

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
7:00 P.M.**

Tuesday, November 19, 2024
Ladysmith Seniors Centre
630 2nd Avenue

Pages

1. OPEN MEETING AND ACKNOWLEDGEMENT

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the unceded territory of the Stz'uminus First Nation.

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for November 19, 2024.

3. MINUTES

3.1 Minutes of the Regular Meeting of Council held November 5, 2024

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An error was made at the November 5th Council meeting regarding the Alternate Council Liaison appointment to the Parks, Recreation & Culture Advisory Committee. The minutes provided show the correct appointment.

Recommendation

That Council approve the minutes of the Regular Meeting of Council held November 5, 2024.

4. DEVELOPMENT APPLICATIONS

4.1 Zoning Bylaw Amendment – 10910 Westdowne Road

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Recommendation

That Council:

1. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2173”;
2. Direct staff to proceed with scheduling and notification of a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173” pursuant to section 464(1) of the *Local Government Act*;
3. Direct staff to refer “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2173” to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*;
4. Require that the applicant, as a condition of approval, following third reading and prior to adoption of Bylaw No. 2173:
 - a. retain a qualified engineer to submit a stormwater management plan satisfying the conditions noted in the November 19, 2024 staff report to Council;
 - b. construct and pave the apron and throat of the driveway access to Ministry of Transportation and Infrastructure driveway standards; and
 - c. register on the title of the subject property a stormwater management covenant prepared by the Town’s solicitor at the cost of the applicant with the conditions described in the November 19, 2024 report to Council.

5. COMMITTEE MINUTES

5.1 Committee of the Whole - November 12, 2024

41

Recommendation

That Council:

1. Give first, second and third readings to “Special Event Bylaw 2024, No. 2196”, as presented in the November 12, 2024 staff report by the Director of Parks, Recreation & Culture; and
2. Direct staff to bring forward consequential amendments to the “Beer Garden and Special Occasion Licence Applications Policy 09-4320-A”, as stated in the staff report dated November 12, 2024, by the Director of Parks, Recreation & Culture.

Recommendation

That Council invite an interested secondary student to apply to attend the business sessions at the AVICC 2025 AGM & Convention, held April 11-13, 2025 at the Vancouver Island Conference Centre in Nanaimo.

6. 2025-2029 Financial Plan Discussions - Introduction of General Operations

6.1 Presentation and Council Discussion

6.2 Public Input and Questions

6.3 2025 Budget Deliberations – General Operations

57

Recommendation

That Council approve:

1. Continuing with the Temporary part-time positions of Development Services Administrative Assistant and Planner starting January 1, 2025, with the funding to come from surplus and reserved funds; and
2. Authorize an additional 214 hours annually in the Facility Maintenance Department for cleaning and maintenance at the Fire Department and additional offices at Public Works.

7. REPORTS

7.1 Animal Control Agreement – Coastal Animal Services

62

Recommendation

That Council waive “Purchasing Policy 5-1790-D” and enter into a three-year agreement with Coastal Animal Control Services of BC Ltd. for an average annual cost of \$57,333.

8. **BYLAWS**

8.1 **Bylaw Status Sheet** 71

9. **CORRESPONDENCE**

9.1 **Ladysmith Family and Friends Winter Celebration** 72

Recommendation
That Council consider waiving Grants-in-Aid Policy 05-1850-A and providing an additional grant-in-aid of up to \$641.00 from the remaining grants-in-aid budget to sponsor the 2024 Ladysmith Family and Friends Winter Celebration fundraiser.

10. **NEW BUSINESS**

10.1 **Crown Land Tenure Application Referral 0181156 - Raven Point Marina** 78

Recommendation
That Council, having no concerns about Crown Land Water Tenure Application 0181156 at the Raven Point Marina, opt out of the local government comment process.

11. **UNFINISHED BUSINESS**

11.1 **Ratification of Electronic Vote Held November 12, 2024**

Recommendation
That Council ratify its November 12, 2024 electronic endorsement of the following recommendation:

"That Council direct staff to lower the flags to half-mast in honour of John Horgan, former premier of British Columbia, who passed away November 12, 2024."

12. **QUESTION PERIOD**
- A maximum of 15 minutes is allotted for questions.
 - Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
 - Individuals must state their name and address for identification purposes.
 - Questions put forth must be related to items on the agenda.

- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

13. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, November 5, 2024
5:30 P.M.
Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Acting Mayor Tricia McKay
Councillor Ray Gourlay
Councillor Amanda Jacobson

Councillor Duck Paterson
Councillor Marsh Stevens

Council Members Absent:

Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Tim Tanton

Trish McConnell
Sue Bouma
Julia Tippet
Nick Pescod
Hayley Young

1. CALL TO ORDER

Acting Mayor McKay called this Meeting of Council to order at 5:31 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2024-253

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

Acting Mayor McKay called this Regular Meeting of Council to order at 7:03 p.m., recognizing with gratitude that it was taking place on the unceded territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2024-254

That Council approve the agenda for this Regular Meeting of Council for November 5, 2024.

Motion Carried

5. MINUTES

5.1 Minutes of the Regular Meeting of Council held October 15, 2024

CS 2024-255

That Council approve the minutes of the Regular Meeting of Council held October 15, 2024.

Motion Carried

6. PRESENTATION

6.1 Achievement Award for the Ladysmith Chargers U17B- Kennedy Softball Team

Acting Mayor McKay presented the Ladysmith-Chargers U17B – Kennedy softball team with the Ladysmith Achievement Award, which honors individuals, teams or groups who achieve provincial, national or international recognition in the areas of sports, science, social, and culture. She highlighted the impressive sportsmanship of the softball team, celebrating their gold medal victory in the Softball BC U17B Provincial Championship.

7. ANNUAL APPOINTMENTS

7.1 Deputy Mayor

Acting Mayor McKay made the following appointments for Deputy Mayor in 2025:

November 2024 to April 2025: Councillor Virtanen

May 2025 to October 2025: Councillor Gourlay

7.2 Parcel Tax Review Panel

CS 2024-256

That Council appoint Councillors Gourlay, Stevens and Jacobson to the 2025 Parcel Tax Review Panel.

Motion Carried

7.3 Cowichan Valley Regional District Director

CS 2024-257

That Council appoint Acting Mayor McKay as the Town of Ladysmith Director on the Cowichan Valley Regional District Board for the 2024/25 term.

Motion Carried

7.4 Cowichan Valley Regional District Alternate Director

CS 2024-258

That Council appoint Councillor Stevens as the Town of Ladysmith Alternate Director on the Cowichan Valley Regional District Board for the 2024/25 term.

Motion Carried

7.5 Vancouver Island Regional Library Board Director

CS 2024-259

That Council appoint Councillor Jacobson as Director to the Vancouver Island Regional Library Board for the 2025 term.

Motion Carried

7.6 Vancouver Island Regional Library Board Alternate Director

CS 2024-260

That Council appoint Councillor Virtanen as the Alternate Director to the Vancouver Island Regional Library Board for the 2025 term.

Motion Carried

7.7 Standing and Community Committee Representatives

Acting Mayor McKay made the following appointments to Council Advisory Commissions and Committees:

Committee of the Whole

November 2024 to April 2025

Chair: Councillor Virtanen

Vice Chair: Councillor Gourlay

May 2025 to October 2025

Chair: Councillor Gourlay

Vice Chair: Councillor Virtanen

All Members of Council are Members of CoW.

Waterfront Implementation Committee

Council Liaison: Acting Mayor McKay

Council Liaison: Councillor Stevens

Council Liaison: Councillor Paterson

Cowichan North Recreation Commission

Council Liaison: Councillor Stevens

Council Liaison: Councillor Jacobson

Alternate: Councillor Gourlay

Alternate: Acting Mayor McKay

Community Planning Advisory Committee

Council Liaison: Councillor Virtanen

Alternate: Councillor Paterson

Parks, Recreation & Culture Advisory Committee

Council Liaison: Councillor Virtanen

Alternate: Councillor Jacobson

Accessibility Committee

Council Liaison: Councillor Jacobson

Alternate: Councillor Paterson

Liquid Waste Management Committee

Council Liaison: Councillor Gourlay

Council Liaison: Councillor Jacobson

Council Liaison: Councillor Paterson

Public Art Committee

Council Liaison: Acting Mayor McKay
Alternate: Councillor Stevens

Stocking Lake Advisory Committee

Chair: Acting Mayor McKay
Council Liaison: Councillor Stevens

Celebrations Committee

Council Liaison: Councillor Virtanen
Alternate: Councillor Jacobson

Ladysmith Festival of Lights

Council Liaison: Councillor Gourlay
Alternate: Councillor Stevens

Ladysmith Chamber of Commerce

Council Liaison: Councillor Paterson
Alternate: Acting Mayor McKay

Ladysmith Downtown Business Association

Council Liaison: Councillor Gourlay
Alternate: Councillor Jacobson

Social Planning Cowichan

Council Liaison: Councillor Stevens
Alternate: Councillor Paterson

**Board of Education of School District 68 Long Range Facilities
Planning Advisory Committee**

Council Liaison: Councillor Stevens

Our Cowichan Community Health Network

Council Liaison: Councillor Stevens

8. PROCLAMATIONS

8.1 Adoption Awareness Month - November 2024

Acting Mayor McKay proclaimed November 2024 as "Adoption Awareness Month" in the Town of Ladysmith.

8.2 Louis Riel Day - November 16, 2024

Acting Mayor McKay proclaimed November 16, 2024 as "Louis Riel Day" in the Town of Ladysmith.

9. DEVELOPMENT APPLICATIONS

9.1 Development Variance Permit 3090-23-07 and Development Permit 3060-23-21 – 440 1st Avenue

CS 2024-261

That Council:

1. Issue Development Variance Permit Number 3090-23-07 for 440 1st Avenue (Lot 6, Block 27, District Lot 56, Oyster District, Plan 703) to vary sections 11.2.5.(d) and 11.2.10.(e)(iv), (v) and (vi) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to:
 - a. reduce the minimum interior side parcel line setback for the electrical kiosk from 1.0 to 0.1 metres;
 - b. increase the permitted height for canopies on the roof top amenity space from 18.0 metres to 19.2 metres;
 - c. reduce the front parcel line setbacks for:
 - i. The cornice of the fourth storey of a mixed-use building from 2.7 to 1.9 metres;
 - ii. The exterior wall cladding of the fourth storey of a mixed-use building from 2.7 to 2.2 metres;
 - iii. The cornice of the fifth storey of a mixed-use building from 5.4 to 4.1 metres;
 - iv. The exterior wall cladding of the fifth storey of a mixed-use building from 5.4 to 4.4 metres; and
 - d. allow a total of four off-street small-car parking spaces;
2. Issue Development Permit Number 3060-23-21 for 440 1st Avenue to authorize the redevelopment of an existing heritage building with ground-level commercial and twenty-two residential dwelling units; and

3. Require as a condition of the issuance of Development Permit 3060-23-21 that the applicant provide landscape security for the amount stated in the Development Permit (3060-23-21).

Motion Carried

10. COMMITTEE MINUTES

10.1 Parks, Recreation & Culture Advisory Committee - October 16, 2024

CS 2024-262

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held October 16, 2024.

Motion Carried

11. 2025-2029 FINANCIAL PLAN DISCUSSIONS - WATER & SEWER - OPERATING & CAPITAL

11.1 Presentation and Council Discussion

The Director of Financial Services provided a presentation on the Water and Sewer Budgets for 2025.

11.2 Public Input & Questions

A member of the public asked whether the Water and Sewer Financial Plan Presentation would be available on the Town website.

11.3 Water and Sewer Budgets 2025

CS 2024-263

That Council:

1. Direct staff to amend the "Sewer Rates Bylaw 1966, No. 422, Amendment Bylaw 1999, No.1360" to include a 3% increase to the rates;
2. Direct staff to prepare the 2025 Sewer Parcel Tax bylaw for \$362 per parcel;
3. Direct staff to amend the "Waterworks Regulation Bylaw 1999, No.1298" to include a 5% increase to the rates; and
4. Direct staff to prepare the 2025 Water Parcel Tax bylaw for \$459 per parcel.

Motion Carried

12. REPORTS

12.1 Adjustment to Water Billing Account – 2024, Q3

CS 2024-264

That Council provide a bill adjustment in the amount of \$3,195.82 to billing Account No. 000-1411400-000 due to a water leak.

Motion Carried

13. BYLAWS

13.1 Bylaw Status Sheet

14. CORRESPONDENCE

14.1 CVRD Regional Growth Strategy Committee

CS 2024-265

That Council appoint Jake Belobaba to the CVRD Regional Growth Strategy Steering Committee.

Motion Carried

15. QUESTION PERIOD

A member of the public thanked Council on behalf of the owners of 440 1st Avenue for their support of the development project.

16. ADJOURNMENT

CS 2024-266

That this Regular Meeting of Council be adjourned at 8:01 p.m.

Motion Carried

CERTIFIED CORRECT

Acting Mayor (T. McKay)

Corporate Officer (S. Bouma)

STAFF REPORT TO COUNCIL

Report Prepared By: Andrew Wilson, Planner
Reviewed By: Jake Belobaba RPP, MCIP, Director of Development Services
Meeting Date: November 19, 2024
File No: 3360-18-11
RE: Zoning Bylaw Amendment – 10910 Westdowne Road

RECOMMENDATION:

That Council:

1. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2173”;
2. Direct staff to proceed with scheduling and notification of a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173” pursuant to section 464(1) of the *Local Government Act*;
3. Direct staff to refer “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2173” to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*;
4. Require that the applicant, as a condition of approval, following third reading and prior to adoption of Bylaw No. 2173:
 - a. retain a qualified engineer to submit a stormwater management plan satisfying the conditions noted in the November 19, 2024 staff report to Council;
 - b. construct and pave the apron and throat of the driveway access to Ministry of Transportation and Infrastructure driveway standards; and
 - c. register on the title of the subject property a stormwater management covenant prepared by the Town’s solicitor at the cost of the applicant with the conditions described in the November 19, 2024 report to Council.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce a rezoning application to allow an outdoor commercial storage yard at 10910 Westdowne Road for Council consideration. Staff recommend that Council give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173” and direct that a public hearing be held.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
2011-467	November 7, 2011	It was moved, seconded and carried that Development Variance Permit 3090-11-01 be approved, to permit a variance to Section C-4.05(f) and 4.05(g) of the Subdivision Control Bylaw No. 1115 to allow the property at 10910 Westdowne Road (Lot 1 District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895 RW), to be subdivided into two lots subject to approval and registration of a covenant that states the following: <ol style="list-style-type: none"> a) To postpone the required connection to the water supply until prior to issuing a building permit for either of the proposed two lots; and b) To postpone the required connection to the sanitary sewer system until within two years of the sanitary sewer being available to either of the proposed two lots.
CS 2018-266	July 16, 2018	<i>Moved and seconded:</i> That Council: 1. Issue Development Permit 3060-18-06 to permit land clearing and riparian restoration on Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road); and 2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-06. <i>Motion carried.</i>
CS 2018-445	November 19, 2018	<i>Moved and seconded:</i> That Council, having considered the application (3360-18-11) to amend the Zoning Bylaw for the property legally described as Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road) to <ol style="list-style-type: none"> a) Add 'storage yard' as a site specific principal permitted use; b) Add a definition of 'contractor tool crib'; and c) Amend the definition of 'storage yard' to include RVs, boats and contractor tool cribs: <ol style="list-style-type: none"> 1. Direct staff to commence the preparation of the Zoning Bylaw amending bylaw for application 3360-18-11 (10910 Westdowne Road). 2. Direct that prior to presenting the Zoning Bylaw amendment bylaw to Council for consideration, the owners of 10910 Westdowne Road shall complete the following: <ul style="list-style-type: none"> • Obtain a building permit for the retaining wall; • Obtain a demolition permit for the dwelling; and • Connect the property to the Town of Ladysmith water system as required by DVP 11-01 and Covenant CA2774644; and • Submit the riparian landscape bond of \$1200 (DP 18-06) <i>Motion carried.</i>
CS 2018-466	November 19, 2018	<i>Moved and seconded:</i> That Council direct staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for the purpose of storage, and report back to Council. <i>Motion carried.</i>

INTRODUCTION/BACKGROUND:

Subject property

The subject property is a 1.05ha parcel located at 10910 Westdowne Road. The property is currently designated Industrial under “Official Community Plan Bylaw 2022, No. 2200”, zoned Light Industrial (I-1) under “Town of Ladysmith Zoning Bylaw 2014, No. 1860” and falls within Development Permit Area 5 – Industrial (DPA 5) and Development Permit Area 6 – Riparian (DPA 6). Adjacent land uses include:

- North: Industrial (I-1) zoned land containing a house.
- East: Westdowne Road and TransCanada Highway. Lands opposite the highway are in the CVRD.
- South: Indoor and outdoor commercial storage facility (CVRD land).
- West: Riparian and vacant (treed) Industrial Crown land.

A transit stop is located to the south in front of the Town and Country Mobile Home Park on Westdowne Road with service to Nanaimo and Duncan.

A riparian area bisects the property. The front of the property currently contains outdoor storage of RVs, boats, and other vehicles, a small electrical building, a graveled area for outdoor storage, a perimeter fence, and retaining wall. The rear of the property is vacant and vegetated. A map of the subject property is provided as Attachment A.

Background:

The owners submitted a rezoning application on September 14, 2018 to resolve a bylaw enforcement issue as the existing outdoor commercial storage yard had been operating on the property contrary to the Zoning Bylaw; outdoor commercial storage is not a permitted use in the I-1 zone. The file was first reviewed by Council on November 19, 2018, and further consideration was deferred by Council until a number of issues provided in Table 2 were resolved. Table 2, below, summarizes the actions taken in response to Council’s direction from the November 19, 2018 meeting.

Table 2: Council Direction and Staff Comments

Council Direction	Staff Comments
Obtain a building permit for the retaining wall	The applicant had originally constructed a lock-block retaining wall that was high enough to trigger the requirement for a building permit. Instead of obtaining a building permit for the wall, the applicant rebuilt the retaining wall as a stepped retaining wall that meets Zoning Bylaw regulations and does not require a building permit. The wall consists of two steps 4.5m apart, with a height of 1.1m and 0.6m per step. Staff consider this requirement to be met.
Obtain a demolition permit for the dwelling	The applicants obtained a demolition permit for the dwelling on January 22, 2021. The dwelling was demolished with a final inspection completed

	by the building inspector on December 9, 2022. This requirement is complete.
Connect the property to the Town of Ladysmith water system as required by DVP 11-01 and Covenant CA2774644	Covenant CA2774644 specifies that the construction of new buildings must not occur without a connection to the Town’s water supply. There are no new buildings proposed as part of this application; therefore, a connection is not required. Future building permits will not be issued unless a functioning water service is installed. Staff consider this requirement to be met.
Submit the riparian landscape bond of \$1,200 (DP 18-06)	The applicant submitted the bond on January 7, 2021. This requirement is complete.

The applicants also applied for a development permit (DP 18-10) application in 2018 for excavation, landscaping, and fencing. Additional information was requested as the application was incomplete and the application was put on hold. The applicants have now provided staff with additional information needed to continue processing the DP application, which will proceed to Council for consideration at a later meeting.

The applicants provided the \$1200 landscaping bond for DP 18-06 to cover the costs of the required remediation of the riparian area on the property. A report from the applicant’s biologist was provided to the Town on June 14, 2023, confirming the remediation had been completed.

Signage on the property was found to be non-compliant with the Sign & Canopy Bylaw. As such, staff requested that the applicants submit a sign permit and development variance permit (DVP) application to bring the signage into compliance with the signage regulations. The applicant has since applied, and the DVP application will proceed to Council for consideration at a later meeting.

PROPOSAL:

The applicant is requesting an amendment to the Zoning Bylaw to permit an outdoor commercial storage yard use for the commercial storage of RVs, boats, and contractor tool cribs. The proposal requires a site-specific amendment to the I-1 zone on the property. No buildings are proposed, as the use will only be operated outdoors. Density regulations, such as floor space ratio and parcel coverage, and other building regulations, such as building height, are not proposed to change. The applicant letter of rationale is provided as Attachment D.

The applicant has also requested that shipping containers be permitted on the property as these are commonly used as contractor tool cribs. Current regulations in the Zoning Bylaw restrict the number of shipping containers per property in industrial zones, thus, per Council’s direction, staff investigated the number of shipping containers permitted on industrial zoned properties in other municipalities for storage purposes, as summarized in Table 5. A breakdown of the features of the proposed development is provided in Table 3.

Table 3: Application Summary

	Current/Required	Proposed
OCP Designation	Industrial	No change.
Development Permit Area	DPA 5 – Industrial DPA 6 – Riparian	No change.
Zoning Bylaw	I-1	I-1 with the following site-specific regulations: <ul style="list-style-type: none"> • permitting ‘storage yard’ on the property • permitting a maximum of 20 shipping containers • adding shipping container regulations for siting and grouping size • 30m front parcel line setback for shipping containers
	Definitions	Amend the definition of ‘storage yard’ in the definitions section of the Zoning Bylaw to include RV, boat, and contractor tool crib. Add a definition for ‘contractor tool crib’ in the definitions section of the Zoning Bylaw.
	Shipping Container Regulations	Amend the regulations for Shipping Containers by adding Fire Department approval for ventilation.

The development currently consists of:

- A large gravel area where vehicles are stored.
- A stepped retaining wall near the middle of the property.
- Fencing around the perimeter of the property.

ANALYSIS:

For the reasons outlined below, staff are recommending that Bylaw No. 2173 be given first and second readings.

Official Community Plan

The subject property is located in the Industrial designation in the OCP. The Industrial designation applies to industrial park areas and the industrial waterfront area and is intended to accommodate industrial development and employment centres. It provides for a range of industrial and light industrial uses, and limited commercial uses to support industrial parks. The proposed use is consistent with the Industrial designation. Table 4, below, summarizes other relevant OCP policies and provides an analysis of the proposal against these policies:

Table 4: Official Community Plan policy review

Policy/Policy Category	Comments
1.1 Growth Policies	
j. Preserve existing industrial lands for employment, as industrial land use is in relatively short supply in the region, and consistent with the Cowichan Industrial Land Use Strategy (2019).	The land has remained undeveloped as an industrial land use. The proposed development presents an opportunity to establish additional industrial activities within Ladysmith’s south end.
2.4 General Land Use Policies	
X. Prioritize infill and avoid greenfield development to reduce pressures on natural areas.	Development on the subject property would constitute infill development as the applicant is proposing to develop an existing parcel within an existing industrial area.
Y. New development should protect and enhance natural assets including tree stands, natural features, habitat areas, the Salish Sea and shoreline, streams, and wetlands.	The subject property contains a creek and a riparian area. A DP was issued in 2018 which identified the creek and adjacent streamside protection and enhancement area (SPEA) and identified restoration of the SPEA. SPEA restoration was completed and a report from the applicant’s Qualified Environmental Professional (QEP) was submitted in July 2023, confirming this. The creek and SPEA will maintain protection through the Riparian Development Permit Area (DPA 6), the Provincial Riparian Areas Protection Regulation (RAPR), and the SPEA restoration.
Aa. New development should incorporate the use of green infrastructure for rainwater management – including groundwater infiltration, rainwater detention, and rain gardens – in all land uses.	<p>Staff are recommending a stormwater management plan be secured as a condition of Bylaw No. 2173 approval through registration of a covenant under the <i>Land Title Act</i>. Staff also intend for a stormwater management plan to be a condition of DP 18-10.</p> <p>The site on which the use is located has a surface material of crushed gravel, which is permeable. Paving the storage area can be prohibited through mechanisms including the Development Permit and covenant. Staff are not recommending the prohibition of paving as a condition of Bylaw No. 2173. As a requirement of DP 18-10, staff have requested the applicant submit a report by a QEP to provide recommendations for spill containment and prevention. All QEP recommendations will be made a condition of DP 18-10.</p>
Ak. Existing industrial lands, including marine industrial areas, should be protected for employment uses.	Industrial development on the subject property would protect and preserve it as an industrial site.
Transportation	

<p>2.39 In lower density areas such as South and North Ladysmith, support other transit service delivery models such as Digital On-Demand Transit, as well as continued coverage and service capacity for people with a disability through handyDART.</p>	<p>HandyDART service is not necessary for this development due to its nature as an outdoor storage facility. The application was referred to BC Transit for comment. BC Transit have no concerns or recommendations with respect to the proposal.</p>
<p>2.40 Identify strategic investments in bus stops to improve accessibility, amenity provision and overall user experience. This included maintaining a priority list of desired transit shelter/stop upgrades that can be used to inform participation in BC Transit’s cost-shared stop improvement program as well as to leverage any available transit infrastructure funding from other levels of government.</p>	<p>The subject property is near a transit stop on Westdowne Road. BC Transit is not recommending improvements to the transit stop at Westdowne and Thicke Roads as they don’t expect the proposed development to generate an increase in transit demand, and the stop doesn’t have a high amount of activity currently.</p>
<p>Parks and Open Space</p>	
<p>4.1 In general prioritize the following areas for parkland acquisition: waterfront areas; ecologically sensitive areas; areas where parkland is lacking for nearby residents; areas of historical or cultural significance; and areas for carbon sequestration.</p>	<p>The creek and wetland on the subject property is protected under the Riparian Area Regulation as a Streamside Protection and Enhancement Area (SPEA). No parkland acquisition is being considered as part of this application as there are no nearby park connections or trail connectivity.</p>
<p>4.3 Consider parkland acquisition that complements compatible existing and proposed public uses such as schools, daycares, healthcare and community centres and places of worship.</p>	
<p>4.4 Undevelopable areas (e.g. Streamside Protection and Enhancement Areas, hazard lands) will not be accepted as statutory parkland dedication (e.g. subdivision park dedication requirements). Undevelopable areas should be “returned to Crown”, in addition to statutory park dedication area and/or protected by other means (e.g. covenants).</p>	
<p>4.24 Prioritize the acquisition of critical habitat and ecosystems for parks and conservation.</p>	

Municipal Infrastructure	
5.3 Where technically and operationally feasible and aligned with the vision and goals of this OCP, support variances to development and servicing specifications to permit green infrastructure, public amenities, and/or active transportation.	The proposed development requires a variance to the Zoning Bylaw and the Development and Subdivision Servicing Bylaw to allow operation of the development with an on-site septic system in the absence of community sanitary sewer services. The servicing will be evaluated in more detail at the DP stage.
5.12 New development and rainwater infrastructure should be designed to manage flows to pre-development rates and factoring in future climate change projections. This includes preventing frequently occurring small rainfall events from becoming surface run-off and ensuring the maintenance of minimum base flows, and in some instances augmented base flows, in water bodies.	Current Town Engineering standards do not require pre-development flow rates for rainwater management. Rainwater management improvements that go beyond what bylaws currently require, such as pre-development rates, can be secured as a condition of rezoning approval through registration of a covenant. As noted above, staff are recommending a stormwater management plan be secured through registration of a covenant as a condition of Bylaw No. 2173.
5.14 Support the integration of rainwater detention, infiltration, and conveyance systems with community or natural amenity space where possible. New development must implement their own sustainable rainwater management infrastructure.	
5.15 Mimic natural ecosystem processes in rainwater system design and construction as much as possible. This includes minimizing runoff, maximizing infiltration, preserving and protecting the water absorbing capabilities of soil, vegetation and trees particularly along riparian corridors, and minimizing impervious surfaces on both private and public lands.	
5.16 Encourage rainwater capture and discharge to ground where appropriate on public and private properties, while reducing impact to downslope properties.	The proposal includes gravel for surfacing of the parking area. Paving is not proposed. A covenant could be registered to require a permeable surface of the parking area.
5.17 Stormwater quality should meet applicable standards from the BC stormwater planning guidebook at the time it is discharged into receiving waterbodies.	

Social Infrastructure	
6.6 Universal design principles should be applied in the review of development applications and in the design of new or retrofitted public facilities and infrastructure early in design and evaluation.	No public infrastructure improvements are being proposed with this application.
Local Economy	
7.5 While recognizing the importance of Downtown as being the largest employment hub, support the retention of – and multi-modal access to – employment lands in other commercial and industrial areas including the waterfront area, midtown and south Ladysmith.	The subject property is in south Ladysmith. Development of the lands as an outdoor storage facility would help support its retention as industrial lands. While it is not expected that the proposed use will generate a lot of new employment opportunities, the use does not consist of any buildings and the property could still be used for an array of other industrial uses should this use not succeed in the long-term.
7.12 Consider development proposals' impacts on and resilience to climate change during the approvals process.	Transportation is the number one contributor of greenhouse gas (GHG) emissions in Ladysmith. The proposed development is in south Ladysmith which is not a transit-oriented area, resulting in few opportunities for active and alternative modes of transportation to the development. However, the use is for storage of vehicles such as boats and RVs and is not expected to generate regular traffic to the property. Having an outdoor storage facility such as this for boats and RVs will allow Ladysmith residents to store their recreational vehicles closer to home, which will reduce the distance that they might otherwise travel to store their vehicles at facilities elsewhere.
7.13 Existing industrial lands – both in terms of lands that are designated for industrial land uses and lands that are currently being used for industrial land uses – should be protected.	The proposal will keep the land within the Industrial designation and Industrial zoning. The proposed development is for industrial uses.
Green Buildings	
8.4 All new buildings subject to rezoning should achieve net zero emissions as a condition of rezoning. This means that 100% of new buildings' space and water heating and cooling needs are met by zero emissions systems starting immediately	No new buildings are being proposed as part of this rezoning application.

Development Permit Areas:

- The storage yard definition be amended to include storage of RVs, boats, and contractor tool cribs.
- Add a definition of ‘contractor tool crib’ to the Zoning Bylaw.

These changes are proposed in Bylaw No. 2173 (see Attachment C).

Storage yard is a permitted principal use only in the Industrial I-2 zone, therefore a change to the definition of storage yard to include RVs, boats, and contractor tool cribs will affect all I-2 zoned properties (see Attachment B Zoning Map).

Smaller shipping containers are often used as the storage space for contractor tools (e.g. used as contractor tool cribs), and the applicants would also like to store any size shipping container on the property for general storage use. However, the Zoning Bylaw restricts the number of shipping containers permitted on industrial lands to three. As such, Council has directed staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for storage purposes. The analysis is provided below.

Proposed changes to the general shipping containers regulations and site-specific regulations regarding shipping containers in Bylaw No. 2173 include the following:

- A requirement for all shipping containers to be vented to the satisfaction of the Ladysmith Fire Department.
- Shipping containers specific to this site:
 - Shall have a front parcel line setback of 30.0 metres.
 - Shall be limited to a maximum of twenty.
 - Must not be stacked.
 - Must not be altered or pre-altered in any way.
 - Must have approval by the Town of Ladysmith Building Official for surfacing and siting.
 - A grouping of shipping containers:
 - Must not exceed 500.0 square metres
 - Shall not be located closer than 6.0 metres to another grouping.
 - Shall have a fire access route approved by the Ladysmith Fire Department.

Shipping Containers:

At the November 18, 2018 Council meeting, Council directed staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for the purpose of storage. Table 5, below, summarizes shipping container regulations in four Vancouver Island jurisdictions.

Table 5: Shipping Container regulations in other jurisdictions

Local Gov't	Bylaw	Shipping Container Regulation
City of Parksville	Zoning Bylaw	<ul style="list-style-type: none"> • Shipping containers are included in the definition for <i>medium industry</i>.

		<ul style="list-style-type: none"> Shipping containers shall be setback a minimum of 30m from a lot line adjacent to the Highway or E&N Railway. Individual access to containers is not permitted. <p>Note: No maximum numbers of containers are specified except for use during construction.</p>
District of North Cowichan	Zoning Bylaw	<ul style="list-style-type: none"> Maximum 2 shipping containers per site in Industrial Light Zone Maximum 1 shipping container per 1 acre up to a maximum of 10 in Heavy Industrial Zone.
CVRD	Building Regulation Bylaw	<ul style="list-style-type: none"> Siting or locating a shipping container requires a building permit. <p>Note: Shipping containers are not specifically regulated in the Zoning Bylaw. The number of permitted shipping containers is limited by parcel coverage.</p>
City of Nanaimo	Zoning Bylaw	<ul style="list-style-type: none"> No more than 2 containers permitted in the I4 Zone for up to 2 years for temporary use. No more than 1 in all other Zones for a period of 30 days or up to 1 year.

