation of Community Sewers for the Cedar Village and Surrounding Suburban Residential Lands – Area A.

MOVED Director Elliott, SECONDED Director Krall,:

1. That staff prepare an information pamphlet providing an update on the expansion of community sewers into the Cedar Urban Containment Boundary for direct mail to property owners within the proposed servicing area.

2. That staff prepare Terms of Reference for the preparation of a comprehensive study of soils, hydrology and a survey of on-site septic systems as part of the application process for the Cedar Sewer Infrastructure Implementation Grant and report back to the Board.

CARRIED

Land Use and Subdivision Amendment Bylaw No. 500.281 & Horne Lake Service Area Sewage Disposal Regulation Bylaw No. 1218.01 – Area H.

MOVED Director Quittenton, SECONDED Director Hamilton,:

1. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.281, 2002” be introduced and given 1st and 2nd reading.
2. That the requirements for the public hearing for “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.281, 2002” be waived pursuant to Section 890 (4) of the *Local Government Act*.
3. That notification for “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.281, 2002” be undertaken pursuant to Section 893 of the *Local Government Act*.
4. That the “Horne Lake Service Area Sewage Disposal Regulation Bylaw No. 1218.01, 2002” be introduced and given 1st, 2nd and 3rd reading and referred to the Provincial Health Officer for approval.
5. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.274, 2001” be repealed.

CARRIED

Electoral Area ‘F’ OCP Amendment Bylaw No. 1152.02.

MOVED Director McLean, SECONDED Director Haime, that the staff report be received and “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Amendment Bylaw No. 1152.02, 2002” be given 2nd reading and proceed to Public Hearing.

CARRIED

COMMUNITY SERVICES

REGIONAL GROWTH MANAGEMENT

Growth Management Plan Monitoring Program – Scope & Approach.

MOVED Director Haime, SECONDED Director McLean, that the Regional District fulfill its obligation to monitor Growth Management Plan implementation and progress towards Plan objectives and action by pursuing a mid-level monitoring program.

DEFEATED

MOVED Director Holdom, SECONDED Director Krall, that the Regional District fulfill its obligation to monitor Growth Management Plan implementation and progress towards Plan objectives and action by pursuing a comprehensive monitoring program, including staff’s preparation of terms of reference for a new committee, as described in Alternative 4.

CARRIED

CORPORATE SERVICES

FINANCE

2001 Audited Financial Statements.

MOVED Director Holme, SECONDED Director Holdom, that the report on the audited financial statements for the year ended December 31, 2001 be received.

CARRIED

2001 Public Bodies Information Report.

MOVED Director Holme, SECONDED Director McLean, that the 2001 Public Bodies Financial Information Report on supplier payments and employee remuneration be received for information.

CARRIED

HOSPITAL

2001 Audited Financial Statements.

MOVED Director Hamilton, SECONDED Director Macdonald, that the report on the 2001 audited financial statements of the Nanaimo Regional Hospital District be received.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE MANAGEMENT

Wastewater Treatment and Disposal Options Review – Qualicum Bay/Dunsmuir, Bowser and Extension.

MOVED Director Holme, SECONDED Director McLean,:

1. That the wastewater treatment and disposal option and servicing studies for Qualicum Bay/Dunsmuir and Bowser and Extension be received.
2. That staff be directed to consult with the stakeholders to determine the preferred servicing option and to take that option to pre-design to determine costs of final construction.

CARRIED

UTILITIES/ENGINEERING

Rural Streetlighting LSA Amendment Bylaw No. 791.03.

MOVED Director Holme, SECONDED Director Klee,:

1. That "Rural Streetlighting Local Service Area Amendment Bylaw No. 791.03, 2002" be granted first three readings.
2. That "Rural Streetlighting Local Service Area Amendment Bylaw No. 791.03, 2002" be forwarded to the Inspector for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Quittenton, SECONDED Director Klee, that the minutes of the District 69 Recreation Commission meeting held March 14, 2002 be received for information.

CARRIED

MOVED Director Quittenton, SECONDED Director Macdonald,:

1. That the following Community Grant In Aid be approved:

Family Resource Association	\$	500
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2. That the following Youth Grant In Aids be approved:

Kidfest	\$	1,500
Errington Therapeutic Riding Association		1,500
Erik Goetzinger BMX Society		3,200
Arrowsmith Mountain Bike Society		3,400
Deep Bay Yacht Club Junior Sailing Program		2,700

CARRIED

Gabriola Island Recreation Commission.

MOVED Director Sperling, SECONDED Director Korpan, that the minutes of the Gabriola Island Recreation Commission meeting held March 11, 2002 be received for information.

CARRIED

MOVED Director Sperling, SECONDED Director McLean, that the report be received and that the Regional District of Nanaimo enter into an agreement with the Gabriola Recreation Society for the provision of recreation services to the residents of Gabriola Island.

CARRIED

MOVED Director Sperling, SECONDED Director McLean, that the second recommendation in the staff report with respect to the Gabriola Recreation Society proposal be tabled.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Krall, that the meeting terminate.

CARRIED

TIME: 8:48 PM

CHAIRPERSON



STANBORN P
DISTRICT 69 (QUALICUM)
APR 3 2002

SCHOOL DISTRICT 69 (QUALICUM)

April 2, 2002

District 69 Recreation Commission
PO Box 1119
Parksville, BC
V9P 2H2

Dear District 69 Recreation Commission:

The Board of School Trustees of School District No. 69 (Qualicum) approved the appointment of Trustee representatives to various committees and organizations for 2002 at a Regular School Board meeting held recently.

I wish to advise you that Trustee Barbara Terry has been appointed to represent the Board of School Trustees on the District 69 Recreation Commission for 2002.

Yours truly,

Dan Whiting
Secretary Treasurer

c: Trustee Barbara Terry

File: 0250-20

PO Box 430, 100 Jensen Ave. East, Parksville, B.C. V9P 2G5
Phone (250) 248-4241 Fax (250) 248-5767 <http://sd69.bc.ca>



OFFICE & PROFESSIONAL EMPLOYEES' INTERNATIONAL UNION, Local 378

2ND FLOOR, 4595 CANADA WAY, BURNABY, B.C. V5G 4L9 B.J.S. (604) 299-0378 FAX (604) 299-8211
WEB SITE: www.opeiu.ca

PLEASE REFER TO OUR FILE NO.

April 2, 2002

City Administrator
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2

BCH/CAMP/01-0005

REGIONAL DISTRICT OF NANAIMO		
APR - 9 2002		
CHAIR	<i>[Signature]</i>	GMCFS <input checked="" type="checkbox"/>
CAO	<i>[Signature]</i>	GMDS <input type="checkbox"/>
GMCMS		GMES <input type="checkbox"/>
<i>Correspondence</i>		<input checked="" type="checkbox"/>

Dear Sir/Madam

BC Hydro has been in operation since the early 60's and is integral in the economic development of the Province.

The OPEIU, which represents approximately 3,000 workers at BC Hydro respectfully ask council to endorse the enclosed resolution. An information package supplements the resolution we are asking that you endorse.

There are many changes and new directions underway at BC Hydro. The past has seen great benefits from this Corporation and the present is seeing a fundamental structural change which may not bode well for the future of the Province, individuals and businesses. All consumers will be effected by proposals from the core services review and the energy review. Time is of the essence as the Energy Policy Review Task Force has now submitted its recommendations to the Provincial government and we expect the government will determine its course of action over the next several weeks.

The proposed change to market rates will make BC a less desirable place to do business. We ask for your active involvement in this important issue. The resolution and materials should assist you in your deliberations, however, we would welcome the opportunity to discuss the future of BC Hydro with you. The people in your community and our Province seek your assistance in keeping BC resources working for the people of BC into the 21st Century.

Yours truly,

Jerri New
President

/es
uswa2952

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Whereas: BC Hydro is a crown corporation owned and developed for the benefit of all British Columbians.

Whereas: BC Hydro contributed \$904 million to the Provincial government last year to enable funding of medical care, education and numerous government programs.

Whereas: All sectors of the BC economy benefit from the third lowest power rates in North America delivered from clean, reliable generation sources.

Whereas: BC Hydro employs British Columbians to deliver power to the people of BC.

Whereas: Deregulation and Privatization will result in tremendous price increase (estimated by the government Energy Task Review Committee to be in the 30 – 80% range).

Whereas: The Joint Industry Electricity Steering Committee recognizes that the “electric power customers and the BC economy are being well served with reliable power at regulated, predictable rates” and “BC Hydro is returning substantial benefits to the province.

Be it therefore resolved: BC Hydro is owned by the people of British Columbia and provides affordable, reliable and clean power. In order to preserve this valuable asset, the province must retain BC Hydro as a complete entity within a regulated pricing structure. Its integrated systems and services are critical to Hydro’s ability to provide reliable power at affordable pricing that does not discriminate against rural customers.

hydro



Don't sell BC Hydro!

www.handsoffhydro.com

The information package is available
from Administration

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REGIONAL DISTRICT OF NANAIMO		
APR 11 2002		
CHAIR		GMCrs
CAO		GMDS
GM		GMES

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: April 11, 2002

FROM: Allan Dick
Senior Building Inspector

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw
Meeting Date - April 23, 2002

PURPOSE

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1250.

BACKGROUND

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

SUMMARY OF INDIVIDUAL INFRACTIONS

Electoral Area 'A'

- Owners Name: Wanda Kosak

Legal Description: Lot 1, Section 12, Range 3, Mountain District

Street Address: 3043 Jameson Road

Summary of Infraction:
 - February 4, 2002 - notice posted, permit required for carport
 - February 5, 2002 - letter sent, permit required
 - February 15, 2002 - Verification of certified mail received
 - March 1, 2002 - letter sent, permit required and outlining details for a permit application
 - March 12, 2002 - Verification of certified mail received
 - April 5, 2002 - Senior inspector contacted owner and explained 700 filing process. Owner committed to apply for a permit. Proceed with filing until permit issued

2. Owners Name: Ian Stewart and Dale Stewart
Legal Description: Lot 22, Section 2, Range 6, Plan 27748, Cedar District
Street Address: 3361 McGuire Way
Summary of Infraction:
- March 5, 2002 – Stop work posted; permit required for carport
 - March 6, 2002 – letter sent certified mail, stop work order
 - March 14, 2002 – Verification of certified mail received
 - March 21, 2002 – Second letter sent after stop work order letter
 - April 5, 2002 – Senior Inspector attempted to contact owner. Left message on machine
 - April 8, 2002 – Owner contacted Senior Inspector and refuses to apply for permit. Enforcement process was explained to him

Electoral Area 'E'

1. Owners Name: Kerry Husson and Traecy Fallow
Legal Description: Lot 25, Block 586, Plan 29314, Nanoose District
Street Address: 2825 Sea Blush Drive
Summary of Infraction:
- March 5, 2002 – Stop work posted; permit required for accessory building
 - March 6, 2002 – Letter sent certified mail, stop work order
 - March 21, 2002 – Second letter after stop work order letter
 - March 26, 2002 – Phone owner and told him that the building will have to be moved out of setbacks. Owner responded back by saying he was not going to comply
 - April 5, 2002 – Senior Inspector contacted owner. Will attend office on Monday April 8, 2002 for DVP
 - April 8, 2002 – Owner attended office. Planning department explained DVP process. Owner will return in 1 week with plans to apply for BP

RECOMMENDATION

That a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued.

Report Writer

General Manager Concurrence

Per _____
Manager Concurrence

C.A.O. Concurrence

COMMENTS:

devsvs/reports/2002/3810-20-section700 April .doc

MEMORANDUM

REGIONAL DISTRICT OF NANAIMO	
APR 15 2002	
CHAIR	GMCrS
CAO	GMDS
GMCm8	GMES
✓	

TO: Pamela Shaw
Manager, Community Planning

DATE: April 11, 2002

FROM: Geoff Garbutt
Senior Planner

FILE: 6410 01 RAIL

SUBJECT: OCP/Zoning Bylaw Amendment for E&N Railway Corridor

PURPOSE

To provide an overview of information received during public consultation for the Regional District of Nanaimo Official Community Plan Amendment Bylaws for the E&N Railway corridor in Electoral Areas 'A', 'C', 'D', 'E', 'G', and 'H' which will change the designation on these lands to 'Transportation Corridor', and further, consider giving 2nd reading to these bylaws and proceeding to public hearing to be held in conjunction with Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.283.

BACKGROUND

Recognizing the importance of the E&N railway as a regional transportation corridor, the Board of the Regional District of Nanaimo at their Regular Meeting on March 12, 2002 moved that the Electoral Area 'A', Electoral Area 'C', Electoral Area 'D' Lantzville, Electoral Area 'E', Electoral Area 'G' Englishman River, Electoral Area 'G' French Creek, and Electoral Area 'H' Official Community Plan Amendment Bylaws be introduced, given 1st reading and referred to the public for consultation.

In addition, at the March 12, 2002 Meeting the Board gave two readings to Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.283, 2002 which creates the PU3 zone and rezones the E & N rail line to allow for the railway use only.

As outlined in the consultation strategy approved by the Board at the March 26th, 2002 Regular Meeting, input was solicited to receive comments on the proposal to redesignate and rezone the E&N rail line as a transportation corridor. Advertisements were placed in the March 29th, 2002 edition of the Parksville-Qualicum News and the March 30th, 2002 edition of the Harbour City Star, requesting public comments by April 9, 2002. Referrals were sent to the government agencies, adjacent municipalities/regional districts and local First Nations requesting comments by April 3, 2002.

ALTERNATIVES

1. Give 2nd reading to the Official Community Plan Amendment Bylaws for the E&N rail line and proceed to public hearing in conjunction with Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw 500.283.
2. To abandon the proposed amendments to the Official Community Plans and Amendment Bylaw No. 500.283.

PUBLIC CONSULTATION IMPLICATIONS

To date, the public through various community meetings and the media, have voiced their displeasure with the notion of losing the E&N Rail service throughout the Regional District. Feedback received from the public during the consultation period supports the proposed OCP and zoning amendments. Written comments received are attached as *Schedule 1*. As outlined in the Consultation Strategy, referrals were sent to area municipalities and regional districts, government agencies, and local First Nations. Feedback from these referrals indicates that all agencies that responded support the proposed OCP and zoning amendments. All referral responses received to date are attached as *Schedule 2*.

FINANCIAL IMPLICATIONS

No new costs beyond those that would be required to notify the public and conduct the Public Hearing would be incurred by the consideration of these Official Community Plan amendments.

LEGAL IMPLICATIONS

By adopting the Consultation Strategy at the February 26, 2002 Committee of the Whole meeting of the Regional District of Nanaimo, and soliciting input via newspaper advertisements and agency referrals, the Board of the Regional District has considered public consultation issues related to these proposed amendments and satisfied the requirements contained in section 879 of the *Local Government Act*.

VOTING

All Directors vote – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

Feedback received from the public and referral agencies during consultation for the proposed Official Community Plan amendments indicates there is support to protect the E&N Railway as an uninterrupted linear transportation corridor. Redesignating this corridor will ensure that transportation oriented uses will be maintained now and provide the opportunity for their enhancement along this route in the future. In addition, these amendments have the potential to support many of the parks and recreation and transportation policies in the OCPs as well as the goals outlined in the RDN Growth Management Strategy. Therefore, staff recommends that 2nd reading be given to the OCP Amendment Bylaws and that they be referred to Public Hearing.

RECOMMENDATIONS

Electoral Area 'A' Official Community Plan

1. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.
2. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.
3. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.
4. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.
5. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002", be given 2nd reading and proceed to public hearing.
6. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" be delegated to Director Holme or his alternate.

Electoral Area 'C' Arrowsmith Benson-Cranberry Bright Official Community Plan

7. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.
8. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.
9. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.
10. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.
11. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002", be given 2nd reading and proceed to public hearing.
12. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" be delegated to Director Holme or his alternate.

Electoral Area 'D' Lantzville Official Community Plan

13. That "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.
14. That "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.
15. That "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.
16. That "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.
17. That "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002", be given 2nd reading and proceed to public hearing.
18. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" be delegated to Director Holme or his alternate.

Electoral Area 'E' Nanoose Bay Official Community Plan

19. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.
20. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.
21. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.
22. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.
23. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002", be given 2nd reading and proceed to public hearing.
24. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" be delegated to Director Holme or his alternate.

Electoral Area 'G' Englishman River Official Community Plan


25. That "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.
26. That "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.
27. That "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.
28. That "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.
29. That "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002", be given 2nd reading and proceed to public hearing.
30. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" be delegated to Director Holme or his alternate.

Electoral Area 'G' French Creek Official Community Plan

31. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.
32. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.
33. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.
34. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.
35. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002", be given 2nd reading and proceed to public hearing.
36. That the holding of the Public Hearing with respect to "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" be delegated to Director Holme or his alternate.

Electoral Area 'H' Shaw Hill-Deep Bay Official Community Plan

37. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.
38. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.
39. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.
40. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.
41. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002", be given 2nd reading and proceed to public hearing.
42. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" be delegated to Director Holme or his alternate.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devevs/reports/2002/6410 00 RAIL apr COW EA OCP ZB Amend EN railway

Schedule No. '1'

April 2/02

To the R.D.N - Nanaimo.

By any means possible
designate the E and N. Railway
as a Transportation Corridor.

It is important now and
will be even more important
in the future to save
this rail line and the
possibilities for change
and expansion. ~~Once~~

lost, the Rail can never
be "bought" back. We
must save this valuable 'Train'

Frances & Jerry Hughes

Frances M. Hughes
543 Martindale Rd.
Parksville, BC V9P 1R1

Ph. 250 248 6986

RECEIVED

APR 8 2002

REGIONAL DISTRICT
of NANAIMO

Garbutt, Geoffrey

From: McFarlane, Florence
Sent: Wednesday, March 27, 2002 8:27 AM
To: Garbutt, Geoffrey
Subject: FW: E&N Railroad:

Florence

[McFarlane, Florence] -----Original Message-----
From: Pooter Express [mailto:pooterex@island.net]
Sent: Wednesday, March 27, 2002 6:15 AM
To: McFarlane, Florence
Subject: E&N Railroad:

To: Regional District of Nanaimo, Area Directors
Fm: Peter Shaw, Parksville BC Mar 26 02

Re: E&N Railway, CP Rail & the Island Railroad:

This note is to thank you for your courage to zone the E&N right-of-way for 'rail-use only' or 'transportation corridor'. This will certainly defer propitious and irreversible actions regarding the E&N, and in this regard, I have some additional thoughts about CP Rail which you may find helpful to consider prior your upcoming meeting with CP Rail representatives.

CP is not the stolid-but-solid company I knew as a child, nor is it the diverse portfolio I worked for as a CP ocean freight agent for three years. The ever-shrinking CP management style is to look for easy money only to enhance short-term shareholder values and instant profit-taking at the expense of its own viability, all known vagaries of the marketplace considered.

It is doubtful CP Rail is looking for new rail business on Vancouver Island. More likely CP is looking for a tax deductible gift to some municipalities and districts while cashing in on its more valuable holdings along the line further south. Any island community that should create a 'hole' in the rail line will enable CP Rail to declare the whole E&N forever unviable and run off with the easy money all that much sooner. We can, in all goodwill, stop this right in its tracks.

I have been working for the last few years researching a long-term solution to the E&N operation which, of course, is currently unviable, and the only business plan I can come up with the most benefits for the cost, provide stable employment and ensure whollistic government, community and business benefits, coincides with a North Island mayor's proposal to utilize the old Island Copper pit at Coal Harbour for a landfill dump for island municipalities.

As you know, the E&N railroad is under threat of extinction due to the loss of freight from Rail America's largest customer, Norske-Skagge in Port Alberni. You also know that south island municipalities are currently trucking their landfill over crowded ferries to the mainland and thence to the Cache Creek landfill site, hundreds of miles away. This setup is an extraordinary expense, with island money going over to the mainland to pay for it, and with precious ferry space lost to this activity.

It is time we came up with an island solution to island needs.

3/27/2002

PAGE
22

While I am aware the Coal Harbour pit has been filled with water, with an aquaculture business now established on it, I believe it is no insurmountable problem to block the pit off of water source, pump it out and purchase the aquaculture business and compensate the company and workers with this new business or elsewhere and/or cash compensation.

As the pit is far deeper than the ocean inlet nearby, leachates and leakage will not be the problem it is elsewhere, especially as the pit will be lined. Environmentalist objectors can be reminded that right now the CRD had emptied a 200-acre lake for a landfill pit that is unworkable (see below). The Coal Harbour pit is good, I'm told, for at least 200 years.

The benefits of an Island Railroad municipal landfill rail pickup and transport to Coal Harbour will also allow for construction of other new business such as rail passenger connection to Campbell River and on to the BC Ferry depot in Port Hardy. Dangerous cargoes such as propane, and heavy cargoes such as long-distance log transfers, are more safely carried by rail than by highway. Heavy road-busting cargoes such as coal, marble and ore concentrate are also better carried by rail. There are several ocean freight ports around our Island which, at present, has its economy right up against the financial wall.

We need new good business, and we need it soonest.

To ensure that all island stakeholders benefit, including Rail America, Canfor, and CP Rail, it is essential that the island municipalities and the Province of British Columbia guarantee rail-only transport of the abovementioned cargoes to island rail carriers over a period of charter that will enable the issuance of bonds and other capitalization vehicles to finance the Island Rail upgrading and extension.

Without such a charter, no one will lift a finger to move on this.

Aside from North Island haulers, long distance highway servicing to the proposed pit is not an option. Down island, we are already seeing the negative effects of the Norske-Skagge decision to ship by truck. The Port Alberni Highway is now clogged with truck traffic. From Parksville, it now takes well over an hour to travel to Port Alberni by car, whereas it was only a 25-minute trip before. The highway itself is already showing the ravages of the extra volume of heavy truck traffic. The costs to the taxpayer of highway upgrading and maintenance far exceed the 25 percent increase in rail rates to Norske-Skagge which had this company switch to highway hauling.

Long-haul highway propane traffic is extremely high-risk, a disaster-in-waiting now that rail propane cargo is offloaded to the highways.

Historically, rail is well-proven to be the safest and cheapest land transport (all costs considered). In addition, for tourists and island commuters, it is the most comfortable mode of public transport. Rail is far easier on the environment, and after flood, heavy snow or severe earthquake, rail is always the first land transport infrastructure to be up and running. Rail is reliable, low-cost, safe and versatile, good for both passenger and freight traffic. The spin-off benefits to travel and tourism already provide business to communities down Island and even to a mainland railtour operator.

It is essential here to note that our economy is under long-term siege due to the U.S. softwood duties. As one who has worked extensively in the U.S. as an agent for some of America's

largest corporations, including Exxon, BP North America, Standard Oil of Ohio (now absorbed into BP-Amoco), and Keystone Shipping, I can assure you the American way of doing business has their softwoods position so severely entrenched that we will not see a satisfactory resolution of the problem, even after a WTO ruling favourable to Canada.

On Vancouver Island, with our little micro-economy, we have not the time to wait out softwoods settlements that will not be complied with anyway. Our communities are suffering terribly right now, and this problem affects all of us on the island. Again, I say, we must come up with an island solution to island needs.

In reference to your upcoming meeting between CP Rail representatives and the area district and municipalities to discuss this new zoning, I predicted to Dr. Lunney, MP, in January, that it is possible CP Rail, in response to any sudden re-zoning for 'rail right-of-way only', may initiate legal action. Thus it might be helpful for us to be ready with a railroad option and a tough program that discourages legal action.

In other words, we have to present the idea that the right-of-way is just as profitable to CP Rail in rail-use rather than as mere real estate. As I said to MP Lunney, this is the crux of the matter. As you will see below, there is a way to do this, as far as CP Rail is concerned, should rail extension and new freight not appeal to them.

It will be a tough call to make, of course, especially since, by my own numbers, by extrapolation, projection and extension, all nebulous qualities, I come up with rather fearsome figures which will mean that, while the Island Railroad may show profit, its prospect as a 'goldmine' will be in the form of savings and revenues to governments, wages to workers and profits to tourist businesses, propane depots and other heavy cargo shippers, some of whom already do substantial business, thanks to the E&N. These people are making money, and more people can.

The south island municipalities and the relevant ministries of highways & municipal affairs know very well the the expense of building ferries, strengthened bridges and pavement and the maintenance costs attached thereto. They know the costs of highway accidents. They know that Cowichan Valley Regional District and the Regional District of Nanaimo annually spend over \$3,100,000 to ship landfill waste to Cache Creek, all money going to mainland truckers and Cache Creek tipping fees. As the figures below will show, we have other revenue sources, one very big one, which will get our trains to Coal Harbour and Port Hardy and keep island money on the island.

CP Rail will be well-informed of the costs of rail construction, maintenance, rolling stock, signals, crossings and all the other infrastructure required. However, as CP Rail is far more interested in demarketing itself and selling off real estate for gratuitous profit rather than extend its rail operations for lesser reward, I suggest BC Rail would be a better, more innovative manager of the entire Island Rail system, though BC Rail may well balk at the suggestion.

There is a Vancouver Island Railway Society that is apparently willing to take on the management of the E&N, and they state there are reports showing viability of the E&N, Courtenay to Victoria.

However, while any proposal to CP Rail would have to be 'ultra-lucrative' in order to please CP Rail, BC Rail's management has shown itself to be open to new business at reasonable rates, and it has still maintained itself as a profitable and viable enterprise. Either way, a known quality is a more prudent choice than the unknowns.

In either case, a long-term charter is essential. Very long: 200 years, I would suggest - the minimum life of the pit. Anything less is too fragile, too isolated from long-term planning and financing for all stakeholders, not just a railroad.

CP Rail is based outside of this province. BC Rail is owned by this province. Therefore, if CP Rail or Rail America show extravagant costings, I would at least recommend BC Rail as a consultant to re-assess any excessive figures these 'foreign' railroads might propose. I would still encourage BC Rail's ownership of the rail extension and management of the whole system. At no time, however, would I suggest that anyone's real estate pretensions be awarded an extravagant property tax assessment, effective immediately, all taxes retroacted to the initial point of claim (July 24, 1871, for CP Rail), taxes refundable in part only when the right-of-way is surrendered to provincial-municipal ownership, rails intact.

However, I would be the first to suggest this very action, should CP Rail counter the recent re-zoning or threaten to rip up the tracks, for any statement by CP Rail that any portion of their right-of-way is also 'real estate' is an admission that places them in a very tight corner, for by this statement, they are liable for back taxes on all right-of-way, from day one to the day the land was zoned as 'transportation corridor' or 'rail-use only'. A substantial sum, one would think, payable for right-of-way 'real estate' from Victoria to Courtenay.

It can thus be made 'lucrative' for CP Rail to do rail business on the island, all 'real estate' taxes thus deferred to such time as CP Rail again assumes real estate pretensions with its right-of-way and ancillary lands.

As British Columbia is one of two provinces with a tax on rail right-of-way, albeit a tiny one, this tax can be employed provincially as a leverage to encourage rail extension and good management. With the right mix of tax incentive and charter rights, corporations can be moved to beneficial commercial enterprise.

Therefore, while extra compensation to CP Rail, Rail America & Canfor would not be entirely out of line (with caveats & concessions secured), this may, at times, show up as a subsidy of their railway maintenance costs. Even so, the valuations of all benefits accrued to island economy and well-being should far exceed the subsidy. In other words, the right-of-way owners, the province and island municipalities would make and save money, even though portions of the railroad, itself, may show an operating loss on the books. On the other hand, rail profits may well exceed my coarse predictions, in which case the issue of subsidy is moot. The taxable profits and wages of primary, secondary and tertiary spin-off businesses must also be considered as government 'revenue' which shall more than offset any subsidy.

In all circumstances, highway subsidy to highway carriers exceeds any rail subsidy in Canada. Even so, we will need our buses and trucks for local pick-up and deliveries and as connectors to rail depots. Thus, both highway and railway required subsidy. The question is: where are the transportation subsidy dollars most beneficial in all requirements, including safety, comfort, economic stimulus, maintenance and long-term stability?

For Vancouver Island a mix of both road and railway is the answer. Both present benefits but only if both are working together to cover the whole island economy. An excess of one over the other causes imbalance.

The model I'm proposing is nothing new. It's been done before, and as we move to

3/27/2002

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privatization of highways, the subsequent highway tolls assure us the rail system looks more promising than ever. The old model is returning.

An Island Railroad dealing with island needs is a workable and sensible solution. It presents a functional, reliable and cost-beneficial long-term infrastructure to the whole island, not just to select southern communities. It alleviates the economic devastation of the North Island. It offers new tourist business, traveler comfort and travel connections. It is faster than bus transport. It satisfies island freight transportation and safety requirements. It deals effectively with a serious and costly landfill problem. It enhances the viability and value of the rail operation itself, and most importantly, it serves Vancouver Island and shall serve it well as highways price themselves beyond the realm of long-distance hauling.

I've done enough research to be convinced that truck drivers are the ones who benefit least from long-distance trucking. Some do not benefit at all. They suffer.

An Island Railroad is a win-win-win proposition that will open new doors of opportunity to all Vancouver Islanders, and its macro-economic benefit to the island economy is a plus.

I should note here that, as the Island Rail extension is not inconsistent with the federal government's Kyoto Protocol Agreement, the feds can surely assist in capitalization with their newly-established Infrastructure Fund. They can put their money where their mouths are. We already have choice MPs who are most adept at prodding them, and the recent failures of the softwood talks has the feds surprisingly willing to help us secure new business with new infrastructure.

To not move on this may eventually leave Vancouver Island with only a multitude of highway owners, each with a toll rate and differing standards, and already the writ is large upon all walls that insurance and other costs will be rendering highway travel financially prohibitive to many travelers and truckers very shortly. Historically, a railroad can do the job at an affordable cost and price, but only if local stakeholders ensure that local leverage is well secured for both passenger and freight traffic and that complex cost-price considerations are well balanced.

This is where you come in. Rails are a fixture to the E&N properties, and so are ancillary buildings and servicing areas. They are attached, by trade and trade practice, as necessary and ancillary infrastructural attachment. Please ensure that the 'rail-use only' zoning precludes E&N tracks, structures and other co-dependent attachments being relinquished to CP disposal. A 'rail-use only' zoning certainly assists in this continuance. And please be aware that any gift-horse from CP may, in fact, be a Trojan horse. Rail development on Vancouver Island is certainly valid, no matter how much CP Rail may claim otherwise.

Our good fortune lies in the fact that rail is so much cheaper to build than highways. For the sections from Courtenay to Canfor and from Beaver Cove to the pit and Port Hardy (the Canfor stretch has some terrific bridges over the highway but requires new bridges elsewhere, one long one), plus the pick-up spurs in the south, I can only throw a dart at a dartboard and come up with \$120 million for new construction and an equivalent amount for signaling, siding, upgrading, etc. and other work I think has to be done on the existing line that nobody seems to think about. That's \$240 million. The pit, itself, with lining (which can be done in stages as the pit fills), the dumping and gas recovery systems should cost about \$28 million, maximum. This includes a dam for the dug-out channel and filling the rest of the channel with the crushed rock and gravel that is on site already, thanks to Utah Mines.

Rolling stock can be leased to assist in cash flow, but even if it's purchased at \$240 million, the capitalization is then \$508 million, plus interest. Rolling stock includes diesels, hoppers, passenger and maintenance cars. However, if the federal government can give Ontario \$110 million from its Infrastructure Fund just for cultural items, like art galleries, it is not unreasonable for us to capture at least \$300 million for a railroad that also coincides with the federal pet Kyoto project and helps out an area that is especially hard hit with the softwood failures.

Over the period of expected life of the pit (200 years), the island cost translates roughly at \$1.5 million capital cost per year. However, we already know that CP Rail and Rail America want \$5 million a year just for the E&N. So, let us stick with a rough \$15 million annual bill here, for all costs. And please accept my apologies for not being able to cost out with accuracy. While I can do accurate freight statements for ocean bulk carriers and oil tankers, railroads are notoriously reticent with internal cost analysis. However, we do like to have some idea of costs, and though I do know some CP Rail internal costs of 1982, the figures are far too old and involve economies of scale (like comparing apples to T-bone steak).

Even so, as Via gives us \$3 million annually, and with the \$3.1 million from Cowichan and Nanaimo, we have \$6.1. Then, as the CRD puts out 130,000 tons of landfill annually, this represents \$11.7 shipping income at Cache Creek rates* from the CRD alone.

"Why am I calculating Cache Creek rates when I know that truckers can haul up island right now at a cheaper rate? Well, as I mentioned already, the truckers' shipping bills go up drastically in the next few years. Their highway subsidy is already a big one, and with this and all costs considered, the trucks cost more than our Cache Creek rates. The Cache Creek rate sets the market rate, and let's leave the budget alone. After all, federal help will not be extended without a body of provincial help as well.

In addition, the railroad can handle propane traffic up and down the island. This is a big concern to those who know the damages an exploding propane truck can cause. We've got to get that propane off the highway as much as possible. There are other dangerous cargoes as well for the railroad.