The number of shipping containers permitted on a parcel varies from maximum numbers of shipping containers in industrial zones in North Cowichan and the City of Nanaimo, to no maximums in medium industrial zones in the City of Parksville. The Cowichan Valley Regional District has no maximum shipping container regulations.

Ladysmith Building and Plumbing Bylaw does not specifically regulate shipping containers, and a building permit is not required. The BC Building Code does not recognize shipping containers as buildings. Due to the potential to use shipping containers as individual storage lockers, the Building Department has recommended that up to 20 containers should be treated in the same way that a Self-Service Storage Building would be treated under the BC Building Code. These recommendations have been incorporated in the draft Bylaw No. 2173.

The proposed bylaw includes an addition to the Shipping Containers regulations for ventilation to be approved by the Ladysmith Fire Department. Proper ventilation in shipping containers is important to controlling temperature and to limiting odors and condensation.

Ministry of Transportation and Infrastructure Requirements:

As a condition of approval, the Ministry of Transportation and Infrastructure have outlined the following conditions that must be met prior to their final approval:

- An approved commercial access permit to the Highway;
- The apron and throat of the access is to be constructed and paved to Ministry Standard (see Chapter 502 of the most current [Standard Specifications for Highway Construction](#));
- No storm drainage shall be directed toward Ministry ditches. This includes run-off from the internal road system or development run-off; and,
- All surface and subsurface drainage/storm water from the development is to be dealt with onsite.

These conditions are incorporated into the recommended motions to Council, and if approved, will be a requirement for approval prior to adoption of the Bylaw.

Stormwater Management:

Discharge of storm water is proposed overland to the creek. Town of Ladysmith Engineering provided recommendations for Stormwater Management including:

- A stormwater management system is required to detain and treat water prior to entering the creek and to maintain pre-development flow from 2017 at post construction.
- A storm management system must be designed by a professional and include a maintenance guide or manual.

Current Town Engineering standards do not require pre-development flow rates for rainwater management. Rainwater management improvements that go beyond what bylaws currently require, such as pre-development rates, can be secured as a condition of rezoning through registration of a covenant. As noted in the section above, MOTI requirements include specific storm drainage conditions. Staff are recommending Council require the applicant to provide a Stormwater Management Plan by a Qualified Engineer and secure it on title through a s.219 covenant. This plan must address the approval conditions of MOTI and meet the Town of Ladysmith Engineering recommendations.

Servicing:

A development variance permit (DVP 11-01) was approved by Council in 2011-2012 to vary the Subdivision Control Bylaw to allow a two-lot subdivision in which the two new lots (10920 & 10910 Westdowne Road) were not required to be connected to Town water and sewer at time of subdivision. The DVP states:

1. That when an owner of the land applies for a building permit they must design and construct an approved connection to the Town water system; and
2. An owner of the land must connect to the Town's sanitary sewer system within two years of it being available. An approved septic system would be permitted for a new building on the land until that time.

The two-lot subdivision was approved and covenant CA2774644 was registered on the title of both new parcels. The covenant states that the owner of the land shall not build or construct a building on the land until the owner has first at their sole cost designed and installed a connection to the Town of Ladysmith water system and any necessary extension of a water main to allow such a connection. The covenant also states that the two lots must connect to the Town of Ladysmith sanitary sewer system within two years of it becoming available to the land.

The water main was extended along the property frontage to allow for future connection. However, the property cannot connect to the main until on-going water quality issues are resolved.

Due to the nature of the proposed use (e.g., outdoor storage yard, no employees on-site, no building facilities¹), sewer and water services are not needed at this time. However, in order to permit the proposed outdoor storage facility, an additional DVP application is required to vary the Zoning Bylaw requirement which states that all uses permitted under zoning must be connected to a community water and community sewer system.

Analysis Summary:

Staff are supportive of the request to add outdoor commercial storage yard as a permitted use on the subject property as there is a need for temporary RV and boat storage in Ladysmith. The storage of 20 shipping containers is not a concern provided the regulations of the draft Zoning Bylaw Amendment are adopted as proposed.

ALTERNATIVES:

Council can choose to:

1. Deny the application.
2. Elect not to hold a public hearing in accordance with section 464(2) of the *Local Government Act* and direct that staff publish notice of the application in accordance with section 467 of the *Local Government Act*.
3. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
4. Amend the proposed bylaw and give the bylaw first and second readings as amended.
5. Refer the application back to staff for further review, as specified by Council.
6. Refer the application back to the Community Planning Advisory Committee for additional comment.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Standard requirements for Council consideration and referrals established under provincial legislation have been accounted for in staff's review of the application and in the recommendations of this report. At this time, there are no special legal considerations for this proposal.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If Council endorses the proposed bylaw amendments a public hearing is required pursuant to section 464(1) of the *Local Government Act* and newspaper and mail notification must be carried out pursuant to section 466(1) of the *Local Government Act*.

Council can elect not to have a public hearing under 464(2) of the *Local Government Act* because an OCP amendment is not required to approve the proposed rezoning. However, staff recommend holding a public hearing as policies supporting the proposed amendments are not

¹ There is one small (less than 10m²) electrical utility shed on the property for BC Hydro infrastructure.

explicit and due to notification requirements, there are no time savings achieved by not holding a hearing.

INTERGOVERNMENTAL REFERRALS:

The application must be referred to the Ministry of Transportation and Infrastructure as required under applicable legislation. A preliminary referral was sent to MOTI for their initial analysis and recommendations. Additionally, courtesy referrals were sent to the Cowichan Valley Regional District, BC Transit, and the Ministry of Water, Land, and Resource Stewardship. Table 3 summarizes referrals to date, responses received, and staff’s comments.

Table 6: Intergovernmental Referral Comments

Referred (Yes/No)	Agency	Applicable Legislation	Agency/Staff Comments
Yes	Ministry of Transportation and Highways	s. 52 of the Transportation Act	See ‘Ministry of Transportation and Infrastructure Recommendations’ above.
Yes	Ministry of Water, Land, and Resource Stewardship	N/A	No issues were identified. Any further development within the 30m Riparian Assessment Area (RAA) requires a new Riparian DP.
Yes	Cowichan Valley Regional District	N/A	The CVRD interests are unaffected by this application.
Yes	BC Transit	N/A	BC Transit has no concerns with the proposal.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated to Town departments for review and comment. Their comments are summarized below:

Table 7: Interdepartmental Referral Comments

Referred (Yes/No)	Department	Comments
Yes	Infrastructure Services	Engineering recommended the following: <ul style="list-style-type: none"> • Installation of a stormwater management system to detain and treat water prior to entering the creek and to maintain pre-development flow 2017 at post construction. • Future construction will require an erosion and sediment control plan.

		<ul style="list-style-type: none"> Spill prevention and contamination containment recommendations are to be provided by a QEP.
Yes	Building Inspection	Due to the potential to use shipping containers as individual storage lockers, the Building Department has provided recommendations outlined in the 'Shipping Containers' section above.
No	Parks Recreation and Culture	N/A
No	Financial Services	N/A
No	Legislative Services/Corporate Services	N/A
Yes	Fire/Protective Services	The Fire Chief has no concerns regarding storage of hazardous or flammable products. No concerns were expressed regarding the number of shipping containers.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

The application was reviewed by CPAC at their April 3, 2024 meeting. CPAC passed the following resolution:

“It was moved, seconded, and carried that the Community Planning Advisory Committee recommends that Council approve Zoning Bylaw Amendment 3360-18-11 (10910 Westdowne Road) as presented, with the following recommendations:

- That a stormwater management plan and spill prevention and containment plan be submitted by a qualified professional prior to Bylaw adoption and ensure that the associated recommended measures in the plans are fulfilled;*
- That any landscaping plan approved by Council substantially improves the public realm (on the outside of the fence) with a diverse mix of native species adjacent to Westdowne Road; and*
- That the Fire Chief take a close look at the potential risks of storing hazardous and flammable materials.”*

CPAC comments regarding landscaping have been provided to the applicant for their consideration, however, landscaping must meet the DPA guidelines for the Development Permit which falls outside of the scope of consideration by CPAC. The application was referred to the Fire Chief, and upon review, he had no concerns regarding the storage of hazardous and flammable materials. A stormwater management plan is being made a condition of Bylaw approval. As recommended by Engineering, Staff has requested the applicant submit a memo from a QEP providing recommendations for spill prevention and contamination containment which will form part of the conditions of the Development Permit.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Core Infrastructure
- Official Community Plan Implementation
- Waterfront Area Plan

- Economy
- Leadership
- Not Applicable

I approve the report and recommendation(s).

Allison McCarrick , Chief Administrative Officer

ATTACHMENT(S):

- A. Subject Property Map
- B. Zoning Map
- C. Bylaw 2173
- D. Applicant Rationale Letter
- E. DP 3060-18-06

ATTACHMENT A

SUBJECT PROPERTY MAP

10910 WESTDOWNE ROAD

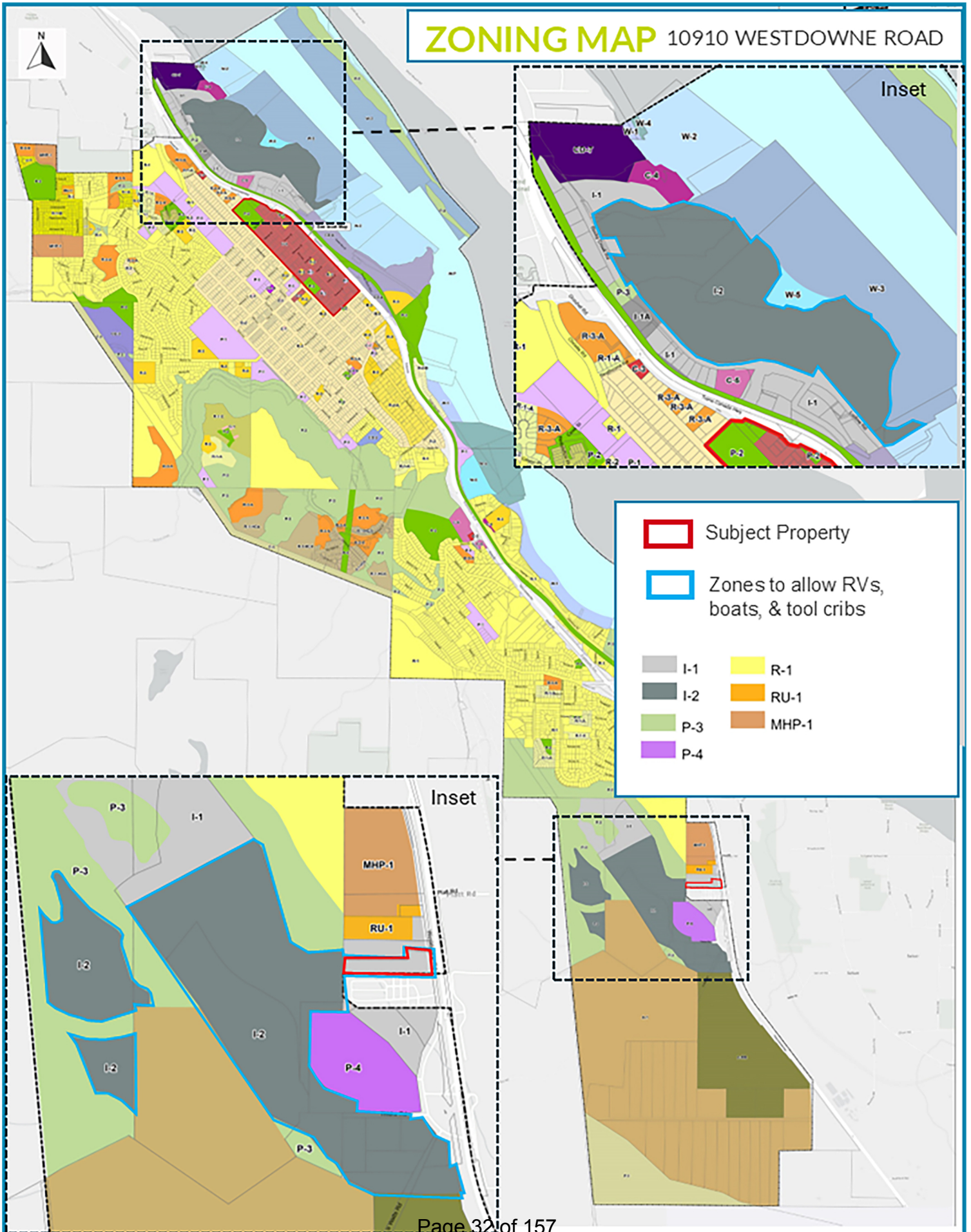


 Subject Property

 Municipal Boundary

0 10 50
Meters

ATTACHMENT B



ATTACHMENT C

TOWN OF LADYSMITH

BYLAW NO. 2173

A Bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule A – Zoning Bylaw Text is amended as follows:
 - a. The definition of 'Contractor Tool Crib' is added as follows:
"CONTRACTOR TOOL CRIB: means a portable structure, mobile trailer, or *Intermodal Shipping Container* used for storage and supply of contractor tools and materials.
 - b. The definition of 'Storage Yard' is amended to add the words "*Recreation Vehicle, Boat, Contractor Tool Crib,*" after "public utility equipment,"
 - c. The "Shipping Containers" regulations is amended by adding the following to the end of Section 5.18(a):

"vii) Shall be vented to the satisfaction of the Ladysmith Fire Department."
 - d. New site-specific regulations are added to Section 12.2 "Light Industrial (I-1)" as follows:
 - i. The following is added to the end of Section 12.2(9):

"g) For the *Parcel* legally described as Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road), the following site-specific regulations shall apply:
 - i. *Storage Yard* is a permitted *Principal Use*.
 - ii. Despite Section 12.2(5)(c), no *Intermodal Shipping Container* shall be located closer to the *Front Parcel Line* than the minimum *Setback* of 30.0 metres.
 - iii. Despite Section 5.18(a), *Intermodal Shipping Containers*:
 1. shall be limited to a maximum of twenty (20) per *Parcel*.
 2. must not be stacked.
 3. must not be altered or pre-altered in any way other than to add ventilation pursuant to Section 5.18(a)(vii); and
 4. a grouping of *Intermodal Shipping Containers* shall not:
 - a. cover an area greater than 500.0 square

- metres;
- b. be located closer than 6.0 metres of another grouping;
- c. shall have a fire department access route approved by the Ladysmith Fire Department.”

Citation

- 2. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173”.

READ A FIRST TIME on the _____ day of _____, 2024
READ A SECOND TIME on the _____ day of _____, 2024
PUBLIC HEARING HELD on the _____ day of _____, 2024
READ A THIRD TIME on the _____ day of _____, 2024
APPROVED BY MINISTRY OF TRANSPORTATION
on the _____ day of _____, 2024
ADOPTED on the _____ day of _____, 2024

Acting Mayor (T. McKay)

Corporate Officer (Sue Bouma)

ATTACHMENT D

Van-Isle Storage Ltd.
10910 Westdowne Rd
Ladysmith BC
V9G 1X5

Re: Industrial Development Permit Application - 3060-18-10

To whom it may concern,

This letter outlines the proposed project details at the above-noted property address (10910 Westdowne Rd) and is intended to suffice the Industrial Development Permit application (3060-18-10) and comply with the DPA 5 industrial guidelines.

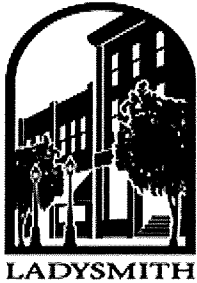
The property is to be transformed from its current residential non-conforming state, to better align with the I-1 light industrial zoning as it was intended. We are proposing to operate a storage business from this site, with an immediate plan to store vehicles, and a long-term plan to build structures for the purposes of indoor storage. We have realized a demand for storage on Vancouver Island, most specifically, limited resources for individuals seeking to store recreational vehicles away from their homes and/or neighborhoods. A business of this type will bring patrons from other cities and provinces to Ladysmith, which will ultimately increase consumer spending at local and nearby establishments. It is our plan to provide a much-needed service to the public, while at the same time improving the sustainability and facade of a property seen by all commuters of the Island Highway as they pass through the Town of Ladysmith.

We want to thank you in advance for your time and consideration with regard to our application to develop the property.

Yours truly,

Van-Isle Storage Ltd.

ATTACHMENT E



TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 Local Government Act)

FILE NO: 3060-18-06

DATE: July 16, 2018

Name of Owner(s) of Land (Permittee): Van-Isle Storage Ltd.

Applicant: Ryan Bishop and Chris Ronald

Subject Property (Civic Address): 10910 Westdowne Road

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Lot B
District Lot 72
Oyster District
Plan EPP20506
PID# 028-923-669
(referred to as the "Land")
3. This Permit has the effect of authorizing the alteration of land designated in the *Official Community Plan* under section 488(1)(a) of the *Local Government Act*; subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees:
 - i. To protect the Streamside Protection and Enhancement Area (SPEA) which is 15 metres from the highwater mark on the eastern side of the wetland on the Land as shown in **Figure 1** within this Permit.

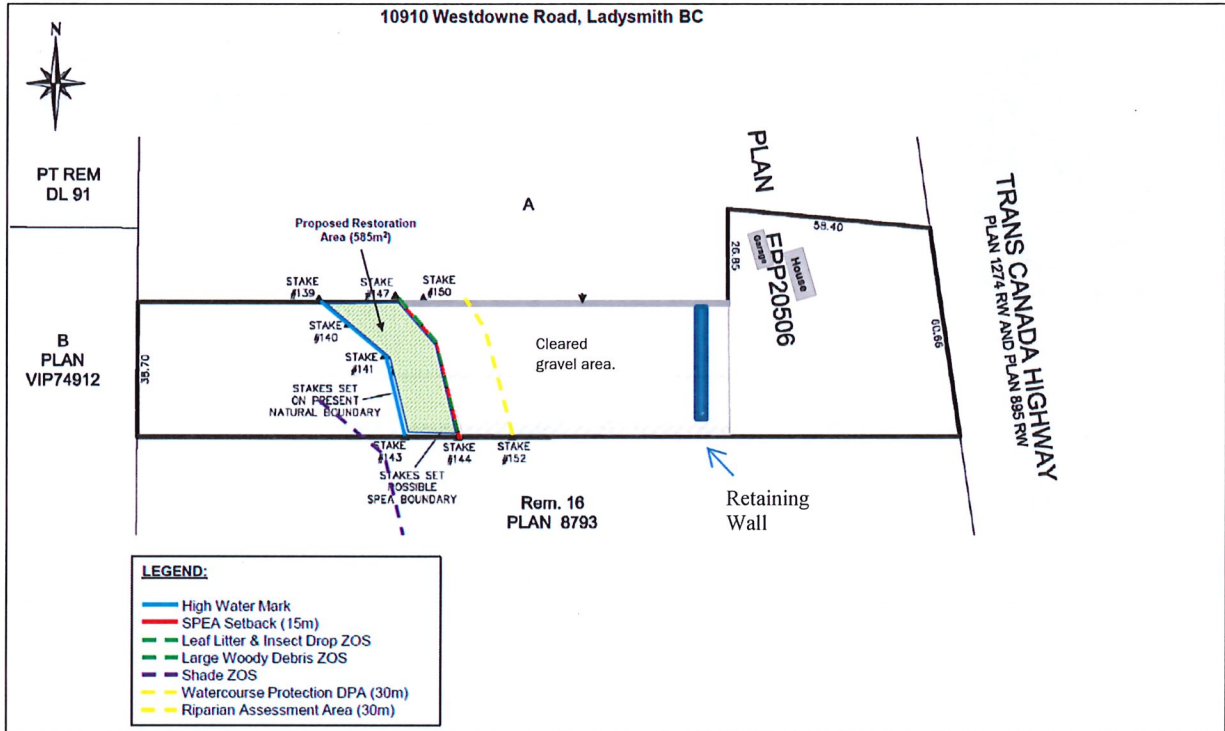


Figure 1: 10910 Westdowne Road - Location of SPEA and Restoration Area

- ii. That no encroachment or development activities may take place within the SPEA except for the removal of invasive species (i.e. blackberry bushes) and SPEA restoration.
- iii. That prior to land clearing outside of the SPEA:
 - a) Provide a survey to the Town showing the location of the SPEA.
 - b) Place snow fencing around the drip line of the trees in the SPEA to ensure the trees are not damaged during land clearing.
 - c) Install a silt fence along the SPEA boundary to ensure that no deleterious substances may enter the SPEA.
- iv. That after land clearing and prior to SPEA restoration:
 - a) Remove invasive species within the SPEA during dry weather.
 - b) Place a layer of straw over the exposed soils within the SPEA until replanting can occur.
- v. To restoration of the SPEA as follows:
 - a) Where there are existing native trees and shrubs within the SPEA new plantings are to occur interspersed.
 - b) Plant placement should mimic natural growth patterns, i.e. clusters of the same species.
 - c) Plant placement shall be generally as shown in **Schedule A: Planting Illustration** attached to this Permit.

- d) Installation of vegetation within the SPEA must be completed in the fall or early spring and must be maintained and irrigated as necessary for optimal survival.
- e) The required species and numbers of plants required to be planted in the SPEA are shown in Table 1.

Table 1: Plants Required for the ~585m2 SPEA restoration area

PLANT COMMON NAME	SPECIES	SPACING BETWEEN PLANTS	POT SIZE	REQUIRED NUMBER OF PLANTS
Salmonberry	<i>Rubus spectabilis</i>	1 m ²	#1	75
Red elderberry	<i>Sambucus racemosa ssp. pubens</i>	5m ²	#5	4
Nootka rose	<i>Rosa nutkana</i>	1 m ²	#1	40
Snowberry	<i>Symphoricarpos albus</i>	1 m ²	#1	40
Red-osier dogwood	<i>Cornus sericea</i>	2 m ²	#1	10
Sword fern	<i>Polystichum munitum</i>	1 m ²	#1	30
Western redcedar	<i>Thuja plicata</i>	5 m ²	#1	6
TOTAL				205

- vi. After restoration of the SPEA:
 - a) Install fencing or other permanent demarcation suitable to the site along the SPEA boundary to prevent further encroachment. Demarcation options include fencing, a row of boulders or a hedge.
 - vii. The land clearing activity and restoration plantings shall be monitored by a Qualified Environmental Professional (QEP) and a completion inspection report from the QEP confirming compliance with the conditions in Section 5 of this Permit must be submitted to the Town prior to the release of the security referred to in Section 6 of this Permit.
6. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 5 of this Permit. The Letter of Credit shall be for a period of one year, shall be automatically extended, and shall be in the amount of \$2,400.
 7. Should the Permittee fail to satisfy the conditions referred to in section 5 and 6 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping conditions at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee.
 8. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.

9. If the Permittee does not substantially start any land clearing permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
10. The plans and specifications attached to this Permit are an integral part of this Permit.
11. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**3060-18-06**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
12. This Permit prevails over the provisions of the Bylaw in the event of conflict.
13. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE 16TH DAY OF JULY, 2018.**



MAYOR



CORPORATE OFFICER



OWNER



PLEASE PRINT NAME

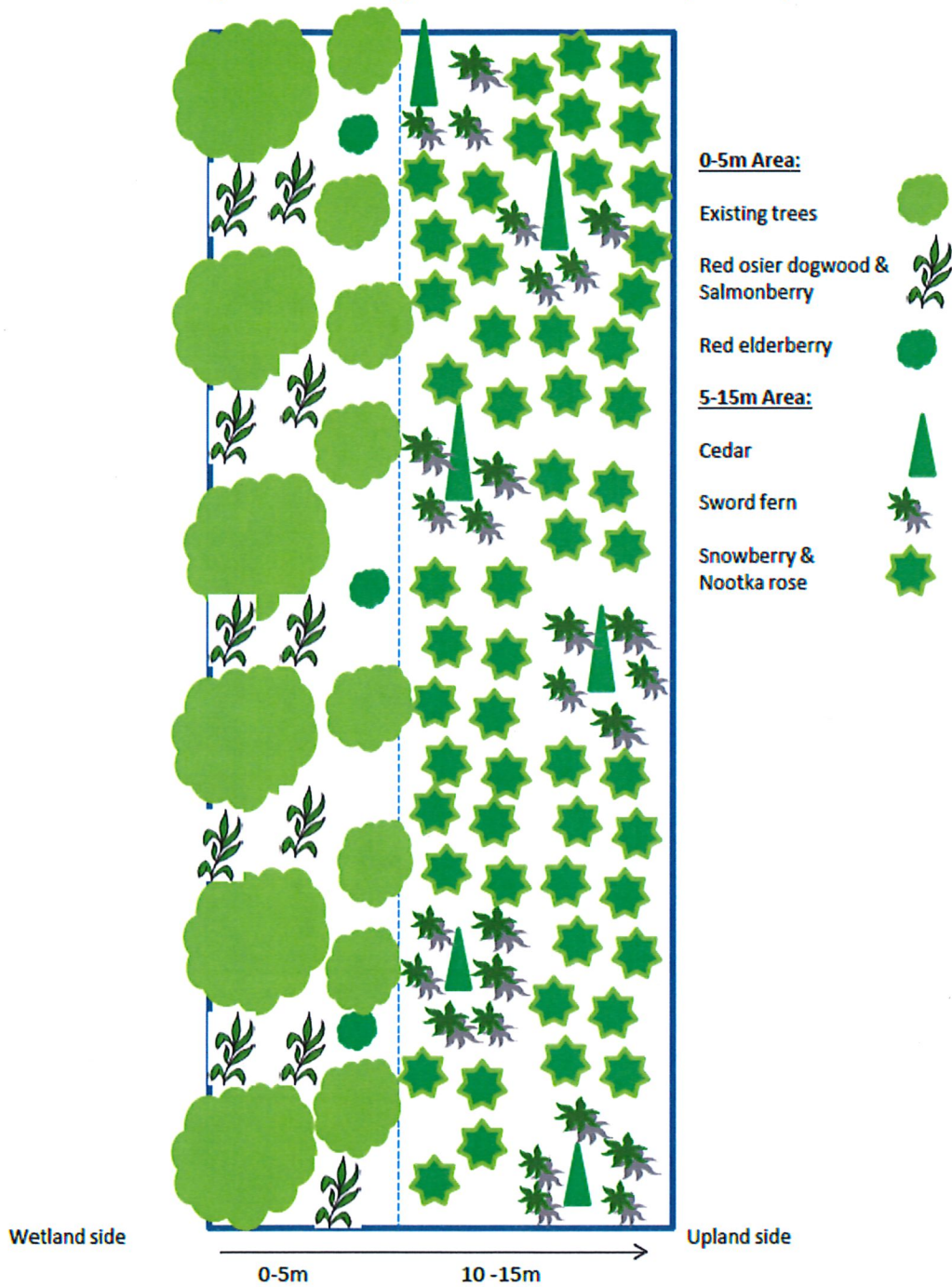


OWNER



PLEASE PRINT NAME

Planting Illustration – Typical Section to Locate Species by Area



DP# 3060-18-06

Approved Schedule

Schedule A: Planting Illustration
 DP 3060-18-06
 10910 Westdowne Road
 Van Isle Storage Ltd.

Committee of the Whole Recommendations to Council November 19, 2024

At its November 12, 2024 meeting, the Committee of the Whole recommended:

1. That Council:
 - a. Give first, second and third readings to “Special Event Bylaw 2024, No. 2196”, as presented in the November 12, 2024 staff report by the Director of Parks, Recreation & Culture; and
 - b. Direct staff to bring forward consequential amendments to the “Beer Garden and Special Occasion Licence Applications Policy 09-4320-A”, as stated in the staff report dated November 12, 2024, by the Director of Parks, Recreation & Culture.

2. That Council invite an interested secondary student to apply to attend the business sessions at the AVICC 2025 AGM & Convention, held April 11-13, 2025 at the Vancouver Island Conference Centre in Nanaimo.



COMMITTEE OF THE WHOLE MEETING MINUTES

Tuesday, November 12, 2024
6:30 P.M.
Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Councillor Jeff Virtanen, Chair
Councillor Amanda Jacobson
Councillor Ray Gourlay

Acting Mayor Tricia McKay
Councillor Duck Paterson

Council Members Absent:

Councillor Marsh Stevens

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Tim Tanton
Chris Geiger

Trish McConnell
Sue Bouma
Nick Pescod
Sydney Ianson

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Councillor Virtanen, Chair, called this Committee of the Whole meeting to order at 6:30 p.m., and acknowledged with gratitude that it was being held on the unceded territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL

CW 2024-056

That the agenda for this November 12, 2024 Committee of the Whole meeting be approved with the following amendments:

1. Include Item 6.1., "Council Submissions - The Association of Vancouver Island and Coastal Communities (AVICC) Student Participation Program"; and
2. Renumber the agenda accordingly.

Motion Carried

3. MINUTES

3.1 Minutes of the Committee of the Whole Meeting held September 10, 2024

CW 2024-057

That the minutes of the Committee of the Whole meeting held September 10, 2024 be approved.

Motion Carried

4. PRESENTATIONS

4.1 RCMP Third Quarter 2024 Report

Acting Detachment Commander, Cpl. Tracy Dubnyk, updated the Committee on the 2024 third Quarter RCMP report, highlighting key factors contributing to the downward trend in offences. These factors include the custody of offenders, proactive preventative measures taken by the previous shelter manager, the relocation of encampments outside Town boundaries, and the efforts of the Community Outreach Resource Team program. The Committee thanked Cpl. Dubnyk and the team for their efforts.

CW 2024-058

That the Committee receive the RCMP Report for the months July, August, September of 2024.

Motion Carried

4.2 Social Media Strategy

The Communications Team presented an overview of the new social media strategy, which emphasizes a fresh, more direct, and playful approach to communication. In addition to the new approach, the team informed the Committee that the strategy includes analytics tools to help improve engagement and foster two-way communication with the public. The Committee thanked the team for their presentation and commended their efforts to date.

5. REPORTS

5.1 2024 Q3 (Jul-Sep) Financial Update

CW 2024-059

That the Committee receive the staff report dated November 12, 2024, regarding the 2024 Q3 (July to September) Financial Update from the Director of Financial Services.

Motion Carried

5.2 Special Event Bylaw and Consequential Amendments to the Beer Garden and Special Occasion Licence Application Policy

CW 2024-060

That the Committee recommend that Council:

1. Give first, second and third readings to “Special Event Bylaw 2024, No. 2196”, as presented in the November 12, 2024 staff report by the Director of Parks, Recreation & Culture; and
2. Direct staff to bring forward consequential amendments to the “Beer Garden and Special Occasion Licence Applications Policy 09-4320-A”, as stated in the staff report dated November 12, 2024, by the Director of Parks, Recreation & Culture.

Motion Carried

OPPOSED: Councillor Paterson

6. COUNCIL SUBMISSIONS

6.1 The Association of Vancouver Island and Coastal Communities (AVICC) Student Participation Program

CW 2024-061

That the Committee recommend that Council invite an interested secondary student to apply to attend the business sessions at the AVICC 2025 AGM & Convention, held April 11-13, 2025 at the Vancouver Island Conference Centre in Nanaimo.

Motion Carried

7. NEW BUSINESS

8. ADJOURNMENT

CW 2024-062

That this Committee of the Whole Meeting be adjourned at 7:53 pm.