Furthermore, the CRD is running out of landfill space and is upsetting its dump site neighbours with its constant rock blasting for cut and cover to make its pit last another 50 years. Their truck traffic is causing problems with constant noise and hazard. The CRD is ripe for lawsuits from affected neighbours. The Island Copper Mine, where I worked long ago, has 'mountains' of crushed rock already on site for stopping up the channel and any cover layering. This is a huge operating savings. Blasting costs a fortune, and the CRD is the one very big customer the Island Railroad must have. At Cache Creek rates, the CRD is getting both relief and a bargain with the railroad. Their unworkable pit should be put to rest, for standby emergency use only.

I'm showing you annual income of \$17.8 million without even touching the income from other shippers and new passenger business. This should more than pay off our capital costs, labor, maintenance and cover plant renewal, and the Island Rail is moving service to the whole island, creating new jobs wherever it goes. I think, with federal infrastructure grants attached, we just capitalized our railroad, paid off the bonds, paid for the pit, paid for the trains and paid for passenger service all the way to Port Hardy, and we will pay our people well, won't we? If we get BC Rail to run things, at least on the extension, we would save a bundle on certain labour and other costs, yet pay well enough.

Can we do it? I think we can. I believe this is a viable and worthy plan. And all other revenue source, which I hadn't accounted for, is, to be conservative, helpful. It may carry landfill waste, but the railroad will keep island gravy on the island where it belongs. Now I put the questions to you: how many direct jobs here? How many indirect? How many jobs created in the tourist industry? Will BC Ferries gather new trade on its Prince Rupert run? How many new jobs and new revenues will this railroad create? And how many serious safety issues will this railroad address to our satisfaction?

This is a window of opportunity wherein the window will not be open forever. As the federal government is sympathetic to our plight, and as the timing is crucial, your careful action in this regard will be of great assistance to the whole of Vancouver Island as well as to your good selves, now and in the future.

Respectfully,
Peter Shaw

Garbutt, Geoffrey

From: Beetstra, Marion
Sent: Tuesday, April 02, 2002 8:31 AM
To: Garbutt, Geoffrey
Subject: FW: Land use regulations - E&N Corridor

-----Original Message-----

From: David & Margaret Hansen [mailto:mohansen@nanaimo.ark.com]
Sent: Sunday, March 31, 2002 5:33 PM
To: Beetstra, Marion
Cc: lunnef@parl.gc.ca
Subject: Land use regulations - E&N Corridor

The Nanaimo Regional Board is to be commended for a visionary purpose in moving to protect a transportation corridor which must eventually be a vital part of future mass transportation as population densities in the twenty first century make rail travel a viable part of the Vancouver Island infrastructure.

My wife and I offer our enthusiastic support to this amendment.

David & Margaret Hansen
857 Reid Road
Parksville, V9P 2E6 248-6172

Schedule No. '2'



**ALBERNI-CLAYOQUOT
REGIONAL DISTRICT**

3008 Fifth Avenue, Port Alberni, B.C. CANADA V9Y 2E3 Telephone (250) 720-2700 FAX: (250) 723-1327

April 2, 2002

Geoff Garbutt
Nanaimo Regional District
6300 Hammond Bay Road
P.O. Box 40
Nanaimo, B.C.
V0R 2H0

RECEIVED

APR 8 2002

REGIONAL DISTRICT
of NANAIMO

Dear Mr. Garbutt,

**Re: Regional District of Nanaimo Proposed Electoral Area OCP amendments -
E&N Railway**

The Alberni-Clayoquot Regional District Board met on March 27, 2002 and reviewed the proposed Electoral Area Official Community Plan amendments referred on March 13, 2002. The Alberni-Clayoquot Regional District supports the Regional District of Nanaimo's proposed Official Community Plan designating the E&N railway corridor as a Transportation Corridor and the corresponding zoning amendments.

Yours truly,

Mike Irg
Planner

Members: City of Port Alberni, District of Ucluelet, District of Tofino
Electoral Areas "A" (Stanfield), "B" (Bamford), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

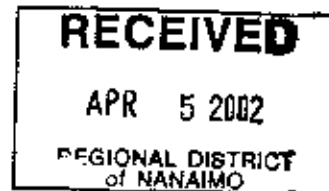
PAGE
28



SCHOOL DISTRICT 69 (QUALICUM)

March 27, 2002

Geoff Garbutt
Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2



Dear Geoff Garbutt,

**Re: Electoral Area Official Community Plan
Amendments - E & N Railway**

Thank you for your letter of March 13th requesting comments from the Board of School Trustees with respect to the proposed amendment to the Electoral Area Official Community Plans designating the E&N railway corridor as a Transportation Corridor.

The Board of School Trustees received your letter and the March Staff Report at last night's Regular School Board Meeting.

The School Board believes the proposed Electoral Area Official Community Plan amendments will serve the public well to preserve a tremendous asset for area residents.

The School Board wishes to encourage the Regional Board of Directors to give the Electoral Area Official Community Plan amendments third and final reading.

Yours truly,

Dan Whiting
Secretary Treasurer

c: Tom Watson, Superintendent of Schools



File: 53170-53/CID

March 19, 2002

VIA FACSIMILE

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, British Columbia V9T 6N2

Attention: Geoff Gerbutt, Senior Planner

Re: Electoral Area Official Community Plan Amendments—E & N Railway

Further to your letter of March 13, 2002, please be advised that the Ministry of Transportation would have no objections to the philosophy of protecting the existing railways as transportation corridors. However, perhaps the permitted uses should include other allowable transportation uses as well as railway and railway stations, as there may be an opportunity to utilize portions of the corridors for such things as cycling.

Yours truly,



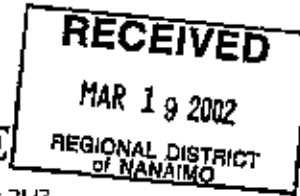
R. J. Howat
Provincial Approving Officer
e-mail: Rob.Howat@gems6.gov.bc.ca

RJH/ved



City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC, V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.city.parksville.bc.ca



March 18, 2002

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

ATTENTION: GEOFF GARBUTT, SENIOR PLANNER

Dear Sirs:

**SUBJECT: ELECTORAL AREA OFFICIAL COMMUNITY PLAN
AMENDMENTS - E & N RAILWAY**

Thank you for your March 13th referral on the above noted topic. The City is supportive of the Plan Amendments that you are proposing.

We are undertaking a similar initiative for our transportation corridors. I am enclosing a copy of a recent Council report on this topic. Council adopted the recommendation shown in the report.

I trust this is the information you require.

Yours truly,


GAYLE A. JACKSON
Director of Community Planning

GAJ/sh
Attachment

gj/6480-00/Garburt-1.

COPY

February 25, 2002

MEMO TO: R. D. ROYCROFT, MCIP, CITY MANAGER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

**SUBJECT: CONSIDERATION OF PROVIDING APPROPRIATE ZONING FOR
TRANSPORTATION CORRIDORS**

Background:

Recent discussion regarding the potential decommissioning of rail lines has brought to attention the fact that transportation corridors have not been provided with appropriate zoning, but rather 'default' to the adjacent zoning, based on the current method of defining zoning boundaries.

Options:

Council may:

1. Direct staff to prepare a bylaw which has the effect of providing a zoning category to accommodate and recognize transportation corridors.
2. Leave the zoning as is.

Analysis:

It is and has always been the City's intention that transportation corridors be used as such and that any intended change in use would necessitate a rezoning application. Despite this, there has been no clear delineation of transportation corridors on the zoning map and in many cases, zoning boundaries run down the middle of roads, giving roads the same zoning as the adjacent property. In many cases, this approach historically was used for drafting clarity, rather than land use intent. Now that computer drafting capability exists there is no reason not to delineate transportation corridors on the zoning map and provide corresponding zoning.

If this situation is unaltered, there is a potential for transportation corridors to develop under an inappropriate zoning category and, without any associated rezoning process.

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Recommendation:

That Council direct staff to prepare a bylaw which has the effect of providing a zoning category to accommodate and recognize transportation corridors.

GAYLE A. JACKSON

GAYLE

#6580-00/Reports/Transportation Report-1.

DIRECTOR OF ENGINEERING AND OPERATIONS COMMENTS:

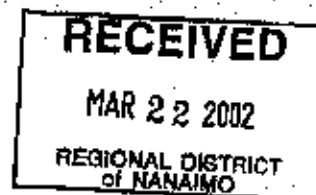
GARY O'ROURKE, P. ENG.

CITY MANAGER'S COMMENTS:

R. ROYCROFT, MCIP



Land Reserve Commission
Working Farms, Working Forests



March 19, 2002

Reply to the attention of Roger Cheetham

Geoff Garbutt, Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Sir:

Re: OCP/Zoning Bylaw Amendments for E and N Railway Corridor

Our Ref: 32291

With reference to your letter dated 13th March 2002 we have no objection to the proposed amendments. However, as the corridor traverses significant areas of ALR the Commission might have a concern if the corridor were to be used for other purposes, for example a recreation trail.

Yours truly,

LAND RESERVE COMMISSION

Per: *RH Cheetham*

f K. B. Miller, Chief Executive Officer

cc: Wayne Haddow, Ministry of Agriculture, Food and Fisheries, Duncan
Jill Hatfield, Ministry of Agriculture, Food and Fisheries - Courtenay

RC/iv

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APR 16 2002

CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
		cow	✓

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: April 11, 2002

FROM: Brigid Reynolds
Planner

FILE: 3900 20 116601

SUBJECT: Delegation of Authority Amendment Bylaw No. 1166.01
Electoral Area 'H' - Horne Lake 400 Lot Bare Land Strata Subdivision
Riparian Area and Fish Habitat Restoration and Enhancement Projects

PURPOSE

To consider amendments to Bylaw No. 1166, 1999 to delegate approval authority for the issuance of development permits for those properties situated within Development Permit No. 5 of the Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996 where the permitted use includes recreational residential as defined in Bylaw No. 500; to delegate approval authority for the issuance of development permits for beneficial works to enhance riparian areas and fish habitat; and for minor housekeeping to clarify language in the bylaw.

BACKGROUND

The purpose of this proposed amendment to Bylaw No. 1166 would enable the General Manager of Development Services to approve proposed Development Permit applications for those properties situated within Development Permit No. 5 of the Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996 where the permitted use includes recreational residential as defined in Bylaw No. 500, and for applications where the proposed works are beneficial and will enhance or restore riparian areas, and fish habitat, provided they meet specific criteria and for minor housekeeping to Bylaw No. 1166 to clarify language in the bylaw.

Section 176 (1) (e) of the *Local Government Act* permits the Regional Board to delegate its powers to an employee. In August 1999 the Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999 was adopted in order to reduce the processing time of development permit applications by allowing the General Manager of Development Services to approve and issue development permits for those applications that meet specific criteria.

The minor housekeeping proposed in this amendment will clarify language in the current bylaw that has caused confusion.

In October 2001, "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.275" was adopted creating the Comprehensive Development 9 (CD9) zone and rezoning portions of the land surrounding Horne Lake from Resource Management 1 (RM1) to Comprehensive Development 9 (CD9) for the creation of a maximum of 400 Bare Land Strata Lots. The bare land strata subdivision has now been registered under Plan VIS5160 (see Attachment No. 1).

Bylaw No. 500.275 regulates the minimum setback for buildings and structures as 8.0 metres from the present natural boundary as shown on Plan VIS5160. In addition, as part of the bare land strata subdivision, a land use covenant was registered on title, which established that no new buildings or structures could be constructed or located within 8.0 metres to the present natural boundary.

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The Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996 designates Horne Lake as an Environmentally Sensitive Areas Development Permit Area. The development permit area was established to protect the natural environment and is measured 15.0 metres from the top of the bank of a watercourse. In the case of the Horne Lake bare land strata subdivision, many of the lots do not have a bank and in order to provide consistency the development permit area is measured from the present natural boundary of Horne Lake as shown on Plan VIS5160. The development permit area is measured 15.0 meters from the top of the bank of other watercourses.

Concurrent with the adoption of Bylaw No. 500.275, Development Permit No. 0120 was issued as a 'blanket' development permit. This Development Permit provides detailed guidelines and conditions related to stormwater management; fill placement; construction and maintenance of docks; walkways and trails; foreshore and watercourse management; construction; vegetation management and landscaping; and sediment and erosion protection.

With the registration of the bare land strata subdivision, strata owners have indicated intentions to begin constructing and renovating their cabins, as well as initiate other works on the lots. Regional District staff anticipates numerous development permit applications requesting approval to undertake works or locate cabins or other structures within the Development Permit Area; in part, this high demand follows the legalization of the lots through the rezoning at Horne Lake (as prior to the rezoning and the creation of the Bare Land Strata subdivision, works undertaken were contrary to RDN bylaws).

In the RDN there are numerous voluntary stewardship organizations who work with landowners and local and senior governments to protect fish and fish habitat in a particular area of the region or on a particular system. These works often include the restoration and enhancement of riparian areas and fish habitat. In most cases, these works require prior approval from the Department of Fisheries and Oceans (DFO) and/or the Ministry of Water, Land and Air Protection (MWLAP). In addition, these works may require a development permit from the Regional District as the proposed location is within a Watercourse Protection Development Permit Area.

ALTERNATIVES

1. To consider delegating authority to the General Manager to approve development permits (DP) for land alteration undertaken in connection with construction of a building or structure between 8 and 15 metres of the present natural boundary of Horne Lake and any non-structural land alteration undertaken within the DP Area in accordance with the DP Area Guidelines.
2. To consider delegating authority to the General Manager to approve development permits for any land alteration undertaken in connection with construction of a building or structure between 8 and 15 metres from the present natural boundary of a watercourse for those properties situated within Development Permit Area No. 5.
3. To receive the staff report and make no amendments to Bylaw No. 1166, 1999.

LAND USE AND DEVELOPMENT IMPLICATIONS

Alternative No. 1 would delegate authority to the General Manager for all Horne Lake development permit applications and nonstructural alterations less than 8 metres from the natural boundary of Horne Lake or 15 metres of a watercourse (*see Attachment No. 2 for draft amendment*). Alternative No. 2 would delegate authority to the General Manager only for development permit applications for structural or nonstructural alterations from 15 metres to 8 metres but not for alterations less than 8.0 metres from the natural boundary of Horne Lake or a watercourse. It should be noted that any decision of the General Manager of Development Services can be appealed to the Board. Delegating authority to the General Manager of Development Services to issue development permits on these designated lands would

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streamline the approval process providing the application does not include a variance to Bylaw No. 500 within 8.0 metres of Horne Lake, 15 metres from a watercourse or from other property lines. Further, it should also be noted that an RDN land use covenant registered on title does not permit new cabins and structures to be constructed or located within 8 metres from the present natural boundary of Horne Lake and within 15 metres of a watercourse; therefore, no variances, other than blanket variances, would be supported beyond the distances established in the covenant.

While some strata lot owners may still propose to undertake works without reference to RDN bylaws, staff would recommend that a faster and more streamlined process would ensure greater compliance for new any construction or land alteration that is proposed to occur within the development permit area.

Examples of development permit applications where the purpose is to restore and enhance fish habitat include such activities as bioengineering for bank stabilization or the construction of side channels to provide winter habitat for spawning salmonids. These works are not structural and would not require any variance to Bylaw No. 500. Where such works are carried out on private property, landowner permission is required prior to the commencement of the works. In addition, much of this work is undertaken in consultation with or supervised by DFO and/or MWLAP.

Works that are undertaken to restore and enhance riparian areas and fish habitat are often done by volunteer labour with few financial resources. In some cases, these works must be undertaken with short notice as funding opportunities arise. Therefore, a quicker approval process for the issuance of Development Permits would enable these works to proceed.

ENVIRONMENTAL IMPLICATIONS

Over the course of the rezoning and creation of the bare land strata subdivision, Regional District staff consulted and worked with staff from Federal Fisheries and Oceans (DFO) and the Ministry of Water, Land and Air Protection (MWLAP) to develop guidelines and recommendations for the protection of Horne Lake and other watercourses flowing into Horne Lake. In addition, guidelines for vegetation removal are being developed in consultation with both agencies to ensure that the integrity of the remaining riparian area around Horne Lake is maintained.

Development Permit applications that meet the criteria for either Alternative No. 1 or 2 would receive a comprehensive staff review incorporating guidelines and recommendations developed together with DFO and MWLAP.

Restoration and enhancement works are intended to improve the function of rectify a problem whereby the riparian the environment In most cases, proposed restoration and enhancement works must receive approval from DFO and MWLAP. In many cases, these agencies are working closely with the applicants to provide technical assistance. Prior to any development permit application being reviewed by the General Manager, the applicant would be required to have received approval from the senior agency to ensure that the works are consistent with the *Fisheries Act* and/or the *Water Act*.

LEGAL IMPLICATIONS

The recommendation refers generally to those properties situated within Development Permit Area No. 5 of the Shaw Hill – Deep Bay OCP where the permitted use includes recreational residential as defined in Bylaw No. 500. RDN staff has received a legal opinion stating that the bylaw cannot refer to the specific parcel or zone as this could be construed as discriminatory. However, legal advice has been given whereby the general reference, as indicated in this staff report and the proposed amendment, is legally acceptable.

PUBLIC CONSULTATION IMPLICATIONS

The *Local Government Act* does not require public notification or a public hearing for this bylaw amendment. However, the affected property owners will be advised of the amendment to Bylaw No. 1166 by way of notice in a newsletter direct mailed to property owners.

VOTING

All Directors – 2/3 Vote

SUMMARY

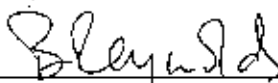
This is an amendment to Bylaw No. 1166 that would enable proposed development permit applications for those properties situated within Development Permit Area No. 5 where the permitted use includes recreational residential as defined in Bylaw No. 500 and for development permit applications with the purpose to enhance and restore riparian areas and fish habitat be approved by the General Manager of Development Services provided they meet specific criteria. Staff recommends Alternative No. 1 and that Bylaw No. 1166.01 receive three (3) readings and proceed with adoption as this amendment would result in a more streamlined process for Development Permit applications for those affected properties.

RECOMMENDATIONS

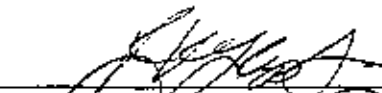
1. That "Regional District of Nanaimo Delegation of Authority Amendment Bylaw No. 1166.01, 2002" delegating authority to the General Manager to approve development permits where;
 - i. the applicant has requested a development permit to alter land to within 30 % of the applicable development permit guidelines;
 - ii. the applicant has requested a development permit to enhance and restore riparian areas, fish and fish habitat; and
 - iii. properties are designated within Development Permit No. 5 pursuant to the Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996, where the permitted use includes recreational residential as defined in Bylaw No. 500 for:
 - (1) any land alteration in connection with construction of a building or structure between 8 and 15 metres of the present natural boundary of Home Lake and any non-structural land alteration undertaken within the development permit area; and
 - (2) any non-structural land alteration undertaken within the development permit area.

be given three (3) readings.

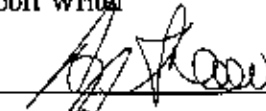
2. That "Regional District of Nanaimo Delegation of Authority Amendment Bylaw No. 1166.01, 2002", having received three (3) readings, be adopted.



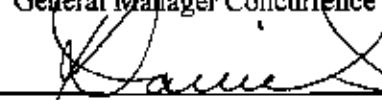
Report Writer



General Manager Concurrence



Manager Concurrence

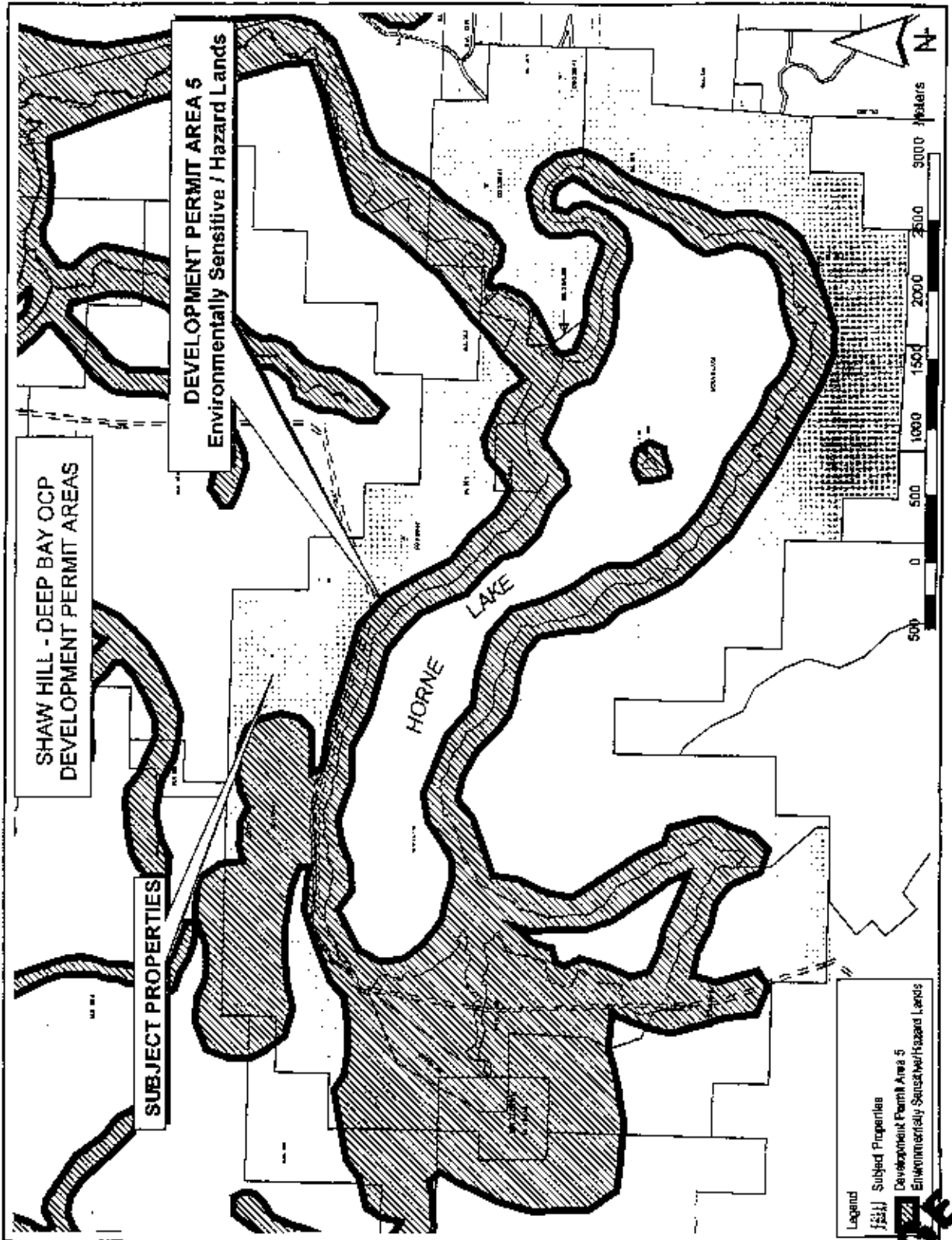


CAO Concurrence

COMMENTS:

Attachment No. 1

Map of Horne Lake



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1166.01

A Bylaw to Amend the Delegation of Authority Bylaw No. 1166, 1999

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

2. Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999 Part III – Land Use Approval Delegation is hereby amended as follows:

by deleting Subsection 5. (b) and replacing it with:

5. (b) Development permits within a Development Permit Area created under Section 919.1 (1) (a) of the *Local Government Act* - protection of the natural environment, its ecosystems and biological diversity where:

- i. the applicant has requested a Development Permit to alter land to within 30 % of the applicable Development Permit Guidelines;
- ii. the applicant has requested a Development Permit to enhance and restore riparian areas and fish habitat; and
- iii. properties are designated within Development Permit No. 5 of the Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996 where the permitted use includes recreational residential as defined in Bylaw No. 500

(1) any land alteration in connection with construction of a building or structure between 8 and 15 metres of the present natural boundary of Home Lake and any non-structural land alteration undertaken within the Development Permit Area;

(2) non-structural land alteration undertaken within the Development Permit Area.

3. This Bylaw may be cited as “Regional District of Nanaimo Delegation of Authority Bylaw Amendment Bylaw No. 1166.01, 2002”.

Introduced and read three (3) times this _____ day of _____, 2002

Adopted this _____ day of _____, 2002.

Chairperson

General Manager, Corporate Services

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REGIONAL DISTRICT OF NANAIMO			
APR 17 2002			
CHAIR		GMCrS	
GAO	<i>DM</i>	GMDS	
GMCmS		GMES	
<i>COW</i>			
			DATE:

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: April 16, 2002

FROM: Joan Michel
Trails Coordinator

FILE: 6150 20 HOLA

SUBJECT: Horne Lake Regional Park - Interim Management Plan

PURPOSE

To consider the Horne Lake Regional Park Advisory Committee's *Interim Management Plan* concerning operations at the new Regional Park for 2002 and process leading to a 2003-08 Horne Lake Regional Park Management Plan.

BACKGROUND

In November 2001, the Regional Board directed that a public advisory committee be formed to assist in the formulation of a management plan for the new Horne Lake Regional Park (HLRP). Committee membership included: two representatives of the Horne Lake Strata Corporation; four members of the general public; Director Electoral Area 'H'; representatives from Fisheries and Oceans Canada; Ministry of Water, Land and Air Protection; BC Parks; the RDN General Manager of Development Services; and an RDN staff project coordinator (*see Attachment No. 1 - Terms of Reference for Committee*).

The Regional Board approved the full membership of the Advisory Committee in January 2002, and committee work began. The HLRP Advisory Committee met several times between February 11th and April 8th, including one site visit to the Regional Park. A public information meeting was also held March 27, 2002 at the Lighthouse Community Centre in Qualicum Bay, which approximately 50 people attended. The committee meeting minutes and the minutes and submissions received, as a result of the public information meeting, are attached (*see Attachment No. 2*).

As a result of the issues raised by the Advisory Committee, the recommendations presented propose that an *Interim Management Plan* (*see Attachment No. 3*) be endorsed for the balance of 2002. Further, it is recommended that additional work proceed by contract, to prepare a long term management and operating plan considered necessary to secure a 5-year operating contract. The management and operating plan is proposed to be funded by current (2002) revenues from the park, including revenue from an expanded statutory right-of-way required by Centra Gas.

In addition, due to the "option to operate" agreement between the Regional District and the Horne Lake Strata Corporation, the Strata Corporation has the right of first refusal to assume a 5 year operating contract for the Park subject to the terms and conditions included in the Horne Lake Regional Park Management Plan, as approved by the RDN.

ALTERNATIVES

1. That the Home Lake Regional Park *Interim Management Plan* be endorsed, and that staff be directed to proceed with implementing the recommended actions, including preparing terms of reference for the preparation of a long term management and operating plan necessary to secure a 5 year operating contract with the Home Lake Strata Corporation or an independent operator.
2. That the *Interim Management Plan* be received and that for the present time (2002 camping season) the Park be managed on a limited day-use basis, i.e., no boat launching, camping, or programmed outdoor recreation and education, until the recommended full park review and design process is completed and a five-year management and operating plan is prepared.
3. That staff and the Advisory Committee are directed to consider other issues as identified by the Board and report back with a revised *Interim Management Plan*.

DEVELOPMENT IMPLICATIONS

The Home Lake Regional Park property includes a number of encumbrances including:

- the 1911 Home Lake and Alberni Road;
- an expanding Centra Gas right-of-way;
- an easement granted to Texada Land Corporation allowing active logging;
- the caretaker's house has an insufficient septic system, and is served by a well not located on the Park;
- a sizeable portion of the Park entrance area, along with the only road providing access to the southern half of the Regional Park, is owned by Fisheries and Oceans Canada (DFO) and BC Parks;
- the western half of the Park, where logging has recently been completed, is situated within the Forest Land Reserve; and
- the majority of the Park property is contained within the DFO-controlled Home Lake floodplain.

A complete site inventory of the property is included as *Attachment No. 4*.

Regional Park bylaws, to regulate activities such as public camping; off-road vehicles and site use; are in the process of being drafted, but will require public review prior to being considered for adoption. It is anticipated that within a year, the majority of the outstanding property development issues will be rectified.

FINANCIAL IMPLICATIONS

Revenue forecasts for the Park, based on fees outlined in the *Interim Management Plan*, show that a financially self-sustaining public park can be run for the 2002 season and can be negotiated as part of a longer term operating contract. However, as recommended by the Advisory Committee, it is considered necessary to contract for the preparation of a longer-term management and operating plan that can be used to secure a 5 year operating contract. The estimated cost for this type of contract service would be in the amount of \$20,000 to \$30,000. Funds to assist with the longer term planning and operating contract can be provided by pending agreements for expansion of the Centra Gas for \$31,000 and revenues from park operations.

ENVIRONMENTAL IMPLICATIONS

The DFO-RDN floodplain management agreement has implications for future uses of the Regional Park property however would provide for the seasonal operation of a campground and on-site caretakers and accessory buildings. Work to regularize existing well and septic set-up is underway with provincial health authorities. Full environmental and hydrological assessment of the Park property can be carried out over the 2002-03 period as recommended. No significant environmental concerns with the property have been identified to date.

PUBLIC CONSULTATION IMPLICATIONS

Minutes of the HLRP Advisory Committee were posted on the RDN web site along with a draft *Interim Management Plan*; copies of the draft plan were also made available at the three main RDN offices. A public information meeting was held March 27, 2002 in Qualicum Bay and approximately 50 people attended. A number of written comment sheets were submitted following the meeting. Public feedback was concentrated on two main issues: (a) boat launching, primarily the cost, and (b) satisfying individuals who, during Texada's time as owner, had passes to camp at the property for the whole season.

With respect to the boating issue, the Advisory Committee has recommended that a fee be levied for trailered boat launching. All fees are subject to revision following the 2002 season.

With respect to the issuance of passes for seasonal camping, the Advisory Committee discussed the matter at length and recommended that a season pass option not be made available for use of the campground. The committee recognized that previous passholders had their leases terminated by Texada in November 2001; in January 2002, the Regional Board examined their written submission for a continuation of the seasonal pass practice, and decided not to endorse this practice or give expectations to former passholders that their previous occupancy would be recognized with preferred status for access to the campground. At the public information meeting, former passholders continued to request special consideration for seasonal use of the campground and suggested that part of the campground be reserved for a season passholder option. It is noted that in April 2001, staff responded to submissions received from former passholders, fully explaining the Regional District's position on exclusive use in a public park, and assured the passholders that all evidence shows that the park can be run successfully without the guaranteed revenues from seasonal passholders or the additional security they may offer.

As part of the planning for the proposed 2003-08 management and operating plan, it is recommended that additional public consultation utilize workshops to obtain feedback on park use rather than directing consultation through an advisory committee process. The Advisory Committee agreed that its role had been fulfilled and there was no further need for a regular series of advisory committee meetings and that individuals would be more willing to continue to participate at individual workshops.

SUMMARY/CONCLUSIONS

At the direction of the Board, staff has worked with the Home Lake Regional Park Advisory Committee to prepare an interim management plan for the new Park. The Committee reflected a range of experiences and opinions. The Committee supports an interim plan for the 2002 season that involves no new development at the Park property until a park design has been completed and a number of basic property issues resolved.

The drafted interim management plan recommends that the Park be opened to the public in 2002 for day-use, overnight camping (individual and group) with stays of no greater than two weeks, boating, and programmed recreation and outdoor education. Fees and campground regulations approximate those of BC Parks, with which the public is already familiar. For the longer-term, the Committee recommends that a park design process be initiated, including preparing terms of reference for the preparation of a long term management and operating plan necessary to secure a 5-year operating contract with the Horne Lake Strata Corporation or an independent operator. It is also recommended that a future public consultation be initiated.

With respect to the implementation of the *Interim Management Plan*, the Advisory Committee recommends that the RDN's proposed 2002 interim management plan and an outline of a 2002 short term operating plan, be formally forwarded to the Horne Lake Strata Corporation for endorsement pursuant to the option agreement between the Strata Corporation and the RDN. If the Strata Corporation elects to manage the Park for 2002, the offer of a 5-year operating contract would still be considered, without prejudice, following the preparation of a long-term management and operating plan for the Park. If the Strata Corporation elects to request that its 5 year option to operate be offered immediately, the implementation of the Interim Management Plan would have to be delayed to secure both the implementation of the Plan and the necessary provisions of a contract to secure the interests of the RDN.

RECOMMENDATIONS

1. That the *Interim Management Plan* for Horne Lake Regional Park be endorsed and approved, thereby giving authority to proceed with opening of the Park in the spring 2002 for uses including general camping, boating, programmed recreation, and day use.
2. That staff be authorized to establish and enter into an interim management contract with Rick Canfield for the 2002 season, subject to the acceptance of the Horne Lake Strata Corporation without prejudice to their right of first refusal on a 2003-08 management plan.
3. That staff be authorized to proceed with the regularization of property encumbrances and anomalies at Horne Lake Regional Park, and prepare terms of reference for the preparation of a long term management and operating plan necessary to secure a 5-year operating contract.