Motion Carried

Chair (Councillor J. Virtanen)

Corporate Officer (S. Bouma)

Subject to Adoption

TOWN OF LADYSMITH

BYLAW NO. 2196

A Bylaw to provide for the granting of permits for special events on public property within the Town of Ladysmith

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

DEFINITIONS

1. In this Bylaw:

“Applicant” means the Person who applies for a Special Event Permit, pursuant to this Bylaw;

“Attendee” means a Person who is present at the Special Event and includes all participants, staff, volunteers, contractors and employees;

“Commercial Event” means any public or private event or gathering that:
(a) is held by a business or has a commercial aspect; and
(b) takes place wholly or in part on Public Property;

“Compliance Declaration” means a signed statement from the Permittee, in the format prescribed by the Director, indicating the Special Event complies with all requirements of this Bylaw and other local, provincial and federal laws and regulations;

“Council” means the Council of the Town of Ladysmith;

“Director” means the Director of Parks, Recreation & Culture with the delegated authority from Council within the “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905” for:

- a. approving Special Events on land reserved, dedicated, or held for park purposes, where such use is consistent with the Zoning Bylaw and any restrictions on title;
- b. approving Special Occasion Licences pertaining to the aforementioned Special Events obtained in accordance with the *Liquor Control and Licensing Act*;

“Extraordinary Event” means a Special Event that is likely to be attended by four thousand (4,000) or more Attendees per day;

“Highway” has the same meaning as the term defined in British Columbia’s Transportation Act [SBC 2004];

“Large Event” means a Special Event that is likely to be attended by less than four

thousand (4,000) but more than five hundred (500) Attendees per day;

"*Local Authority*" has the same meaning as the term is defined in the *Community Charter* [SBC 2003];

"*Medium Event*" means a Special Event that is likely to be attended by fewer than five hundred (500) but more than 200 Attendees per day;

"*Municipality*" means the corporation of the Town of Ladysmith, where the context requires, the area within the municipal boundaries of the Town of Ladysmith.

"*Offence Act*" means the *Offence Act* [RSBC 1996];

"*Permit*" means a valid permit for a Special Event issued pursuant to the provisions of this Bylaw;

"*Permittee*" means a Person who has obtained a valid Permit;

"*Person*" means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;

"*Public Authority*" has the same meaning as the term defined in the Community Charter;

"*Public Property*" means:

- (1) a Highway, street, park, plaza, public parking lot or other outdoor public right of way or place; and
- (2) any outdoor location that the Municipality maintains for the use of the public, including rights of way granted by a registered owner of land to the Municipality for public access.

"*Sign*" means any sign which is visible from any street or from the air, and which is used or capable of being used to convey information directly or attract attention for the purpose of an announcement, advertisement, business promotion, promotion of a product, activity, service or idea, or of providing direction, identification or information;

"*Site*" means the Public Property described in the Permit on which a Special Event is to be held;

"*Small Event*" means a Special Event that is likely to be attended by fewer than 200 Attendees per day;

"*Special Event*" means any public or private event with or without a commercial aspect, including but not limited to a market, craft fair, bake sale, auction, performance,

promotional activity, show, exhibition, wedding, parade, procession, advertising or marketing activity, athletic event, Commercial Event or other event or gathering of people, in which any part of the event or gathering takes place on Public Property;

“*Special Event Permit Application Form*” means the application form for a Permit prescribed by the Director, to be updated from time to time to reflect all federal, provincial and local legislative requirements.

REFERENCES

2. Reference to another enactment in this Bylaw is a reference to that enactment as it may be amended, replaced or in effect from time to time.
3. Reference to another bylaw in this Bylaw is a reference to a bylaw, as amended from time to time by the Municipality unless otherwise specified.

PROHIBITION

4. No Person shall hold a Special Event or prepare Public Property for holding a Special Event unless the Person holding the event has a valid Permit.
5. No Person shall publicize or advertise a Special Event without:
 - a. a Permit for the Special Event being advertised, or
 - b. written consent from the Director to publicize and or advertise the Special Event.

PERMIT REQUIREMENT EXEMPTIONS

6. Notwithstanding any other provision of this Bylaw, the following Special Events do not require a Permit:
 - a. Special Events for which the Municipality has already issued a Park Use Permit;
 - b. Special Events for which the Municipality has already issued a Film Permit; or
 - c. Special Events the Director has approved for emergency, public interest or other reasonably unforeseen circumstances not contemplated in this Bylaw.

PERMIT APPLICATION TIMELINE

7. A Person applying for a Special Event Permit must begin the Permit application process at least:
 - a) in the case of a Large or Extraordinary Event or events that include liquor that is being held in the Municipality: ninety (90) days before the date begins, unless:
 - i. it is the first time the event is occurring, one-hundred and twenty (120) days prior to the date the event begins; or
 - ii. it has not been held in the Municipality within a year of the date the Applicant submits the Application, one-hundred and twenty (120) days prior to the date the event begins.

- b) in the case of a Medium Event: sixty (60) days before the date the event begins.
- c) in the case of a Small Event: thirty (30) days before the date the event begins.

PERMIT APPLICATION REQUIREMENTS – REQUIRED MUNICIPALITY INFORMATION

- 8. Every Person applying for a Permit must complete the Special Event Permit Application Form provided by the Department of Parks, Recreation & Culture and must provide organizational and event details.

PERMIT APPLICATION REQUIREMENTS – REQUIRED THIRD PARTY INFORMATION

- 9. Before a Permit may be issued, the Applicant must provide to the Director, as part of the Permit application, proof of any applicable permits and licences that are a requirement of the special event application request from the Town or outside agencies.
- 10. Where a Special Event does not clearly fall into a prescribed type of Special Event in this Bylaw, the Director may process the Special Event Permit Application Form on the basis of the type of Special Event most similar to the Applicant’s Special Event or require Council Approval.
- 11. No Person may make any material misrepresentations on a Special Event Permit Application Form.

ROAD USE, INTERRUPTION AND CLOSURES

- 12. No Person may hold a Special Event on any part of a Road or close any part of a Road as part of a Special Event unless the Person has received written authorization from the Town.
- 13. In addition to the information required under any other provision of this Bylaw, every Applicant for a Special Event that proposes to use or close or interrupt any part of a Road must make an application for a Temporary Street Closure t on the prescribed form provided by the Corporate Officer for that purpose and must provide information that the Corporate Officer reasonably requests in order to assist the Corporate Officer in determining whether the Applicant may be granted approval to use or close any part of a Road.
- 14. If, in the opinion of the Corporate Officer, a Special Event will affect any traffic on a Road, as a condition of authorizing its closure the Corporate Officer may require the Applicant to provide a traffic control plan certified by a professional transportation engineer.

SECURITY DEPOSITS

15. Before issuing a Permit pursuant to this Bylaw, the Director will require a refundable deposit in the form of a standby irrevocable letter of credit, cash or another form of security of not less than \$350.00 by the Facility Rental Agreement on the basis of size, duration, impact, nature, and history of the Special Event for:
 - a. any loss or damage to land or property due to the Special Event;
 - b. any fines or penalties owed by the Permittee due to contravention of this Bylaw or any of the Municipality’s bylaws if the fines or penalties are owed in relation to promoting or holding the Special Event, and which amounts may be deducted from the security deposit once the fine or penalty becomes due and payable to the Municipality;
 - c. any costs incurred by the Municipality arising from or related to the Special Event, including the cost to provide policing, emergency or fire services or any other services provided by the Municipality;
 - d. any costs to restore the Site to the condition that it was in prior to the Special Event, and
 - e. any costs and damages incurred by the Municipality arising from specified terms in a written agreement with the Municipality or in the terms and conditions of the Permit.
16. If, in the opinion of the Director, the Special Event causes or results in any of the losses, damages, fines, penalties or costs listed in section 15 the Director may from time to time:
 - a. draw down on the security deposit posted to the extent of any cost incurred or expected to be incurred by the Municipality in connection with such losses, damages, fines, penalties or costs; and
 - b. request enforcement and compliance support from the Municipality’s bylaw services staff pursuant to Enforcement and Ticketing Bylaws.
17. The Municipality shall hold any security deposit for up to sixty (60) days following the conclusion of the Special Event, at which time the Municipality must return the security or such portion of the security not deducted by the Municipality under this Bylaw to the Person or Permittee who provided the security.
18. The Permittee holding the Special Event must, within sixty (60) days of the conclusion of the Special Event, pay any costs incurred by the Municipality because of the Special Event that exceed the security deposit.
19. For the purposes of this Bylaw, loss or damages caused by the Special Event includes loss or damages caused by an Attendee at the Special Event.

PERMIT APPROVALS

20. No Permit shall be granted to a Person for a Special Event unless the Director is

satisfied that:

- a. the Special Event Permit Application Form is complete, with all required information, including Third Party information;
 - b. the Applicant has complied with this Bylaw and all other enactments and legislation that are applicable to the Special Event, including, if the Special Event includes the service of liquor, that such service will comply with all applicable provincial liquor regulations and the requirements of the Municipality Beer Garden and Special Occasion License Application Policy;
 - c. the proposed Site is available and is reasonably appropriate to host the Special Event, considering the scope, scale, impact, nature and history of the Special Event and the Site; and
 - d. all fees, including any fees charged under the Community Centre Fees and Charges Bylaw 2024, No. 2178 and any outstanding fees or fines owed to the Municipality in relation to the Special Event, or any other Special Event operated by the same Permit applicant or Permittee, have been paid by the Permit applicant or Permittee.
21. Upon being satisfied that an Applicant has submitted a Special Event Permit Application Form, meets all the requirements outlined in this Bylaw, and has provided subsequent additional documents that meet the requirements for issuance of a Permit within this Bylaw, the Director may issue a Permit.
22. Despite section 21, the Director may refer an application for a Permit to Council if the Director is of the opinion that the scope, scale, nature, impact or history of the proposed Special Event requires the approval of Council, and Council will decide to issue or deny such Permit application based on the factors enumerated in this Bylaw.
23. The Director shall approve Special Event Permit applications with the same proposed date and Site on the following basis:
- a. if an Applicant requests to use a Site on the same calendar date(s) that an annual Special Event was held in the preceding year, the previous Special Event Permittee, if in good standing with the Municipality, will have a right of first refusal to use that Site on the same calendar date(s) in the upcoming year; and
 - b. the Director will, at their sole discretion, resolve any other date or Site conflict on a case-by-case basis.
24. Permits issued under this Bylaw:
- a. apply only to the Person or Permittee to whom the Permit was issued; and
 - b. shall state the terms and conditions the Director has imposed on it.
25. The Permittee must ensure that the Special Event is held in compliance with all

bylaws and other enactments and legislation.

26. Issuance of a Permit shall not be deemed to be a representation by the Municipality to the Permittee or to anyone else that the Permittee or the Special Event complies with all applicable bylaws or other enactments.

27. Prior to issuing a Permit, the Director may require a signed Compliance Declaration in lieu of collecting and inspecting all plans, permits, licenses and approvals.

SIGNS

28. No Person shall erect, place, display, allow to be erected, placed or displayed on Public Property a Sign to advertise or promote or to be used as part of a Special Event unless the Sign and the location has been approved in writing by the Director or delegate.

SPECIFIC TERMS AND CONDITIONS

29. The Director may impose specific terms and conditions with respect to a Permit in relation to:

- a. the duration of the Permit;
- b. the hours of operation of the Special Event;
- c. the maximum number of Attendees allowed to attend the Special Event;
- d. waste management, clean-up and maintenance of the Site;
- e. public health and sanitation;
- f. traffic control plan (vehicular and traffic control, parking control and crowd control);
- g. the protection of public or private property;
- h. emergency management plan;
- i. the presence of security, police or emergency services;
- j. the presence of medical services, medical transport or first aid;
- k. arrangements for public transit and emergency vehicle access;
- l. the posting of a security deposit;
- m. the use of stages, platforms or other temporary structures on Public Property, including certification from a qualified professional that the stage, platform or temporary structure is fit for its intended use;
- n. the erection, placement or display of Signs for the Special Event on Public Property;
- o. the provision of an indemnity in favour of the Municipality;
- p. the consumption and use of liquor and cannabis products;
- q. the selling or marketing of goods or services at the Special Event, including food and beverages;
- r. the sale, service and consumption of liquor;
- s. the protection of the environment and management of solid waste as per

- the required Solid Waste Management Plan;
- t. notification of neighbors or other Persons who may be affected by the Special Event;
- u. the requirement of receiving a valid fireworks permit or campfire permit issued in accordance with the Ladysmith Fire Rescue;
- v. the requirement of receiving a signed Compliance Declaration prior to the commencement of the Special Event; and
- w. any other terms or conditions related to compliance with this Bylaw or another enactment.

LIABILITY & RISK MANAGEMENT

30. As a condition of granting a Permit, the Applicant must provide the Director with proof of insurance, in the form of certified copies of all relevant policies of insurance, at least fifteen (15) days prior to the first day of the event for Small Events, and thirty (30) days for Medium, Large and Extraordinary Events, in accordance with the permit.
31. Third Party liability insurance of no less than \$2,000,000 (two million) is required and if the Director is of the opinion that the nature of the proposed Special Event creates an unusual risk of bodily injury, death or property damage, third party liability insurance of not less than \$5,000,000 (five million) may be required.
32. Any Permits that include the consumption or sale of cannabis or alcohol will require Third Party Liability insurance of not less than \$5,000,000 (five million) and Liquor Host Liquor Liability Insurance of not less than \$5,000,000 (five million).
33. The Director may, as a condition of granting a Permit, require the Applicant to provide proof that the unusual risk is adequately covered by a policy of insurance for the duration of the Applicant’s use of the Site, including during any preparation, disassembly and clean-up of the Site.

REFUSAL, SUSPENSION OR CANCELLATION OF A PERMIT

34. The Director may refuse to issue, suspend or cancel a Permit if:
 - a. any part of the application for the Special Event is incomplete or inaccurate;
 - b. the Special Event conflicts with another Special Event for which a Permit has been issued pursuant to this Bylaw;
 - c. there are insufficient police or emergency services available for the Special Event;
 - d. the Applicant or Permittee fails to obtain a permit, licence, approval or authorization required by a Public Authority, a Local Authority or the Municipality in respect to the Special Event;
 - e. the Applicant or Permittee fails to provide proof of insurance required pursuant to this Bylaw;

- f. the Applicant or Permittee fails to ensure compliance with a term or condition of the Permit applicable to the Special Event;
 - g. the Applicant or Permittee has failed to ensure compliance with a provision of this Bylaw or other provincial or federal law or enactment;
 - h. the Special Event is violent or threatens violence or may pose a danger to the health and safety of any Person;
 - i. the Special Event will cause, or the Special Event or its Attendees do cause, damage to Public Property;
 - j. the Special Event promotes or condones illegal activity, including the use of illicit substances;
 - k. the Special Event will cause or causes cruelty to animals;
 - l. the Special Event will adversely affect or adversely affects wildlife or wildlife habitats;
 - m. the Special Event will adversely affect or adversely affects the use and enjoyment of public services and amenities for Persons who are not Attendees to the Special Event;
 - n. the Special Event will adversely affect or adversely affects communities and infrastructure outside of the Municipality;
 - o. the Special Event exposes, advocates or justifies hatred against any Person or class of Persons on the basis of the race, ancestry, place of origin, religion, marital status, family status, physical or mental disability, gender, sexual orientation, gender identity or expression, or age of that Person or class of Persons; and
 - p. the Special Event excludes, either indirectly or directly, Attendees based on race, ancestry, place of origin, religion, marital status, family status, physical or mental disability, gender, sexual orientation, gender identity or expression, or age of that Person or class of Persons, except those exclusions necessary for health and safety.
35. The Director may impose specific terms and conditions on a Permit in relation to the refusal, suspension or cancellation of a Permit.
36. If the Director refuses a Permit application or suspends or revokes a Permit, the Director must provide the Applicant or Permittee notice of and written reasons for
- a. the refusal, suspension or revocation, and
 - b. the opportunity to be heard by Council for reconsideration.

RECONSIDERATION BY COUNCIL

37. An Applicant or Permittee may request that Council reconsider the Director’s decision to refuse, suspend, or cancel a Permit by delivering to the Corporate Officer of the Municipality a written request stating the grounds upon which the request for reconsideration is based within ten (10) business days of the date of the notice of refusal, suspension or cancellation.

38. A Permittee may request that Council reconsider the Director’s decision to draw down on the security deposit amount in accordance to section 16 or to require reimbursement for costs incurred or expected to be incurred by the Municipality in connection with such losses, damages, fines, penalties in accordance with section 17 by, within ten (10) business days of the date of the notification of the decision, delivering to the Corporate Officer of the Municipality a written request stating the grounds upon which the reconsideration request is based.

ENFORCEMENT

39. The Director and Bylaw Services staff are hereby authorized to enter at all times upon the Site of the Special Event to ascertain whether the regulations and provisions of this Bylaw are being or have been complied with.

40. No Person shall obstruct the entry of the Director or other authorized officials of the Municipality on the Special Event Site in the administration of this bylaw.

41. At any time, the Director or other authorized staff may require a Permittee to provide proof of any Permit, licence, approval or authorization that is required by a Public Authority, a Local Authority or the Municipality with respect to the Special Event.

42. Every Person who:

- a. violates any of the provisions of this Bylaw;
- b. causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- c. neglects or omits to do anything required under this Bylaw;
- d. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw; or
- e. fails to comply with an order, direction or notice given under this Bylaw is guilty of an offence under this Bylaw.

43. Every Person who commits an offence and, upon summary conviction, shall be liable to a penalty of not less than one hundred dollars (\$100) and not more than the maximum penalty provided under the Offence Act, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence. The penalties imposed under this section will be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other enactment.

44. Each day that an offence against this Bylaw continues or exists will be deemed to be a separate and distinct offence.

NOTICE

45. The Director may deliver written notice to an Applicant or Permittee personally or by mail:
- a. if the Permit applicant or Permittee is a corporation, delivering or mailing the notice to the corporation’s registered office; or
 - b. delivering or mailing the notice to the address of the Permit applicant or Permittee provided on the Permit application. Notice delivered in accordance with this section is presumed to have been received by the Permit applicant or Permittee, if delivered personally, on the date of delivery and, if delivered by mail, on the seventh day after the notice is mailed.

SEVERANCE

46. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

CITATION

47. This Bylaw may be cited for all purposes as “Special Event Bylaw 2024 No.2196”.

READ A FIRST TIME on the _____ day of _____, 2024
READ A SECOND TIME on the _____ day of _____, 2024
READ A THIRD TIME on the _____ day of _____, 2024

ADOPTED on the _____ day of _____, 2024

Acting Mayor (T. McKay)

Corporate Officer (S. Bouma)

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: November 19, 2024
File No: 1700-01
Re: 2025 Budget Deliberations – General Operations

RECOMMENDATION:

That Council approve:

- 1. Continuing with the Temporary part-time positions of Development Services Administrative Assistant and Planner starting January 1, 2025, with the funding to come from surplus and reserved funds; and
2. Authorize an additional 214 hours annually in the Facility Maintenance Department for cleaning and maintenance at the Fire Department and additional offices at Public Works.

EXECUTIVE SUMMARY:

This is the third budget meeting discussing the 2025 Financial Plan. Continuing with the existing level of service will cost an additional \$386,318 or 4.6% municipal budget increase. This amount does not include other agency taxation or police tax increase.

Staff are also requesting funding to continue the two temporary positions in Development Services and add additional hours in the Facilities Maintenance Department.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

The General budget is the largest of the budgets presented to Council. Property taxation makes up the majority of the funding for general operations. Without the higher level service requests, the budget is presented with a 4.6% increase to municipal property taxation.

One of the largest cost drivers for the General budget is the negotiated 3% CUPE wage increase. This increase also affects the benefits amount budgeted, as staff use a 26 – 33 percentage allocated to the per-hourly wage.

Other Revenues



The return on investment in 2025 is expected to increase by \$163k, though staff are reserving this increase to buffer against future interest rate decreases. Should Council wish to reduce taxation, this reserved amount could be eliminated.

Based on historical amounts, the revenue received from tax penalties is increasing by \$3k and the interest charged on arrears and delinquent taxes, as set by the Province, is increasing by \$9k.

General Government

Overall, the General Government is increasing by 8.73%. Apart from the contractual increases, some of the notable differences are:

- The Mayor and Council budget is decreasing by \$3k due to decreased travel costs for Mayor and 4 Council members to attend UBCM on Vancouver Island (Victoria).
- Increases in legal fees, insurance costs and website/ communications costs within the Corporate Services budget.
- Audit fees and Postage are increasing in the Finance department
- New Worksafe regulations account for additional costs within the Human Resources and Occupational Health & Safety department.
- The Contingency amount is decreasing, though still estimated at \$250,000.

Fire Department

There is a significant increase to the compensation for the paid-on-call fire department. The compensation presented in the 2025 budget is similar to what is offered at a neighbouring, recently unionized, municipality.

Level	As a % of a Fire Fighter	Wage Rate \$
Level 1A	70.0%	21.25
Level 1B	80.0%	24.28
Level 2	85.0%	25.80
Level 3	95.0%	28.83
Fire Fighter	100.0%	30.35
Level 5	102.5%	31.11
Lieutenant	105.0%	31.87
Captain	110.0%	33.39
Training Officer	110.0%	33.39
Deputy	115.0%	34.90

Currently, the rate for attending an incident is \$18.83 per hour for a firefighter, with an additional \$1 premium if the firefighter has a First Responder accreditation. It is proposed to link a Firefighter hourly callout to that of the Town’s Collective Agreement labourer wage. Doing so would increase the hourly compensation to \$30.35. This compensation would be provided for each hour of training, practices, calls and false alarms.

Aside from the fulltime Fire Chief, there are also 7 officers at the Hall (1 Deputy Chief, 1 Training Officer, 1 Captain and 4 Lieutenants). The Fire Chief is also compensated for attending practices and calls outside of the established working hours. It is proposed to eliminate the Officer honorarium compensation and add a percentage to each officer position.

Acknowledging the additional work required for the Training Officer, included in the budget is 10 hours per

	2024 Budget	2025 Proposed
Practices	46,368	66,312

week for the Training Officer to prepare and deliver lesson plans.

Training	35,000	71,537
Calls	86,400	117,362
False Alarms	10,260	23,562
Honorariums	16,934	0
Duty	18,340	76,440
Total	213,302	339,613

The Crew is also required to perform Truck and Duty and be on-call for a specific period of time (Friday at 6pm to Monday at 6am). Before the new wage proposal, the compensation for this Duty Pay was \$63.43 per duty shift. It is proposed to increase this to \$175 per shift.

The proposed budget sets aside \$22,400 annually for the replacement of the SCBA equipment, additional funds in the amount of \$29,447 are reserved for hoses, nozzles and in-truck computer equipment to fund the 3–5-year cycle of this type of equipment replacement.

Overall, the Fire Department operating budget is expected to increase by \$118,039 to \$904,303.

RCMP

The Town contracts the RCMP to provide policing services. The RCMP E Division sets the per-member amount. For 2025, the amount is \$248,020 per member and Ladysmith is responsible for funding 70% of the 8 members in the detachment, which accounts for \$1,491,567 including overtime and reservists. This is an increase over the 2024 rate of \$230,650. There continues to be funding set aside for E-comm. For 2025, this is anticipated to be \$196,000 (2024 - \$147,000).

Bylaw Compliance

Council approved switching from a part time Bylaw Compliance officer to full time hours. This results in an increase to property taxation in the amount of \$50,118.

Public Works

Overall, this area is increasing by 9.96%. Some notable increases are:

- increasing the line painting budget from \$50k to \$85k
- increasing the paving budget from \$100k to \$150k
- increasing the sidewalk budget from \$15k to \$20k
- increasing the materials & supplies for snow removal from \$45k to \$60k

Should Council wish to reduce taxation, the above budget increases could be removed.

There are also some increases that cannot be avoided. The tipping fees and contractor fees for the solid waste (garbage, recycling and organic waste plus the large item spring pickup) are expected to increase which amounts to approximately \$46k.

The Town is starting to see a decrease in the Subdivision Permits & Fees revenues. It is anticipated that the 2024 budget of \$55k will not be met. As such, the anticipated revenue will be reduced to \$25k.

Development Services

Similar to previous years, staff are requesting continuing with additional personnel to assist with OCP implementation. If approved, these Higher Level Service Requests will be funded using prior year surplus and Small Scale Multi Unit Housing (SSMUH) funding. In 2024, the Town received \$191,995 in Provincial funding for SSMUH. Some of these funds were used in contracted services (legal services reviews) and some was reserved. As it was one-time funding, these areas (legal and reserve) are decreasing in 2025.

Parks, Recreation & Culture and Facility Maintenance

Council approved the budget for the FJCC facility on September 3rd. This budget was submitted to the CVRD to be included in the Regional Recreation function and part of the CVRD requisition. The additional facilities managed by PRC are now shown in the budget presented.

There is a request for additional hours of Facility Maintenance time to reflect additional cleaning required at the Fire Department and at the new Public Works offices.

Transfers to/from Reserves

In keeping with the current Financial Plan Policy, 10% of last year's municipal taxation (or \$839,822) is allocated to capital projects. There is also the 5% (\$419,911) set aside by Policy, though, like last year, additional funds have been set aside for specific asset renewal.

ALTERNATIVES:

Council can direct staff to make adjustments to the proposed Financial Plan. Some options include:

- Removing some of the specific increases listed within Public Works
- Not approving the additional Facility Maintenance hours;
- Reducing the e-comm funding;
- Reducing the amount allocated for asset renewal; and/or
- Directing staff to reduce service levels.

FINANCIAL IMPLICATIONS:

As discussed throughout the report.

LEGAL IMPLICATIONS:

The Financial Plan must be adopted before May 15, 2025.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Citizens are encouraged to participate in budget discussions.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Each budget is prepared by the individual department.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Core Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input checked="" type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input checked="" type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Not Applicable |

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Sue Bouma, Manager of Corporate Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: November 19, 2024
File No: 2320-20
Re: Animal Control Agreement – Coastal Animal Services

RECOMMENDATION:

That Council waive “Purchasing Policy 5-1790-D” and enter into a three-year agreement with Coastal Animal Control Services of BC Ltd. for an average annual cost of \$57,333.

EXECUTIVE SUMMARY:

Staff are requesting Council’s authorization to enter into a three-year agreement with Coastal Animal Control Services Inc. (Coastal) for the provision of animal control services on behalf of the Town. Due to limited options for animal control service providers, staff are requesting that Council waive “Purchasing Policy 5-1790-D” and approve the agreement without sending out a Request for Proposals due to the extremely limited options for this service in the region.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2021-355	2021-11-02	That Council: 1. Waive “Purchasing Policy 5-1790-D” and enter into a three-year agreement with Coastal Animal Control Services of BC Ltd. for an average annual cost of \$48,500; and 2. Direct staff to prepare an amendment to section 4 of the “Dog Licensing, Control and Pound Bylaw 1995, No. 1155” to increase each of the fees listed for dog licenses by five dollars.

INTRODUCTION/BACKGROUND:

Since 2004, the Town has held an agreement with Coastal Animal Control to regulate the licensing, control and impoundment of dogs. Other municipalities in the region also contract with Coastal as there are extremely limited options for animal control service providers in our region.

The current agreement expires December 31, 2024. Staff contacted Coastal requesting a budgetary figure. Although the 2021-2024 contract negotiations included significant increases due to rising costs associated with recruiting and training experienced animal control officers, as well as rising general operating costs, Coastal’s 2025-2027 proposal is based on a 10% increase over the present 2024 contract rate. It includes a door-to-door licensing campaign of



\$12,000 amortized over the three-year term, and presents the following costs, beginning January 1, 2025:

Term	Monthly Cost	Annual Cost
2025	\$4,625.00	\$55,000
2026	\$4,791.67	\$57,500
2027	\$4,958.33	\$59,500

The current agreement charged \$47,000 to \$50,000 for 2022 to 2024. This new three-year agreement proposes an average fee of \$57,333 annually. The door to door licensing campaign will help offset these costs by driving up dog licence revenues in the first year.

Coastal has also advised that providing additional animal control presence at community events beyond those already agreed upon (Light Up, Ladysmith Days, Canada Day, Ladysmith Pride Celebration, Arts on the Avenue and Ladysmith Show and Shine) would not be feasible without including an additional charge of \$400 per 5-hour service block. They have also offered to provide additional 5-hour parks patrol blocks for weekends from June through August, if desired, for an additional \$300 per block. (Council could choose to add one or two blocks per weekend.)

ALTERNATIVES:

Council can choose to:

1. Direct staff to issue a Request for Quotations for the provision of Animal Control services. The risk is that the formal bidding could result in a higher fee with only one service provider bidding. Dog tags are often sold starting December 1st so a new rate based on the quotations would not be in place prior to a December sale.
2. Direct staff to amend the agreement to include supplementary funds for animal control presence at additional community events, as specified by Council.
3. Direct staff to amend the agreement to include supplementary funds for additional 5-hour parks patrol blocks for weekends in the months of June to August, as specified by Council.
4. Direct staff to amend the agreement to include supplementary funds for both animal control presence at additional community events and additional summer weekend parks patrol, as specified by Council.

FINANCIAL IMPLICATIONS:

Dog licensing fees account for approximately 52% of the current contractor costs; the remainder is offset by taxation. Staff will recommend increasing the dog licences fees starting for the 2026 licence year.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Residents will continue to have animal control services provided by the same company as in previous years.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|---|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Not Applicable |

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- A. Draft Animal Control Agreement

TOWN OF LADYSMITH ANIMAL CONTROL AGREEMENT

Dated for reference January 1, 2025

BETWEEN: Town of Ladysmith
PO Box 220, 410 Esplanade
Ladysmith, BC V9G 1A2

(hereinafter called the "Town")

AND: Coastal Animal Control Services of BC Ltd.
2202 Herd Road
Duncan, BC V9L 6A6

(hereinafter called the "Animal Shelter")

1. Definitions

In this agreement, the following words have the following meanings:

Dog Licensing, Control and Pound Bylaw means Town of Ladysmith "Dog Licencing, Control and Pound Bylaw, 1995 No. 1155", as amended, or any successor legislation thereto;

Animal Control Officers means those individuals appointed from time to time to enforce the provisions of the Dog Licensing, Control and Pound Bylaw.

Emergency means a dog that is at large and acting in an aggressive manner that poses a threat to public safety.

2. Terms of Agreement

2.1 The term of this agreement is for the period from January 1, 2025 through December 31, 2027.

2.2 This agreement may be terminated by either party upon giving 90 days written notice.

3. Consideration

3.1 The Town agrees to pay the Animal Shelter a monthly contract fee plus applicable taxes for the provision of animal control services for the duration of the contract as outlined in the following table:

Term	Monthly Cost	Annual Cost
2025	\$4,625.00	\$55,500
2026	\$4,791.67	\$57,500
2027	\$4,958.33	\$59,500

3.2 The Town agrees that the Animal Shelter may retain 100 per cent of any daily maintenance and impound fees collected pursuant to the Dog Licensing, Control and Pound Bylaw.

3.3 The Town agrees that the Animal Shelter may retain amounts collected in respect of animals that are sold.

3.4 The Town will reimburse the Animal Shelter for printing costs in providing Animal Control Notices and forms as needed for the Town.

3.5 The Town will reimburse the Animal Shelter for veterinary costs incurred while performing their duties on behalf of the Town.

3.6 The Town will reimburse the Animal Shelter for emergency response occurring after hours at a rate of \$90 per hour.

4. Provision of Animal Shelter

4.1 The Animal Shelter agrees, at its own expense, to provide, maintain, and staff a fully equipped shelter for animals impounded within the Town and that such shelter shall meet all government standards for such shelters, if applicable.

4.2 The shelter shall contain all equipment necessary for its proper operation and, in particular, shall contain all equipment necessary for the humane disposal of animals.

4.3 The shelter shall be open and staffed Monday to Friday, 10:00 a.m. to 5:00 p.m. and Saturday, 10:00 a.m. to 1:00 p.m. (closed on Sundays and holidays).

4.4 The Animal Shelter will provide the Town or its designates with access to the shelter and will staff the shelter in times other than those specified in response to emergency circumstances at no additional cost, if the Town so requests.

- 4.5 The Animal Shelter will pay all costs of operating and maintaining the shelter including collecting the animal shelter daily maintenance fee, as prescribed, and any other impound fees or fees as set forth in the Dog Licensing, Control and Pound Bylaw.
- 4.6 The Animal Shelter will receive, impound, and hold for claiming by the owners, any animal delivered to the Animal Shelter and dispose of unclaimed animals by sale or by humane disposal, in accordance with the terms of the Dog Licensing, Control and Pound Bylaw.
- 4.7 The Animal Shelter will provide special facilities for the quarantine of animals as may be ordered by any person having authority to order the quarantine of animals.