Report Writer



General Manager Concurrence



A/ CAO Concurrence

**TERMS OF REFERENCE
HORNE LAKE ADVISORY COMMITTEE**



**Horne Lake Park
Advisory Committee**

**TERMS OF REFERENCE
November 2001**

1.0 SCOPE OF WORK

The scope of work of the Horne Lake Park Advisory Committee is to assist in the preparation of a Park Management Plan for Block 40, Alberni District by providing advise and recommendations with respect to how the land may be best managed and utilized as public park (with recognition given to: legal agreements between the RDN and the Horne Lake License Holders Association; the preservation of the environmental values of the land; and the interests of other provincial and federal agencies).

2.0 ESTABLISHMENT OF THE PARK ADVISORY COMMITTEE

The Park Advisory Committee will be established by the Board to work with staff on a Park Management Plan for the newly created Horne Lake Park. As this Park is viewed as an important resource to all residents in the Regional District of Nanaimo, a public notice will invite submissions from citizens of the Region who may wish to serve on the Committee. In addition, given that intergovernmental issues, such as the adjacent Provincial Park, Flood Protection and Habitat and Fish Protection Implications, representation will be invited of relevant provincial and federal ministries. Applications will be submitted to the Board Selection Committee, which will review the applications and provide recommendations for appointments to the Board.

Membership of the Committee shall consist of:

- a) Electoral Area 'H' Director as an ex-officio member of the Committee;
- b) Four members of the general public (representing a cross section of interests) who submit applications to the Board;
- c) One representative of the management group acting on behalf of the Horne Lake License Holders Association;
- d) One representative of Horne Lake License Holders Association, appointed by the Association;
- e) One representative of BC Parks, to be appointed by that ministry;
- f) One representative of the Ministry of Air, Land and Water; and
- g) One representative of the Department of Fisheries and Oceans, appointed by the ministry.

The General Manager of the Development Services Department will act as Project Administrator and a RDN Recreation and Parks Department staff member will act as Project Coordinator and Advisory Committee facilitator.

An invitation will also be extended to the Qualicum First Nation to attend Committee Meetings for information purposes.

3.0 ANTICIPATED COMMITMENT

Park Advisory Committee members will be asked to commit to approximately six to eight meetings in addition to attendance at a public information meeting.

4.0 RESOURCES

Internal staff resources will support this initiative. One permanent staff position will be assigned to the project to completion. Additional resources (planning, mapping, and technical support) will be brought on as required.

5.0 OBJECTIVES

The Committee objective is to work with the RDN to create a Home Lake Park Management Plan that resolves the following types of issues:

- a) Assured public access to Home Lake
- b) Park Access (Roads, Trails, Parking, day use, camping and Third Party Access)
- c) Protection and enhancement of provincial park interests
- d) Protection of environment (fish, wildlife, vegetation)
- e) Flood Protection and Emergency Planning
- f) Public Safety and Fire Protection
- g) Park Security (including regulatory authority and park bylaws)
- h) Development of park infrastructure and site improvements (extent to which park will be developed)
- i) Operation of a public boat ramp at Home Lake (boating restrictions)
- j) Campground Operation (Fees and Charges, Types and Length of Occupancy, Number, Location and Types of Sites and Services)
- k) Accessory uses and services (one site caretaker, administration, store, third party)
- l) Recognition of monetary issues and the viability of facilities in consideration of a future operating contract with the Home Lake License Holders Association (or other entity responsible for operation of the park)
- m) Other public interest issues as determined by the Committee, through staff research or through public consultation.

6.0 OPERATING GUIDELINES

A Draft of an "Operating Guidelines" document will be provided to the Committee at its inaugural meeting for discussion and modification. The document will clarify the roles and responsibilities of the RDN and Committee Members as follows:

The Committee shall be responsible for:

- Identification of base information requirements;
- Identification of additional issues to be addressed in the Park Management Plan;
- Understanding the nature and purpose of a Park Management Plan;
- Reviewing and providing comment on the Draft Home Lake Park Management Plan; and
- Attending a Public Information Meeting on the Draft Home Lake Park Management Plan.

Staff shall be responsible for:

- Providing base information to the Committee (mapping, research, assessments);
- Identifying models or approaches for a Park Management Plan;
- Developing a Draft Home Lake Park Management Plan;
- Advertising and updating the RDN website with current information on the Park Management Plan process;
- Creating and implementing a public process to provide venues and means for the public to comment on the Draft Home Lake Park Management Plan; and
- Presenting the Draft Home Lake Park Management Plan to the RDN Board for consideration.

The Operating Guidelines shall also set out a proposed schedule of meetings and establish the rules and procedures for the Park Advisory Committee.

7.0 TIMING TARGET

The Home Lake Park Management Plan shall be provided to the RDN Development Services Committee at the March 2002 Meeting.

8.0 BUDGET

To be included in the 2002 Development Services Department Work Plan requisition.

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

First Meeting

Monday, 11 February 2002

District 69 Arena Meeting Room

Parksville

10 am to noon

In Attendance

Jack Pipes (Spider Lake Community Association), Bob Reeves (Nanaimo Fire and Rescue, longtime Horne Lake campground passholder), Frank Van Eynde (C.O.P.s, NPORA), Kenneth Wur (SD69), Murray Hamilton (Horne Lake Licence Holders Association), Earl Billingsley (Horne Lake Licence Holders Association), Grant Ladouceur (DFO), Dave Forman (BC Parks), Maggie Henigman (MWLAP), Dick Quittenton (Director Electoral Area "H"), Bob Lapham (General Manager Development Services, RDN), Joan Michel (Recreation and Parks, RDN).

Minutes

Introductions

Bob Lapham led a round of introductions by Committee members. All expressed their reasons for being part of the Advisory Committee.

Election of Chairman

Dick Quittenton called for an election of a Committee Chairman. Jack Pipes nominated Dick Quittenton. All agreed.

Overview of Regional Park Acquisition

Bob Lapham presented a brief overview of the acquisition of Horne Lake Regional Park. Zoning as relates to the purchase of the lands around Horne Lake by the Horne Lake Licence Holders was reviewed. The relationship between the new park and the Regional Trail System was noted. Bob spoke of the Regional Board's aim to see a publicly accessible park developed. Bob outlined the option agreement in place between the RDN and the Horne Lake Licence Holders Association; the Association has first right of refusal on a plan to operate the new Regional Park. Bob stated that the assumption is the Regional Park will be operated as a campground, and that revenues will be sufficient to cover expenses.

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

Role of Advisory Committee

Bob Lapham reviewed the role of the Committee:

- To provide the RDN Board with a comprehensive understanding of the issues relating to the operation of the Horne Lake Regional Park as a public facility.
- To solicit and identify the concerns of the public.
- To bring a variety of perspectives to the development of a management plan for the new Park.
- To advise the RDN Board on the best way forward.

Round Table Discussion

Dick Quittenton invited members to express their vision for Horne Lake Regional Park. He initiated the discussion with his vision: to see the Horne Lake Regional Park operated as a public facility that serves the broad interests of the public.

Jack Pipes added that the vision should include care for the security of park neighbours.

Bob Reeves commented that in the past, campground leaseholders helped ensure park and area security.

Maggie Henigman asked for clarification about the RDN's interest in a regional park, particularly in the context of the applicable Official Community Plan (OCP). Bob Lapham said that the RDN is committed to complying with all existing regulations and OCPs, that a development permit exists regarding lakeshore development, that protection of riparian zones is addressed in the OCP for the area, and that zoning is in place to control matters such as dock size. Bob noted that the matters of docks will definitely be an area of study by the Advisory Committee.

Bob Lapham reviewed the basis for the RDN's seeking a park dedication of Block 40. He noted that the Approving Officer waived a general requirement for public access to Horne Lake in favour of consolidated public access via the new Horne Lake Regional Park. A significant regional park dedication was considered the best means to manage competing interests at Horne Lake.

Bob Lapham reviewed the two types of RDN park: community and regional. A community park is governed and financially supported by the Electoral Area wherein the park is situated. These usually small parks are intended to serve the interests of a local population. Regional parks are lands that the Regional Board considers to have significance for the entire population of the Regional District. These regional parks are financed by a regional budget quite separate from that used for community parks.

Maggie Henigman expressed a concern that the goal to meet public interests in a recreational park not completely override environmental interests associated with the land and water. Bob Lapham confirmed that the Regional Board recognizes environmental values, and further is committed to respecting Fisheries and Oceans

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

Canada and its fish and water values. At the same time, the Board is committed to values of public access and community interests.

Earl Billingsley observed that the question for the Committee is what kind of use will be made of the new regional park. Earl expressed his interest in understanding what impact the park will have on Horne Lake Licence Holders Association property. He also wondered what kind of public interest there would be in a Horne Lake Regional Park should waterside camping be eliminated. Bob Lapham commented that Ron Lampard, Strathcona District Manager for BC Parks and long-time park manager on Vancouver Island, suggested that the RDN would have no trouble filling campgrounds at Horne Lake Regional Park. Demand for this kind of public waterfront park is great, and the only other option for the public in the whole mid-Island is Sproat Lake on the Alberni side.

Kenneth Wur concurred that a balance must be struck between satisfying the interests of the public and those of the Licence Holders occupying the rest of the Lake.

Dave Forman expressed hope that the new Horne Lake Regional Park would continue to provide a variety of outdoor recreational opportunities for the general public.

Grant Ladouceur pointed out that while his agency's aim is to see that the park management plan for Horne Lake is not in conflict with DFO's flood plan for the Lake, he expects that a great deal of the waterfront will remain useable for recreational purposes.

Frank Van Eynes said that the Committee must find a way to make the new park available to the public without unduly disturbing the Licence Holders.

Dick Quittenton reviewed the round table input and the RDN Board's intent to see the new Horne Lake Regional Park not only operated as a public park, but perceived as operating as a public park. Dick sought agreement from the committee to this basic aim. Further to discussion, it was agreed that the Committee would first need to agree on the definition of 'public park.' Dick concluded that the Committee would work on achieving such an agreement over the next few meetings.

Setting Schedule of Meetings

Joan Michel led a review of member schedules. The following was agreed to:

- Monday February 18, 10 am to noon, D69 Arena meeting room
Issues and Opportunities
- Monday February 25, 10 am to noon, D69 Arena meeting room
Park Management Plan Models
- Monday March 11, 10 am to noon, D69 Arena meeting room
Review of First Draft of Management Plan

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Tuesday April 2, 10 am to noon, D69 Arena meeting room
Review of Second Draft of Management Plan further to Public Information Meeting

Monday April 8, 10 am to noon, D69 Arena meeting room
Conclusion on Advisory Committee's plan for submission to the RDN Board by April 12.

A Public Information Meeting will be set up for an evening later in the week of March 11th. This public meeting will be held at the Lighthouse Community Centre in Qualicum Bay (Electoral Area "H").

Jack Pipes suggested that since the new Regional Park is located in Area "H," Committee meetings should be held there.

Operating Guidelines

Joan Michel reviewed draft operating guidelines for the Committee. Proposed administrative arrangements were accepted, though it was noted that the Chairman would be, as elected, Dick Quittenton.

Horne Lake Historic Trail and Regional Trail

Joan Michel provided Committee members with an overview of the Horne Lake Regional Park in the context of Regional Trail System initiatives. She also outlined the effort by the RDN and its partners, including the Licence Holders, the Qualicum First Nation and the Regional District of Alberni-Clayoquot, to have a Historic Horne Lake Trail proclaimed by the Province. Committee members were referred to a map of the greater Horne Lake area that shows proposed Regional Trail System route from the Big Qualicum Hatchery to Port Alberni, along with the route of the proposed Historic Horne Lake Trail. Joan pointed out that the Regional Trail System will connect with the Trans Canada Trail, the west coast, Courtenay-Comox and the North Island, and represents a significant eco-tourism asset. The Regional Trail System offers trail access to equestrians, cyclists and hikers, but not motorized vehicles. Trail operations rely heavily on community volunteer teams.

The Horne Lake Regional Park Property

Bob Lapham undertook a general review of property management issues at the newly acquired Regional Park.

- a) Centra Gas, which has a right of way that bisects the park property in a north-south direction, is negotiating to expand their existing right of way and change the route of the gas line under the Qualicum River. Centra Gas foresees using directional drilling to site the new line under the river since their request to adjust existing rip rap improvements was denied by environmental authorities.

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- b) Texada holds an easement through the park from north to south, though the northern section has not been developed.
- c) DFO owns a 1.2 hectares at the entrance to the Park, which the RDN is seeking to secure through use agreement or ownership. DFO's flood risk management plan will be a major factor managing riparian zones within the Park.
- d) The RDN will be developing regional park by-laws to address fire, security and enforcement, parking lots, signage and so on.
- e) Currently, the RDN is continuing to use the existing park caretaker, who is operating under a month-to-month contract.
- f) The Regional Board has made clear that it wishes to start park management planning with a clean slate. Consequently, the old practice of seasonal leaseholders at the park has been terminated. The RDN is in the process of informing the old leaseholders of the current status of the new park, and requesting them to remove their docks. Letters to the old leaseholders will suggest that they contact Murray Hamilton should they wish to sell their docks to area property owners.
- g) Acceptable activities in a regional park include a store, camping, and administration.
- h) BC Parks is undergoing a significant core review that will change the landscape of provincial parks in the Province, as well as have implications for the way they are operated. The first major results of the review are expected in the fall of 2002.
- i) The RDN Board has an expectation that the Home Lake Regional Park will be self-supporting, and that there will be no exclusive rights permitted. This does not however preclude a variety of management options in respect of operating the park and sections of it, for example, the distinct Paradise Bay and Pines campsites at the south end. Preferred management options will be assessed from a revenue perspective, assuming that basic principles of public access, a self-supporting operation, broad interest base served, neighbourhood conflicts avoided, and a regionally significant recreational facility created are met.

Conclusion

It was agreed that at some point, the Committee may wish to meet out at the new Regional Park. Frank Van Eynes and Maggie Henigman have not been to the site in recent years.

To prepare for the next Committee meeting, Bob Lapham suggested forward an issues list to each other in advance of the meeting.

Adjourn

Frank Van Eynes made a motion to adjourn the meeting at 11:45 am; all agreed.

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Second Meeting
Monday, 18 February 2002
District 69 Arena Meeting Room
Parksville
10 am to noon

In Attendance

Jack Pipes (Spider Lake Community Association), Bob Reeves (Nanaimo Fire and Rescue, longtime Horne Lake campground passholder), Frank Van Eynde (C.O.P.s, NPORA), Kenneth Wur (SD69), Murray Hamilton (Strata Corporation), Earl Billingsley (Strata Corporation), Grant Ladouceur (DFO), Dave Forman (BC Parks), Peter Law (MWLAP), Pam Shaw (Manager Community Planning, RDN), Joan Michel (Recreation and Parks, RDN), Jon Isfeld (Co-op Student assistant, RDN). Absent: Dick Quittenton, Bob Lapham.

Minutes

1. Introduction

Joan Michel introduced Pam Shaw and John Isfeld to the Committee. Regrets of Chairman Dick Quittenton and Bob Lapham were extended. Minutes of the previous Advisory Committee meeting were referenced; no changes were suggested. Site plans for the new Regional Park were distributed to all members.

2. Working Session: a Regional Park at Horne Lake

Joan Michel provided a detailed overview of the new Regional Park property, with the assistance of site maps and aerial photos. The many encumbrances were examined. Pam Shaw led a open session of issue identification. Committee members raised matters that require attention prior to and in the development of a Park Management Plan. Issues requiring attention in the short-term were highlighted. (See following.)

3. Administration

Committee members were advised by Joan Michel that the Public Information Meeting has been set for Wednesday March 13th, from 7:00 to 9:30 pm at the Lighthouse Community Centre in Qualicum Bay. All Committee members should plan on attending.

Meeting adjourned at noon.

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Issues

** denotes short-term

Management

- Public park/public access
- Short-term Caretaker Agreement
- Strata Corp 1st right of refusal on Management Plan contract
- Mapping/survey data reconciliation
- ** Park by-laws/enforcement
- Centra Gas activity
- Gazetted road
- Park design
- Environmentally sensitive areas/fisheries/wildlife
- Floodplain management agreement with DFO

Property General

- ** Security and gates
- Site maintenance/garbage
- Water safety/supply/testing
- Site cleanup
- ** Hydro towers
- ** Signage

- Fire protection/regulations
- Road maintenance
- Liability issues/hazard trees
- Emergency access/keys for authorities

Assets

- ** Parking areas/fees
- ** Outside interests/commercial ventures/educational programs
- Trails/signage
- Reforestation

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Waterfront

- ** Removal of Docks
 - Timeframe
 - Removal/abandonment
 - ** Keep assets?
 - Work bee
 - Caretaker's job

Waterfront General

- Rules for use
- ** Public access
- Swimming area

** Boating and Ramp

- Capacity
- Boat types – canoe vs motor
- ** Parking fees boats/trailers
- Hours of operation dawn-dusk
- Policing/control on ramp/open/close gate?
- Reservation system/who?
- Speed control around waterfront
- Environmental issues/leaking

- ** Public access
- Different restrictions for users cabin/public
- ** Access to boat ramp for Strata owners

Campgrounds

Camping General

- Public park/public access
- Campsite locations/design
- Security/gates/keys
- Fees
- Reservation system
- Signage

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Camping 2002

Day use only?

Camping? All three sites?

Waterfront sites main campground?

Seasonal occupancy?

Ready to use?

** Group camping

Horne Lake

Security

Restrictions on Lake

DFO management/ownership at Park entrance, Island, and at
east-end waterfront by dam

Sport fishing

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

Third Meeting
Monday, 25 February 2002
District 69 Arena Meeting Room
Parksville
10 am to noon

In Attendance

Richard Quittenton (Director Electoral Area "H"), Jack Pipes (Spider Lake Community Association), Bob Reeves (previous passholder, NSR), Frank Van Eynde (C.O.P.s, NPORA), Kenneth Wur (SD69), Murray Hamilton (Strata Corporation), Earl Billingsley (Strata Corporation), Dave Forman (BC Parks), Grant Ladouceur (DFO), Peter Law (MWLAP), Bob Lapham (General Manager Development Services, RDN), Joan Michel (Recreation and Parks, RDN).

Minutes

1. Review of Issues

- The Committee discussed access to the boat launch by the Horne Lake Strata Corporation. Bob Lapham re-iterated the RDN Board's position against exclusive arrangements at the new Regional Park. Discussion ensued about immediate, summer 2002, and longer-term access needs of the Strata Corporation and the public. Agreed: for the period April-May 2002, there would be free access to the boat launch for all. The Strata Corporation would be provided with a key to the gate leading to the boat launch, and the Corporation would be responsible for controlling the use of the key. The Park caretaker Rick Canfield will manage all other public use. The committee discussed associated boating matters such as the delineation of parking areas, signage, control of access, an information sheet for users, and hours of operation. Murray Hamilton offered to draft some boating guidelines for public users of Horne Lake.
- Other issues discussed included the letter to previous passholders regarding removal of docks (letter to go out shortly); garbage management; and day use.
- Bob Lapham discussed the status of negotiations with Centra Gas regarding the expansion of their right-of-way and drilling under the Qualicum River. The removal of the hydro towers will be raised with Centra Gas.

2. Park Management Plan Models

Joan Michel provided an overview of park management plan models for national and BC provincial parks. Copies of model guidelines as well as specific management plans for parks including Pacific Rim, Loveland Bay, Birkenhead Lake, and Osoyoos were distributed. It was noted that all public parks have management plans, with

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interim plans developed at the outset and longer-term plans developed after a period of one to five years further to park design and public consultation work.

The committee discussed interim management issues at Horne Lake Regional Park such as camping capacity, group camping, seasonal camping, security, and boating. Joan Michel noted that the wooded camping sites in the main campground, the suggested group camping area at the Gazebo point, Paradise Bay and the Pines/Scout Camp area are available for use in summer 2002. Suggestions that new sites be developed in the main campground area were discussed, but the need for a park design before any new development takes place was emphasized.

3. Draft Plan

A draft Interim Management Plan will be developed for circulation to the Committee before the next scheduled meeting March 11th.

4. Site Visit

It was agreed that the Committee should meet as a whole at Horne Lake Regional Park. Frank Van Eynde, Kenneth Wur, and Dave Forman, who are not overly familiar with the park site, expressed interest in going up later in the week. Arrangements to be made for a larger group visit.

Meeting adjourned at noon.

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

Fourth Meeting
Monday, 11 March 2002
District 69 Arena Meeting Room
Parksville
10 am to noon

In Attendance

Richard Quittenon (Director Electoral Area "H"), Jack Pipes (Spider Lake Community Association), Kenneth Wur (SD69), Murray Hamilton (Strata Corporation), Earl Billingsley (Strata Corporation), Dave Forman (BC Parks), Maggie Henigman (MWLAP), Bob Lapham (General Manager Development Services, RDN), Joan Michel (Recreation and Parks, RDN), Jon Isfeld (Development Services, RDN). Absent: Grant Ladouceur (DFO), Bob Reeves (previous passholder, NSR), Frank Van Eynde (C.O.P.s, NPORA).

Minutes

1. Draft Interim Management Plan Review

Joan Michel walked the Committee through the Draft Interim Management Plan, and then discussion focused on the Management Commitments, Issues and Strategy.

Agreed:

- Expand Section C.1, Land Use regarding FLR requirements.
- Add point in Section B.5, Regional Significance regarding tourism generation.
- Change heading of Section D.1, (b) to High Quality Financially Viable Long-term Facility.
- Change heading of Section D.1, (c) to include "contract management."
- Remove reference to 'best practices' in Section E.1, (d) regarding respecting the environment and add 'sustainable.' It was noted that the requirement to undertake an environmental assessment as part of carrying out the 'respect for the environment' commitment is found in Section D.2, (d).
- Combine Sections D.1 (e) and (f).
- Add a new Section D.1 (f) on coordination of public recreational services in area of Horne Lake.
- Add 'hydrological assessment' to Section D.2, (d).
- Change the name of the old Pines/Scout Camp campground to *Twin Pines*.
- Add 14 day camping maximum to Section E, Objective #2, By 30 May 2002.
- Add 'flexibility' concerning group camping rates.

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Complete final copy of Draft to be produced for Committee and made available to the public in hard copy and on the RDN web site by Friday March 22nd.

2. Draft Horne Lake Boating Regulations

The Committee reviewed the draft boating regulations put forward by Murray Hamilton. The use of jet skis was discussed, and it was agreed that they could not be barred, but would be monitored closely. Agreed: put the draft regulations forward to the public meeting for comment.

3. Administration

- Joan Michel noted that minutes to the Third Committee meeting would be forthcoming shortly, and confirmed that a letter had been sent out to the previous passholders regarding removal of docks.
- Agreed: a Committee site visit would take place Friday March 15th at 1 pm. Joan Michel noted that Frank Van Eynde, Kenneth Wur, Murray Hamilton and Rick Canfield enjoyed a good site review of the Regional Park on February 28th.
- Joan Michel briefly reviewed plans for the upcoming Public Information Meeting and asked that all Committee members try to attend.

Meeting adjourned at noon.

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

Fifth Meeting
Tuesday, 2 April 2002
District 69 Arena Meeting Room
Parksville
10 am to noon

In Attendance

Kenneth Wur (SD69), Bob Reeves (previous passholder, NSR), Frank Van Eynde (C.O.P.s, NPORA), Murray Hamilton (Strata Corporation), Earl Billingsley (Strata Corporation), Maggie Henigman (MWLAP), Joan Michel (Recreation and Parks, RDN), Jon Isfeld (Development Services, RDN). Absent: Grant Ladouceur (DFO), Richard Quittenton (Director Electoral Area "H"), Jack Pipes (Spider Lake Community Association), Dave Forman (BC Parks), Bob Lapham (General Manager Development Services, RDN).

Minutes

1. Review of Public Meeting Held 27 March 2002

Joan Michel passed around the written comments received at the end of the Public Information Meeting. Three concerned boating and three concerned previous passholders and seasonal camping.

(a) Seasonal Camping

Discussion followed on the dissatisfaction shown by previous passholders concerning the RDN and its response to their request to continue seasonal camping at the Regional Park. Joan Michel reiterated the RDN Board's view that seasonal camping as conducted under Texada was an exclusive use no longer compatible with a public park mandate. Bob Reeves and Murray Hamilton suggested that this position of the Board had not been adequately communicated, and there was considerable confusion around the point especially among previous passholders. Many passholders still felt the point was being debated and, as Murray Hamilton noted, seasonal camping is being offered as a possibility in the Draft Plan. Joan Michel distinguished between the seasonal camping of the previous passholders under Texada, and the possibility of a seasonal camping opportunity being identified in the long-term park design proposed to be undertaken during the coming year. The seasonal camping of the previous passholders is over; the possibility of incorporating seasonal camping into long-term park development has yet to be determined.

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Various approaches to incorporating seasonal camping into the 2002 season were discussed. For example, 5 sites in the main campground, and one each in the two south campgrounds could be set aside for seasonal campers, with campers chosen by lottery. Providing some minimum guaranteed park revenues would be the primary purpose for promoting such seasonal camping; revenue needs were discussed under the next item. As to the security benefits potentially offered by seasonal campers, Joan Michel noted that the RDN is recommending that for 2002 a host camper be established at the south end to provide security for Paradise Bay and Twin Pines. She also noted that it is being proposed that firewood be sold directly at camp sites so Park management's regular presence is emphasized.

Agreed: the RDN should write to the previous passholders to clarify the position regarding seasonal camping, and to formally recognize and commend the passholders for the role they played in the development of camping at Horne Lake and their care of the campground sites. The Interim Management Plan would be amended to reflect the role of previous passholders, and to recommend that signage and other means be used to commemorate that role in Park history. The Plan would also clarify the mandate of public parks.

(b) Boating

Murray Hamilton and Earl Billingsley again requested free access to the boat launch for Strata Corporation members. Joan Michel pointed out that if, as the Corporation has said, their members typically put their boats in once at the beginning of the season and leave them on the Lake until the fall, they already have free access during 2002 since no fees are contemplated until after May 30th. A brief discussion ensued on why the Strata Corporation, owner of the vast majority of Horne Lake lakefront, does not build its own boat launch.

Discussion followed on boat trailer parking possibilities.

2. Fees

The Committee discussed fees to be charged for camping. Joan Michel suggested \$15 for the main campground sites and \$20 for Paradise Bay. Group camping rates would be handled as by BC Parks, i.e., a simple multiple of individual camping rates, but with some flexibility permitted. These values were used by the RDN in estimating expenses for 2002. A lively discussion followed on projected revenues from camping, wood sales, boat launching and other. The value of the camping package at Horne Lake was contrasted with that found at other park campgrounds. Joan Michel argued that \$15 was in line now with typical BC Park sites of similar type, and \$20 for the unique waterfront camping experience of Paradise Bay, even without pumped water on site, was also relatively reasonable. Maggie Henigman advised that current camping and other user fees at BC Park campgrounds will likely rise significantly given the major changes underway at BC Parks.

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Agreed: the Committee would be provided with the initial revenue assumptions developed by the RDN for general budgetary purposes, including more information on comparable BC Parks campsites. Joan Michel noted that the RDN and Centra Gas have concluded a sale of land to enable the expansion of the utility's right-of-way. Agreed: the money from the land sale (\$31,000) should be earmarked for Home Lake Regional Park and not subsumed within general RDN revenue.

The Committee discussed wood sales, and it was agreed that there was ample downed wood on the property to serve first season needs. BC Parks' advice to clear away wood debris from campsite areas in order to reduce the opportunity for scavenging and encourage good wood sales was noted.

The Committee discussed wastewater management assumptions. Agreed: the campground would not advertise itself as having septic tank pump-out; hand-carried water and septic waste can be dumped into the pit toilets; pit toilets are cleaned out as required.

3. Suggested Changes to Interim Management Plan

Joan Michel noted that the minutes of the public information meeting and all written comments received from the public would be appended to the Interim Management Plan. Outstanding points to be concluded include specific designation of campsites, and fees (camping, boating and other). The Plan is to be submitted April 12th for consideration by the RDN Board. The particulars of the management contract that follows from the RDN Board approved Plan will be negotiated with the Strata Corporation, if it chooses to take on the summer 2002 season, or with another contractor hired by the RDN to manage Home Lake Regional Park this year.

Next meeting Monday April 8, 2002.
Meeting adjourned at 12:15 pm.

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

Sixth and Final Meeting
Monday, 8 April 2002
District 69 Arena Meeting Room
Parksville
10 am to noon

In Attendance

Richard Quiffenton (Director Electoral Area "H"), Kenneth Wur (SD69), Frank Van Eynde (C.O.P.s, NPORA), Jack Pipes (Spider Lake Community Association), Murray Hamilton (Strata Corporation), Earl Billingsley (Strata Corporation), Maggie Henigman (MWLAP), Grant Ladouceur (DFO), Dave Forman (BC Parks), Bob Lapham (General Manager Development Services, RDN), Joan Michel (Recreation and Parks, RDN), Jon Isfeld (Development Serves, RDN). Absent: Bob Reeves (previous passholder, NSR).

Minutes

1. Public Feedback Continued

Joan Michel presented two more comments sheets received electronically after the Public Information Meeting. More written comments are expected based on conversations with the public.

2. Fees, Campsite Designations

The Committee reviewed all fees and other revenue sources under consideration for the 2002 season; these have no necessary bearing on the set-up for future years.

Camping

After examination of other camping fees and campground amenity packages on offer in the mid-Vancouver Island/Strathcona area, and much advice from Dave Forman, the Committee agreed to recommend that for the main season (June to mid October):

- a \$12 per night charge be applied to the 24 wooded sites in the main campground area;
- a \$20 per night charge be applied to the 18 Paradise Bay waterfront sites (double sites \$40);
- BC Parks' definition of a 'party' be used in general and specifically to determine the charge for waterfront group camping at the Gazebo point and at Twin Pines. Each 'party' to be charged the waterfront rate of \$20 per night, with non-profit youth groups arriving in buses/vans charged \$50 per night plus \$2/head for the number of persons beyond the regular 'party' head count for the sites used;

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- Site 18 at Paradise Bay, which abuts Twin Pines, be set aside for use by a campground host to provide security for the south end campgrounds during the regular camping season. A septic pit, which must be located 100 feet from the water, to be examined for the site; and
- reduced winter rates be considered for the late fall-winter 2002.

The Committee discussed a reservation system and recommended that:

- 50 per cent of sites be made available by reservation,
- no reservations more than a month ahead,
- credit card information required to secure a reservation,
- unused reservations see first night fee charged through,
- participation in the private Discover Camping reservation system be examined for future years, and
- the RDN web site be used to help with the 2002 reservation system.

Boating

After consideration of a number of factors including public and local access, parking, security and operations, the Committee concluded that a \$5 fee should be charged to each boater who arrives with a trailer, while car toppers and canoeists/kayakers should be permitted to launch for free. The charge for large boat launching/trailer parking would be administered on a self-registration basis with car licence numbers noted in the process. Adequate areas for day-use and camper trailer parking have been identified at the Park. Signage will be required closer to Highway 19 to advise people when the trailer parking is full.

Day-use

No fee for parking, swimming, picnicking and other day-uses are recommended.

Firewood

A fee of \$3-\$5 per box is recommended for firewood, with all revenues to the Park operator. The wood can be dispensed by the Park operator while driving around the campground each day. Wood should be stored at the southend campgrounds as well as by the main campground. All woody debris around the campgrounds should be gathered for sale, and otherwise removed in order to discourage scavenging. Murray Hamilton noted a local outfit that will clean up logged over lands.

Concession

It is recommended that a small concession for the sale of dry goods and non-perishable foodstuffs be provided at the caretaker's house. It was noted that current sewage and water services do not permit the sale of food requiring running water, e.g. ice cream cones, and that refrigeration facilities will be limited by the generation capacity on hand. Concession revenues to go to the Park operator.

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Events

The Committee recommends that events be considered on a permit basis. All events to be assessed for their compatibility with Regional Park use, potential impact on the Park, adequacy of liability insurance, quality of event plan, and so on. Each event application to be examined on its own merit. All events assume event organizers commit to group camping sites; regular group camping rates to apply.

3. Park By-Laws

Joan Michel noted that the RDN is in the process of developing a comprehensive set of park by-laws that will address all matters from unauthorized uses such as hunting, to fire safety, vandalism, pets, signage, and so on. Currently, there exist park by-laws for Gabriola parks only. Dave Forman recommended that a specific sign by-law be included that permits the RDN to bar any activity described when the prohibition is expressed through the posting of the special sign.

4. Final Changes to Interim Management Plan

Bob Lapham said that the Plan would be updated to include the Committee's final deliberations and public feedback, and then repackaged and dressed up for final presentation to the RDN Board. Once ready, copies would be circulated to all Committee members.

5. Final Steps and Process

Bob Lapham discussed the need to meet with the Horne Lake Strata Corporation in order to determine if the Corporation wishes to take on the interim management of the Park. If not, it will be recommended to the RDN Board that the current contract with the caretaker be extended to cover the 2002 season. Over the course of the next eight to ten months, the RDN would then proceed as recommended in the Interim Management Plan with the development of a five-year management plan for Horne Lake Regional Park. The Strata Corporation has right of first refusal on taking up the five year management contract that would ensue; should they decline, the contract would go out to tender.