5. Provision of Animal Control

- 5.1 The Animal Shelter agrees, at its own expense, to provide its employees with properly equipped vehicles for animal control use.
- 5.2 The Animal Shelter agrees, at its own expense, to employ experienced Animal Control Officers to perform services required by this agreement and within the Dog Licensing, Control and Pound Bylaw.
- 5.3 The Animal Shelter will supply, at its own expense, all Animal Control Officers with uniforms that clearly identify such persons as Animal Control Officers.
- 5.4 The Animal Shelter agrees to perform the following services:
 - (a) patrols on a regular basis for animal control in all areas of the Town, with concentrated patrols in problem areas as may be identified or determined by the Town from time to time;
 - (b) eight hours of animal control enforcement during weekends (four hours Saturday and four hours Sunday) in Town parks from June 1st through to August 31st;
 - (c) extra animal control officers and patrols during the following high profile community events: Light Up, Ladysmith Days, Canada Day, Ladysmith Pride Celebration, Arts on the Avenue, and Ladysmith Show and Shine Car Show;
 - (d) to report to the Society for the Prevention of Cruelty to Animals (SPCA) any case of animal cruelty or neglect of which the Animal Shelter becomes aware;
 - (e) apprehension and destruction of known or suspected rabid animals;
 - (f) use of humane traps in efforts to capture known or suspected molesters of sheep, swine, or cattle;
 - (g) twenty-four hour emergency service at all times;

- (h) promotion and sale of dog licenses at every opportunity, to increase dog licensing compliance with the Bylaw including a “door to door” campaign during the first year of this agreement;
- (i) courteous and prompt service to all citizen inquiries;
- (j) issuance of tickets relating to offences under the Dog Licensing, Control and Pound Bylaw and appearance on behalf of the prosecution in relation to such offences;
- (k) monthly written reports to the Town summarizing animal control activities undertaken; and
- (l) appearance before the Town Council or a committee of Council upon request to report on animal control activities undertaken and respond to questions as appropriate.

6. Indemnity and Insurance

- 6.1 The Animal Shelter agrees to indemnify and save the Town harmless in respect of all charges, costs, expenses, and claims whatsoever arising in connection with the operation of the shelter, the provision of animal control services and the activities of its employees and vehicles.

- 6.2 The Animal Shelter agrees to provide proof of liability insurance in the amount of not less than \$2,000,000 (two million dollars), naming the Town as an additional named insured.

- 6.3 The Animal Shelter warrants that it maintains WorkSafe BC coverage.

7. Assignment

- 7.1 This agreement may not be assigned by the Animal Shelter without the consent of the Town.

8. Financial Information

- 8.1 The Animal Shelter agrees to keep proper books of accounts and provide the Town with an activity report on a monthly basis summarizing the activity of the Animal Shelter.

- 8.2 The Town has the right to inspect the books or other contract related records from time to time.

9. Notice

9.1 Where called for in this agreement, notice shall be properly affected by first-class mail to the addresses shown at the beginning of this agreement.

10. Entire Agreement

10.1 This agreement is the entire agreement between the parties with respect to animal control and supersedes all previous written or oral agreements, representations and statements entered or exchanged by the parties.

11. Independent Contractor

11.1 Nothing herein shall constitute or be deemed or construed as constituting the Animal Shelter as a servant or employee of the Town, and the Animal Shelter shall at all times be and remain an independent contractor with the Town.

IN WITNESS WHEREOF the parties have duly executed this agreement as at the year and date first above mentioned.

THE CORPORATE SEAL OF)
THE TOWN OF LADYSMITH)
was hereto affixed in the presence of:)
))
))
))
))
_____))
Acting Mayor Tricia McKay)
))
))
_____))
Sue Bouma, Corporate Officer)

SIGNED, SEALED AND DELIVERED)
in the presence of:)
))
))
))
_____))
Witness)
_____))
_____))
Services)
Address)
))

Authorized Signatory for
Coastal Animal Control

_____))
Occupation)

BYLAW STATUS SHEET November 19, 2024

Bylaw #	Description	Status
2131	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131” (10940 Westdowne Rd.). Changes zoning from Rural Residential (RU-1) to Manufactured Home Park (MHP-1).	First and second readings, December 20, 2022. Public Hearing and third reading December 19, 2023. MOTI approval received January 15, 2024. Awaiting covenant.
2133	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 56) 2023, No. 2133”. Allows convenience store at 1132-1142 Rocky Creek Rd.	First and second readings, January 10, 2023. Public Hearing required. MOTI approval required. Waiting on applicant to submit Development Permit per Council Resolution.
2161	“Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2023, No. 2161”. To expand the mobile home park at 10940 Westdowne Road.	First and second readings, November 21, 2023. Second reading rescinded, second reading as amended, December 5, 2023. Public Hearing and third reading December 19, 2023. Awaiting covenant.
2167	“Town of Ladysmith Animal Control Bylaw 2024, No. 2167”. To manage and regulate the keeping of animals in the Town.	First, second and third readings, May 21, 2024. Consequential amendments must be made to the Zoning Bylaw prior to approval. Awaiting consequential amendments to the Zoning Bylaw.
2170	“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170”. To reallocate units for a portion of the Holland Creek neighbourhood to create a smaller development footprint, eliminate the need for a crossing over Heart Creek and adjust triggers for infrastructure construction.	First and second readings, May 7, 2024. Public Hearing held May 21, 2024. MOTI approval received May 27, 2024. Awaiting covenant.
2171	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171”. To reallocate units for a portion of the Holland Creek neighbourhood to create a smaller development footprint, eliminate the need for a crossing over Heart Creek and adjust triggers for infrastructure construction.	First and second readings, May 7, 2024. Public Hearing held May 21, 2024. MOTI approval received May 27, 2024. Awaiting covenant.

From: Jacqueline Neligan <laffexecutivedirector@shaw.ca>

Subject: FW: LaFF Winter Celebration

Date: at 5:13:51 PM PST

Dear Ladysmith Council member.

I'm excited to share this sponsorship package with you and invite you to share with others in your network who may also be interested in helping create a beautiful and nurturing community for all.

Cheers,

Jacqueline



LaFF’s 21st Annual Winter Fundraiser

Dear Community Partners,

As we enter the festive season, our thoughts turn to our annual winter fundraiser, a well-loved, much anticipated fundraising initiative to support ongoing LaFF programming. As we continue to connect families and build a healthy and nurturing community for all, we are reaching out to you in the hopes of securing your support this upcoming holiday season.

LaFF is delighted to be creating our 21st annual winter fundraiser for families on Saturday, December 7th at Aggie Hall. This year has been a financial struggle for many families in our community, as such, attendance at our winter fundraiser will again be offered “by donation”. This is to ensure that all members of our community will be able to attend. With your support, LaFF will give families an opportunity to create warm winter memories with delightful food, a family sing a long, a festive market, activity stations, a commemorative family photo and a healthy meal to make together at home. We welcome you to join us, to support us, and to share this heartwarming event with your networks.

LaFF’s 2024 fundraising goal for our winter event is \$40,000 and below are fun woodland-themed levels of support to choose from, with corresponding acknowledgement options. We appreciate your help this coming holiday season as we continue to wrap our LaFF community in inclusive, healthy and nurturing programming. Thank you for supporting LaFF and, in turn, the families we serve. We look forward to connecting with you.

Ways to support LaFF	Benefits of sponsorship
<ul style="list-style-type: none"> • Make a financial donation 	<ul style="list-style-type: none"> • Supporting your community
<ul style="list-style-type: none"> • Share/support LaFF’s Winter fundraiser event 	<ul style="list-style-type: none"> • Advertising your business online, at programming, at event, in 1st Ave office window
<ul style="list-style-type: none"> • Volunteer your time (contact us) 	<ul style="list-style-type: none"> • Tax deduction for general donations to LaFF

Donation Level:	Donation amount:	Your donation amount:
Fraser Fir	\$7,500.00 +	
Noble Fir	\$5,000.00	
Sitka Spruce	\$4,000.00	
Grand fir	\$3,000.00	
Norway Spruce	\$2,000.00	
Scotch Pine	\$1,000.00	
Blue Spruce	\$500.00	
Douglas Fir	\$250.00	
Cedar	\$100.00	
Holly	\$50.00	

Name / business / organization: _____

Contact information:

Mailing Address _____

Phone # _____

Email _____

Method of Payment:

Mail cheque and form to: Box 1830, Ladysmith BC, V9G 1B4

or

E-transfer: donations@familyandfriends.ca and **leave a message in the memo** directing your donation request as well as **contact info to receive a tax receipt.**

For more information, please email admin@familyandfriends.ca or call 250-210-0870

LaFF Office: 532 1st Ave, Ladysmith Mail: Box 1830, Ladysmith BC, V9G 1B4
www.familyandfriends.ca

It 'Takes a Village' and we are grateful you are a part of ours! Thank you for making a difference in our community! We look forward to hearing from you.

Sincerely,

Jacqueline and the LaFF'ing Team



TOPIC: GRANT IN AID PROGRAM	
POLICY No:	05-1850-A
APPROVED BY:	COUNCIL RESOLUTION No: CS 2013-266
AMENDMENTS: NOVEMBER 21, 2016 (Resolution No. CS 2016-373); JULY 18, 2023 (Resolution No. CS 2023-184)	

Purpose:

The Grant in Aid program is designed to assist not-for-profit organizations in good standing with the Town of Ladysmith, the Registrar of Companies and with other community groups with projects or special activities, or to allow them to take advantage of development opportunities and events. In granting financial assistance to an organization for a discretionary Grant in Aid, the Council of the Town of Ladysmith will take into account the following objectives:

Policy:

1. The primary purpose of a Grant in Aid is to provide financial assistance to an organization for a specific project or event or service that benefits the residents of the Town of Ladysmith. The organization should be a registered Society or belong to a parent Society under the laws of British Columbia and/or Canada.
2. Preference will be given to organizations that are locally based and whose efforts are community based in nature.
3. The Council of the Town of Ladysmith will not grant monies for a 'for profit' organization.
4. Council will consider only one (1) application per Organization per year.
5. Funds must be used for the purpose for which they were requested. If the project or event is not completed, the Town of Ladysmith reserves the right to request the return of the grant.
6. By accepting Grant in Aid funds, the applicant agrees to acknowledge the support of the Town of Ladysmith in all print and publicity material related to the project including banners and signs on site during the event.
7. By accepting Grant in Aid funds, the applicant agrees to report to the Town, using the prescribed form, how the Grant in Aid monies were used. If a report is not received by the Town on or before December 31st, the organization shall be notified that they may be ineligible for further grant funding.

8. The maximum number of years an organization may receive a Grant in Aid is four (4) years with the first year funded at 100%, the second year funded at 75%, the third year funded at 50%, and the fourth year at 25%. Organizations must wait an entire year before re-applying for full funding.
9. The maximum funding request per organization is limited to \$10,000.
10. Grant in Aid requests will be reduced by the value of any current service agreement, permissive tax exemption (municipal), in-kind donation or waived rental fees that the Organization receives before being presented for consideration.

Procedure:

Application Process

11. Each year, Council may establish a Grant in Aid budget equal to 0.8% of previous year municipal tax levy for Grant in Aid. Council may approve up to 90% of this funding for applications received by the deadline. A further 5% will be allocated to late applications and the remaining 5% will be allocated to waiving of fees.
12. The application deadline is December 15th each year for funding in the following year.
13. An organization applying for a Grant in Aid funding request must submit to the Finance Department complete information on the prescribed application form before the deadline to have its application considered.
14. The Finance Department will respond to organizations that have submitted an incomplete application. Failure to provide requested information before the agenda deadline will result in the application not being considered.
15. Grant in Aid applications received after December 15th may not be considered for funding in the following year. Further, the organization applying for the Grant in Aid must re-submit their application should they still be requesting financial assistance for the subsequent year.
16. Applications may be mailed to the following address:
Town of Ladysmith
PO Box 220
Ladysmith, BC V9G 1A2
Or dropped off at City Hall: **410 Esplanade, Ladysmith, BC**

Evaluation Process

17. All compliant Grant in Aid requests will be presented to the Committee of the Whole for consideration.
18. The amount of the Grant in Aid provided will be evaluated against the amount of fundraising revenue earned in the previous fiscal year.
19. All decisions are final following ratification at the next Regular Meeting of Council.

Payment

20. No Grant in Aid payment will be disbursed until after the adoption of the Financial Plan.

Late Applications

21. Subject to budget, Council may allocate funding for extraordinary requests received after the deadline.

Reporting Process

22. An organization must, using the form provided, report back to the Town by December 31st of the same year funding was received regarding how the Grant in Aid monies were spent to support the organization's operations or event and provide evidence that the Town's funding was publicly acknowledged.
23. Reports may be mailed to the following address:
Town of Ladysmith
PO Box 220
Ladysmith, BC V9G 1A2
Or dropped off at City Hall: **410 Esplanade, Ladysmith, BC**



Crown Land Tenure Application

Tracking Number: 100438248

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization

What is your relationship to the Company/Organization? Consultant

APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit/Tenure/Licence will be issued, if approved.

Name: Raven Point Project GP Ltd.

Doing Business As:

Phone: 250-245-2312

Fax:

Email: mcrucil@fminstallations.ca

BC Incorporation Number: BC1414307

Extra Provincial Inc. No:

Society Number:

GST Registration Number:

Contact Name: Mike Crucil

Mailing Address: - redacted -

REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

Company / Organization: Cascara Consulting Engineers Limited

Contact Name: Dawson Link

Contact Address: 203-355 Wesley St
Nanaimo, British Columbia V9R 2T5

Contact Phone: 250-591-7364

Contact Email: dlink@cascara.ca

CONSULTANT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: CASCARA CONSULTING ENGINEERS LIMITED

Doing Business As:

Phone: 250-591-7364

Fax:

Email: dlink@cascara.ca

BC Incorporation Number: BC1095412

Extra Provincial Inc. No: NANAIMO

Society Number:

GST Registration Number: 744585894BC0001

Contact Name: Charles Ramos

Mailing Address: 203-335 Wesley St
Nanaimo British Columbia V9R 2T5
Canada

Letter(s) Attached: Yes (24.02.22_Letter of Agency (Norman Rd).pdf)

CORRESPONDENCE E-MAIL ADDRESS

If you would like to receive correspondence at a different email address than shown above, please provide the correspondence email address here. If left blank, all correspondence will be sent to the above given email address.

Email: dlink@cascara.ca

Contact Name: Dawson Link

ELIGIBILITY

Question	Answer	Warning
<p>Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?</p> <p>Applicants and/or co-applicants who are Individuals must:</p> <ol style="list-style-type: none">1. Be 19 years of age or older and2. Must be Canadian Citizens or permanent residents of Canada (Except if you are applying for an aquatic tenure adjacent to privately owned upland) <p>Applicants and/or co-applicants who are Organizations must either:</p> <ol style="list-style-type: none">1. Be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).	Yes	
<p>Is your application for a government funded Connectivity Project? (i.e., high-speed internet, cellular, other)</p>	No	
<p>Is this application in relation to increasing the supply of housing units within British Columbia? (by choosing yes, you agree to be contacted by a Housing Navigator to help you with your project).</p> <p>A Housing related project, for the purpose of this application, must be for a specific development and the development must increase the number of housing units on the land/property.</p>	No	

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

<p>Do you hold another Crown Land Tenure? Please specify your file number:</p>	<p>Yes Document No. 111441 If you have several file numbers, please make a note of at least one of them above. Example numbers: 1234567, 153245, others</p>
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ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program, please see the operational policy. If you have further questions, please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

In some situations, such as short-term, low-impact use of Crown land or docks/moorage that meet specific criteria, Crown land use is allowed without needing to apply for authorization. Some examples are uses listed within the Land Use Policy - Permissions and, for docks/moorage, within the Private Moorage policy.

For all application types, you should review the Land Use Policy that describes your intended use of Crown land to determine if your activity is permissible under the Land Act.

Purpose	Tenure	Period
Marina The proposed use is a marina that provides transient moorage during the summer months as well as winter storage during the off season	Lease	More than thirty years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road:

There is existing access from Brenton Page Rd. onto the waterfront land fronting the existing marina.

MARINA

Marinas and Yacht Clubs can be established on Foreshore and/or Aquatic Crown land through tenures available from the Province of British Columbia. Marinas and Yacht Clubs are tenured through the Commercial General program. Click here to review the policy. You may also require a Section 9 Water Act authorization

Specific Purpose:	The proposed use is a marina that provides transient moorage during the summer months as well as winter storage during the off season
Period:	More than thirty years
Tenure:	Lease

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Please specify the area: .938 hectares

PROJECT DETAILS

Are you the waterfront upland owner?	Yes
Are you planning to sell gas at the proposed marina?	No

ALL SEASONS RESORT

If your activities include more than one million dollar in the Recreational Infrastructure and more than 100 Commercial Bed Units, your activities may fall under the All Seasons Resort Policy.

Are you applying to build an all season resort as defined under the All Seasons Resort Policy, including more than one million dollars in Recreational Infrastructure and more than 100 Commercial Bed Units? No

IMPORTANT CONSIDERATIONS

Selecting yes to any of the following questions may indicate that you will require further or additional authorizations under the Land Act or other legislation.

Is your proposed activity within the Okanagan, Kalamalka and Wood Lakes, Skaha Lake, Vaseux Lake, or Christina Lake areas? No

Is your proposed activity within the Shuswap, Mara, Mable, or Little Shuswap Lake areas? No

ADDITIONAL QUESTIONS

In many cases, you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction, please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia?	No
Are you planning to cut timber on the Crown Land you are applying for?	No
Are you planning to use an open fire to burn timber or other materials?	No
Do you want to transport heavy equipment or materials on an existing forest road?	No
Are you planning to work in or around water?	Yes
<ol style="list-style-type: none"> 1. If you will be working in or around fresh water, you will require a Water Sustainability Act Change Approval or Notification from the Province. 2. The federal Department of Fisheries and Oceans might need to review your project. 3. Review the Transport Canada website if the Navigation Protection Act applies. 	
Does your operation fall within a park area?	No

LOCATION INFORMATION

LAND DETAILS

DRAWINGS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

I will upload files created from a Geographic Information System (GIS)

SPATIAL FILES

Do you have a spatial file from your GIS system? You can upload it here.

NOTE: Shapefile is the preferred format and requires a closed polygon, projection in BC Albers/NAD 83 and the .dbf, .shp, .shx and .prj files.

Other Commonly Used Spatial File Formats may also be submitted.

Description	Filename	Purpose
Shape file for expanded water lot, not existing. BC Government said a shape file is not required for this application as the boundary is already known as it is currently leased.	Crown Tenure Application Bo...	Marina

ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	General Location Map	1055-011 General Location M...

Management Plan

Management Plan

Crown Land Application Mana...

Site Plan

Site Plan

1055-011 Expanded Option 6C...

PRIVACY DECLARATION

Check here to indicate that you have read and agree to the privacy declaration stated above.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

I declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$500.00	GST @ 5%: \$25.00	\$525.00	\$0.00

OFFICE

Office to submit application to: Nanaimo

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY

Office Nanaimo	File Number	Project Number
	Disposition ID	Client Number

Crown Land Application Management Plan

To complete this plan:

1. Review the [application checklist](#) and [guidance document](#)
2. Describe your project in detail in the form below (you may be required to use a qualified professional to complete the plan)
3. Submit your plan with your application through [Virtual FrontCounter BC](#).

Please note:

- If we need more information, we will contact you. Applications not meeting application requirements within the requested timeframes may be rejected.

1.0 Background

The Application for Crown land tenure requires general information about your proposed activity.

1.1 Project Overview

Describe the intended use for which authorization is requested, including construction and/or phase development details, and decommissioning information (if applicable). Provide general information on activity purpose, location, size, timeframe, and main features. Be sure to include any proposed mitigative measures for impacts.

This authorization is requested for construction and continued operation of an existing commercial marina. The attached plan shows the existing and proposed marina upgrades as combined with application for expanded waterlot. This proposed project/tenure is a formal partnership with the neighbouring Stz'uminus Nation, through the Nation's corporate entity, Thuy'she' num Property Management Limited Partnership.

The current water lot is leased under Lease No. 111441, originally dated February 11, 2004, with current term ending February 10, 2034. We understand this will be merged with the proposed expanded waterlot as a single license tenure.

There will be no filling, dredging, or breakwaters on the waterlot. The marina is not expected to include boat houses or fuel docks. Boat charters, harbour taxi and other commercial operations may be staged in the marina.

Current moorage rates in the existing marina are \$10/ft/month and \$1.90/ft/day. These will be increased to \$13/ft/month and \$2.25/ft/day.

Construction timing depends on waterlot tenureship approval, environmental in-water work windows and regulatory work permits. Construction will proceed once plans and schedules are in full compliance with jurisdictional requirements and permits.

The expectation is that the existing operational marina within the existing water lot will be upgraded together with construction on the expanded waterlot for consistency of design.

The proposed marina will be operated largely as transient moorage for larger vessels (40-80' +), and limited existing liveboards still under contract from the previous owner of the existing marina.

1.2 Investigative Work

If any preliminary investigative work has been carried out, with or without an investigative authorization, provide details on work completed, incomplete, or on-going. Be sure to describe the activity, its status, and any comments/milestones.

Activity	Brief Description	Complete/ Incomplete/ Ongoing	Comments
Topographic Survey		Completed	
Bathymetric Survey		Completed	
Geotechnical Investigation	Desktop review	Completed	Future drilling program to proceed upon approvals
Hazmat Investigation		Complete	
Environmental Dive Survey & Assessment		Ongoing	Dive Survey complete, assessment still pending
Archaeological Investigation	N/A	N/A	All proposed work is fully surrounded by ocean
Well Drilling and Pump Test		Completed	Drilling complete, Pump test pending.

1.3 Engagement with First Nations

- Describe your engagement with First Nation communities or groups regarding your proposed activities.
- Include the name of the First Nation(s) and its representative(s)
- Detail your discussion of potential adverse effects from the proposed activity and any discussed mitigation measures.
- Provide information on First Nations agreements undertaken.

2.0 Location

A [General Location Map](#) and a Detailed Site Plan are required to be uploaded with the application.

2.1 Description

Provide a general description of the location of the project. Be sure to note:

- Traffic patterns and volume
- Parking
- Any other significant details related to your activity

The project site is located in Ladysmith, across the harbour from the Ladysmith Marina. It can be accessed by the Brenton Page Rd exit off Highway 1, just north of Ladysmith. The address is 4760 Brenton Page Rd. The site is near the end of the road, with very little traffic. Parking for approximately 40 cars is in place, with significant available space onsite for additional parking.

2.2 Location Justification

Tell us why you need this type of activity at this location. For example, is the activity close to a highway for easy truck access?

The location of the existing marina is well protected from the open ocean and provides ocean views from the naturally steep topography. There is already an existing marina on the site and

upgrades will be greatly simplified as all utilities and marina services are already in place.

2.3 Seasonal Expectations of Proposed Use

Let us know what times of the year you're proposing to use the land. Ensure you reference appropriate [timing windows](#) for projects in or around water.

Construction/Operations	Brief Description	Season/Timing	Comments
Transient Moorage	During the summer, moorage will be rented to visitors.	April 1 – August 31	
Winter Moorage	During the winter, boats will be moored for the winter	Sept 1 – March 31	

2.4 Historical Use

Has the land, or portions of the land been previously developed? Provide as much detail as you can, adding this detail to the maps if necessary.

The project site was developed into a restaurant and marina in 1955. The restaurant and marina have passed through multiple owners and have been rehabilitated throughout the years.

3.0 Infrastructure and Improvements

3.1 Facilities and Infrastructure

Detail any new and existing facilities, infrastructure, or processes proposed and any ancillary uses. Provide details of planned construction methods, materials, and construction scheduling. Identify mitigation for potential issues. Outline your plan for long term maintenance of improvements, decommissioning, and/or required remediation.

Facility/Infrastructure/Process	Construction Methods/Materials	Construction Schedule	Long Term Planning
Marina Upgrades	Timber floats and steel piles. Floats will be constructed offsite and floated into position and steel piles will be installed with a pile driver at time of construction. A new gangway will be	Construction schedule is dependent on the tenure process, as no construction works will be started prior to agreement of the tenure. Following tenure agreement,	Maintenance will be done on a regular basis. Rehabilitations will occur as necessary.

	installed to the existing marina before the marina is replaced with the new timber floats and fingers and steel piles.	floats will be tendered for construction, and installation will be scheduled based on the available in-water work windows for the site.	
--	--	---	--

3.2 Infrastructure/Access

Identify existing and proposed roads used to access the site.

Include information about:

- Types of roads and vehicles expected to use them
- Anticipated traffic volumes during construction and operation
- The use of roads by season
- Connections that:
 - Need either a Ministry of Transportation and Infrastructure [permit for connection](#) or
 - [Use of a Forest Service Road](#).
- Any road use agreements

Roadway/ Proposed Connection	Existing Road Classification	Road Permittee Information and Road Use Agreements	Traffic Volume for Construction and Operational Phases	Mitigation of Traffic Effects
Brenton Page Road	Rural local	Ministry of Transportation and Infrastructure	Low traffic volumes. Marina upgrades will provide additional moorage mostly dedicated to transient users; however, it is expected most traffic to/from the site will be completed via water taxi to the Ladysmith Maritime Centre, a marina also owned and operated by the joint venture partner to this project, Stz'uminus First Nation.	Minimal traffic effects are expected, as marina upgrades will be completed from the water via boats and barges.

3.3 Utility Requirements and Sources

Describe utility requirements and potential sources, include agreements in place or underway allowing access to utilities. Utilities include power generation, electrical or gas transmission or distribution lines, and telecommunications.

No natural gas is available at the site. The site is currently serviced with Shaw and Telus, and powered by BC Hydro electrical with single phase. Three phase power has been applied for from BCH and is in progress. 3 phase power is available 200 meters away. The marina has electrical servicing from the existing gangway. The existing and proposed new gangway is shown in the site plan.

3.4 Water Supply

Identify water requirements for construction and operation phases.

Construction/ Operation Phase	Water Source(s) (e.g. Surface Water, Ground Water, etc.)	Source/Location	Infrastructure Description	Agreements*
Construction	Well water is present and available as necessary. It is not expected that significant (or any) water will be needed for construction.	Underground aquifer on adjacent property	Well, distribution system	Shared use agreement for shared well.
Operation	The site is supplied by potable water from a shared well, and a second exploratory well is being commissioned as a stand-alone source to the site. Hydrogeologic background reports indicate significant underground capacity.	Underground aquifer onsite	Well	None needed

*Agreements outside of [Water Sustainability Act Authorizations](#), such as Municipal water supply.

3.5 Waste Collection Treatment and Disposal

Identify any waste disposal (note septic system required), sewage, sanitation facilities, and refuse disposal proposed. Include agreements in place or underway such as regional health board sewage disposal permits.

Construction/ Operation Phase	Discharge distance to closest body of water (lake, well, etc.)	Volume of daily discharge	Infrastructure description	Agreements
Construction	N/A	N/A	All construction waste management will be completed on self-contained barge and boat washrooms.	N/A
Operation	N/A	N/A	Waste collection will be completed by a standalone pump out float, pumping wastewater to an upland holding tank, to be emptied as needed by a septic contractor.	

3.6 FireSmart

Identify any proposed actions to incorporate [FireSmart](#) best practices in the tenure area.

Proposed actions to incorporate FireSmart best practices are to keep the site clear at all times, any electrical systems will be installed and maintained by certified electricians, the site will be a no smoking site, and there will be fire extinguishers and water available on the floats to fight a fire.

All electrical systems are being designed by a professional engineer, designing to applicable codes, installation will be completed by certified electricians.

Environmental

Describe significant impacts and proposed mitigation for each of the following:

3.6 Land Impacts

4.1.1 Vegetation Removal

Is any timber removal required? To cut timber on Crown land once your tenure has been issued, you may require an [Occupant Licence to Cut](#).

No timber removal is required. All work is entirely water-based

Are any areas of vegetation to be cleared, outside of timber removal?

No vegetation needs to be cleared. All work is entirely water-based

4.1.2 Soil Disturbance

Will there be any areas of soil disturbance, including grubbing, excavation, contouring, and levelling?

No soil disturbance will occur. All work is entirely water based

Is the area to be excavated a [brownfield](#) site or have the potential to be [contaminated](#)?

N/A

Any ground-disturbing activities have the potential to impact [archaeological](#), paleontological [fossils](#), or historical artifacts. Have you considered these [potential impacts](#) or taken any action to identify them? You may be required to hire a professional to assist with your investigations.

Bathymetry indicates depths below low tide between -5m and -6m. Ground-disturbing activities associated with the marina expansion will include steel pile driving into the seabed, well below foreshore elevations.

4.1.3 Riparian Encroachment

Will any works be completed within or adjacent to the riparian zone of any water body? The [Riparian Areas Protection Regulation](#) may affect your development if it's within 30 metres of a watercourse and you intend to:

- Disturb soil
- Remove plants
- Construct or install works for flood protection
- Develop drainage systems or service sewer or water systems

The work will be completed wholly within the Ladysmith Harbour, in water depths of -5m to -6m CHS datum. Permits for the work will need to be obtained from Department of Fisheries and Oceans and Transport Canada Navigable Waters.

4.1.4 Pesticides and Herbicides

Will [pesticides, fertilizers, or herbicides](#) be used during construction, operations, or maintenance?

No

4.1.5 Visual Impacts

What impacts will your activity have on [visual quality objectives](#). Could it impact sight lines from surrounding areas likely to be used for scenic viewing?

The expansion will add additional moorage to an existing marina.

3.7 Atmospheric Impact

4.2.1 Sound, Odour, Gas, or Fuel Emissions

Will your activity cause any of the following to disturb wildlife or nearby residents?

- Sound?
- Odour?
- Gas?
- Fuel Emissions?

The project will include pile driving and likely rock socketing which will cause disturbance during construction. A Qualified Environmental Professional with hydrophone will be onsite during construction to monitor subsurface noise to ensure it remains below levels of concern, or mitigating measures, such as a bubble curtain, will be installed if needed. The piles are expected to be driven with vibratory hammer to the bedrock, then embedded in the bedrock using downhole hammer within the pile. The underwater impacts from this type of construction are significantly lower than the alternative of impact hammer, and, based on experience with several other similar jobs, are expected to be well below levels of biological concern.

The project is not expected to release any odour or gases during construction or operation.

Construction equipment will release exhaust during construction and operation.

3.8 Hydrology

3.8.1 Drainage Effects

Will the project result in changes to land drainage?

No. The only changes to the adjacent upland will be addition of a replacement gangway access.

3.8.2 Flood Potential

Will the project result in a potential for flooding?

No.

3.9 Fish and Wildlife Habitat

3.9.1 Disturbance to Fish/Wildlife and Fish/Wildlife Habitat

What effect will your activity (construction or operations phase) have on [wildlife or wildlife habitat](#)?

Pile driving during construction will disturb seabed within the pile footprint. DFO pile driving BMPs will be followed, as will in-water work windows identified in the construction permit. Following construction, significant marine life will colonize the new floats and piles.

Will the activity (construction or operations phase) occur in and around [streams, lakes, estuarine, or marine environments](#)?

Yes the activities will occur within the ocean. There will be piles driven and floats installed in the water.

Is the construction or operation of your activity likely to increase erosion or sedimentation?

No

Will the construction or operation of your activity require [water diversion](#)?

No

Will the activity threaten or endanger [species at risk](#) in the area?

This will be determined by the dive survey and assessment performed in accordance with the Species at Risk Act completed by the environmental consultant. Currently ongoing.

4.0 Socio-Community

Describe significant impacts and proposed mitigation for each of the following:

4.1 Land Use

Describe the current community setting or any locally known areas in use on, or near, the activity area.

Ladysmith Harbour is currently used for boating, water access, log sorting activities, commercial fishing and First Nations use. No additional lands will be used for these upgrades, only a water tenure area.

4.1.1 Land Management Plans and Regional Growth Strategies

Are there any plans, strategies, or use restrictions that could limit or prevent your activity? They include:

- [Land and resource management plans](#)
- Coastal plans
- Provincial or regional growth strategies
- [Local government plans](#) with zoning, or management policies or use restrictions in place that could limit or preclude your proposed use of the land?

Refer to the [Union of BC Municipalities](#), and check the websites of the municipality, regional district, or other organization with jurisdiction that includes your activity area.

This area falls under the jurisdiction of the Cowichan Valley Regional District (CVRD), which has zoning bylaws in place for marinas and land uses. All developments require CVRD application, review and permitting. The proposed use falls within the CVRD's permitted use. Discussions with the CVRD are ongoing.