Bob Lapham asked if any of the Committee members would care to make a presentation to the Board at the time the Plan is put forward; none expressed interest. The Plan will go before the whole Board at its April 25th meeting.

Regarding the process for developing the five-year Park plan, Bob Lapham suggested that work shops would be used rather than a series of meetings with a regular committee. The Advisory Committee members were nevertheless invited to continue participating in the process. Bob Reeves farewell e-mail to the Committee was noted. Bob Lapham and Joan Michel thanked the Advisory Committee members for participating in the development of an interim plan for the new Regional Park, for offering such good and various advice, and for getting a good job done.

Meeting adjourned at 11:45 am.

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

Public Information Meeting

7:30 – 9:00 pm
Wednesday, 27 March 2002
Lighthouse Community Centre
Qualicum Bay

Attendance

Richard Quittenton Director, Electoral Area "H"
Jack Pipes, HLPAC
Murray Hamilton, HLPAC
Earl Billingsley, HLPAC
Robert Lapham, General Manager Development Services, RDN
Joan Michel, Recreation and Parks, RDN
Tom Osborne, Manager Recreation and Parks, RDN
Jon Isfeld, Planning Department, RDN

Approximately 50 people

Meeting Summary

Joan Michel opened the meeting at 7:30 pm with greetings and an introduction of the Horne Lake Regional Park Advisory Committee members in attendance.

Director Quittenton provided comments about the Regional Board's goals for the new Horne Lake Regional Park. He said that the Regional Board's vision is that the new Park should not only be run as a public park accessible to all, but it should be perceived as a publicly accessible park.

Robert Lapham outlined the purpose of the public information meeting, then introduced the Park and reviewed significant park attributes, the various parties who have interest in the new Regional Park, and management objects.

Joan Michel spoke about the Historic Horne Lake Trail and proclamation effort, along with planned Regional Trail System connections to Horne Lake Regional Park from east and west coasts of Vancouver Island.

Robert Lapham and Richard Quittenton invited the input of the audience and responded to questions at large.

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Previous Seasonal Passholders

A significant portion of the public discussion addressed the concerns of those who previously held seasonal passes at Horne Lake Campground, as then owned by Texada. Approximately 15 previous seasonal passholders identified themselves and expressed displeasure with their treatment by the RDN since it took over the property from Texada, and the fact that the Region was not intending to continue with the seasonal pass arrangement the old passholders had enjoyed for some years with Texada. The previous seasonal passholders submitted that:

- they built the campground and their interests were not being adequately considered,
- they deserved more say in how the new park would be managed,
- it would be to the RDN's advantage to maintain the seasonal passes of those who camped at Paradise Bay because of the guaranteed income these old passholders offered and their proven ability to ensure security and campground condition,
- the RDN would have a tough time getting public camping underway in 2002 and it would be helpful to the RDN if the seasonal passholders were allowed to stay on during the proposed first year of interim operations, and
- it is acceptable that there be a private section in a public park.

A number of members of the Horne Lake Strata Corporation in the audience agreed that keeping Paradise Bay private would help with security at Horne Lake.

While noting that the previous seasonal passholders' concerns would be forwarded to the Regional Board as part of the Advisory process, Richard Quittenton and Robert Lapham reiterated the position of the Regional Board: Horne Lake is now a public park and it is fundamental that the park be accessible by all and furthermore, be seen to be accessible by all.

Robert Lapham reviewed how Horne Lake Regional Park came into being, and noted that a consolidated public property at the west end of the Lake had been agreed to by the Strata Corporation in lieu of other public beach accesses around the Lake. Horne Lake Regional Park was created to provide public access to Horne Lake. The Regional Board has made no provision to designate part of the park private, and expresses no interest in doing so.

It was noted that the interests of the previous seasonal passholders have been well represented at the Advisory Committee insofar as one of the four members of the general public the Regional Board appointed to the Committee further to a publicly advertised request for Committee members is a previous seasonal passholder.

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

Robert Lapham assured the audience that the RDN has no doubts about being able to run a financially viable self-supporting public campground at Home Lake Regional Park starting in 2002. BC Parks staff on the Advisory Committee confirm that the new Park will be very appealing given the amount of lakefront and boating access on offer there. The Park would be well managed by a private contractor responsible for ensuring good security, peace and quiet.

Joan Michel confirmed that the RDN will await a park waterfront design before initiating investment in docks and floats, and so is not in a position at this time to consider the purchase of any docks from the previous seasonal passholders. In regard to the RDN's request that the passholders remove their docks by April 15th, Joan Michel reminded the passholders that they were notified in November 2001 by Texada that the seasonal passes were terminated and all private property was to be removed.

Security

Many members of the audience voiced a concern about security at Home Lake given a public campground, including specifically group camping, and boat launch facility at the new Regional Park. Robert Lapham emphasized that good security was also of primary importance to the RDN, and this will be reflected in the security requirements of private contractors who are hired to manage the Park. Currently, a full-time caretaker lives on-site and provides Park security.

Boating

One member of the audience asked that boat launching be made free at Home Lake Regional Park, since there are no free launches at comparable lakes in the area. Another member of the audience asked if Jet Skis would be banned from the boat launch at the Park. Robert Lapham indicated that the Advisory Committee had examined the issue and concluded that for the time being jet skis should not be banned but their use should be monitored. Any proposed Jet Ski ban would have to be determined in consultation with Home Lake Strata Corporation. Murray Hamilton of the Strata Corporation observed that this issue has arisen within the Strata Corporation itself, and that no move to ban the crafts has been undertaken.

A member of the Home Lake Strata Corporation asked how boating and the number of boats on the lake will be controlled. Robert Lapham referred him to the 'Home Lake Regional Park Boating Guidelines' drafted by the Strata Corporation and proposed for use starting April 19th. On the number of boats on the Lake as a result of the public boat launch, Murray Hamilton commented that at least to start with, there should be many fewer boats originating from the campground than in previous years since the 100 or so seasonal passholders and their private docks will be gone. He also suggested

HORNE LAKE REGIONAL PARK ADVISORY COMMITTEE

that the number of boats on the Lake can be controlled by the amount of parking space made available.

In response to a question about who controls the Lake and who will enforce boating regulations, Robert Lapham explained that the RDN can zone the Lake, that Timberwest owns the lakebed, and that the water is controlled by DFO and the surface by Coast Guard.

Camping

When asked why the lakefront campsites in the main campground area are being decommissioned, Robert Lapham responded that the lakefront will provide key public access for day-users. The need to ensure good order in the group camping areas was discussed. One member of the audience applauded the amount of group campground being proposed for 2002, in particular the suggested use of the Twin Pines for group camping.

Trails

The state of trails in the Park, existing and proposed, was discussed. Joan Michel noted that Texada will be carrying out remedial restoration work on the old river trail, and that a trail network would be addressed in the park design. Ideas are welcome.

Public Advisory Committee Process

Members of the audience asked why a public meeting hadn't been held earlier. Robert Lapham noted that the RDN only took possession of the park property at the end of January, has been busy sorting out the numerous property encumbrances, the Advisory Committee had its work to do to get the management plan process initiated, and this was the first date available to the Regional Board for a public meeting on the new Park. The draft interim management plan will go to the Regional Board the fourth Tuesday in April. Members of the audience were again encouraged to provide their comments and concerns to the Board via the comment sheets or by mail.

Miscellaneous

A request to consider leaving one of the old hydro towers on the property was made. The towers may have some use in recreation programs.

Robert Lapham adjourned the meeting at 9:15 pm.



Horne Lake Regional Park Interim Management Plan

Received April 3, 2002

The RDN, along with the Park Advisory Committee, welcomes your comments and feedback on the Park Management Plan. **Please complete this form and mail/deliver to your nearest RDN location listed on reverse by April 9, 2002.** If the space provided is not sufficient, please use a second sheet.

#1 – The roads – Both Horne Lake Rd and Caves Rd are going to require improvements – Who + How ? When ?

1) **The Regional District of Nanaimo proposes limited operations for the 2002 Season. What operations would you like to see for 2002?**

- Camping (with group camping availability)
- Day-use (swimming, hiking, picnicking)
- Boating (with clear rules and limitations)
- Trail development (perhaps with a public volunteer component)
- Promotion of horse-back riding through public-private liason, and/or mountain biking.
- If possible some accommodation for trail-bikes and ATV's – away from everyone else.

2) **Do you have any comments as to the long-term plans for Horne Lake Regional Park?**

- My primary concern is the overuse of the lake by power-boaters and the possibility of water pollution. A former resident of Sproat Lake I can envision problems with expanded power-boat use on Horne Lk., particularly because the outflow may not allow surface oils to disperse – it may cause problems for the Big Qualicum hatchery also. Restrictions may be tough to sell considering past use and expectations of the Horne Lake Strata Corp.

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3) Please comment on the following Park Uses. Suggestions about the scope of use, location and design of facilities, regulations and fees are welcome.

Day-use: most day use possibilities are addressed in the draft with the exception of Dirt-bike and ATV use (a growing user group!).

Swimming: it is a cold lake but there will be a least some swimming use that must have float delineation.

Boating: large outboards used on waterski boats will eventually kill the lake – they are noisy and create pollution (air & water) and beach erosion and dock damage. (This is not a big lake!)

Camping: the draft recommendations seem well thought out although I am not a fan of the reservation system myself, I see it being abused in the provincial system everywhere. (should be limited to group campers)

Trails: the more the better I think. Some thought to specific trail use should be given to separate foot paths from horse trails from motorized use though.

Programmed Recreation: the programmed rec. offered in the past seemed to work well with the overall park use – it should continue if possible

Thank you for your feedback.

Mail, fax or drop off this comment sheet to

Horne Lake Regional Park. c/o

Fax 248-3159 (Parksville/Qualicum)
390-7511 (Nanaimo)

Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo, BC
V9T 6N2

District 69 Arena
193 East Island Highway
Parksville, BC
V9P 2H2

Ravensong Aquatic Centre
737 Jones St.
Qualicum Bay, BC
V9K 1S4

Optional Information

Name: Steve Anderson
Phone: 250-757-9482
Email: bhbfire@shaw.ca

Address: 190-6 RR#1
600 Cowland Rd.
Bowser V0R 1G0



Horne Lake Regional Park Interim Management Plan

Received April 2, 2002

The RDN, along with the Park Advisory Committee, welcomes your comments and feedback on the Park Management Plan. **Please complete this form and mail/deliver to your nearest RDN location listed on reverse by April 9, 2002.** If the space provided is not sufficient, please use a second sheet.

1) **The Regional District of Nanaimo proposes limited operations for the 2002 Season. What operations would you like to see for 2002?**

Institute a weaning process over the first year of operation for the past displaced leasees. Offer them the use of Paradise Bay sites only. Allow them to choose one month only from June 1 to Sept.30/02. Month & lot site to chosen by lottery. 25 sites x 4 months equals 100 choices therefore the public would have atleast half of this time. For them at 14 days maximum would give them 100 choices.

2) **Do you have any comments as to the long-term plans for Horne Lake Regional Park?**

- Eliminate access to Horne Lake Caves Area by motorcycles (dirt Bikes) & All Terrain Vehicles that come from Port Alberni.
- Swimming is at own risk as no lifeguard
- Boating to include canoes, kayaks, car top boats, trailered boats to max. 20' & 125 h.p. & Sea do's (must be operated in designated (200' off shore) area & no stunting). No Para Sailing.
- All boats off lake by dusk.
- Establish hiking trails
- Noise curfew from 11:00 PM to 8:00 AM
- Install campsite full sign at intersection of Horne Lake Rd. & Caves Rd & or at New Island Hwy. & Horne Lake Rd. to:
 - (a) Save tourists unnecessary drive to campsite office
 - (b) Campsite attendants time saying sorry
- © Dust on Caves Rd. past cabin owners.

> Over

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3) Please comment on the following Park Uses. Suggestions about the scope of use, location and design of facilities, regulations and fees are welcome.

Day-use: Designate minimum 12 sites for day use and the remainder for longer term, up to 14 day maximum

Swimming: Rope off all swimming areas with buoys for safety (keeps motorized marine vehicles away from shore except for boat launch area.

Boating: Paddle & power boats allowed. 20' max length & 125 H.P. No boating after dusk. Boat launch fee to be included in park fee. Strata Corp. launch no charge in respect of park dedication * each cabin owner (Strata) paid \$4000 to pay for the campsite which is now dedicated to the RDN.

Camping: Upgrade picnic tables to B.C. Government type. Varnished 4" thick wood. Camping pads set back from beach minimum 50'.

Trails: Hiking trails "wood" be a natural addition to your new park. Park attendant to wear RDN crested shirt &or jacket to assist look of authority.

Programmed Recreation: Highly recommend Richard Varella's outdoor school for youth education about our great outdoors. His guides keep a lid on things. Offer him the Twin Pines Area & this would assist in the control of vandalism

Thank you for your feedback.

Mail, fax or drop off this comment sheet to

Horne Lake Regional Park. c/o

Fax 248-3159 (Parksville/Qualicum)
390-7511 (Nanaimo)

Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo, BC
V9T 6N2

District 69 Arena
193 East Island Highway
Parksville, BC
V9P 2H2

Ravensong Aquatic Centre
737 Jones St.
Qualicum Bay, BC
V9K 1S4

Optional Information

Name: Robert Silvester

Phone: 604-924-0160

Email: _____

Address: #201 1500 Ostler Court

North Vancouver, B.C.

Strata Lot 37 Horne Lake



Horne Lake Regional Park Interim Management Plan

Received March 27, 2002

The RDN, along with the Park Advisory Committee, welcomes your comments and feedback on the Park Management Plan. **Please complete this form and mail/deliver to your nearest RDN location listed on reverse by April 9, 2002.** If the space provided is not sufficient, please use a second sheet.

- 1) **The Regional District of Nanaimo proposes limited operations for the 2002 Season. What operations would you like to see for 2002?**

We like to see some long-term leases. To-date these people took pride in keeping the campsites clean and noise was kept to a minimum also traffic is minimized when people come in and stay for longer periods.
originally @531 Cave Road. A. Silvester

- 2) **Do you have any comments as to the long-term plans for Horne Lake Regional Park?**

Over

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3) Please comment on the following Park Uses. Suggestions about the scope of use, location and design of facilities, regulations and fees are welcome.

Day-use:

Swimming:

Boating: No Sea-doo's.

Camping:

Trails:

Programmed Recreation:

Thank you for your feedback.

Mail, fax or drop off this comment sheet to

Home Lake Regional Park. c/o

Fax 248-3159 (Parksville/Qualicum)
390-7511 (Nanaimo)

Regional District of Nanaimo
6300 Hammond Bay Rd
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District 69 Arena
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V9P 2H2

Ravensong Aquatic Centre
737 Jones St.
Qualicum Bay, BC
V9K 1S4

Optional Information

Name: Alice Silvester

Address: 201-1500 Ostler Crt
North Vancouver BC
V7G 2S2

Phone: 604-924-0160

Email: _____



Horne Lake Regional Park Interim Management Plan

Received 27 March, 2002

The RDN, along with the Park Advisory Committee, welcomes your comments and feedback on the Park Management Plan. **Please complete this form and mail/deliver to your nearest RDN location listed on reverse by April 9, 2002.** If the space provided is not sufficient, please use a second sheet.

- 1) **The Regional District of Nanaimo proposes limited operations for the 2002 Season. What operations would you like to see for 2002?**

I do not think there should be any fee for boat launch. There are many public boat launches on Vancouver Island where there is no charge. This is a public park and people should be able to launch thier boat with no fee.

- 2) **Do you have any comments as to the long-term plans for Horne Lake Regional Park?**

As above

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3) Please comment on the following Park Uses. Suggestions about the scope of use, location and design of facilities, regulations and fees are welcome.

Day-use:

Swimming:

Boating: day use no fee

Camping:

Trails:

Programmed Recreation:

Thank you for your feedback.

Mail, fax or drop off this comment sheet to

Home Lake Regional Park, c/o

Fax 248-3159 (Parksville/Qualicum)
390-7511 (Nanaimo)

Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo, BC
V9T 6N2

District 69 Arena
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V9P 2H2

Ravensong Aquatic Centre
737 Jones St.
Qualicum Bay, BC
V9K 1S4

Optional Information

Name:

Address:

Phone:

Email: _____



Horne Lake Regional Park Interim Management Plan

Received March 27, 2002

The RDN, along with the Park Advisory Committee, welcomes your comments and feedback on the Park Management Plan. **Please complete this form and mail/deliver to your nearest RDN location listed on reverse by April 9, 2002.** If the space provided is not sufficient, please use a second sheet.