4.2 Socio-Community Conditions

5.2.1 Adjacent Users or Communities

Is the project likely to restrict public access, or the ability of adjacent landowners or tenure holders to access their property or tenures?

No.

5.2.2 Public Access

Will the project result in changes to public access?

The project will create more access to the Raven Point marina.

5.2.3 Existing Services

Describe any increased demand on fire protection, health facilities, or emergency services. Include proposed management or mitigation measures.

The upgraded marina will increase the boat traffic, and number of users to the site, so will increase demand on services to an extent. Partial management/mitigation will be provided by a marina manager, with capability to provide assistance other than emergency services. It's expected that the visitor moorage clients will be arriving on well-found and well-maintained vessels, less susceptible to fuel/water leaks and fire risk than full-time liveaboards experienced at many marinas.

END OF FORM

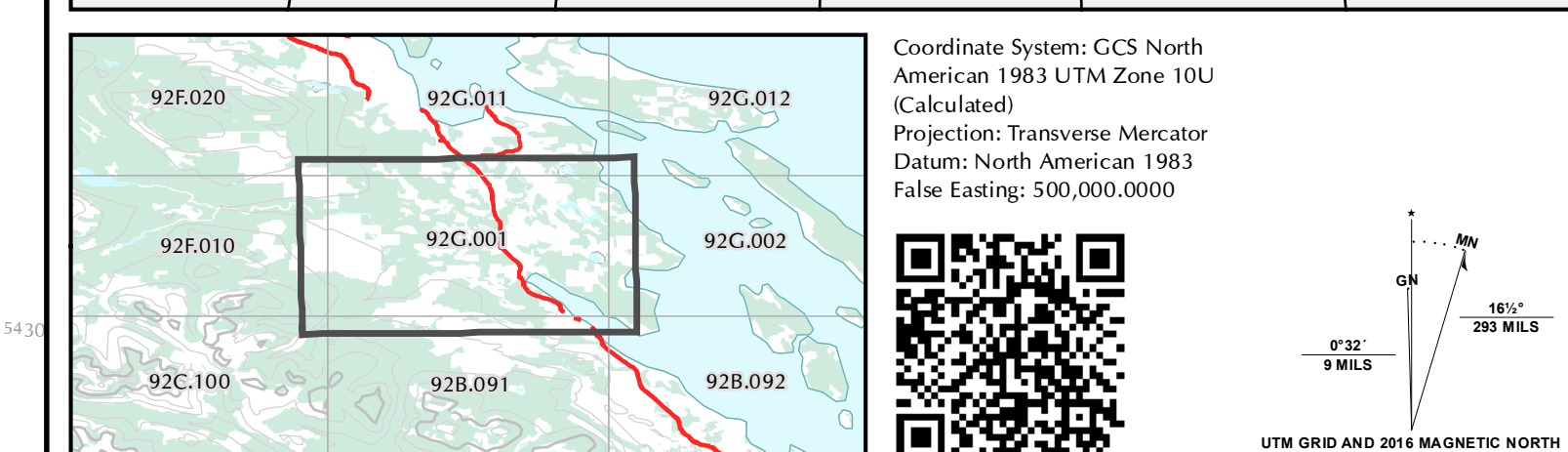
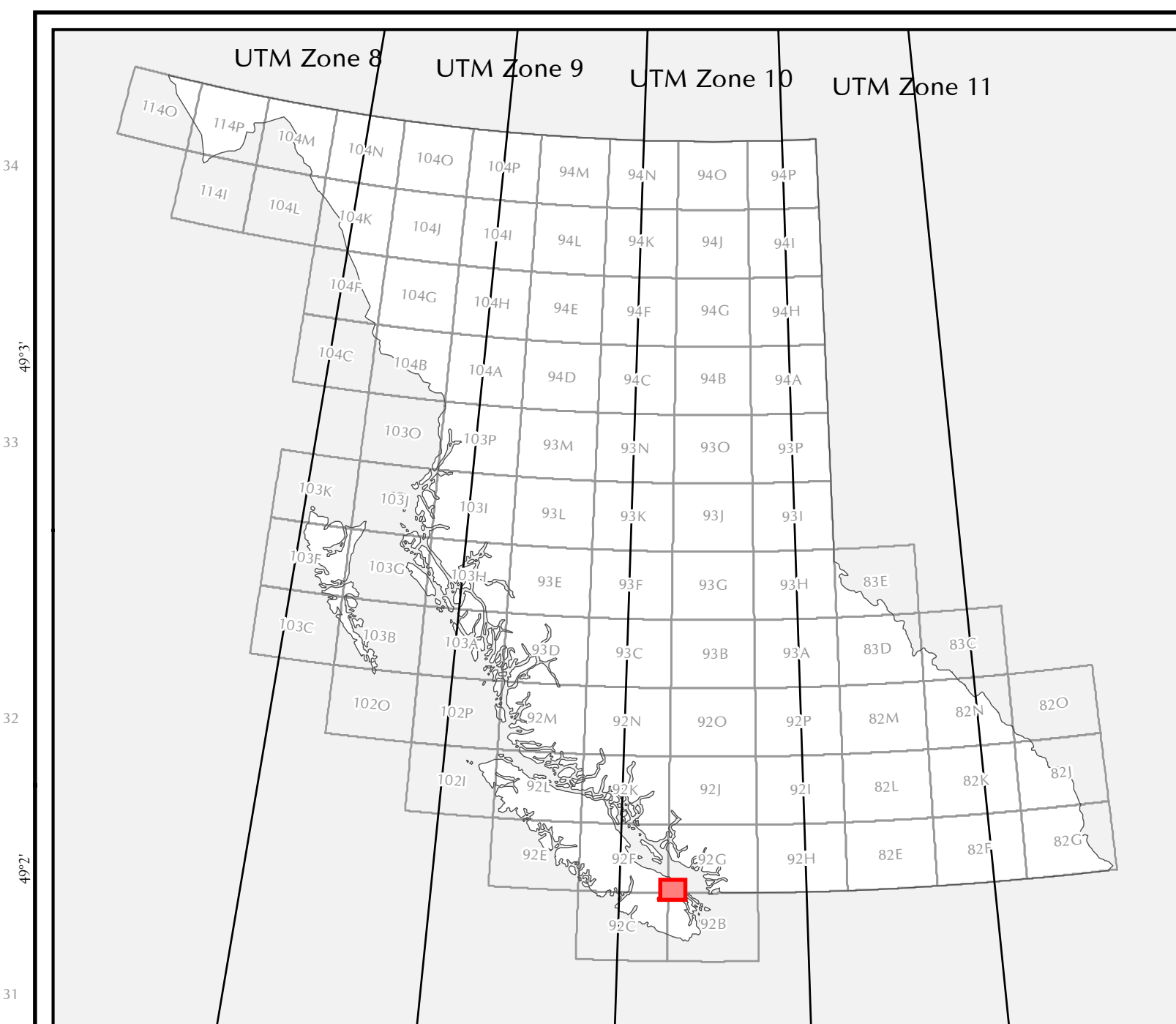
MAP 092G001

- ADMINISTRATIVE BOUNDARIES**
- Municipality or Regional District
 - Park or Protected Area
 - Private Parcel
 - Indian Reserve
 - First Nations Treaty Land
 - Provincial Border

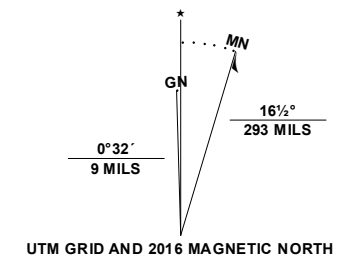
- TRANSPORTATION and INFRASTRUCTURE**
- Freeway or Highway
 - Arterial Collector
 - Local Road
 - Unpaved Road
 - Ferry Route
 - Railway
 - Trail
 - Airfield
 - Transmission Line or Pipeline
 - Railway Crossing
 - Highway Rest Stop
 - Airport
 - Helipoint

- LAND USE and LAND COVER FEATURES**
- Ministry of Forests Land and Natural Resource Operations Radio Repeaters
 - BC Recreation Sites (Campgrounds and Picnic Areas)
 - Nursery, Orchard, or Vineyard
 - Ice Field or Snow Field
 - Swamp or Marsh
 - Wooded Area
 - Built Up Areas
 - Hospital Properties
 - Building
 - Police
 - Fire Hall
 - Ambulance
 - Shipyard or Terminal
 - Port or Harbour

- ELEVATION CONTOURS**
- 100 Metre Interval
 - 20 Metre Interval
 - Contour Depression
 - Spot Height



Coordinate System: GCS North American 1983 UTM Zone 10U (Calculated)
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 500,000,000



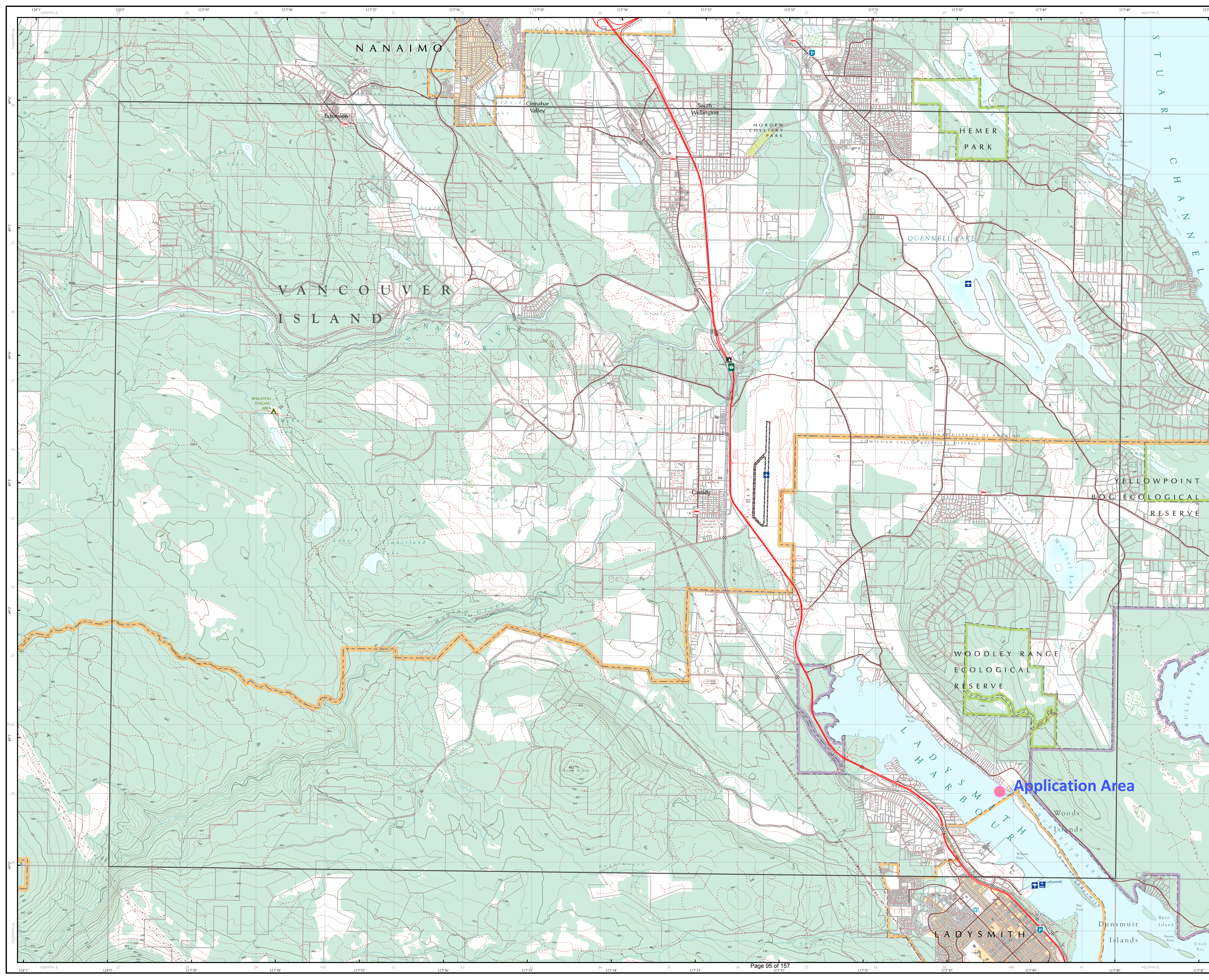
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DATA SOURCE
 This map is produced by GeoBC of the Ministry of Forests, Lands, and Natural Resource Operations. It is based on the most current TRIM (Terrain Resource Information Mapping) data available. TRIM data is generally accurate to 10m. This map also contains BC Hydro transmission lines, FENRO repeater tower locations and various public building locations derived from the Digital Road Atlas. For more information on the data, the TRIM specification or other base mapping products, please visit the GeoBC website at www.geo.bc.ca.

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REV.	DATE	BY	DESCRIPTION	ENG
F	24APR2024	DL	REVISED PER TOM IRWIN COMMENTS	CR
E	20FEB2024	DL	REVISED PER BC TENURE COMMENTS	CR
D	12JAN2024	DL	ISSUED FOR APPROVAL	CR
C	12OCT2023	DL	ISSUED FOR CROWN TENURE APPLICATION	CR
B	05OCT2023	DL	ISSUED FOR APPROVAL	CR
A	08JUNE2023	DL	ISSUED FOR APPROVAL	CR

RAVEN POINT MARINA

LADYSMITH, BC

DRAWING TITLE:
MARINA
FULL BUILD OUT

CASCARA
CONSULTING ENGINEERS LIMITED
EGBC PERMIT No. 1000784
#206-335 WESLEY STREET NANAIMO, BC V9R 2T5
TEL: 250.591.7364 EMAIL: info@cascara.ca

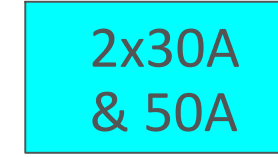
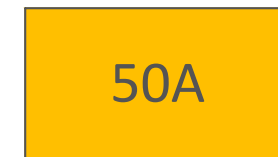
DESIGN BY: DL CHECKED BY: CR
DRAWN BY: DL APPROVED BY: CR

SCALE:
HORIZ: SHOWN VERT: ---
DATE: 24APR2024 SHEET: 1 OF 1
ENG. FILE NUMBER:
CITY DWG #: PROJECT #:
DRAWING NUMBER: 1055-011
REV: F

PROPOSED LAYOUT:

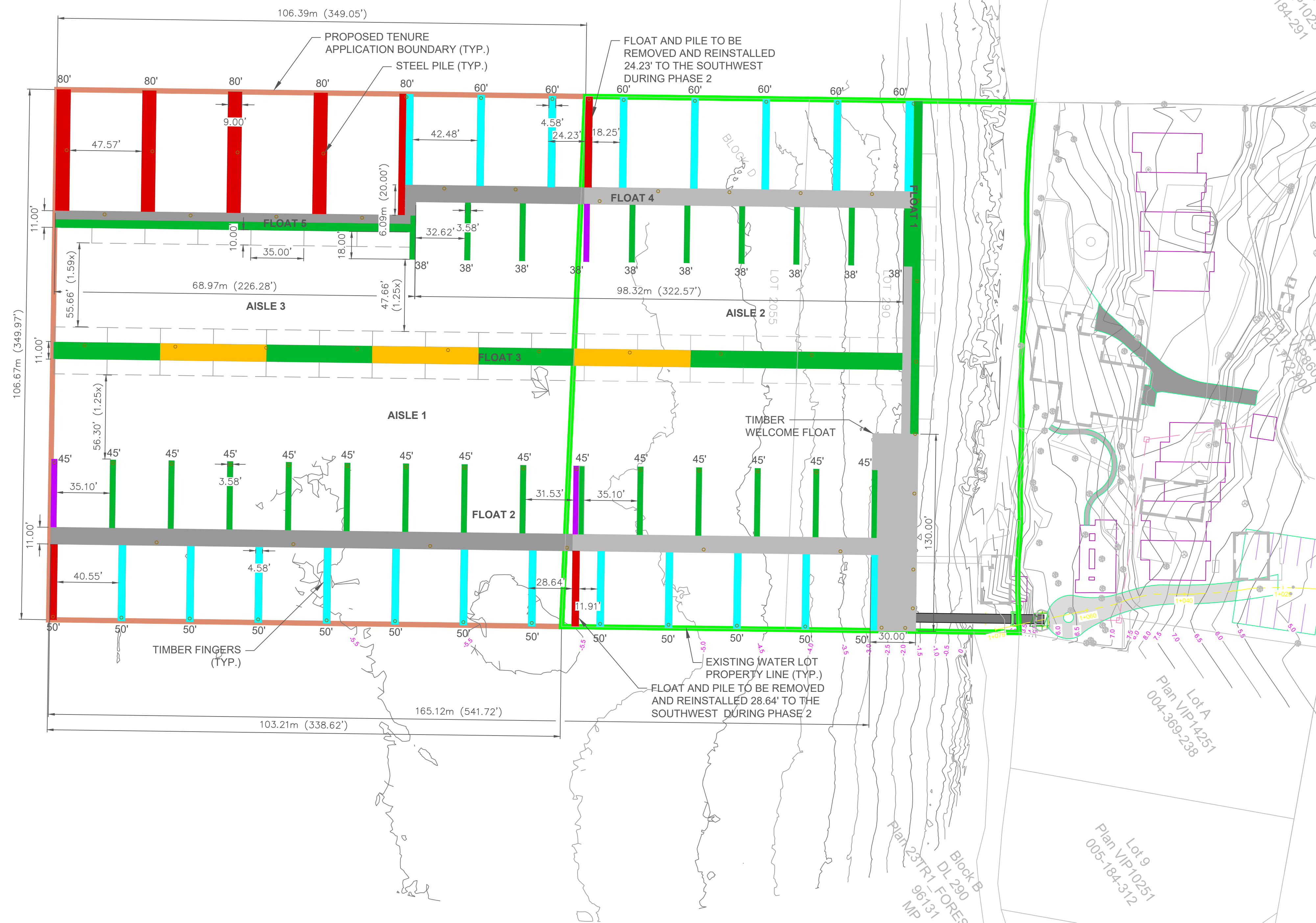
- SLIPS:**
 - 32 - 10.668(35') (FLOAT 3)
 - 6 - 10.668m(35') (FLOAT 1)
 - 6 - 10.668m(35') (FLOAT 5)
 - 18 - 11.582m(38')
 - 28 - 13.716(45')
 - 24 - 15.240m(50')
 - 14 - 18.288m(60')
 - 8 - 24.384m(80')
 - 1 - 32.49m(106.59') (FLOAT 2)
 - 1 - 27.91m(91.57') (FLOAT 5)
- AISLES:**
 - AISLE 1 IS 56.30' WIDE AND IS 1.25x THE LENGTH OF THE LONGEST SLIP IN THE AISLE.
 - AISLE 2 HAS A WIDTH OF 47.66' WHICH IS 1.25x THE LENGTH OF THE LONGEST SLIP IN THE AISLE.
 - AISLE 3 IS 55.66' WIDE AND IS 1.59x THE LENGTH OF THE LONGEST SLIP IN THE AISLE.
- AREAS:**
 - WELCOME FLOAT = 3900 ft²
 - FLOAT 1 = 2419.43 ft²
 - FLOAT 2 = 5958.96 ft²
 - FLOAT 3 = 6163.72 ft²
 - FLOAT 4 = 3548.19 ft²
 - TRANSITION FROM FLOAT 4 TO 5 = 220.00 ft²
 - FLOAT 5 = 2489.09 ft²
 - 38' FINGERS = 1153.83 ft²
 - 45' FINGERS = 2257.50 ft²
 - 50' FINGERS = 2750.00 ft²
 - 60' FINGERS = 1650.00 ft²
 - 80' FINGERS = 3420.00 ft²
 - PHASE 1 TOTAL = 17496.15 ft²
 - PHASE 2 TOTAL = 18434.58 ft²
 - PHASE 1 & 2 TOTAL = 35930.73 ft²

ELECTRICAL SERVICES:



New Application for expansion on File 1413755 (brown area)

Amendment on existing File 0184459 (green area)



OPTION 6C FULL BUILD OUT SITE PLAN





AQUAPARIAN

Environmental Consulting Ltd.



MARINE HABITAT ASSESSMENT AND IMPACT DETERMINATION RAVEN POINT MARINA, LADYSMITH BC MARINA REPLACEMENT AND EXPANSION



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Via e-mail: cramos@cascara.ca

March 2024

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203-321 Wallace St, Nanaimo, BC V9R 5B6

SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Attachments:

Figure 1a & 1b – Site Location Maps

Figure 2 – Water Lot Map

Figure 3 – Drop-Camera Survey Transect Map

Appendix A – Site Photographs

Appendix B – Engineering Drawings (Casara)

Appendix C – Summary of Underwater Video Observations

Appendix D– BC CDC Search Results

Appendix E - Herring Spawn Records (DFO)



203-321 Wallace St, Nanaimo, BC V9R 5B6

SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd. (Aquaparian) was retained to complete a Marine Habitat Assessment and Impact Determination for a proposed redevelopment of the Raven Point Inn & Marina located at 4760 Brenton Page Road in Ladysmith, BC. The property is waterfront to Ladysmith Harbour. The parcel is zoned Tourist Recreational Commercial (C-4) and is located in Electoral Area 'H' of the Cowichan Valley Regional District (CVRD). The legal description of the upland parcel is as follows:

- Lot A, Section 2, Oyster District, Plan VIP86097 (PID: 027-772-900).

A site location map has been included as Figure 1a and a close-up image of the subject property and marina is included as Figure 1b. A selection of site photographs including underwater video captured images has been included in the report as Appendix A.

The Raven Point Inn & Marina (formerly Page Point Inn) property offers a small inn accommodation, a restaurant and marina with moorage and services. The proposed redevelopment includes replacement of the existing marina docks and expansion of the marina. As understood, this includes expansion of the Crown water lot. Figure 2 shows the location of the existing water lot and the proposed new water lot required for the expansion.

Aquaparian completed an assessment of intertidal and subtidal habitat on November 10, 2023 to document existing environmental conditions and to identify if any sensitive environmental features exist within the footprint of the existing marina and within the footprint of the proposed marina expansion and new water lot area. As understood, a previous Marine Habitat Assessment (MHA) was completed by Chatwin Engineering 12-13 years ago and is now considered out of date. This MHA report will support the application for Commercial Marina Crown Tenure for the expanded water lot and will be submitted to Fisheries and Oceans Canada for a Request for Project Review to determine if the project is likely to result in an impact to fish habitat as defined by the Federal *Fisheries Act (2019)*. Aquaparian has also included Environmental Protection Plans (EPPs) within this document that outline standard measures for the protection of fish, fish habitat and wildlife during all stages of the dock construction. Proposed upland improvements to the marina facility will be addressed in a separate report.

2.0 REGULATORY REQUIREMENTS

The following is a list of regional, provincial and federal regulations that apply to the proposed



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

dock upgrades:

- **Federal *Fisheries Act* Section 35:** Fish and fish habitat protection provisions under the *Fisheries Act* include the following prohibitions:
 - No person shall carry on any work, undertaking or activity, other than fishing, that results in the death of fish; and,
 - No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption, or destruction of fish habitat (a HADD). The definition of harmful alteration, disruption or destruction of fish habitat is any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat's capacity to support one or more life processes of fish.
- **Federal *Fisheries Act* Section 36:** Environment and Climate Change Canada administers Section 36 of the *Fisheries Act*, the key pollution prevention provision, prohibiting the deposit of deleterious substances into waters frequented by fish, unless authorized by regulations under the *Fisheries Act* or other federal legislation. A deleterious substance can be any substance that, if added to any water, would degrade or alter its quality such that it could be harmful to fish, fish habitat or the use of fish by people.
- **Species-at-Risk Act.** The *Act* is a key federal government commitment to prevent wildlife species from becoming extinct and secure the necessary actions for their recovery. It provides for the legal protection of wildlife species and the conservation of their biological diversity.
- **Transport Canada, Navigation Protection Program:** The project is located within a navigable waterway. Under the *Canadian Navigable Waters Act* (CNWA), owners of works who propose to construct, place, alter, rebuild, remove or decommission works that are in, on, over, under, through or across any navigable water may be required to apply for an approval to Transport Canada, or seek authorization through the public resolution process. The Navigation Protection Program (NPP) is responsible for administering and processing applications for approval. The Minister of Transport has the authority to issue terms and conditions with an approval. The Minor Works Order allows for works to be built, without approval or public notice, if they meet the criteria for the applicable class of works as well as specific terms and conditions. The criteria outlined for Docks in the [Minor Works Order](#) as 14 (d) states:



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The dock or boathouse does not extend horizontally into, onto, over, through or across the navigable water

(i) more than the length of a similar dock or boathouse situated 100 m or less, on the same bank, from the dock or boathouse, to a maximum length of 50 m, or

(ii) more than 30 m, in any other case.

The proposed marina expansion does not meet these criteria and is expected to require an Approval Application.

3.0 PROJECT LOCATION

The subject upland parcel is approximately 1.8 acres in size and is bound by Brenton Page Road to the northeast with an undeveloped parcel on the opposite side of the road, Ladysmith Harbour to the southwest, and residential properties to the northwest and southeast. The property is mostly developed for commercial use with some stands of mature trees remaining. The parcel is terraced from the road up to where the main building is located and then slopes down to a vertical foreshore bluff that faces the shoreline.

A review of Front Counter BC Discovery Tool identifies that the existing Crown water lot tenure lease (File # 0181156) for the marina is 0.938 ha in area and legally identified as follows: Block D of District Lot 2055, 290, Cowichan District. The tenure is designated for Commercial Marina use. The existing marina includes a gangway from shore, a main dock parallel to the shoreline, and 3 docks extending seaward from the main dock. One separate small moorage dock is located west of the main docking system (See Figure 1B).

4.0 PROJECT DESCRIPTION

As understood, proposed improvements to the old marina to include the complete removal and replacement of existing docks and support piles, and expanding the marina seaward. The replacement and expansion may take place as one phase if the proposed Crown lease application is accepted in time, or else the replacement works will be completed first (Phase 1a) and then the expansion will be completed later (Phase 1b). Drawings were provided by Cascara Consulting Engineers Ltd. (Cascara) and are included with this report as **Appendix B**. The demolition and removal of the old marina for the replacement works is expected to include the following:

- Cutting of treated timber elements;



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- Removal of treated timber piles from the seabed using a vibro hammer suspended from a crane on a barge;
- Cutting of timber piles at the mud line using divers if the piles break during extraction using vibratory methods; and,
- Removal of old dock elements including timber piles, timber dock floats and old billets; transport of waste materials offsite for recycling or disposal at a suitable location.

The following works are expected for installation of the new marina including both the proposed replacement phase and the expansion phase:

- Use of a vibro hammer to install several test piles into the seabed to identify the depth of the mud layer over bedrock prior to construction;
- Installation of 89 18"- diameter steel piles to be drilled and socketed into the sandstone bedrock seabed (as required). Phase 1a includes 43 piles, while Phase 1b includes an additional 46 piles;
- Installation of an abutment, bridge, pier, gangway and a timber landing float (8 x 36m). The concrete abutment will be constructed at the shoreline and will support an aluminum bridge out to a 4m high concrete pier. The pier will support a hinged gangway down to a landing float. The abutment, bridge, pier and gangway will be installed on the east side of the existing marina office. These works involve drilling into the bedrock shoreline at a low tide to install anchors for the abutment and pier, then forming and pouring concrete in place. Main floats to be 2.2m wide and finger floats 1.3m wide.
- Installation of 5 main timber floats of the following approximate lengths:
 - Float 1 – 67m
 - Float 2 - 161m
 - Float 3 – 161m
 - Float 4 – 94m, and
 - Float 5 – 67m.

Each float is expected to be comprised of multiple smaller sections.



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- Installation of timber dock fingers of varying lengths:
 - 14 @ 45'
 - 13 @ 40'
 - 7 @ 60'
 - 13 @ 55'
 - 4 @ 80'.

5.0 SITE ASSESSMENT

5.1 METHODOLOGY

Aquaparian visited the site on November 10, 2023. Aquaparian surveyed the marine environment within the dock project footprint using an Aqua Vu underwater drop / tow camera system linked to a Samsung tablet to record video and still frame imagery of the intertidal and subtidal habitat within the project area. Five transects were recorded to capture the seabed in and around the existing marina extending seaward to capture the footprint of the proposed expansion. Transect 1 (T1) extended 95m northwest from the gangway parallel to shore, positioned between the shoreline and the main float. T2 extended 200m seaward (southwest) from the shoreline along the northwest extent of the project area on the outside of the existing marina. T3 started between E and D dock and extended seaward 185m from shore. T4 started between B and C dock and extended seaward 193m from shore. T5 started along the shoreline on the southeast side of the marine/project area and extended 190m seaward.

Observations of the seabed conditions were documented to identify substrate, fish and fish habitat and to create an inventory of marine fauna and flora supported by the site. A detailed summary table of the observations collected have been included with this report as Appendix C. A map of the marina showing the location of underwater camera transects is included as **Figure 3**.

5.2 SITE DESCRIPTION

5.2.1 Upland Conditions

The upland is completely developed for the marina and includes two parking lots, a cabin, shower/washroom facilities, a recreational outdoor area, a main building containing the inn and restaurant located centrally at the top of bank of the foreshore



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bluff with a wooden deck that extends out over the bluff, and a marina building and deck located on the southeast side of the parcel that extends out over the shoreline on pilings and is connected to the marina floating docks via a gangway. Several footpaths and stairs interconnect buildings and facilities.

No bald eagle (*Haliaeetus leucocephalus*), great blue heron (*Ardea herodias*) or osprey (*Pandion haliaetus*) nests were observed within the marina area during the site assessment. A review of the community Wildlife Tree Stewardship (WiTS) inventory and the Great Blue Herons Atlas databases did not identify any mapped eagle, osprey, or heron nests to be situated within or near the project area. No purple martin (*Progne subis*) boxes were observed on any of the piles fronting the areas that are proposed to be improved.

The upland component for the Raven Point Inn and Marina redevelopment has been addressed in detail in a separate report.

5.2.2 Marine Habitat

Observations during the underwater drop camera survey of the area for the proposed dock replacement documented substrate conditions as well as the presence of marine flora (seaweeds and kelp), marine invertebrates and fish.

Substrate:

The shoreline fronting the Raven Point Resort includes a vertical sandstone bluff that is higher at the southwest end of the lot (~5m high) and lower at the southeast end (~1m high) where the gangway to the existing marina is located. The bluff consists of sandstone bedrock with large pieces of fractured bedrock and sandstone boulders on sand at the bottom of the bluff. Sand seabed transitions to a soft mud and silt bottom approximately 26m from the shoreline. The seabed within the area of the proposed new water lot is completely flat and comprised of soft, silty, anoxic mud with a thin layer of *Beggiatoa* (sp.) bacteria. The presence of *Beggiatoa* is indicative of anoxic seabed conditions as it oxidizes hydrogen sulphide as an energy source. Anthropogenic debris observed include discarded cable/rope (T2, T3, T5), crab traps (T3, T4) and branches/wood waste (T3, T4).

Marine Flora:

Observations of intertidal marine vegetation growing along the bedrock and boulder shoreline was limited to Japanese wireweed (*Sargassum muticum*). Some



fine, filamentous brown algae was observed over the surface of the mud bottom in some subtidal areas. No Pacific eelgrass (*Zostera marina*) or kelp species were observed during the underwater survey. The survey was completed outside of the growing season for seaweed, but lack of hard surfaces for attachment are expected to limit potential for seaweeds to grow in the project area, therefore limiting fish habitat within the site.

The BC Eelgrass Inventory community mapping atlas does not identify any mapped eelgrass within or adjacent to the project area or along the adjacent shoreline in either direction.

Marine Fauna:

Hard shoreline surfaces are populated by acorn barnacles (*Balanus glandula*) and Pacific oysters (*Crassostrea gigas*). Some blue mussel shells (*Mytilus edulis*) were observed. The presence of thick soft sediments, baring anoxic conditions and the lack of cover for motile invertebrates and attachment sites for sessile invertebrates appears to have limits the abundance and diversity of invertebrates within the site. Species observed during the survey were limited to ochre star (*Pisaster ochraceus*), giant plumose anemone (*Metridium farcimen*), Dungeness crab (*Cancer magister*) and red rock crab (*Cancer productus*) within the nearshore environment. Some bivalve siphon holes were observed, and scattered shells documented indicate that horse clam (*Tresus capax*), manila clam (*Lajonkairia lajonkairii*) and varnish clam (*Nuttallia obscurata*) populations are present within the benthic environment. Several excavations in the mud seabed indicate that river otters (*Lontra canadensis*) forage for bivalves throughout the subtidal area of the site. No fish species were observed during the survey.

6.0 BACKGROUND REVIEW

6.1 BC CONSERVATION DATA CENTRE - SPECIES AT RISK

The Federal Species-at-Risk Act (SARA) is a key federal government commitment to prevent wildlife species from becoming extinct and to secure the necessary actions for their recovery. It provides for the legal protection of wildlife species and the conservation of their biological diversity. This act applies to Federal lands including First Nation Reserve lands and the marine environment as well as all aquatic species.

Aquaparian completed a search of Species-at-Risk for the site. A search of known



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occurrence records of rare or endangered animal species with the British Columbia Conservation Data Centre (BC CDC) iMap did not identify any known element occurrences within the project area. No species-at-risk are expected to be negatively impacted by the proposed project.

A search of Ecosystems Explorer was completed using criteria describing the site location within the study area (search criteria: red- or blue-listed species; User defined polygon (Raven Point Marina); within habitat subtypes: Ocean: intertidal marine, subtidal marine). Results of the search produced a list of 18 provincially blue-listed and 17 red-listed species. Aquaparian reviewed the results with consideration of the study site conditions and determined that there is a *reasonable potential* for the presence of the following species to be found in the project area:

Double-crested cormorant (*Phalacrocorax auritus*): Blue-listed

Double-crested cormorant is a marine bird. Northern coastal and especially interior populations migrate southward for the non-breeding season; migratory tendency is stronger on east coast than on west coast. Habitat includes lakes, ponds, rivers, lagoons, swamps, coastal bays, marine islands, and seacoasts, usually within sight of land. Nests are in relatively dense colonies on the ground or in trees in freshwater situations, and on coastal cliffs (usually high sloping areas with good visibility). This species typically forages within about 20km of the roost site and feeds opportunistically on small fishes by diving from the surface of the water. This species may be seen in the project area on top of piles drying its wings or diving for small fish in the waters surrounding the marina. Ensure hollow steel piles are capped immediately to prevent marine birds from falling into them. This project is not expected to negatively impact this species.

Great blue heron, *fannini* subspecies (*Ardea herodias fannini*): Provincially Blue-listed; SARA Special Concern (1-SC (2010))

Great blue heron is a large wading bird residing along the Pacific coast from southeastern Alaska south to Washington. Nests are colonially in tall Sitka spruce, western red cedar, western hemlock, pine, red alder and black cottonwood. Isolation from disturbance appears to be an important factor in nest site selection. Foraging habitat includes aquatic areas generally less than 0.5m deep, such as: marine intertidal areas, estuaries, riparian areas, wetlands, freshwater lakes, and muskegs. These areas are generally within 5 km of the nest site, although some areas have been identified up



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to 33km away. (BC CDC). No heron nests are mapped or were observed within or immediately adjacent to the project area. This project is not expected to have any negative impact to this species.

Steller sea lion (*Eumetopias jubatus*): Provincially Blue-listed; SARA Special Concern (1-SC (2005))

Steller sea lions are marine mammals that are the largest otariids with males growing larger than females. Range includes coastal waters of the North Pacific Ocean from California and northern Honshu, Japan, and Korea, north to the Bering Strait. Steller sea lions are not known to make regular migrations, but they do move considerable distances. Marine habitats include coastal waters near shore and over the continental slope. When not on land, the sea lions may congregate at nearshore traditional rafting sites or move out to the edge of the continental shelf. Rookeries are areas where adults congregate for breeding and pupping. These habitats generally occur on beaches of remote islands with difficult access for humans and other mammalian predators. Haul-out locations include exposed rocks, reefs, beaches, jetties, breakwaters, navigational aids, floating docks, and sea ice. (BC CDC). Monitoring will be required during pile installation and will include measures to avoid negative impacts to fish and marine mammals including harbour seals and sea lions.

A copy of the BC Species and Ecosystem Explorer Database search results is included as **Appendix D**.

6.2 DFO GENERAL MARINE FISHERIES REVIEW

A review of the Fisheries and Oceans Canada cumulative herring spawning records for South Yellow Point - Section 173s identifies that the shoreline of the project area is not rated as important for herring spawning. Within Ladysmith Harbour, the shoreline opposite to the site has some locations rated as “Low – Next 25%” and “Minor – Next 25%” for herring spawning importance. The herring spawning records are included with this report as Appendix E.

A review of the provincial database Habitat Wizard identifies that two major fish-bearing watercourses discharge into Ladysmith Harbour on the opposite shoreline to the southwest. Bush Creek (920-327900) is located 1.6km away from the site while Tyee Creek (920-325000) is located 1.2km away. Both support coho salmon (*Oncorhynchus*



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kisutch), chum salmon (*O. keta*) and anadromous cutthroat trout (*O. clarkii clarkii*).

There is an unnamed creek located northeast from the parcel that is not mapped online.

The creek is fish bearing and discharges into a mudflat area known as Burleith Arm, between Woods Islands and the main shoreline parallel to Shell Beach Road.

7.0 IMPACT ASSESSMENT

Short-term potential impacts to the marine environment include a potential for sound disturbance to marine mammals and fish from pile installation activities involving drilling and socketing of 58 steel piles that are 18" in diameter. Water quality could be potentially degraded during removal and installation of piles, construction of the abutment and pier, or by an accidental release of a deleterious substance into marine waters from use of heavy equipment. Long-term impacts to the marine environment from marina projects that are typically considered by DFO include the potential shading of marine seaweeds (i.e. Pacific eelgrass) from the dock and the loss of seabed habitat from pile footprints. A very low diversity and abundance of seaweeds were identified in the study area with only Japanese wireweed observed in the intertidal, so shading of sensitive marine vegetation is not expected to be a primary concern. No sensitive eelgrass or kelp beds were identified during the marina habitat survey.

Aquaparian has completed surveys underneath docks and on piles for many marine projects and has found the colonization of marine invertebrates (i.e. barnacles, mussels, anemones, sponges etc.) typically occurs quickly underneath docks and on the surface of piles within the first 1-2 years.

8.0 ENVIRONMENTAL EFFECTS DETERMINATION

Potential impacts to the environment during removal of the existing marina components, installation of piles and the construction of the new dock components include the following:

- Short-term impairment to water quality transparency;
- Underwater acoustic / auditory noise impacts to fish, birds and marine mammals during pile driving using a vibro-hammer and small diameter steel piles; and,
- The potential for accidents and malfunctions during all marine construction works including equipment failure, spills, and navigational hazards.

The following table identifies the criteria for assessing the potential impacts of the project to the environment. This section identifies potential impacts from the terminal construction project and



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mitigation measures to offset the impacts in order to avoid causing death of fish or a HADD as per the *Fisheries Act* (2019).

**TABLE 1:
 CRITERIA FOR ASSESSING POTENTIAL EFFECTS**

Criteria	Low	Moderate	High
Probability of activity resulting in effect	Unlikely to cause effect	Moderate probability (e.g. 50%)	Regularly
Magnitude of effect	Effect undistinguishable from baseline	Nominally above baseline	Significantly exceed baseline
Geographic extent (Geo-Extent) of effect	Limited to project footprint	Extends marginally beyond footprint	Widespread and trans-boundary in nature
Duration of effect	Only occurs during construction	Occur during construction & operation	Continue to occur after construction

The following is a summary table (Table 2) of each project construction activity or component and includes the potential effect to fish and fish habitat, sea birds and marine mammals, and the level of residual effects (Criteria - i.e. the frequency, magnitude, geographic extent and duration of the effect). The table identifies potential impacts from the construction of the dock project on the marine and terrestrial environment and whether mitigation requirement is needed to offset the impacts in order to avoid causing death of fish or a HADD.

TABLE 2: SUMMARY OF CONSTRUCTION STAGE POTENTIAL IMPACTING ACTIONS AND POSSIBLE ENVIRONMENTAL EFFECTS

PROJECT ACTIVITY	POTENTIAL IMPACTING ACTIONS	POSSIBLY AFFECTED ENVIRONMENTAL ELEMENT/ RESOURCE/SYSTEM/PROCESS	Residual; Criteria: 1) Probability 2) Magnitude 3) Geo Extent 4) Duration
Staging/site prep	Limited, pile driving equipment to be confined on a barge.	Water quality	1) Low 2) Low 3) Low 4) Low
Demolition	Extraction of piles using vibro hammer suspended from crane on barge. Cutting of treated timber.	Water quality, marine habitat, fish, marine invertebrates & marine mammals	1) Low 2) Moderate 3) Low 4) Low



Disposal of Marine Waste Material	Removal and transport of old marina components offsite for disposal.	Water quality	1) Low 2) Moderate 3) Low to Moderate 4) Low
Pile Driving/drilling – barge and crane use	Pile driving for project. Size and installation of piles to design depth	Acoustic environment, water quality, marine habitat, fish, marine invertebrates & marine mammals.	1) Low to Moderate 2) Low to Moderate 3) Low 4) Low
Use of heavy equipment	Construction using crane on barge.	Acoustic impacts, water quality, marine habitat, fish & aquatic fauna	1) Low 2) Low to Moderate 3) Low 4) Low
Transport of materials/equipment	Heavy duty machine operation within marine environment	Water quality, marine habitat, fish & aquatic fauna	1) Low 2) Low to Moderate 3) Low to Moderate 4) Low
Fuelling	Potential release of fuels or hydrocarbons into marine environment - spills	Water quality, marine habitat, fish & aquatic fauna	1) Low 2) Low to Moderate 3) Low to Moderate 4) Low
Accidents & malfunctions	Heavy equipment failure causing release of hazardous materials to marine environment.	Water quality, fish & aquatic fauna	1) Low 2) Low to Moderate 3) Low to Moderate 4) Low

9.0 ENVIRONMENTAL PROTECTION MEASURES FOR CONSTRUCTION

The following sections provide recommendations for construction mitigation based on Best Management Practices (BMPs) and Aquaparian staff's previous project experience with working on similar marina projects including potential impacts from acoustic noise, water quality, marine fish & fish habitat, wildlife and wildlife habitat including marine mammals.

The successful marine contractor is to reference Protection Measures as identified below and with the following agency guidelines:

- *Fisheries Act* – Measures to Protect Fish and Fish Habitat.
- Canadian Water Quality Guidelines for the Protection of Aquatic Life.



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- Best Management Practice for Pile Driving and Related Operations – BC Marine and Pile Driving Contractors Association – November 2003.
- Environmental Monitoring under DFO’s New Pile Driving Mitigation Advice, 2013, May 10, 2019 (Ecofish Research Ltd).

As per new DFO pile driving regulations (2013), new thresholds for underwater noise and sound pressure are as follows:

- Finfish peak sound pressure level (SPL): 206 dB @ 10m;
- Finfish cumulative sound exposure level (SEL): 187 dB re 1uPa 2s >2g;
- Fishfish cumulative sound exposure level (SEL); 183 dB re 1uPa2s <2g;
- Marine mammal exclusion zone 120dB RMS (vibratory);
- Marine mammal exclusion zone 160 dB RMS (impact);

The purpose of the following Environmental Protection Measures is to work with the Contractor(s) to ensure environmental compliance as per the *Fisheries Act* and to follow the terms and conditions, regulatory permits, and approvals for the project. The following sections outline various protection measures to address during construction.

General Environmental Protection Measures	Section 9.1
Spill Prevention and Management	Section 9.2
Spill Response Plan	Section 9.3
Spill Reporting Procedures	Section 9.4
Sediment Control	Section 9.5
Concrete Management	Section 9.6
Pile / Infrastructure Demolition & Removal	Section 9.7
Pile Installation	Section 9.8
Fish & Fish Habitat	Section 9.9
Marine Mammals	Section 9.10
Migratory Seabirds	Section 9.11

9.1 GENERAL ENVIRONMENTAL PROTECTION MEASURES

- Prior to construction start-up, ensure all copies of permits and approvals, and a copy of this report including the EPP are present on site. All marine works should consider fish protection measures in accordance with the *Fisheries Act* and Transport Canada *Navigation Protection Act*,



- Conduct a pre-construction tailboard meeting to review construction procedures, schedule, spill control and other mitigation measures as per environmental protection plans;
- A qualified Environmental Monitor (EM) is to be on site on a part-time to full-time basis depending on construction activities and timing. The EM shall be retained for high risk activities including concrete pouring and initial pile installation and will be responsible for completing environmental monitoring and inspection records documenting activities on site, environmental issues, photographs, hydroacoustic and turbidity measurements and environmental incidents. The EM shall have the authority to advise the Contractor(s) to modify or halt construction operations / activities that conflict with safe environmental practices and procedures;
- The Contractor is to ensure the emergency response plan and spill response training programs are up-to-date and that the spill response plan is posted on the working barge. The Contractor is to regularly verify all environmental protection equipment is mustered on site (as required) such as spill containment booms, spill prevention kits, tarps, site safety signage, hazardous material storage, garbage storage, etc. The EM is to periodically check that all environmental protection equipment is available and fully stocked on land and on the barge;
- Pile removal and installation works to avoid the herring spawning season (typically between Feb 15 – April 30). The preferred working window for pile installation is May 15 – December 1 of a given year;
- Pile driving should not be conducted during adverse weather conditions, high winds and rough sea conditions. Marine weather forecasts and tide tables shall be consulted prior to commencing work to avoid adverse environmental interactions;
- Inspection of the effectiveness of hazardous materials storage and waste management program;
- All construction work will be conducted in a manner that does not result in the deposit of a toxic or deleterious substance or construction waste into the waters frequented by fish; and,



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- Conduct all marine work during daylight hours.

9.2 SPILL PREVENTION AND MANAGEMENT

- All machinery will have biodegradable oils where possible and fully stocked spill kits on board;
- Storage of deleterious substances on the working barge and on land such as fuel, oil etc. should be located in a containment area to prevent accidental spills from entering the ocean;
- Refuelling and servicing of machinery or equipment will not take place on the working barge or marine foreshore;
- Appropriate spill control equipment (spill kits) will be kept on site during the work. Operating personnel are to be familiar with the contents and use of the spill response equipment and the location and operation of emergency 'shut-offs' of equipment;
- Hazardous waste material generated in the course of the project (oil absorbent pads, oily & grease covered rags, grease tubes, containers, etc.) shall be disposed of in compliance with regulations. Hazardous waste material (on the working barge and on land) shall be stored in closed waste disposal containers that are clearly labelled. Food waste will be stored in a separate bin;
- Small Gerry fuel cans to be placed in rubber-made tubs or other containment bins when on barge;
- Check all hydraulic hoses and fuel hoses and connections when using tidy tank for regular wear;
- If a leak is observed from any equipment while on-site, stop the equipment immediately and place drip trays and/or sorbent matting under the leak. "Repair the leak, or Replace the Tank, Hose or Connector Assembly immediately before operating the equipment again;"

- Contractor to have a proper spill containment boom on barge / site with quick access for deployment; and,
- If a fuel or hydraulic oil spill occurs, the operator of the machine shall stop work immediately, address the immediate containment and clean-up of the spill and undertake the repair or replacement of the machinery before work is allowed to continue.

9.3 SPILL RESPONSE PLAN

- Spill prevention practices are to be implemented prior to construction including preparation and posting of emergency spill response procedures near storage and fuelling areas;
- Spill Prevention and Emergency Response Plans shall be communicated to all field crews at the pre-work orientation meeting and at regular intervals thereafter and will be strictly enforced;
- Spill Reporting Matrix and Emergency Response Plans are to be posted near chemical and fuel storage sites as well as the 24-hour Ministry of Emergency Management and Climate Readiness (*EMCR*), formerly Emergency Management BC (*EMBC*), phone number (1-800-663-3456). *All spills into the water are to be reported to EMCR;*
- Spill kits are to be located near chemical and fuel storage, as well as in the site office and on all heavy equipment. Site personnel are to be familiar with the use of spill kits;
- Containment, recovery and clean-up procedures are to be in place and site personnel are to be trained as necessary;
- Project emergency contact list is to be provided to the Contractors prior to the start of the work; and,
- Spill kit contents shall be consistent with requirements outlined in Table 9.3 of A Field Guide to Fuel Handling, Transportation and Storage (MWLAP and MoFR 2002) and as listed below:



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Emergency Spill Response Kit Contents:

No. Description Stock Numbers

- Spill Response Kit (Complete kit) 154-0017
- 2 each 10' Oil Only Socks 154-0018
- 15 each Polypropylene Sorbent Pads (Oil Only) 18" x 18" x 3/8" 154-0019
- 1 each Neoprene Mat (Drain Cover) 48" x 48" x 1/8" 154-0804
- 1 each PCB Test Kit - (Not Required) 154-0016
- 1 each 250 ml Glass Sampling Jar with Lid and Eye Dropper 154-0816
- 1 each 25 ml Amber Bottle with Lid - (Not Required) 154-0829
- 2 each Sample Jar Labels and Chain of Custody Doc. Stores 1
- 2 each 10 Quart Cellulose Sorbent Material, Oil Only 154-0020
- 1 each Barrier Ribbon, Yellow "Caution Do Not Enter" 154-0805
- 1 each Poly Disposal Bags (45 gal. drum size, minimum 6 mil) 113-0015
- 1 each Blank Labels for Plastic Bags Stores 1
- 1 each Plastic Bag Tie 388-4072
- 1 each Epoxy Plug Compound (Hydrocarbon Compatible) 154-0021
- 1 each Spill Kit Container Marked "Spill Response Kit" 154-0835
- 1 each Spill Response Card Print Shop D98-19
- 1 each List of Kit Contents Print Shop D98-7

** IMMEDIATE REPLACEMENT OF ANY CONTENTS USED IS ESSENTIAL **

Spill Response Procedure:

1. MAKE THE AREA SAFE
2. STOP THE FLOW (when possible)
3. REPORTING
4. SECURE THE AREA
5. CONTAIN THE SPILL
6. NOTIFY/REPORT (EMCR 1-800-663-3456)
7. CLEAN-UP
8. SPILL REPORT

1. MAKE THE AREA SAFE

- Evaluate risk to Personal/Public and Environmental Safety;
- Wear appropriate Personal Protective Equipment (PPE);
- Never rush in, always determine the product spilled before taking action;
- Warn people in the immediate vicinity; and,



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- Ensure no ignition sources if spill is a flammable material.
2. STOP THE FLOW (when possible and safe to do so)
- Act quickly to reduce the risk of environmental impacts;
 - Close valves, shut off pumps or plug holes/leaks; and,
 - Stop the flow or the spill at its source.
3. REPORTING
- Notify Project Manager and Environmental Officer or alternate of incident (provide spill details). *All spills in water are to be reported to EMCR 1-800-663-3456.
4. SECURE THE AREA
- Limit access to the spill area; and,
 - Prevent unauthorised entry onto the site.
5. CONTAIN THE SPILL
- Block off and protect drains and culverts;
 - Prevent spilled material from entering drainage structures (ditches, culverts, drains);
 - Use spill sorbent material or containment boom to contain the spill;
 - If necessary, use a dyke or any other method to prevent any discharge on site; and,
 - Make every effort to minimize contamination.
6. NOTIFICATION
- When necessary, the first external call should be made to the EMCR 1-800-663-3456 (24 Hour).
 - Spills would then be reported to the appropriate ministries/agencies to allow for immediate response by appropriate staff. All spills reportable to regulatory agencies shall also be reported to the local First Nation.
 - For spills to aquatic habitat, collection of water samples shall be undertaken to characterize the nature and extent of the release if the substance is unknown;
 - Provide necessary spill details to other external agencies; and,
 - Complete an Environmental Incident Report (EIR).
7. CLEAN-UP
- Determine required cleanup options;
 - Mobilize recovery equipment and cleanup crew and direct cleanup activities;



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- Dispose of all equipment and/or material used in clean up (e.g., used sorbent, oil containment materials, etc.) in accordance with MFLNRO requirements;
- Accidental spills may produce hazardous wastes (e.g., material with > 3% oil by mass) and contaminated soil. All waste disposals must comply with the *Environmental Management Act* and Regulations; and
- Replenish spill response kits and equipment.

8. SPILL REPORT

- Provide the required reporting – internal or external reporting requirements. Submit report to regulators, as necessary.

9.4 SPILL REPORTING PROTOCOL

For incidents that pose a threat to the environment or human safety as identified by the *Environmental Management Act* Spill Reporting Regulation, the first external call shall be made to the Ministry of Environmental Management and Climate Readiness (EMCR) (formerly EMBC) 1-800-663-3456 (24 hour).

Spill prevention and emergency response procedures shall be communicated to the construction contractor at the start of the project. An environmental incident is one that has caused, or has the potential to cause, one or more of the following:

- Environmental damage;
- Adverse effects to fish, wildlife or other environmental resources;
- Adverse publicity with respect to the environment; and
- Legal action with respect to violation of statutes or environmental damage.

Examples of an environmental incident include, but are not limited to:

- Spills of oil, hydraulic fluid or other hazardous chemicals; and,
- Discharges of deleterious substances into the marine environment.

The marine contractor shall immediately deal with a spill that occurs and then notify the Environmental Monitor. The contractor is to contact EMCR immediately after clean-up for further advice based on the size or type of the spill. Agency reporting requirements are provided in Table 3 below and shall be included in any Spill Prevention and Emergency Response documentation prepared for the project.



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TABLE 3. SPILL REPORTING MATRIX

Substance	Quantity	External Reporting Requirements	Internal Reporting Requirements
Any spill into water	Any	EMCR	EIR
Oil & waste oil	>100L	EMCR	EIR
Oil with >50ppm PCB	>1kg	EMCR	EIR
Flammable or non-flammable gas	10kg	EMCR	EIR
Toxic or corrosive waste	>5kg	EMCR	EIR
Hazardous waste	>5L	EMCR	EIR

Where a spill occurs, the person who immediately before the spill had possession, charge or control of the spilled substance shall take all reasonable and practical action, having due regard for the safety of the public and of himself or herself, to stop, contain and minimize the effects of the spill.

The incident report is to include the following information:

- (a) The reporting person's name and telephone number,
- (b) The name and telephone number of the person who caused the spill,
- (c) The location, date and time of the spill,
- (d) The type and quantity of the substance spilled,
- (e) The cause and effect of the spill,
- (f) Details of action taken or proposed,
- (g) A description of the spill location and of the area surrounding the spill,
- (h) The details of further action contemplated or required,
- (i) The names of agencies on the scene, and
- (j) The names of other persons or agencies advised concerning the spill.

9.5 SEDIMENT CONTROL

- A separate environmental assessment report for proposed upland works will include sediment and erosion control measures to be employed during upland construction;
- A qualified EM shall be on site to provide guidance and to monitor water quality within the marine environment during extraction of old piles, drilling of new steel piles and concrete pouring for the shoreline abutment and the pier;



- A silt curtain of appropriate length and depth, as approved by a QEP, will be made available and employed to contain silt from the surrounding area during pile removal/installation works, pile drilling works and the shoreline abutment and pier construction if deemed necessary by the EM; and,
- Water quality (turbidity) will be monitored by the EM during concrete pouring works, pile removal and pile drilling works throughout the water column (as deemed necessary). The following guidelines apply to the Project where “background” is defined as the level at an appropriate adjacent reference site that is neither affected by works at the site, nor by sediment-laden, induced suspended sediments, or induced turbidity resulting from works or activities with the Project of work site:
 - Change from background of 8NTU at any one time for a duration of 24hr during clear waters;
 - Change from background of 2NTU at any one time for a duration of 30 days during clear waters;
 - Change from background of 5NTU at any time when background is 8-50NTU during turbid water;
 - Change from background of 10% when background is >50NTU at any time during turbid water;
 - TSS should not exceed 25 mg/l.

(Summary of water quality guidelines for turbidity, suspended and benthic sediments. For complete details (including definitions for background, clear flow, and turbid flow) see Caux et al. (1997) (<http://www.env.gov.bc.ca/wat/wq/BCguidelines/turbidity/turbiditytech.pdf>)

Should the project result in NTU levels in excess of the criteria outlined above, measures will be employed to control turbidity such as deployment of a weighted silt curtain taking care to prevent fish entrapment. Water quality will be monitored inside and outside the silt curtain at mid-water and 1m below surface and compared to baseline readings outside the work area. If required, the silt curtain is to remain in place until suspended sediments have dropped out of the water column and turbidity has decreased to below threshold levels (as determined by the EM). If turbidity is significantly elevated outside the silt curtain such that it poses immediate harm to fish or fish habitat, those works and activities that might be contributing to these conditions must be halted until measures that will ensure compliance with the criteria outlined above are put in place.



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9.6 CONCRETE MANAGEMENT

- As understood, concrete pouring will be required to construct a concrete abutment at the shoreline and a 4m high concrete pier to support a bridge and hinged gangway. Concrete is also expected to be used to fill piles. No uncured concrete or concrete pour water is to enter marine waters or other drainages. High pH laden water caused by uncured concrete is harmful to fish;
- To neutralize accidental spills or pour water, keep a full carbon dioxide (CO₂) tank with regulator, hose and gas diffuser available prior to all concrete works and ensure workers are adequately trained to use it correctly. pH is to be monitored by the EM in the event of a spill. pH is to be between 6.5 – 9.0 pH units with a turbidity of <25 NTU measured to an accuracy of +/- 2NTU;
- Complete the concrete works at a very low and falling tide;
- Ensure forms are tight to prevent concrete from leeching out and that forms are not filled to overflowing;
- Ensure all concrete pump hose and pipe connections are sealed and locked properly;
- No concrete equipment / tools, or concrete delivery chutes are to be washed down within 30m of the shoreline work area or stormwater drains or watercourses. If necessary, a wastewater settling container or vacuum truck should be brought on site to capture concrete laden wastewater. If wastewater cannot be discharged off site, a qualified EM will measure the pH of the wastewater and provide notification to the Contractor as to when and how the water can be discharged. The pH is to be neutralized if necessary and be measured between 6.5 – 9.0 units with a turbidity <25 NTU before discharge;
- Waste concrete will not be allowed to enter the marine environment and will be disposed of off site at a certified disposal facility; and,
- If grinding/drilling/cutting of cured concrete is to occur, use a shop vac to contain all concrete dust and cuttings during the works.

9.7 PILE / INFRASTRUCTURE DEMOLITION AND REMOVAL

- The marine contractor is to complete pre-decommission measures of submerged structures (i.e. piles) to dislodge non-sessile marine organisms prior to removal from the water. Removal of motile marine organisms (i.e. sea stars, crabs) to be completed using certified divers or by mechanically shaking / vibrating infrastructure components (i.e. piles) using a vibro-hammer; *or*,
- That the marine contractor remove all non-sessile marine organisms (i.e. sea stars, crabs) from salvaged structures if possible and relocate them back into the water outside of the terminal work area in a manner that promotes their survival;
- Wood piles requiring removal from the seabed are to be removed by vibro-hammer, or by lifting the piles vertically or by cutting the pile free from the seabed above the mud line using certified divers. Attempts are to be made to remove sections of broken piles by crane or by divers in order to prevent navigation hazards. Under no circumstances shall any pile be dragged along the seabed;
- If cutting of treated wood is required, no creosote treated sawdust is to be allowed to enter marine waters. Any creosote sawdust generated from chainsaw cuttings is to be contained (using a containment boom) and removed (with a dip net) for disposal as hazardous waste material. Creosote treated piles designated for disposal are to be considered as hazardous waste, unless slated for re-use; and,
- Once decommissioning and replacement works of the terminal infrastructure have been completed, a dive inspection or drop camera video inspection should be completed to ensure proper clean-up of scattered waste material on the site and seabed has been completed and to ensure all old piles have been effectively removed.

9.8 PILE INSTALLATION

- Pile driving shall be completed in compliance with DFO *“Best Management Practices for Pile Driving and Related Operation”* (2003 and 2013).
- As understood, test piles are expected to be installed using vibratory methods. Discussions with the project engineer have identified that bedrock will be encountered underneath the mud surface of the seabed. Permanent piles are



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expected to be installed by drilling and socketing into the bedrock. Drilling and socketing of piles into bedrock has the potential to reach underwater acoustic thresholds for fish and marine mammals and will require acoustic monitoring.

- The EM is to monitor underwater acoustic sound to establish a marine mammal “exclusion zone” as determined by DFO’s marine mammal disturbance threshold value of rms 160 dB re 1 μ Pa. Sound monitoring is to be conducted during initial pile installation activities and then periodically thereafter and repeated for any change in pile size or installation method;
- Piling activities should be avoided where wind conditions exceed 25 knots, so the sighting of marine mammals is not impeded by low visibility conditions;
- Should the exclusion zone be too large for the EM to determine marine mammal presence within it, mitigation measures (e.g. bubble curtain) will be implemented to reduce the exclusion zone to a manageable size;
- If a marine mammal is present within the “exclusion zone” prior to the start of pile driving, the activity shall be delayed until such a time as the marine mammal has been observed to leave the “exclusion zone” or has not been visibly sighted within the exclusion zone for >20 minutes;
- During drilling or if an impact hammer is used, hydroacoustic monitoring is to be conducted during pile installation to ensure that sound levels do not exceed 207 dB re 1 μ Pa (equivalent to 30kPa) and a SELcum of 203 dB re: 1 μ Pa²s measured 1m from the pile. If this threshold is exceeded, work must stop and additional measures (e.g. bubble curtain) will be required to prevent injury or death to fish;
- If an impact hammer is used to seat piles, prior to the start of pile installation activities, where equipment allows, power shall be built up slowly from a low energy start-up (“soft start”) to give adequate time for fish and marine mammals to leave the vicinity before exposure to the maximum sound level;
- Sediment loaded water and associated debris generated from pile drilling will be extracted from within the pile casing and transferred into settlement containers. Overflow water is to be contained either on a sealed barge or with a silt curtain positioned around the barge. The EM will monitor to determine if the turbidity from works (and/or overflow from the settlement bin) meets water quality guidelines. The accumulated cuttings from drilling will be disposed of on land unless otherwise



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permitted by DFO;

- The EM will have the authority to shut down the work and/or activity and immediately contact DFO should fish or fish habitat be at risk;
- The barge deployed during pile driving works will not be allowed to come to ground during work; and,
- If fish or marine mammals are observed to be in distress or affected from pile driving activities, stop work immediately and contact the EM for the project. Alternative protection measures including the use of a bubble curtain placed around the piles may be required.

9.9 FISH & FISH HABITAT

- The EM shall provide guidance to the Contractor with regards to fish and fish habitat;
- Work is to be conducted in accordance with the *Fisheries Act* and *Navigable Waters Protection Act*, and other application legislation;
- The working barge and scows used during work activities shall not be allowed to come to ground during works;
- No use of ammonium nitrate-fuel oil mixtures is permitted due to the production of toxic bi-products (ammonia). Biodegradable fluids should be used for heavy equipment if possible;
- All mitigation measures are to be taken to avoid the death of fish and/or the Harmful Alteration, Disruption or Destruction of fish habitat under the federal *Fisheries Act*;
- In the case that dead or dying fish occur from project activities, the dead / dying fish are to be collected (when it is safe to do so). The EM will identify and enumerate the fish and include in the monitoring reports. All dead fish are to be placed in garbage bags and disposed of immediately at nearest certified landfill. In the case of serious harm to fish or marine mammals, the EM is to immediately report the event to DFO (call DFO Observe, Record and Report at 1-800-465-4336) and complete an incident report for the event; and,



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- The EM will have the authority to shut down the work or activity and immediately contact DFO should fish or fish habitat be at risk.

9.10 MARINE MAMMALS

- The EM shall conduct visual observations to determine if marine mammals are within the work area prior to in-water work. If a marine mammal is present within the work area prior to the start of works, the activity shall be delayed until such a time as the marine mammal has been observed to leave the work area;
- If any disturbance or distress of marine mammals is observed, all operations shall be shut down and notification provided to the local fisheries officer or the **DFO reporting hotline 1-800-465-4336**. The EM shall record all occurrences or negative effects to fish or marine mammals during Project works in their monitoring reports;
- Any dead, stranded, sick or injured marine mammals observed in the Project area shall be reported to the EM and to DFO. The cause of death or injury shall be investigated, and if related to work activities, mitigation measures to prevent future occurrences will be implemented; and,
- The EM will have the authority to shut down the work should marine mammals be at risk.

9.11 MIGRATORY SEABIRDS

- When on site, the EM to monitor migratory seabird activity within the surrounding area and to provide guidance to the Contractor on environmental protection and mitigation measures. No impacts to seabirds are expected; and,
- **Ensure all piles are immediately capped after installation to prevent marine birds from falling into piles.**



10.0 CONCLUSION

Aquaparian Environmental Consulting Ltd. was retained to complete a Marine Habitat Assessment and Impact Determination for a proposed redevelopment of the Raven Point Inn & Marina located at 4760 Brenton Page Road in Ladysmith, BC. The redevelopment will include complete removal and replacement of the existing marina and expansion of the marina to be completed in one or two phases depending on permitting. The expansion of the marina will require a new Crown lands water lot tenure. This report has been prepared to support the application for the new water lot and to be submitted to Fisheries and Oceans Canada for a Request for Project Review to determine if the project is likely to result in death of fish or a HADD. Aquaparian completed an assessment of the intertidal and subtidal baseline conditions of the site within the footprint of the existing marina and the proposed new water lot. Existing marine habitat, substrate and an inventory of marine flora and fauna species present in the project area were recorded using an underwater drop-camera system.

Construction impacts are expected to be temporary and short-term if all mitigation measures recommended in this report are implemented and little to no additional cumulative impacts to the site is expected over existing site conditions. No sensitive fish habitat was identified. The site is dominated by soft mud with anoxic subtidal conditions observed. No negative impacts are expected to result from the project that would impair the habitat's capacity to support the life processes of fish. This report includes Environmental Protection Plans to be followed during all stages of the project.

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




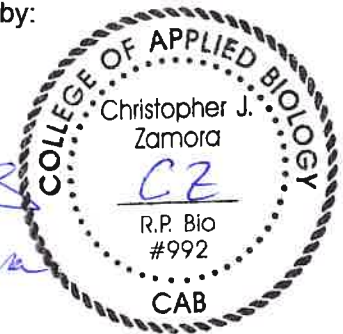
Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD

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Reviewed/Revised by:

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Chris Zamora, B.Sc., R.P.Bio
Biologist/Principal

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FIGURE 1A & 1B
SITE LOCATION MAPS



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**FIGURE 1A & 1B - SITE LOCATION MAPS
RAVEN POINT INN & MARINA, LADYSMITH BC**

A
X

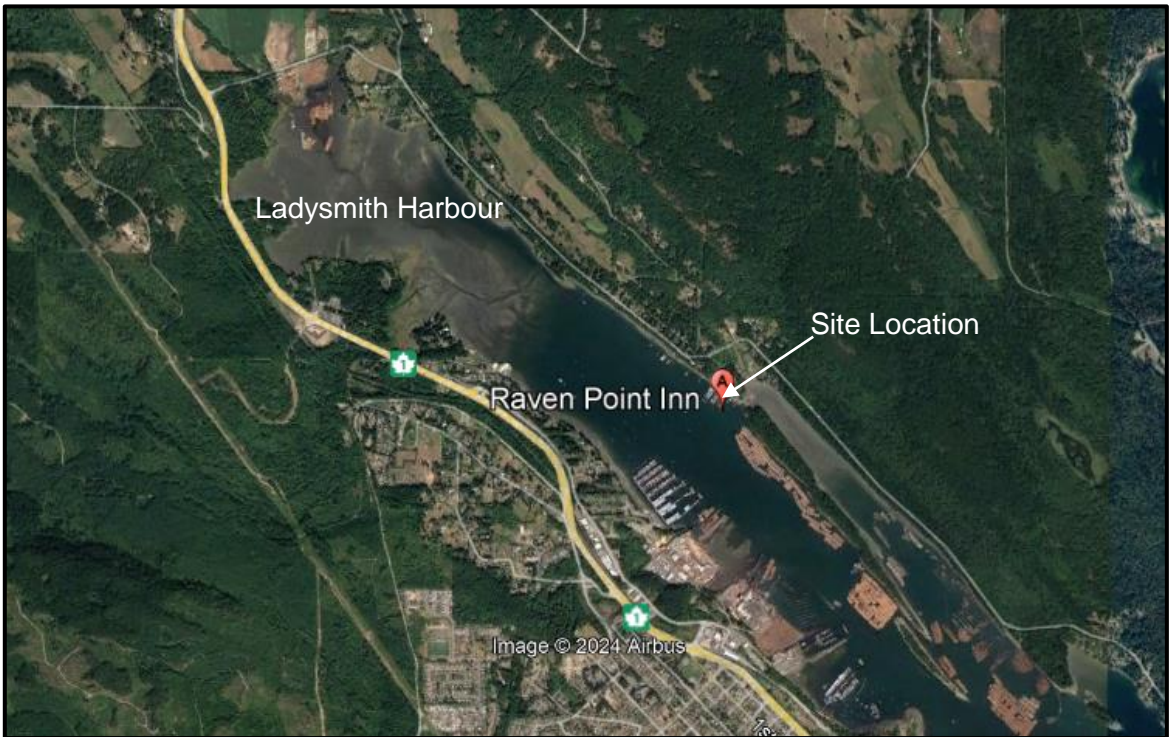


FIGURE 2
EXISTING AND PROPOSED CROWN WATER LOTS



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FIGURE 2 – EXISTING AND PROPOSED CROWN WATER LOTS

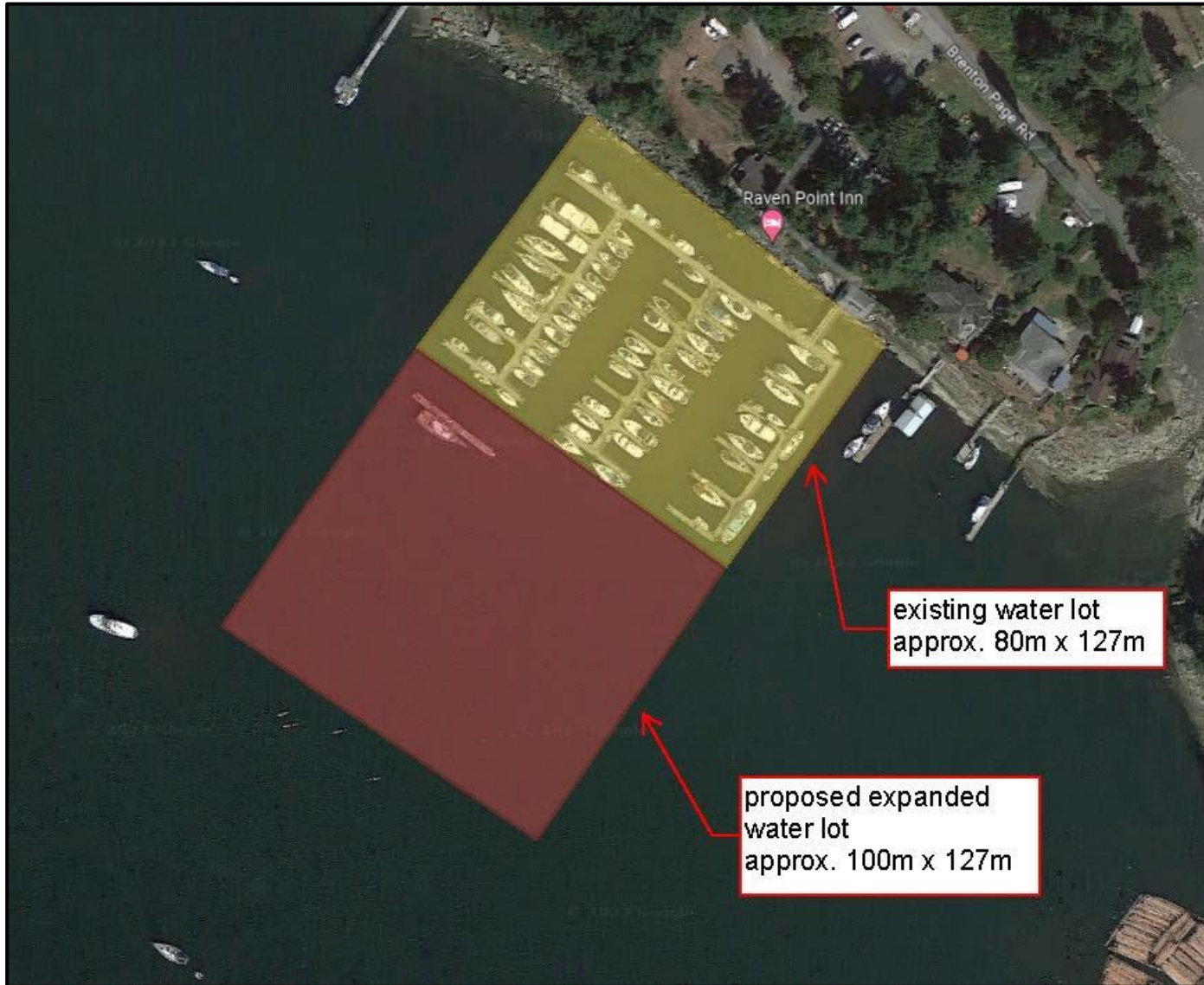


FIGURE 3
UNDERWATER SURVEY TRANSECT MAP



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FIGURE 3 – UNDERWATER SURVEY TRANSECT LOCATION MAP



Transect #

APPENDIX A
SITE PHOTOGRAPHS



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APPENDIX A – SITE PHOTOGRAPHS CROWN LEASE FRONTING RAVEN POINT DEVELOPMENT



Photo 1: Looking NE at the Raven Point Inn and shoreline from the water.



Photo 2: Showing the vertical bedrock bluff shoreline. Photo facing NE at the NW side of the parcel near the lot line.



Photo 3: Showing the existing marina office from the end of the gangway looking NE.



Photo 4: Photo provided by Cascara showing location for proposed new abutment, bridge, pier and gangway.



Photo 5: Looking NW at the Raven Point Inn and shoreline from the existing gangway.

Photo 6: Looking south at the existing marina from upland.



Photo 7: Looking SE along Dock A showing part of existing marina.

Underwater Images:



Photo 8: At the base of the bedrock bluff is silty sand with shell hash, boulders and some exposed bedrock. Japanese wireweed dominates marine flora. Dungeness crab visible.



Photo 9: 27m from shore, 23ft deep. Mud/silt, *Beggiatoa* bacterial mat and plumose anemones.



Photo 10: 58m from shore, 23ft deep. Mud/silt, *Beggiatoa* bacterial mat and Dungeness crab.



Photo 11: 70m from shore, 25ft deep. Mud/silt, *Beggiatoa* bacterial mat and plumose anemones.

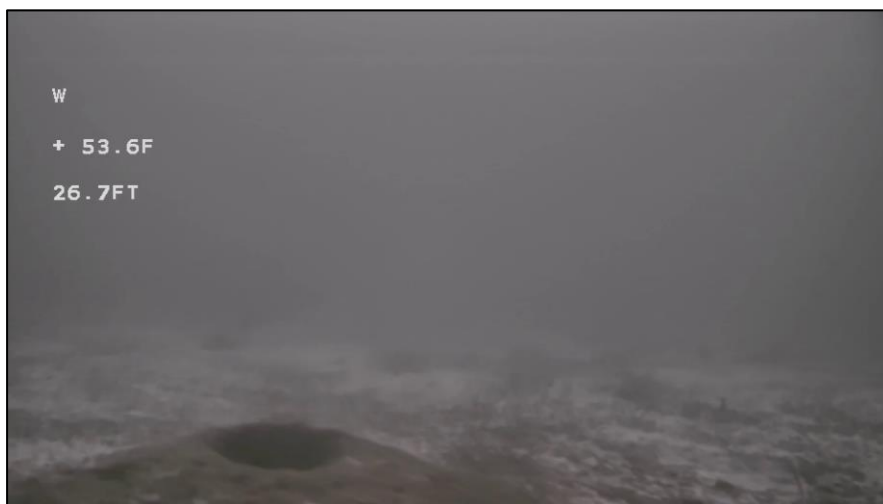


Photo 12: 158m from shore, 27ft deep. Mud/silt, *Beggiatoa* bacterial mat and river otter excavation.



Photo 13: 185m from shore, 27ft deep. Mud/silt, *Beggiatoa* bacterial mat, plumose anemone.

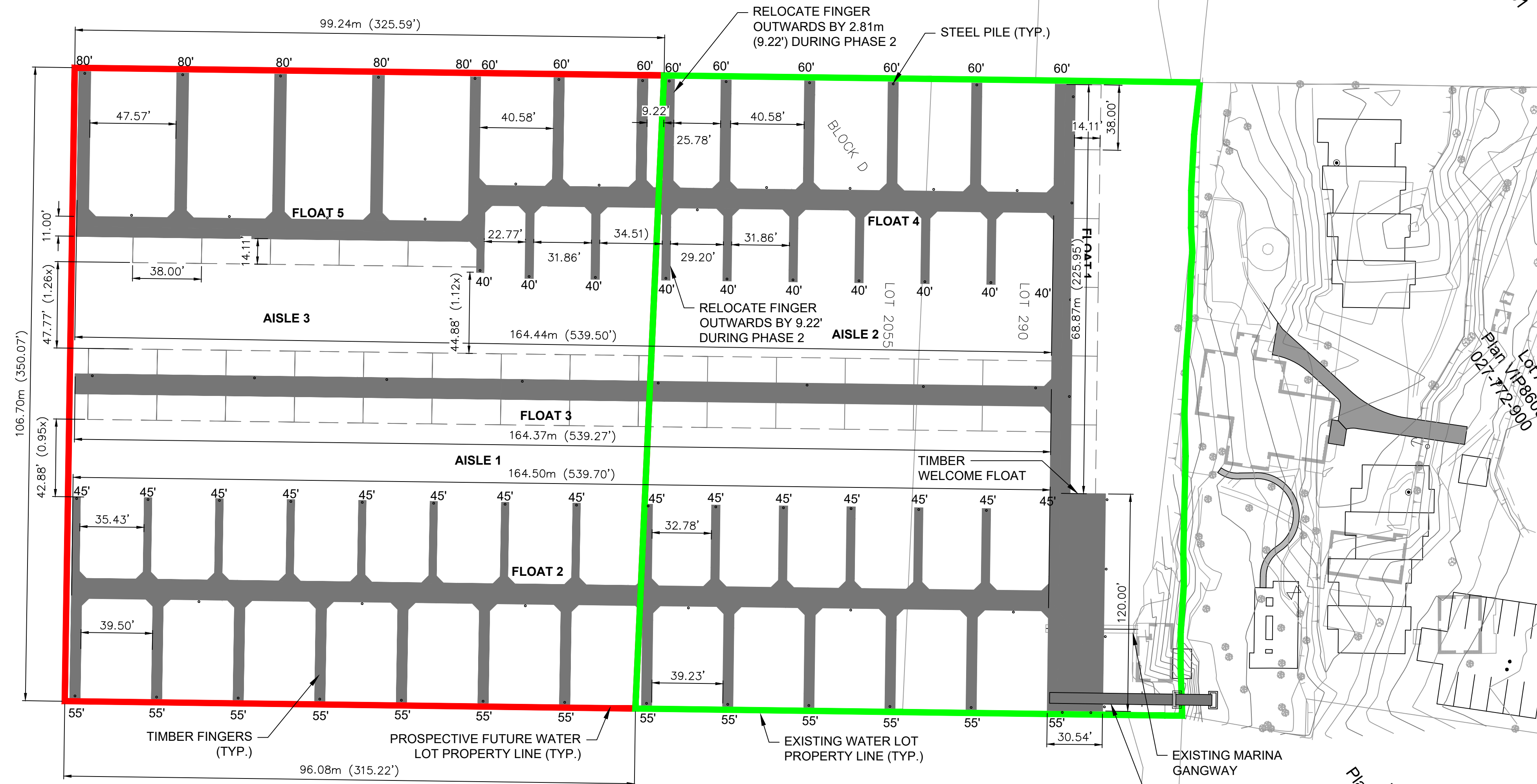
APPENDIX B
ENGINEERING DRAWINGS
CASCARA CONSULTING ENGINEERS LTD.



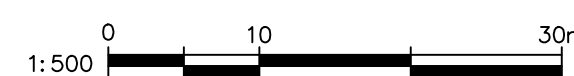
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PROPOSED LAYOUT:

- SLIPS:**
 - 28 - 11.582m(38') (FLOAT 3)
 - 6 - 11.582m(38') (FLOAT 1)
 - 5 - 11.582m(38') (FLOAT 5)
 - 17 - 12.192m(40')
 - 28 - 13.716(45')
 - 24 - 16.764m(55')
 - 14 - 18.288m(60')
 - 8 - 16.40m(80')
 - 1 - 33.83m(110.99') (FLOAT 2)
 - 1 - 27.74m(91.01') (FLOAT 5)
- AISLE 1 IS 42.88' WIDE AND IS 0.95x THE LENGTH OF THE LONGEST SLIP IN THE AISLE. AISLE 2 HAS A WIDTH OF 44.88' WHICH IS 1.12x THE LENGTH OF THE LONGEST SLIP IN THE AISLE. AISLE 3 IS 47.77' WIDE AND IS 1.26x THE LENGTH OF THE LONGEST SLIP IN THE AISLE.**



OPTION 6C FUTURE EXPANSION SITE PLAN



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2/23/2024

FMC HOLDINGS LTD.

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E	20FEB2024	DL	REVISED PER BC TENURE COMMENTS	CR
D	12JAN2024	DL	ISSUED FOR APPROVAL	CR
C	12OCT2023	DL	ISSUED FOR CROWN TENURE APPLICATION	CR
B	05OCT2023	DL	ISSUED FOR APPROVAL	CR
A	08JUNE2023	DL	ISSUED FOR APPROVAL	CR

RAVEN POINT MARINA

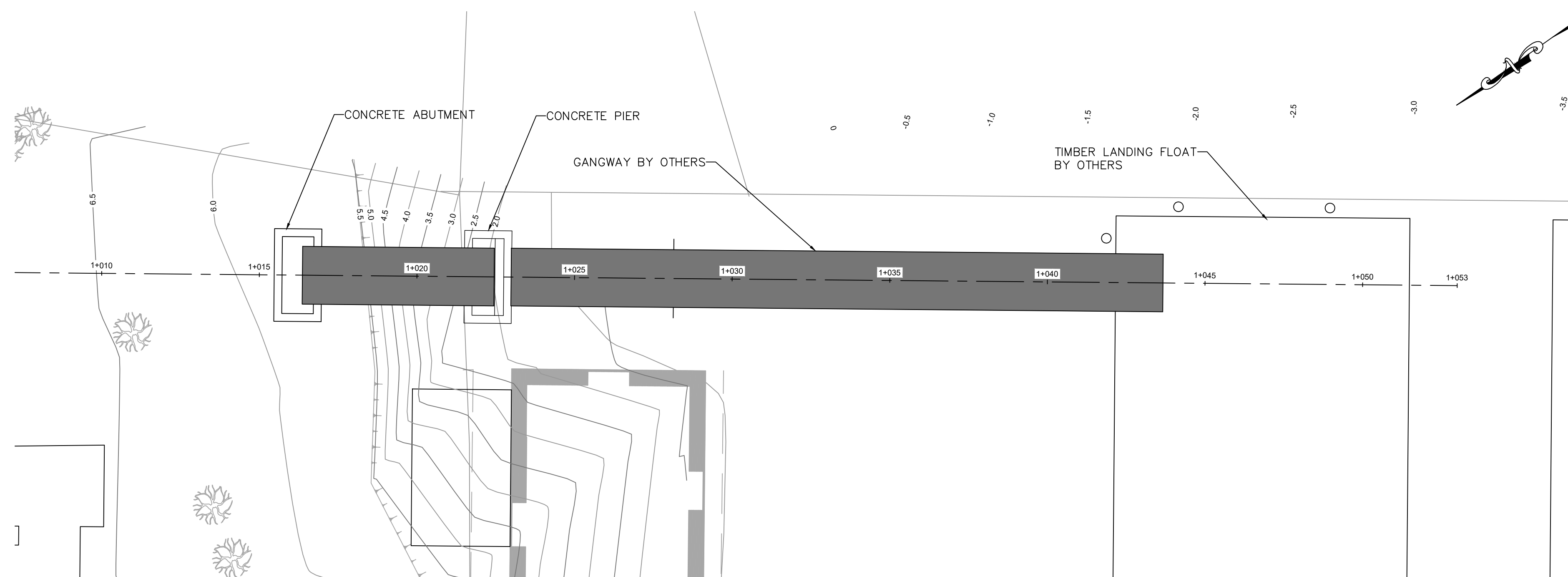
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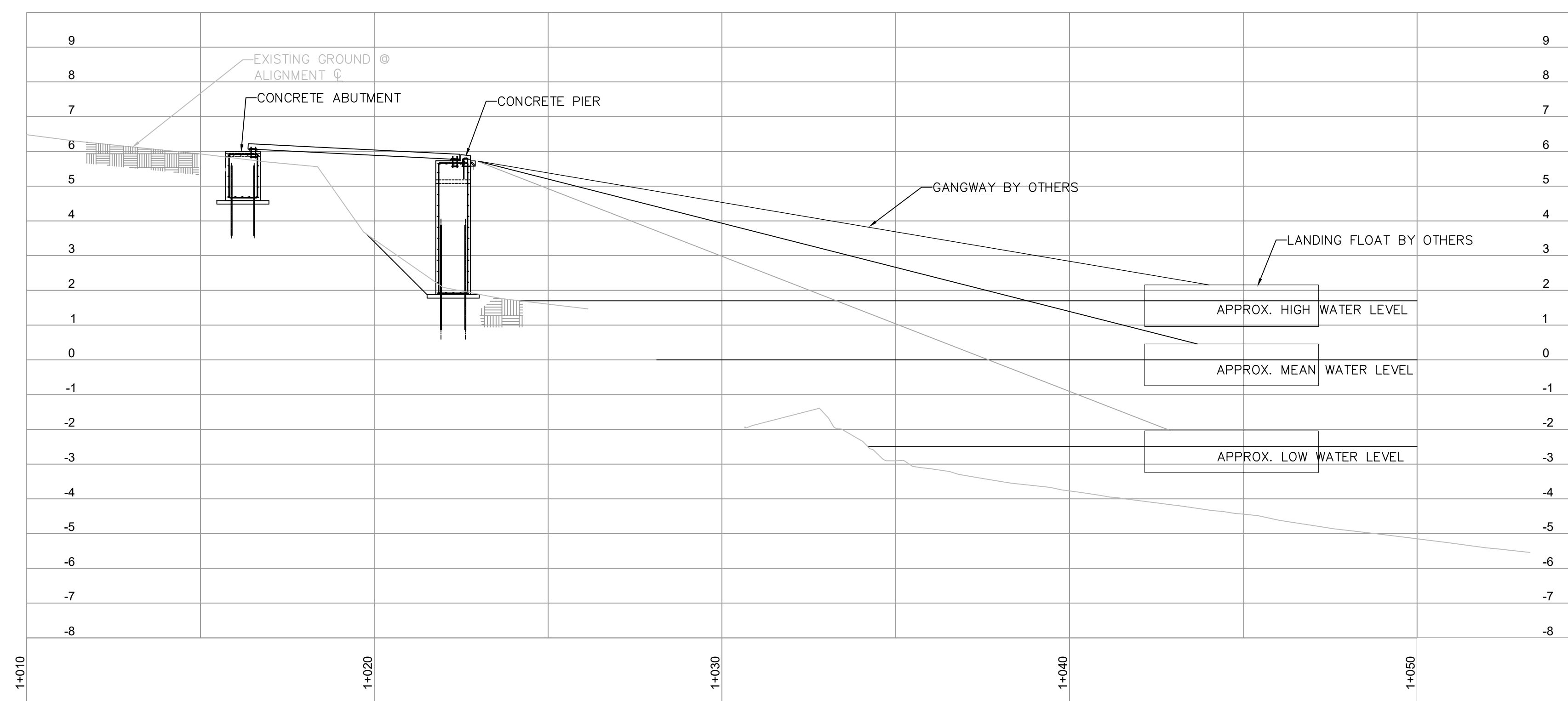
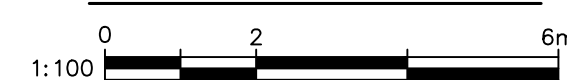
CASCARA
CONSULTING ENGINEERS LIMITED
EGBC PERMIT No. 1000784
#206-335 WESLEY STREET NANAIMO, BC V9R 2T5
TEL: 250.591.7364 EMAIL: info@cascara.ca

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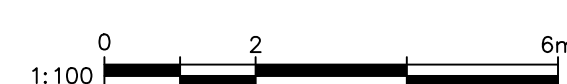
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ABUTMENT PLAN



ABUTMENT - PROFILE



RAVEN POINT MARINA

LADYSMITH, BC

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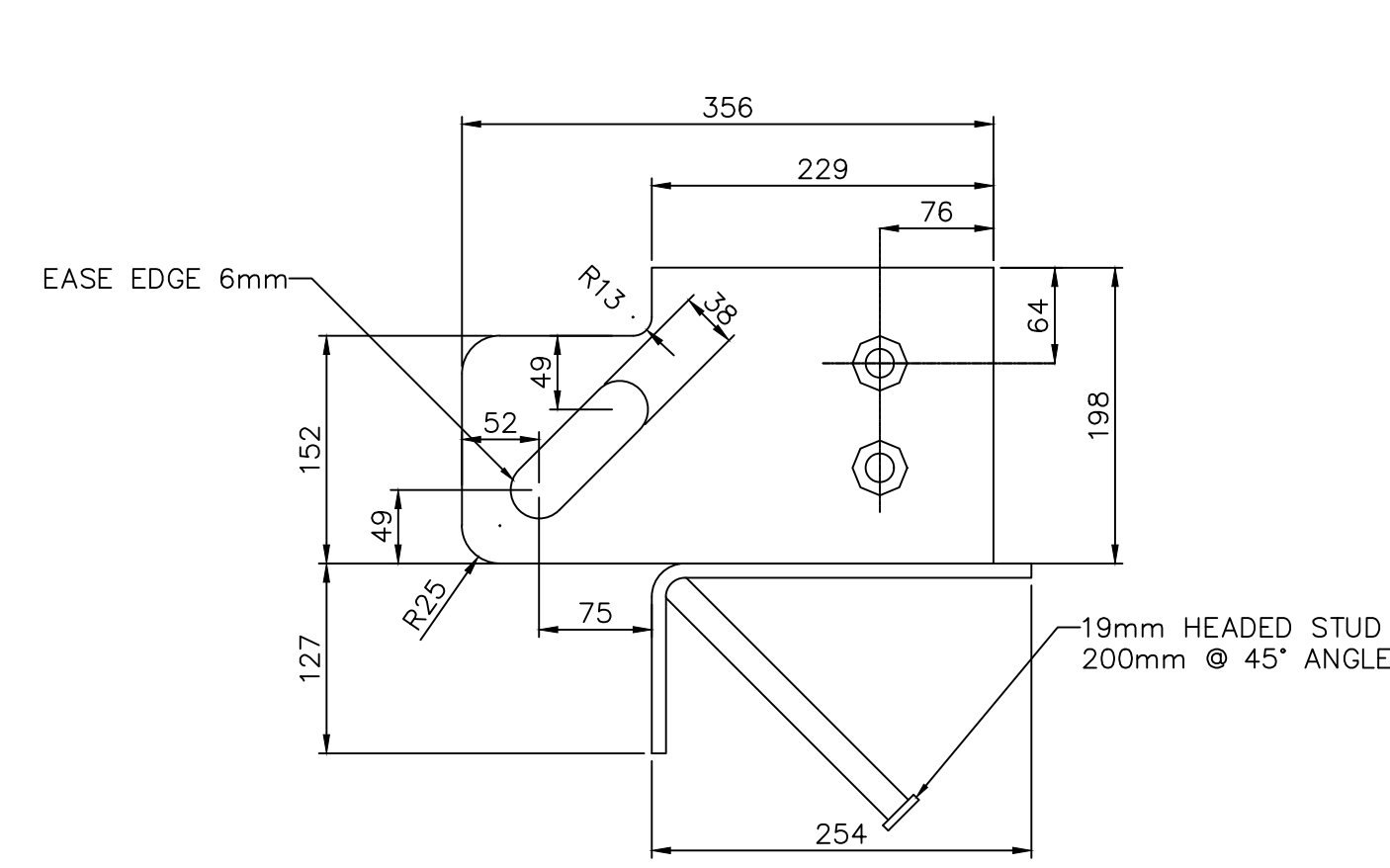
GANGWAY
PLAN/PROFILE

CASCARA
CONSULTING ENGINEERS LIMITED
EGBC PERMIT No. 1000784
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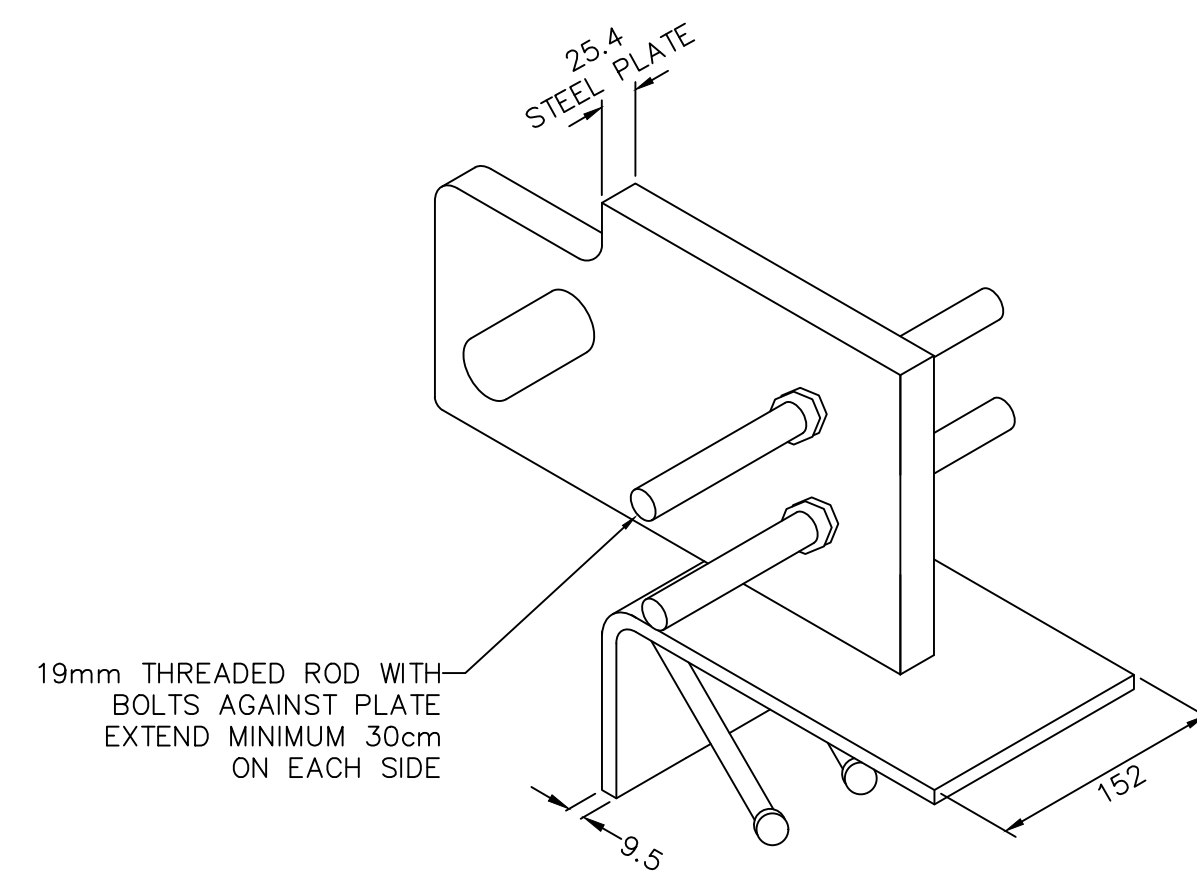
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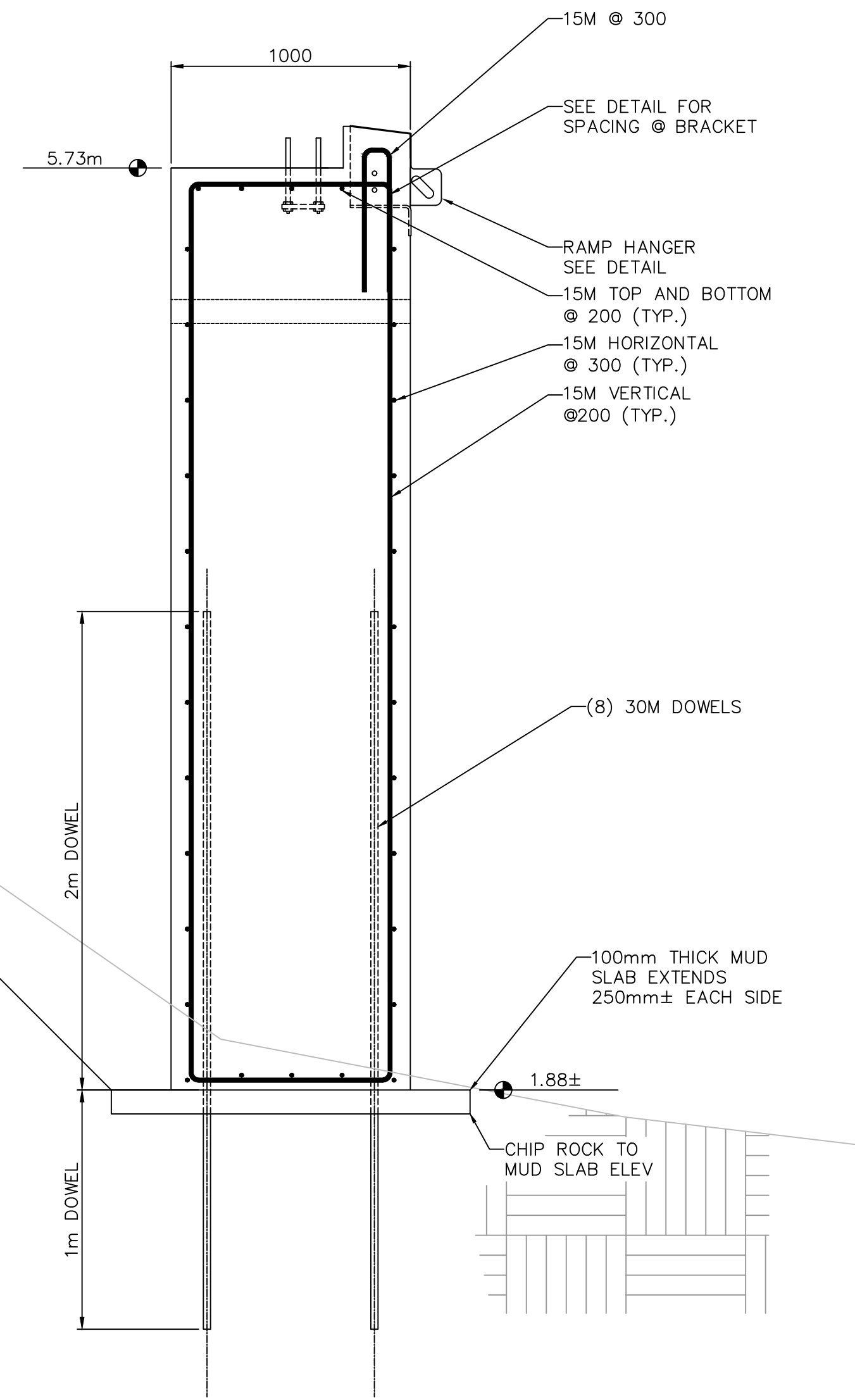
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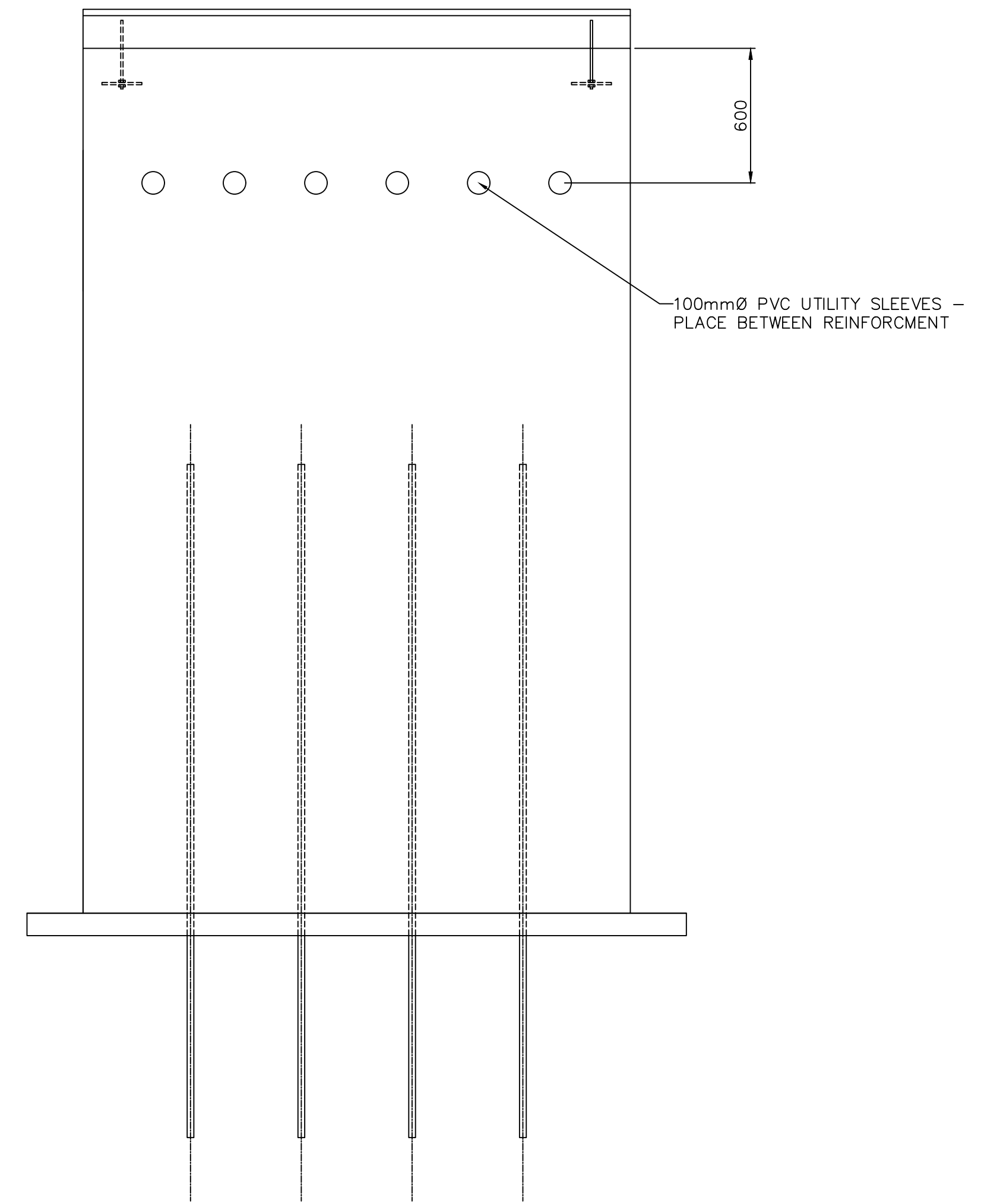
RAMP HANGER
NTS



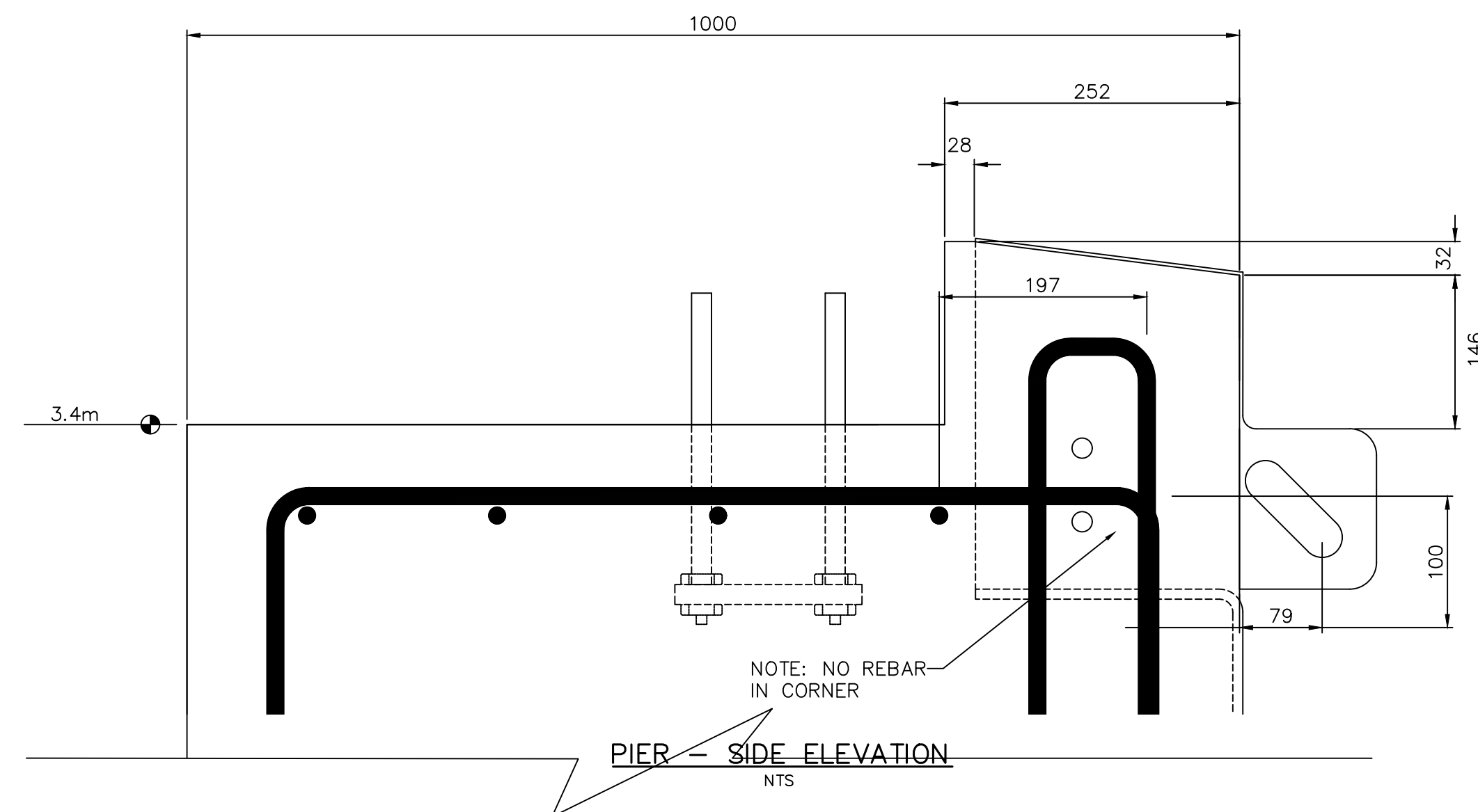
RAMP HANGER
NTS



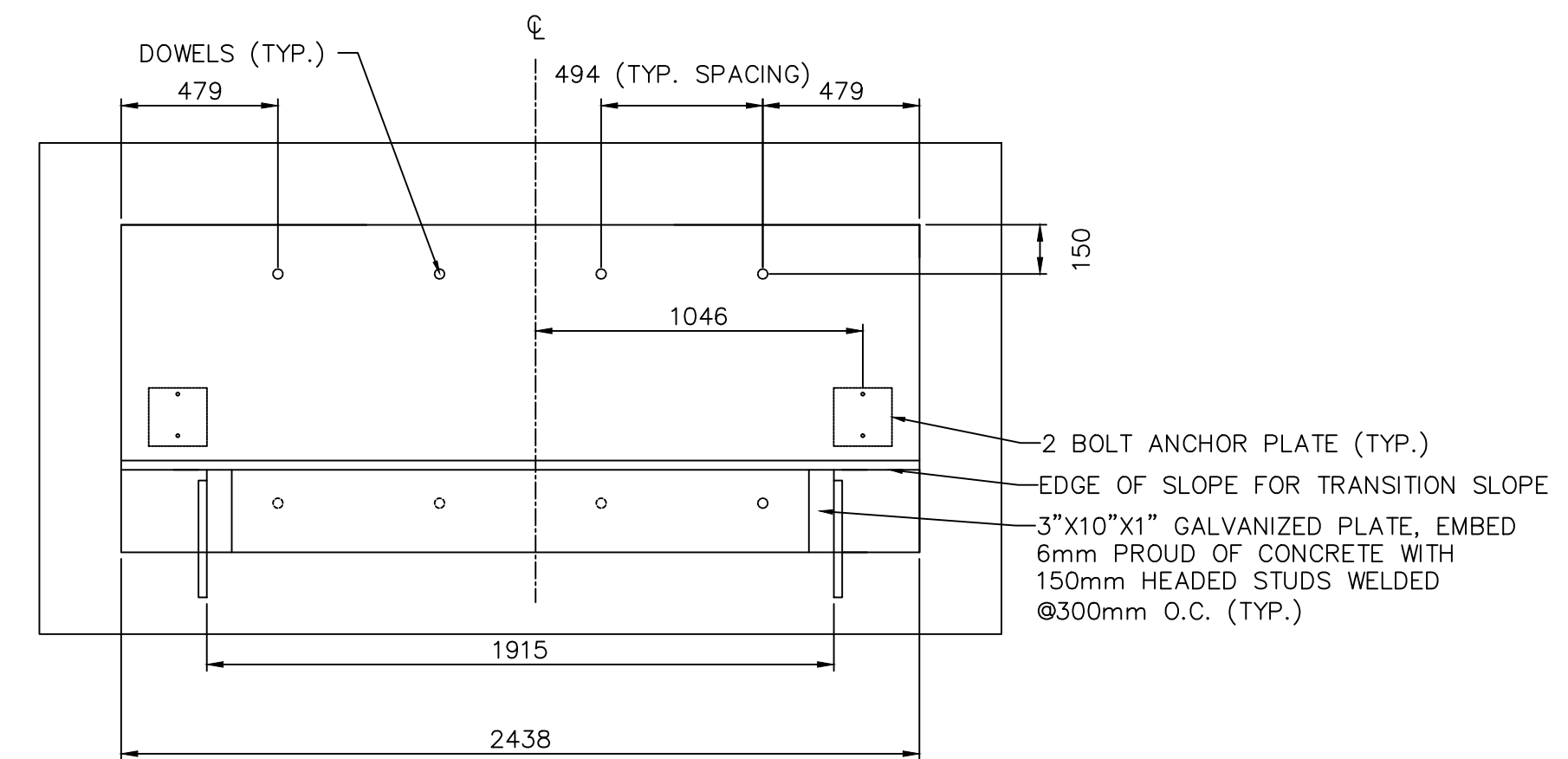
PIER - SIDE ELEVATION
NTS



PIER FRONT ELEVATION
NTS



PIER - SIDE ELEVATION
NTS



PIER - PLAN
REINFORCEMENT NOT SHOWN FOR CLARITY

CLIENT

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REV.	DATE	BY	ISSUED FOR REVIEW	CR
A	XXFEB2024	DL	ISSUED FOR REVIEW	CR
			DESCRIPTION	ENG

RAVEN POINT MARINA

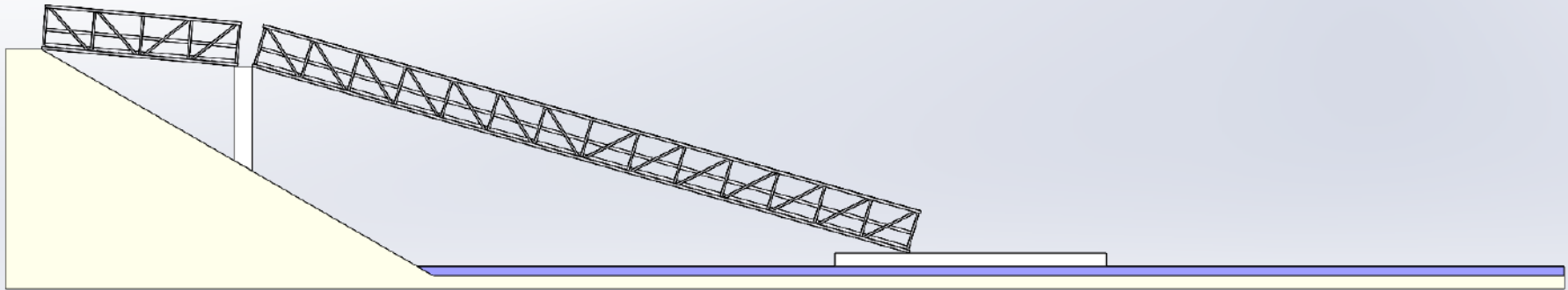
LADYSMITH, BC

DRAWING TITLE:

PIER DETAILS

CASCARA
CONSULTING ENGINEERS LIMITED
EGBC PERMIT No. 1000784
#206-335 WESLEY STREET NANAIMO, BC V9R 2T5
TEL: 250.591.7364 EMAIL: info@cascara.ca

DESIGN BY: DL	CHECKED BY: CR
DRAWN BY: DL	APPROVED BY: CR
SCALE: HORIZ: SHOWN VERT: SHOWN	DATE: XXFEB2024 SHEET: 4 OF 4
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DRAWING NUMBER: C04	REV: A



APPENDIX C
SUMMARY OF DROP CAMERA SURVEY OBSERVATIONS



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

**Underwater Marine Transects
Raven Point Inn
November 10, 2023- Summary of Observations**

Transect 1

Time: 10:45am

Tidal height: 2.7m

Description: Extends out from the ramp parallel to the shoreline of the marina moving southeast to northwest and ending at the west property line.

Start: 10N 4398663E, 5429063N

End: 10N 439795E, 5429105N

Distance from ramp (m):	Water depth during survey:	Bottom substrate:	Species present/observations:
16m	10ft	Sand, boulders, exposed bedrock, silt layer, shell hash	Japanese wireweed (<i>Sargassum muticum</i>) Acorn barnacle (<i>Balanus glandula</i>) Ochre star (<i>Pisaster ochraceus</i>) Pacific oyster (<i>Crassostrea gigas</i>) Plumose anemone (<i>Metridium farcimen</i>)
26m	10ft	Sand, exposed bedrock, silt layer, shell hash	Japanese wireweed (<i>Sargassum muticum</i>) Plumose anemone (<i>Metridium farcimen</i>) Ochre star (<i>Pisaster ochraceus</i>)
39m	13ft	Sand, silt	Siphon holes Horse clam (<i>Tresus capax</i>) shells
52m	13ft	Sand, silt	Fine algae
67m	13ft	Sand, silt	
82m	13ft	Sand, silt	Dungeness crab (<i>Cancer magister</i>)
90m	13ft	Sand, silt	

Transect 2

Time: 10:55am

Tidal height: 2.7m

Description: Northwest side of the marina extending straight out from the shoreline to the extent of the proposed new lease area.

Start: 10N 439794E, 5429115N

End: 10N 439675E, 5428966N

Distance from HWM:	Water depth during survey:	Bottom substrate:	Species present/observations:
12m	5ft	Boulders on sand	Japanese wireweed (<i>Sargassum muticum</i>)
19m	13ft	Sand, silt	Siphon holes Horse clam (<i>Tresus capax</i>) shells
26m	16ft	Sand, silt, some rock, bottom gets softer	
33m	16ft	Soft sand/silt	Fine algae
46m	19ft	Mud/silt	<i>Beggiatoa</i> (Bacterial sp.)
62m	23ft	Mud/silt	<i>Beggiatoa</i> bacteria

			Plumose anemone (<i>Metridium farcimen</i>)
71m	24ft	Mud/silt	Cables Plumose anemone (<i>Metridium farcimen</i>)
81m	25ft	Mud/silt	
90m	25ft	Mud/silt	Red rock crab (<i>Cancer productus</i>)
100m	25ft	Mud/silt	<i>Beggiatoa</i>
115m	26ft	Mud/silt	<i>Beggiatoa</i> Plumose anemone (<i>Metridium farcimen</i>)
150m	27ft	Mud/silt	<i>Beggiatoa</i> Siphon holes
185m	26ft	Mud/silt	<i>Beggiatoa</i>
200m	26ft	Mud/silt	<i>Beggiatoa</i>

Transect 3

Time: 11:05am

Tidal height: 2.7m

Description: Extends out from main dock between Dock D and Dock E moving perpendicular from shoreline towards the extent of the proposed new lease area.

Start: 10N 439819E, 5429075N

End: 10N 439727E, 5428949N

Distance from HWM:	Water depth during survey:	Bottom substrate:	Species present/observations:
26m	18ft	Mud/silt	Siphon holes Horse clam (<i>Tresus capax</i>) siphons Blue mussel (<i>Mytilus edulis</i>) shells
32m	19ft	Mud/silt	Siphon holes
38m	20ft	Mud/silt	<i>Beggiatoa</i>
47m	23ft	Mud/silt	Cable, rope <i>Beggiatoa</i> Plumose anemone (<i>Metridium farcimen</i>)
58m	24ft	Mud/silt	<i>Beggiatoa</i> Dungeness crab (<i>Cancer magister</i>)
70m	25ft	Mud/silt	<i>Beggiatoa</i> Wood waste
78m	26ft	Mud/silt	<i>Beggiatoa</i>
91m	26ft	Mud/silt	<i>Beggiatoa</i>
118m	27ft	Mud/silt	<i>Beggiatoa</i>
135m	27ft	Mud/silt	<i>Beggiatoa</i>
149m	27ft	Mud/silt	<i>Beggiatoa</i> Plumose anemone (<i>Metridium farcimen</i>)
168m	27ft	Mud/silt	<i>Beggiatoa</i> Plumose anemone (<i>Metridium farcimen</i>) Crab traps River otter (<i>Lontra canadensis</i>) excavations
185m	27ft	Mud/silt	<i>Beggiatoa</i>

Transect 4

Time: 11:17am

Tidal height: 2.7m

Description: Extends out from main dock between Dock B and Dock C moving perpendicular from shoreline towards the extent of the proposed new lease area.

Start: 10N 439852E, 5429050N

End: 10N 439761E, 5428919N

Distance from HWM:	Water depth during survey:	Bottom substrate:	Species present/observations:
24m	16ft	Sand/silt	Blue mussel (<i>Mytilus edulis</i>) shells Manila clam shells (<i>Lajonkairia lajonkairii</i>)
28m	18ft	Mud/silt	Varnish clam (<i>Nuttallia obscurata</i>)
33m	19ft	Mud/silt	Siphon holes Debris
37m	21ft	Mud/silt	<i>Beggiatoa</i>
43m	22ft	Mud/silt	<i>Beggiatoa</i> Wood waste
53m	24 ft	Mud/silt	<i>Beggiatoa</i> Branches
64m	24ft	Mud/silt	<i>Beggiatoa</i>
74m	26ft	Mud/silt	<i>Beggiatoa</i>
87m	26ft	Mud/silt	<i>Beggiatoa</i> Crab trap
102m	27ft	Mud/silt	<i>Beggiatoa</i> Plumose anemone (<i>Metridium farcimen</i>)
123m	27ft	Mud/silt	<i>Beggiatoa</i>
150m	28ft	Mud/silt	<i>Beggiatoa</i> Crabs
165m	28ft	Mud/silt	<i>Beggiatoa</i>
193m	28ft	Mud/silt	<i>Beggiatoa</i>

Transect 5

Time: 11:35am

Tidal height: 2.8m

Description: Extends out along east side of marina moving perpendicular from shoreline towards the extent of the proposed new lease area.

Start: 10N 439886E, 5429039N

End: 10N 439785E, 5428904N

Distance from HWM:	Water depth during survey:	Bottom substrate:	Species present/observations:
17m	11ft	Sand, scattered boulders, silt layer	Siphon holes
25m	16ft	Sand/silt	
37m	20ft	Mud/silt	
45m	21ft	Mud/silt	<i>Beggiatoa</i> Wire/cable
52m	23ft	Mud/silt	<i>Beggiatoa</i>
60m	25 ft	Mud/silt	<i>Beggiatoa</i>
70m	26ft	Mud/silt	<i>Beggiatoa</i>

			River otter (<i>Lontra canadensis</i>) excavations
80m	27ft	Mud/silt	<i>Beggiatoa</i>
90m	28ft	Mud/silt	<i>Beggiatoa</i> Plumose anemone (<i>Metridium farcimen</i>)
106m	28ft	Mud/silt	<i>Beggiatoa</i>
111m	28ft	Mud/silt	<i>Beggiatoa</i> River otter (<i>Lontra canadensis</i>) excavations
135m	28ft	Mud/silt	<i>Beggiatoa</i>
150m	28ft	Mud/silt	<i>Beggiatoa</i>
160m	28ft	Mud/silt	<i>Beggiatoa</i>
170m	28ft	Mud/silt	<i>Beggiatoa</i>
190m	28ft	Mud/silt	<i>Beggiatoa</i>

APPENDIX D

BC CDC ECOSYSTEM EXPLORER SEARCH RESULTS



203-321 Wallace St, Nanaimo, BC V9R 5B6

SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864



(//www2.gov.bc.ca/)

BC Species & Ecosystems Explorer

Modify Search (/pub/eswp/search.do?method=change)

New Search (/pub/eswp/search.do?method=reset)

Print (/pub/eswp/results_print.do)

Export Results ↓

Help ⓘ

Search Results 35 records

Show 50 rows

Column Visibility

Sort Order

Scientific Name

Ascending

Scientific Name ⓘ	English Name ⓘ	BC List ⓘ	SARA ⓘ
<i>Acipenser medirostris</i> (/pub/eswp/reports.do?elcode=AFCAA01030)	Green Sturgeon	Blue	1-SC (2006)
<i>Acipenser transmontanus</i> pop. 4 (/pub/eswp/reports.do?elcode=AFCAA01054)	White Sturgeon (Lower Fraser River Population)	Red	
<i>Aechmophorus occidentalis</i> (/pub/eswp/reports.do?elcode=ABNCA04010)	Western Grebe	Red	1-SC (2017)
<i>Ardea herodias fannini</i> (/pub/eswp/reports.do?elcode=ABNGA04011)	Great Blue Heron, <i>fannini</i> subspecies	Blue	1-SC (2010)
<i>Bartramia longicauda</i> (/pub/eswp/reports.do?elcode=ABNNF06010)	Upland Sandpiper	Red	
<i>Brachyramphus marmoratus</i> (/pub/eswp/reports.do?elcode=ABNNN06010)	Marbled Murrelet	Blue	1-T (2003)
<i>Branta bernicla</i> (/pub/eswp/reports.do?elcode=ABNJB05010)	Brant	Blue	
<i>Branta canadensis occidentalis</i> (/pub/eswp/reports.do?elcode=ABNJB05039)	Canada Goose, <i>occidentalis</i> subspecies	Red	
<i>Calidris canutus</i> (/pub/eswp/reports.do?elcode=ABNNF11020)	Red Knot	Blue	1-T (2010)
<i>Dermochelys coriacea</i> (/pub/eswp/reports.do?elcode=ARAAC01010)	Leatherback Sea Turtle	Red	1-E (2017)
<i>Eumetopias jubatus</i> (/pub/eswp/reports.do?elcode=AMAJC03010)	Steller Sea Lion	Blue	1-SC (2005)
<i>Falco peregrinus pealei</i> (/pub/eswp/reports.do?elcode=ABNKD06073)	Peregrine Falcon, <i>pealei</i> subspecies	Blue	1-SC (2003)
<i>Falco rusticolus</i> (/pub/eswp/reports.do?elcode=ABNKD06080)	Gyrfalcon	Blue	
<i>Fratercula cirrhata</i> (/pub/eswp/reports.do?elcode=ABNNN12010)	Tufted Puffin	Blue	
<i>Fratercula corniculata</i> (/pub/eswp/reports.do?elcode=ABNNN12030)	Horned Puffin	Red	
<i>Fulmarus glacialis</i> (/pub/eswp/reports.do?elcode=ABNDB01010)	Northern Fulmar	Red	
<i>Haliotis kamtschatkana</i> (/pub/eswp/reports.do?elcode=IMGASV2040)	Northern Abalone	Red	1-E
<i>Hydroprogne caspia</i> (/pub/eswp/reports.do?elcode=ABNNM08020)	Caspian Tern	Blue	

Scientific Name	English Name	BC List	SARA
<i>Larus californicus</i> (/pub/eswp/reports.do?elcode=ABNNM03110)	California Gull	Red	
<i>Limnodromus griseus</i> (/pub/eswp/reports.do?elcode=ABNNF16010)	Short-billed Dowitcher	Red	
<i>Limosa haemastica</i> (/pub/eswp/reports.do?elcode=ABNNF08020)	Hudsonian Godwit	Red	
<i>Melanitta americana</i> (/pub/eswp/reports.do?elcode=ABNJB17040)	Black Scoter	Blue	
<i>Melanitta perspicillata</i> (/pub/eswp/reports.do?elcode=ABNJB17020)	Surf Scoter	Blue	
<i>Nannopterum auritum</i> (/pub/eswp/reports.do?elcode=ABNFD01020)	Double-crested Cormorant	Blue	
<i>Ostrea lurida</i> (/pub/eswp/reports.do?elcode=IMBIVB9020)	Olympia Oyster	Blue	1-SC (2003)
<i>Pelecanus erythrorhynchos</i> (/pub/eswp/reports.do?elcode=ABNFC01010)	American White Pelican	Red	
<i>Pluvialis dominica</i> (/pub/eswp/reports.do?elcode=ABNNB02030)	American Golden-Plover	Blue	
<i>Ptychoramphus aleuticus</i> (/pub/eswp/reports.do?elcode=ABNNN08010)	Cassin's Auklet	Red	1-SC (2019)
<i>Recurvirostra americana</i> (/pub/eswp/reports.do?elcode=ABNND02010)	American Avocet	Blue	
<i>Sterna forsteri</i> (/pub/eswp/reports.do?elcode=ABNNM08090)	Forster's Tern	Red	
<i>Synthliboramphus antiquus</i> (/pub/eswp/reports.do?elcode=ABNNN07030)	Ancient Murrelet	Blue	1-SC (2006)
<i>Tringa incana</i> (/pub/eswp/reports.do?elcode=ABNNF03010)	Wandering Tattler	Blue	
<i>Uria aalge</i> (/pub/eswp/reports.do?elcode=ABNNN02010)	Common Murre	Red	
<i>Uria lomvia</i> (/pub/eswp/reports.do?elcode=ABNNN02020)	Thick-billed Murre	Red	
<i>Urile penicillatus</i> (/pub/eswp/reports.do?elcode=ABNFD01040)	Brandt's Cormorant	Red	

Showing 1 to 35 of 35 entries

First Previous **1** Next Last

Search Criteria

Plants OR Animals

AND BC Conservation Status: Red (Extirpated, Endangered, or Threatened) OR Blue (Special Concern)

AND Area Of Interest: User Defined Polygon

AND Habitat Subtypes: Intertidal Marine, Subtidal Marine

Sort Order: Scientific Name Ascending

Notes

1. Citation: B.C. Conservation Data Centre. 2024. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <https://a100.gov.bc.ca/pub/eswp/> (<https://a100.gov.bc.ca/pub/eswp/>) (accessed Jan 19, 2024).

2. The data contained in the Results Export in BCSEE are provided under the Open Government License - BC (<http://www.data.gov.bc.ca/local/dbc/docs/license/OGL-vbc2.0.pdf>).

3. We welcome your comments at cdcddata@gov.bc.ca.

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APPENDIX E
DFO HERRING SPAWN RECORDS
(SECTION 173 YELLOW POINT)



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