1) The Regional District of Nanaimo proposes limited operations for the 2002 Season. What operations would you like to see for 2002?

Seasonal leases for \$500. May to October worked well.

Boat launch open for new strata owners as well as public.

Corner store was helpful for simple items.

Are you ready for grad parties in June? The kids will be there.

2) Do you have any comments as to the long-term plans for Horne Lake Regional Park?

Think of 350+ lot owners living along side public camping and the cabin owners financial investment.

Open long term plans (?) without consideration of cabin owners is wrong.

We've suffered repeated breakins, vandalism and loud noisy groups when open to public before.

Hope your park manager is capable of controlling (sic) these areas.

RCMP are a fair ways off.

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3) Please comment on the following Park Uses. Suggestions about the scope of use, location and design of facilities, regulations and fees are welcome.

Day-use: Public would welcome day-use in old campsite and Paradise Bay area.

Swimming: Swimming is a natural recreation on a lake and old campsite and Paradise Bay.

Boating: Safety is primary concern. Cabin owners act responsibly –who will control the public on the lake.

Camping: Camping in old campground needs rules and regulations to ensure all people enjoy the lake. Loud noisy parties (public) can be heard all over the lake.

Trails: Who is marking trails, signage, what about people getting lost, what about liability if people get hurt on or around parks lands.

Programmed Recreation: rock climbing, Teepee's, canoing, kayaking all are popular recreation.

Thank you for your feedback.

Mail, fax or drop off this comment sheet to

Horne Lake Regional Park. c/o

Fax 248-3159 (Parksville/Qualicum)
390-7511 (Nanaimo)

Regional District of Nanaimo
6300 Hammond Bay Rd
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Horne Lake Regional Park Interim Management Plan

Received March 27, 2002

The RDN, along with the Park Advisory Committee, welcomes your comments and feedback on the Park Management Plan. **Please complete this form and mail/deliver to your nearest RDN location listed on reverse by April 9, 2002.** If the space provided is not sufficient, please use a second sheet.

- 1) **The Regional District of Nanaimo proposes limited operations for the 2002 Season. What operations would you like to see for 2002?**

Limited number of Seasonal Campers available.

- 2) **Do you have any comments as to the long-term plans for Horne Lake Regional Park?**

Limited # of Seasonal Passes – offered by lottery – previous seasonal campers to be given priority.

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3) Please comment on the following Park Uses. Suggestions about the scope of use, location and design of facilities, regulations and fees are welcome.

Day-use:

Swimming:

Boating:

Camping: seasonal campsite available in Paradise Bay

Trails:

Programmed Recreation: Recreation Dept. of RDN, School District programs

Thank you for your feedback.

Mail, fax or drop off this comment sheet to

Horne Lake Regional Park. c/o

Fax 248-3159 (Parksville/Qualicum)
390-7511 (Nanaimo)

Regional District of Nanaimo
6300 Hammond Bay Rd
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Horne Lake Regional Park Interim Management Plan

Received March 27, 2002

The RDN, along with the Park Advisory Committee, welcomes your comments and feedback on the Park Management Plan. **Please complete this form and mail/deliver to your nearest RDN location listed on reverse by April 9, 2002.** If the space provided is not sufficient, please use a second sheet.

1) **The Regional District of Nanaimo proposes limited operations for the 2002 Season. What operations would you like to see for 2002?**

2) **Do you have any comments as to the long-term plans for Horne Lake Regional Park?**

➤ Over

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3) Please comment on the following Park Uses. Suggestions about the scope of use, location and design of facilities, regulations and fees are welcome.

Day-use:

Swimming:

Boating: Limit the size of H.P. of boats!

Camping:

Trails:

Programmed Recreation:

Thank you for your feedback.

Mail, fax or drop off this comment sheet to

Home Lake Regional Park. c/o

Fax 248-3159 (Parksville/Qualicum)
390-7511 (Nanaimo)

Regional District of Nanaimo
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737 Jones St.
Qualicum Bay, BC
V9K 1S4

Optional Information

Name:

Address:

Phone:

Email: _____

APR 10 2002 01:51 AM HORNE LAKE CAVES PARK 250 339 0555 P.01

Island Pacific Adventures Ltd.

Box 3531 Stn. Main Courtenay, B.C. V9N 6Z8
(250) 339-0555 ph. or fax

Horne Lake Caves Provincial Park / Outdoor Adventure Camp

April 9, 2002

Bob Lapham - Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Rd.
Nanaimo, BC
V0R 2H0

SENT BY FAX AND EMAIL

Dear Sir;

I am writing to comment on the Draft Plan for the new Horne Lake Regional Park. It was encouraging to see the Regional District of Nanaimo supporting public access to this beautiful piece of property. It was especially heartening to see that group camping was recognized as a good and valuable use. By including a second area specifically for the delivery of outdoor education programs, the RDN is not only creating an excellent recreational opportunity but also it acknowledges a difference between *outdoor recreation* and the higher learning outcomes *outdoor education*. I believe that teaching children and families to value and respect our natural heritage will be an excellent addition to this unique park.

The plan made reference to the Twin Pines area at the southern extreme of the park. This area has particular amenities and lends itself easily to group camping. The physical layout is well suited, with space for a fire-pit, beach games area, eating shelter, gateside office and staff camping as well as a pit toilet that presently serves the site. It is removed from the main camping area, which provides a vital separation for different park users. The camp is also located at the end of the lake in a calm bay, ideal for canoes or kayaks. There is even an adjacent wooded area that escaped the recent timber harvest, providing an excellent wooded buffer and an area for forest interpretation.

Along with the many benefits, there are also a few issues that should be addressed.

Security

It has been our experience, from several years of running the public campground, that security at the back of the property was a serious concern. Unlicensed vehicles, parties, fires and litter were a problem. It has easy access from Port Alberni and the Cook Creek FSR that make it popular with dirt bikes and quads. It is difficult to control access. Educating riders and enforcing Park regulations was a full time job. The south half of the property is very difficult to keep an eye on from the entrance house. Some form of continuous presence would be beneficial from a security and management perspective.

Pedestrian Routes

There also needs to be an alternative way of moving pedestrians from the Twin Pines camp to the Provincial Cave Park. Presently this would be on the road, which may be subject to additional logging traffic in the future. The gas pipeline right-of-way as well as bits of old horse trail may be utilised for a riverfront walking trail to the Cave Park.

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Swimming & Boating

At many camps, swimming is also hugely popular, preferably off a swim float or dock (swimmers itch). It could be provided for in the quiet bay. If a contractor was operating a canoe or kayak program, it is good practice to have a motorboat available for rescue, tied up at a dock.

Horseback Riding

A few years back, horseback riding coexisted between the public campground, the school & group campers and the Cave Park. It was a beautiful thing. Given time and tenure, this business could once again be an attractive addition to the park. Similarly, other high quality experiences could be offered to park visitors.

Hydro Towers

In previous years, the abandoned Hydro towers also served as an excellent site for teaching rope rescue to local SAR groups including the BC Cave Rescue Association. In 1999, a consultant specializing in outdoor camps looked over the property and suggested that the towers could be used in the design of a high ropes course, a very desirable addition to the outdoor education programs. Due to the close proximity of one tower to the Twin Pines entrance, a contractor responsible for programs occupying the area could manage this tower as part of the site.

Park Contractors

From my experience, I support the idea of the RDN using a contractor to deliver programs at the Twin Pines site. A contractor that occupies the area from mid-April to mid-October would be able to serve the park well. A contractor could provide additional security including fire watch or emergency assistance when called upon. As well, provide the public with easy access to quality programming that fosters environmental stewardship and promotes growth in spirit, mind and body. In many cases, these services would not exist if not for a private contractor. A contractual arrangement would also help indemnify the landowner in relation to the Occupiers Liability Act and provide liability insurance for the site. Right next door, BC Parks has an excellent model, a win-win between private industry and government. But the biggest winners are the children, families and visitors to this area.

I am happy to know that this beautiful area can finally see some protection and benefit from much-needed long term planning. The potential for world-class outdoor activities exists right here. Having a site within the district that can offer these high quality programs would add greatly to the value of this park and give it regional significance. I hope you find my comments and experiences to be beneficial as you continue planning for the future. Feel free to contact me at (250) 339-0555 if you require further details.

Sincerely,



Richard Varela - Program Director
Island Pacific Adventures Ltd.

cc: / Joan Michel
/ Dick Quittenton

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137

Owners of Strata Plan – VIS 5160

c/o Home Lake Recreation Management Ltd.

719 Newcastle Ave.,

Porterville, B.C. V9P 1G1

250-951-0877 Fax: 250-951-40878

murrayhamilton@shaw.ca

March 27, 2002

Submission to:
Regional District of Nanaimo,
Public Hearing – Home Lake Regional Park

On January 31, 2002 the Regional District received title on Block 40 at the west end of Home Lake on condition that it be dedicated it as a Regional Park. This was a requirement for the zoning of the property purchased by the Owners of Strata Plan, VIS 5160. The Strata Owners each contributed \$4000 for the purchase of Block 40, a total of \$1.4 million dollars.

For many years the cabin owners who are now the strata owners had access to use the launch ramp on Block 40 at no additional cost. Although some lots have boat trails that provide access to launch their boats, many do not and access to the launch ramp is critical to their enjoyment of their recreational property.

We are requesting that the Regional District of Nanaimo recognize the significant contribution by the Strata Owners who provided this park, by allowing the Strata Owners free access to the boat launch during normal operating hours. The Strata Owners do not require boat trailer or vehicle parking, only access to the launch ramp.

Thank you for considering our request.



REGIONAL DISTRICT OF NANAIMO	
APR 15 2002	
CHAIR	GMCrS
CAO	GMDS
GMCmS	GMES
<i>CAO</i>	
DATE:	

TO: John Finnie
General Manager of Environmental Services

FROM: Dennis Trudeau
Manager of Liquid Waste

SUBJECT: Release of Reserve Funds for Land Purchase

FILE: 0890-20-GNPC-02

DATE: April 12, 2002

PURPOSE:

To introduce for three readings and adoption the "Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund Expenditure Bylaw No. 1298, 2002".

BACKGROUND:

Future expansions of the Greater Nanaimo Pollution Control Center (GNPCC) are required to service a long-term population of over 200,000 people. The first of those expansions is planned for construction in the next 5-7 years. As part of an expansion options design exercise, conceptual plans were prepared for a number of potential treatment processes. While these plans indicate that a population of over 200,000 can be accommodated on the existing owned lands, it can only be done at an additional cost due to site constraints and will likely result in a higher incident of complaints about odour, noise and aesthetics. The neighbouring pub and store have been identified as major concerns with respect to these types of complaints. The properties are close to the current plant facilities; the Pipers Inn parking lot is only 20 metres from the headworks of the wastewater treatment plant.

Our consultants have reviewed the benefits of purchasing the pub and store properties. They have recommended that the RDN consider the purchase of the properties as soon as the opportunity allows.

At the April 2002 Board meeting the purchase agreements for the Pipers Inn pub and adjacent Lagoon Grocery store properties (Lot 2 Plan 7504 District Lot 51 Wellington Land District and Lot 1 Plan 23005 District Lot 51 Wellington Land District) were approved. The purchase price for the two properties is \$1,245,000 plus GST.

The attached Bylaw is the follow-up paperwork that is required to release these funds from reserve.

ALTERNATIVES:

1. Approve the bylaw authorizing the release of \$1,332,150 for the purchase of the two properties for the expansion of the GNPCC.
2. There is no other alternative since the RDN has already entered into agreements to purchase these properties.

FINANCIAL IMPLICATIONS:


The department has a current reserve fund balance of over \$4,000,000 which will be adequate for the acquisition of the two properties.

SUMMARY/CONCLUSIONS:

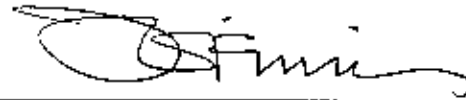
The RDN has agreed to purchase two properties for a total purchase price of \$1,245,000 to allow the expansion of facilities at the GNPCC. The attached bylaw allows the purchase to be funded out of the Southern Community Capital Reserve Fund.

RECOMMENDATION:

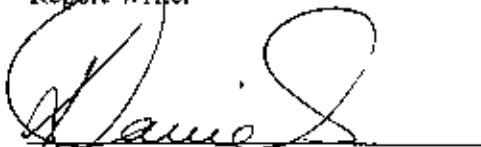
1. That "Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund Expenditure Bylaw No. 1298, 2002" be introduced for three readings.
2. That "Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund Expenditure Bylaw No. 1298, 2002" having received three readings be adopted.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1298

**A BYLAW TO AUTHORIZE AN EXPENDITURE
OF FUNDS FROM THE SOUTHERN COMMUNITY
WASTEWATER CAPITAL RESERVE FUND**

WHEREAS the Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund was established under Bylaw No. 989;

AND WHEREAS the Board has approved the purchase of certain lands for the purpose of expanding and improving the treatment facilities;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled, enacts as follows:

1. The sum of One Million, Three Hundred and Thirty Two Thousand, One Hundred and Fifty Dollars (\$1,332,150) is hereby appropriated from the Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund to be expended on the purchase of the following properties:

Lot 1, DL 51, Wellington District, Plan 23005

Lot 2, DL 51, Wellington District, Plan 7504 except parts in Plans 23005 and 26263

2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as "Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund Expenditure Bylaw No. 1298, 2002".

Introduced and read three times this 14th day of May, 2002.

Adopted this 14th day of May, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

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REGIONAL DISTRICT OF NANAIMO	
APR 15 2002	
CHAIR	GMCrS
CAO	GMDS
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Call

MEMORANDUM

TO: Dennis Trudeau
Manager of Liquid Waste

DATE: April 8, 2002

FROM: Sean De Poi
Engineering Technologist

FILE: 1855-03

SUBJECT: Application for Infrastructure Planning Grant
2002 Local Government Grant Program

PURPOSE

To receive support from the Board of the Regional District of Nanaimo for a proposed infrastructure planning grant application to be submitted to the Ministry of Community, Aboriginal & Women's Services Local Government Grants Program.

BACKGROUND

On March 14, 2002 the British Columbia provincial government announced that infrastructure planning grant applications would be accepted for the first round of approvals until June 7, 2002.

The grants are provided for projects to study the feasibility, costs, technology, and location of proposed sewer, water, groundwater or stormwater drainage facilities. The maximum grant for approved studies is \$10,000. The first \$5,000 or less is funded 100% with the remaining costs being funded 50% up to the \$10,000 maximum.

At the April 2002 Board meeting, the Board approved staff to undertake a pre-design study of a preferred treatment and disposal option for Bowser, Qualicum Bay and Dunsmuir. The cost of the pre-design study will be funded from the General Administration feasibility study budget. The pre-design assessment will be in accordance with the RDN's Liquid Waste Management Plan and will include recommended staging, a schedule for implementation and cost estimates for construction. The total cost of the study is \$20,000. If a provincial infrastructure planning grant is approved, the impact on the feasibility study budget will be reduced by \$10,000. The application protocol requires Board support prior to submitting the application.

ALTERNATIVES

1. Submit an application for an infrastructure planning grant for the identified project.
2. Do not submit an application for an infrastructure planning grant.

FINANCIAL IMPLICATIONS

There will be no additional financial implications in applying for a provincial infrastructure planning grant. If the provincial planning grant is approved the impact on the feasibility study budget will be reduced by \$10,000.

SUMMARY/CONCLUSIONS

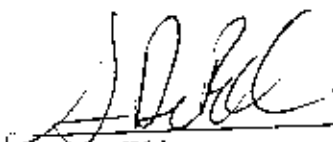
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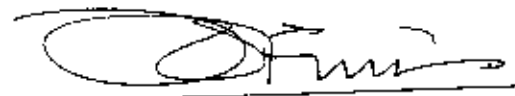
Environmental Services staff recommend that an application be submitted for an infrastructure planning grant for a pre-design report on the preferred scenario for wastewater servicing of Bowser, Qualicum Bay and Dunsmuir. Protocol requires Board support of the application.

RECOMMENDATION

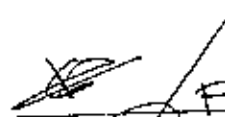
1. That the Board of the Regional District of Nanaimo support the Bowser/Qualicum Bay/Dunsmuir Infrastructure Planning Grant application.



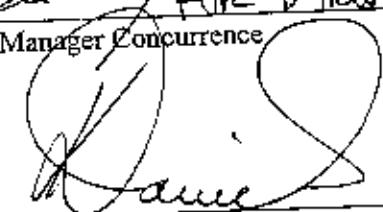
Report Writer



General Manager Concurrence


FOR D. Terdon

Manager Concurrence



C.A.O. Concurrence

COMMENTS: