

Deep Water Recovery - Tri-partite Mtg Planner

From: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>
Sent: May 20, 2021 9:06:24 AM PDT

Good morning Annette,

TC has provided two participants for our tri-partite meeting with K'omoks:

- Ryan Greville – Regional Manager (Pacific) – Navigation Waters Protection Program – Ryan.Greville@tc.gc.ca
- Peter Thompson – Indigenous Relations Advisor (Pacific) – Indigenous Relations Directorate – Peter.Thompson@tc.gc.ca

TC also suggested getting someone to attend from Environment and Climate Change Canada's (ECCC) Shellfish Water Classification Program, which seems like a good idea. I'll follow-up on it.

In order to keep track of our participants and meeting scheduling, I've created a [tri-partite meeting planner](#) in the efile. Feel free to use it to your convenience as you speak to MoE, Nichole, and anyone else who needs it.

Thanks,

Claire Backus | Advisor, Indigenous Relations
West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca
Pronouns: she/her

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

FW: Information - Canadian Shellfish Sanitation Program (CSSP)

From: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>
Sent: May 25, 2021 1:46:42 PM PDT
Attachments: image001.gif

Good afternoon Annette,

I had a good chat with Peter Thompson at Transport Canada on Friday about Deep Water Recovery and K'omoks' aquaculture interests. He used to work with ECCC, so he's very familiar with these types of activities as well as the various agencies involved. He has offered to connect us with his previous manager at ECCC's Shellfish Water Classification Program about this file to support their participation in our upcoming meeting.

Peter has provided an outline of the Canadian Shellfish Sanitation Program (CSSP) below. Based on my conversation with Peter, it's my understanding that Health Canada plays a minor role in CSSP, only getting involved when circumstances are beyond ECCC's scope: ECCC looks at water quality and the potential for E.coli; Health Canada would get involved if there was potential for heavy metals or chemicals (which might be our situation given Deep Water Recovery's proposed activities).

Two questions came out of my discussion with Peter:

- Peter would like to know what kinds activities K'omoks is conducting at their tenure: Do they have lines in the water? Do they have a shellfish processing facility? If they have a processing facility, it's a slightly different focus than if they only have lines in the water.
- I'm also wondering whether we could ask K'omoks whether they have preferred contacts at each agency to attend this meeting. It's likely K'omoks' contacts would be familiar with KFN's interests and activities.

Thanks,

Claire Backus | Advisor, Indigenous Relations
West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca
Pronouns: she/her

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From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Sent: May 21, 2021 4:34 PM
To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Information - Canadian Shellfish Sanitation Program (CSSP)

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

Hi Claire,

Good to talk with you this afternoon.

Below is some information on the CSSP and the roles that the various federal departments/agencies play in its implementation:

<https://inspection.canada.ca/preventive-controls/fish/cssp/eng/1563470078092/1563470123546>

Canadian Shellfish Sanitation Program (CSSP)

The Canadian Shellfish Sanitation Program (CSSP) is a federal food safety program jointly administered by the Canadian Food Inspection Agency (CFIA), Environment and Climate Change Canada (ECCC) and Fisheries and Oceans Canada (DFO). The goal of the program is to minimize the health risks associated with the consumption of contaminated bivalve molluscan shellfish such as mussels, oysters and clams.

Under the CSSP, the Government of Canada implements controls to verify that only shellfish that meet food safety and quality standards reach domestic and international markets.

Roles and responsibilities

Canadian Food Inspection Agency

maintains a biotoxin surveillance program in shellfish harvest areas

recommends to Fisheries and Oceans Canada the closure and reopening of shellfish harvest areas based on Canadian marine biotoxin or microbiological standards

licenses persons or food businesses who are:

manufacturing, processing, treating, preserving, grading, packaging and labelling shellfish for the purpose of interprovincial trade or exporting/importing shellfish

verifies the compliance of licence holders to the regulatory requirements for shellfish sanitation and takes enforcement action such as suspending or cancelling licences in cases of continued unacceptable operating and sanitation conditions

Environment and Climate Change Canada:

identifies safe shellfish harvest areas in Canada, which includes ongoing water quality monitoring of fecal contamination in the marine environment, in accordance with the CSSP manual criteria

conducts comprehensive sanitary and bacteriological water quality surveys in shellfish harvest areas in Canada

identifies and/or assesses key sources of sanitary point and non-point pollution that would impact shellfish harvest areas

recommends classification of shellfish harvest areas based on the results and analyses of these activities

recommends to Fisheries and Oceans Canada the closure and reopening of shellfish harvest areas based on Canadian marine water quality standards

Fisheries and Oceans Canada:

opens and closes shellfish harvest areas, and monitors harvest activities within these areas

notifies the public of shellfish harvest area closures

Health Canada:

establishes policies, regulations and standards related to the safety and nutritional quality of food

conducts health risk assessments in order to inform and protect Canadians from the health risks associated with food

From: Backus, Claire FLNR:EX [mailto:Claire.Backus@gov.bc.ca]

Sent: Thursday, May 20, 2021 9:24 AM

To: Thompson, Peter <Peter.Thompson@tc.gc.ca>; Greville, Ryan <ryan.greville@tc.gc.ca>

Subject: RE: Transport Canada Contacts - K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning Peter and Ryan,

Thank you very much for confirming TC representatives. We're looking at scheduling a meeting in June. Do you have any preferred dates/times?

Thank you also for suggesting someone from ECCC's Shellfish Water Classification Program. Do you have a contact there I could connect with?

I'm also wondering if you can point me in the right direction with respect to the Canadian Food Inspection Agency and Health Canada. I'm not familiar with their mandates, and I'm not sure whether their participation would be appropriate or valuable. Do you have any experience working with either of these agencies on aquaculture-related topics?

Thanks again,

Claire Backus | Advisor, Indigenous Relations
West Coast Region

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>

Sent: May 19, 2021 5:25 PM

To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Cc: Greville, Ryan <ryan.greville@tc.gc.ca>

Subject: Transport Canada Contacts - K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

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

Hi Claire,

With respect to contacts for Transport Canada (TC), please feel free to follow-up with these TC representatives:

- Ryan Greville – Regional Manager (Pacific) – Navigation Waters Protection Program – Ryan.Greville@tc.gc.ca
- Peter Thompson – Indigenous Relations Advisor (Pacific) – Indigenous Relations Directorate – Peter.Thompson@tc.gc.ca

Due to the K'omoks Nation's shellfish aquaculture concerns, might I also suggest that someone from Environment and Climate Change Canada's (ECCC) Shellfish Water Classification Program be invited to this meeting.

Kind regards,

Peter Thompson

Indigenous Relations Advisor

Transport Canada / Pacific Region / Government of Canada

Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone

Transports Canada / Région du Pacifique / Gouvernement du Canada

Peter.Thompson@tc.gc.ca / Tél: 604-349-5124 / ATS: 1-888-675-6863



Gouvernement
du Canada

Government
of Canada

Canada

From: Backus, Claire FLNR:EX [<mailto:Claire.Backus@gov.bc.ca>]

Sent: Monday, May 17, 2021 9:21 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Apologies, all. My email was sent before it was complete! Trying again:

The applicant (Union Bay Industries Ltd. dba Deep Bay Recovery) holds a foreshore industrial lease in Baynes Sound that is currently classified for log handling. The lease is adjacent to their private, upland parcel. Deep Bay Recovery wants to operate a marine vessel decommissioning facility on their private upland parcel and have applied to change

the purpose of their lease from log handling to Industrial General in order to use the foreshore area to facilitate the transit of vessels from the marine area to their upland facility. Vessels would be secured in the foreshore area while being readied for haul-out and then would be transferred to the upland portion. For clarity, the scope of FLNRORD's decision is focused on the foreshore use; activities on the upland are on private land and are outside of our jurisdiction.

The lease is adjacent to K'omoks' aquaculture tenure, and (as per Sarah's email below) K'omoks have raised concerns regarding potential impacts to their aquaculture interests, FSC allocations, and possibly heritage sites. They've also requested meetings with various provincial and federal agencies. I've attached the correspondence we've received. K'omoks have met with the applicant, and the applicant has submitted a more robust environmental management plan (also attached), but K'omoks does not feel that their concerns are being addressed.

We would like to look into organizing a tri-partite meeting with K'omoks, FLNRORD (and perhaps MoE), DFO, and Transport Canada to see if we can address K'omoks' concerns. Any guidance on the appropriate representatives to attend the meeting would be appreciated.

Please feel free to call anytime to discuss in more detail.

Thanks,

Claire Backus | Advisor, Indigenous Relations
West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Backus, Claire FLNR:EX

Sent: May 17, 2021 9:05 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning all,

Thank you to Sarah and Nasrin for getting this group together.

I'm providing some additional information on this application in response to Peter's request, and I'm happy further discuss any questions.

The applicant (Union Bay Industries Ltd. dba Deep Bay Recovery) holds an industrial lease in Baynes Sound that is currently classified for log handling. The lease is adjacent to their private, upland parcel. Deep Bay Recovery wants to operate a marine vessel decommissioning facility on their private upland parcel and have applied to change the purpose of their lease from log handling to Industrial General in order to use the foreshore

Claire Backus | Advisor, Indigenous Relations
West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
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Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>

Sent: May 14, 2021 3:09 PM

To: 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Thanks Peter. Claire will be in contact.

Sarah Cavanagh
Negotiator
Ministry of Indigenous Relations and Reconciliation
250-218-5551

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Sent: May 14, 2021 2:54 PM
To: 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

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Hi Nasrin,

Thanks for reaching out.

Sarah, please feel free to contact me directly (email or phone). I'd be grateful for some additional background information related to this industrial foreshore lease application in Baynes Sound.

Kind regards,

Pete

Peter Thompson
Indigenous Relations Advisor
Transport Canada / Pacific Region / Government of Canada
Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone
Transports Canada / Région du Pacifique / Gouvernement du Canada
Peter.Thompson@tc.gc.ca / Tél: 604-349-5124 / ATS: 1-888-675-6863



Gouvernement
du Canada

Government
of Canada

Canada

From: Himani, Nasrin (AADNC/AANDC) [mailto:nasrin.himani@canada.ca]
Sent: Friday, May 14, 2021 11:57 AM
To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Sarah,

I am including colleagues from DFO and Transport on this email who I hope can be involved or direct the request to someone who can.

Angela, Chad, Theona, and Pete: as you'll see from the thread below, K'omoks First Nation has expressed concerns regarding an industrial foreshore lease application in Baynes Sound and its environmental impact, particularly on aquaculture, FSC allocations, and possibly heritage sites. They are frustrated by the lack of coordination between the federal and provincial governments.

BC is planning to hold a tripartite discussion on the application and is looking for contacts at DFO and TC who can participate in the conversation, as your depts. would have some involvement.

I'll leave it to you to follow up further with BC and/or direct this request to the appropriate contacts in your respective depts.

Thanks,
Nasrin

From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>
Sent: Wednesday, May 12, 2021 12:38 PM
To: Himani, Nasrin (AADNC/AANDC) <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: FW: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Both,

Would you be able to track down individuals from DFO and Transport Canada who can participate in a call regarding the foreshore lease application in Baynes Sound. It came up at our meeting last week in the context of the EA discussion. The applicant wants to de-commission vessels upland. Richard Hardy mentioned that KFN was concerned with potential oil leaks and its impact on Baynes Sound.

Thank you,
Sarah

From: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Sent: May 12, 2021 8:21 AM
To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning Sarah,

Quick follow-up question: Do you have any federal contacts at the treaty table and whom we could contact to get this going?

Claire Backus | Advisor, Indigenous Relations
West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Backus, Claire FLNR:EX
Sent: May 11, 2021 11:44 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Great, thanks for the update, Sarah.

We are planning to host a tri-partite discussion on the application, inviting DFO and Transport Canada as they have some interaction with the decision at hand. K'omoks has requesting the participation of agencies who don't have any jurisdiction in the decision (e.g., Health Canada), but we're trying to focus the discussion. We'll see how it goes!

Thanks again,

Claire Backus | Advisor, Indigenous Relations
West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca

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From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>
Sent: May 10, 2021 1:38 PM
To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Claire,

s.16

I think it is a good idea to meet with KFN with DFO and Transport Canada.
s.16

If you 'd like to discuss further let me know.

Sarah

RE: DFO contact

From: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: May 26, 2021 9:54:51 AM PDT

Is there further context you can provide about the request from K'omoks?

As Todd indicates, perhaps it is not relating to DFO at all, but rather MoE. I don't know too many contacts in MoE, but we had a meeting back in March with two MoE folks on harmonizing with DFO on aquaculture facilities. They may be able to point you in the right direction. Their names were Shelley Metcalf – Section head for Environmental Protection division, Kate Bergen who works on Shelley's team as an Environmental Management Officer, and finally Margaret Crowley – senior environmental management officer who also works with Shelley.

Hope that helps.
Nichole

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: May 26, 2021 9:43 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: DFO contact

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

Komoks has been raising issues of water quality for some time including the water treatment plants, agriculture waste, septic tanks and other issues that are not under DFO's jurisdiction.

Thanks:

Todd Johansson
Senior Aquaculture Management Coordinator
(W) 250-902-2683
(M) 250-949-0838

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: May 26, 2021 9:30 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: DFO contact

Hi there, as I'm not sure the context, can you elaborate on the water quality questions? Is it to align with what is outlined as per the Canadian Shellfish Sanitation Program (CSSP) for culturing/harvesting bivalves? Or more broad to do with general pollution, debris, micro plastics etc.?

If I know a bit more of that, I'm happy to find a good DFO contact for your meeting.
Melinda

From: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Sent: May 26, 2021 7:42 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: DFO contact

Hi Melinda.
Can you provide a contact to Annette? See email below....
Thanks very much!

Nichole Prichard, PAg
Acting Section Head

Aquaculture Program
Ministry of Forests, Lands, Natural Resource Operations & Rural Development
Courtenay, BC
Cell (250) 668-3579
(250) 331-9890

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: May 25, 2021 4:40 PM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Subject: DFO contact

Hi Nichole

I am just reaching out after our last phone conversation about K'omoks First Nation concerns about water quality in Baynes Sound and their request to hold a Tri-partite meeting with Provincial and Federal government attending. I am wondering if you have a DFO contact person?

Would you also have a contact for MoE?

Thanks

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW [250-736-6843](tel:250-736-6843)

RE: DFO contact

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>, Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Sent: May 27, 2021 1:43:12 PM PDT

Hi Annette

I've circulated the request with our various DFO Aquaculture sectors and as the tenure / land use is not aquaculture use, it would be outside of DFO Aquaculture jurisdiction. That said, I was advised the project has been sent to the Canadian Shellfish Sanitation Program (CSSP) and have been engaged. I believe this will be discussed at one of the upcoming Pacific Regional Interdepartmental Committee (PRISC) meetings. Thank you for the invitation but I don't think anyone from DFO Aquaculture Management will need to attend at this time.

Thank you,
Melinda

Melinda Scott

Senior Aquaculture Management Coordinator | Coordinatrice sénior - Gestion de l'aquaculture Fisheries Management / Direction des pêches

Fisheries and Oceans Canada | Pêches et Océans Canada

1965 Island Diesel Way Nanaimo BC V9S 5W8

Government of Canada | Gouvernement du Canada

Telephone | Téléphone 250-754-0399 (Note: this is my office number and is not checked often. My cell does not work at home. Please email or MS Teams for faster responses).

Facsimile | Télécopieur 250-754-0391

melinda.scott@dfo-mpo.gc.ca

www.pac.dfo-mpo.gc.ca

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>

Sent: May 26, 2021 9:53 AM

To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>

Subject: RE: DFO contact

Hi

There is currently a land application submitted for a change in purpose in Union Bay. The historic use was Industrial log handling and the applicant has requested a change to Industrial General. The site will be used to transition derelict vessels and barges from the water to the private upland. The tenure is for the water lot 0021050.

The applicant has submitted an Environmental Management Plan that addresses a lot of the potential issues both in the water and the upland. K'omoks has indicated they are concerned with water quality as it pertains to their aquaculture tenure. K'omoks is looking for assurances that this change in purpose will not affect their aquaculture and therefore are requesting a Tri-partite meeting to garner assurances from both Provincial and Federal agencies.

We are looking for contact people from a variety of Ministries to attend the Tri-Partite meeting and to learn more about K'omoks concerns.

Thanks

Annette

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>

Sent: May 26, 2021 9:43 AM

To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>

Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>

Subject: RE: DFO contact

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Komoks has been raising issues of water quality for some time including the water treatment plants, agriculture waste, septic tanks and other issues that are not under DFO's jurisdiction.

Thanks:

Todd Johansson

Senior Aquaculture Management Coordinator

(W) 250-902-2683

(M) 250-949-0838

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: May 26, 2021 9:30 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: DFO contact

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If I know a bit more of that, I'm happy to find a good DFO contact for your meeting.

Melinda

From: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Sent: May 26, 2021 7:42 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: DFO contact

Hi Melinda.

Can you provide a contact to Annette? See email below....

Thanks very much!

Nichole Prichard, PAg

Acting Section Head

Aquaculture Program

Ministry of Forests, Lands, Natural Resource Operations & Rural Development

Courtenay, BC

Cell (250) 668-3579

(250) 331-9890

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: May 25, 2021 4:40 PM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Subject: DFO contact

Hi Nichole

I am just reaching out after our last phone conversation about K'omoks First Nation concerns about water quality in Baynes Sound and their request to hold a Tri-partite meeting with Provincial and Federal government attending.

I am wondering if you have a DFO contact person?

Would you also have a contact for MoE?

Thanks

Annette Bailey, RPBio

Authorizations Specialist

South Island Natural Resource District

4885 Cherry Creek Road

Port Alberni, BC V9Y 8E9

NEW 250-736-6843

RE: DFO contact

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>, Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Sent: May 27, 2021 1:43:15 PM PDT

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

Hi Annette

I've circulated the request with our various DFO Aquaculture sectors and as the tenure / land use is not aquaculture use, it would be outside of DFO Aquaculture jurisdiction. That said, I was advised the project has been sent to the Canadian Shellfish Sanitation Program (CSSP) and have been engaged. I believe this will be discussed at one of the upcoming Pacific Regional Interdepartmental Committee (PRISC) meetings. Thank you for the invitation but I don't think anyone from DFO Aquaculture Management will need to attend at this time.

Thank you,

Melinda

Melinda Scott

Senior Aquaculture Management Coordinator | Coordinatrice sénior - Gestion de l'aquaculture Fisheries Management | Direction des pêches

Fisheries and Oceans Canada | Pêches et Océans Canada

1965 Island Diesel Way Nanaimo BC V9S 5W8

Government of Canada | Gouvernement du Canada

Telephone | Téléphone 250-754-0399 (Note: this is my office number and is not checked often. My cell does not work at home. Please email or MS Teams for faster responses).

Facsimile | Télécopieur 250-754-0391

melinda.scott@dfo-mpo.gc.ca

www.pac.dfo-mpo.gc.ca

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>

Sent: May 26, 2021 9:53 AM

To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>

Subject: RE: DFO contact

Hi

There is currently a land application submitted for a change in purpose in Union Bay. The historic use was Industrial log handling and the applicant has requested a change to Industrial General. The site will be used to transition derelict vessels and barges from the water to the private upland. The tenure is for the water lot 0021050.

The applicant has submitted an Environmental Management Plan that addresses a lot of the potential issues both in the water and the upland. K'omoks has indicated they are concerned with water quality as it pertains to their aquaculture tenure. K'omoks is looking for assurances that this change in purpose will not affect their aquaculture and therefore are requesting a Tri-partite meeting to garner assurances from both Provincial and Federal agencies.

We are looking for contact people from a variety of Ministries to attend the Tri-Partite meeting and to learn more about K'omoks concerns.

Thanks
Annette

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: May 26, 2021 9:43 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: DFO contact

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

Komoks has been raising issues of water quality for some time including the water treatment plants, agriculture waste, septic tanks and other issues that are not under DFO's jurisdiction.

Thanks:

Todd Johansson
Senior Aquaculture Management Coordinator
(W) 250-902-2683
(M) 250-949-0838

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: May 26, 2021 9:30 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: DFO contact

Hi there, as I'm not sure the context, can you elaborate on the water quality questions? Is it to align with what is outlined as per the Canadian Shellfish Sanitation Program (CSSP) for culturing/harvesting bivalves? Or more broad to do with general pollution, debris, micro plastics etc.?
If I know a bit more of that, I'm happy to find a good DFO contact for your meeting.
Melinda

From: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Sent: May 26, 2021 7:42 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: DFO contact

Hi Melinda.
Can you provide a contact to Annette? See email below....
Thanks very much!

Nichole Prichard, PAg
Acting Section Head
Aquaculture Program
Ministry of Forests, Lands, Natural Resource Operations & Rural Development
Courtenay, BC
Cell (250) 668-3579
(250) 331-9890

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: May 25, 2021 4:40 PM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
Subject: DFO contact

Hi Nichole

I am just reaching out after our last phone conversation about K'omoks First Nation concerns about water quality in Baynes Sound and their request to hold a Tri-partite meeting with Provincial and Federal government attending. I am wondering if you have a DFO contact person?

Would you also have a contact for MoE?

Thanks

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

RE: EXTERNAL: RE: EXTERNAL: Land tenure 0021050 - Union Bay

From: Todd Boychuk <todd.boychuk@komoks.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Nicole Rempel <nicole.rempel@komoks.ca>, Richard Hardy <richard.hardy@komoks.ca>
Sent: June 3, 2021 2:06:09 PM PDT
Attachments: image001.png

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

Hello Annette,

Thank you for the follow up on this issue and for setting up this meeting. Chief Nicole Rempel and Councillor Richard Hardy as well as myself are available on June 24 1:00-3:00.

In regard to the question surrounding contacts, I would suggest that your contact in ECCC or DFO should be able to loop you into the applicable contact for CFIA and the Canadian Health Authority through their internal systems.

Best Regards
Todd

Todd Boychuk
Director Intergovernmental Relations
K'ómoks First Nation
3330 Comox Road
Courtenay, BC V9N 3P8
Phone: 250-339-4545 Fax: 250-339-7053



K'ómoks First Nation

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 2, 2021 3:00 PM
To: Todd Boychuk <todd.boychuk@komoks.ca>
Subject: EXTERNAL: RE: EXTERNAL: Land tenure 0021050 - Union Bay

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Todd

Thank you for the letter from K'ómoks First Nations.

I am currently reaching out to several federal ministries in order to set-up the Tri-Partite meeting. I have contacts for the following organizations;
MIRR
FLNRORD – Decision Maker
FLNRORD - Aquaculture

Transport Canada Regional Manager
Transport Canada Indigenous Relations Advisor
Environment and Climate Change Canada
Department of Fisheries and Oceans

I have been unable to locate a contact person with the following agencies. Do you have a contact person I can reach out to?

Canadian Health Authority
Canadian Food Inspection Agency

In order to meet your request, I would like to plan a meeting the week June 21st with all the parties I have contacted to date (and maybe the other two).

I have identified the following possible dates and times and I am hoping one of them will work for you. Please let me know as soon as possible about a date and time as I know everyone's calendar fills up quickly.

June 21 10:30 – 12
June 22 8:00-12:00
June 23 1:00-3:00
June 24 1:00-3:00
June 28 10:30 – 12
June 29 1:00-3:00

Thank you
Annette

From: Todd Boychuk <todd.boychuk@komoks.ca>
Sent: May 3, 2021 4:35 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Emily Shopland <emily.shopland@komoks.ca>
Subject: RE: EXTERNAL: Land tenure 0021050 - Union Bay

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

Hello Ms. Bailey,

Please find attached a response letter from Hegus Nicole Rempel regarding the above noted referral. If you have any questions please feel free to contact me at tboychuk@komoks.ca or 778-779-2369.

Sincerely,

Todd Boychuk
Director Intergovernmental Relations
K'ómoks First Nation
3330 Comox Road
Courtenay, BC V9N 3P8
Phone: 250-339-4545 Fax: 250-339-7053



From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: April 30, 2021 11:49 AM
To: KFN Reception <reception@komoks.ca>
Subject: EXTERNAL: Land tenure 0021050 - Union Bay

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi

Just a reminder, as per letter dated April 1, 2021 regarding land tenure 002105, today is the last day for comments. We will be moving to decision shortly.

Thank you

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW [250-736-6843](tel:250-736-6843)

Request for Tri-partite meeting regarding Baynes Sound

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>, Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>, Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>, Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>, Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>, Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>, Greville, Ryan <ryan.greville@tc.gc.ca>, Thompson, Peter <Peter.Thompson@tc.gc.ca>, Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>, Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>, Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Sent: June 4, 2021 10:58:59 AM PDT
Attachments: Deep Water Recovery EMP March 2021.pdf, 2018-08-01 End 1411103.pdf, 2003-07-30 Ten Doc 1411103.pdf, 19-821 KMX Response.pdf, 2019-11-27 Management Plan for Tenure Replacement Form.pdf

Good morning

Recently I have been working on a land tenure file (0021050) at Union Bay in Baynes Sound. As you know, Baynes Sound is significant for shellfish culture as well as commercial fishing, recreation and tourism. The Sound is surrounded by residential and commercial uplands. The Baynes Sound Coastal Plan for Shellfish Aquaculture produced in December 2002 indicates this juxtaposition of different activities and values along with shellfish aquaculture has resulted in major coastal resource use conflicts.

K'omoks First Nation (KFN) have raised concerns about the potential effects of file 0021050 in Baynes Sound and more specifically the proximity to their aquaculture tenure (1411103).

Initial letter dated November 4th, 2020 from KFN includes the Tri-Partite request:

In closing, K'omoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

A further letter was received from KFN April 30, 2021 and is attached to this email.

Through the consultation process and as indicated in letters from KFN, a Tri-Partite meeting has been requested with the following government agencies:

FLNRORD, SINRD - Rhonda Morris, District Manager

FLNRORD – Indigenous Relations – Claire Backus

FLNRORD (aquaculture specialist) – Nichole Prichard/Jordan Wagner

MIRR – Sarah Cavanagh

Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley

Transport Canada, Regional Manager – Ryan Grenville

Transport Canada, Indigenous Relations – Peter Thompson

Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??

Canadian Food Inspection Agency - ??

Health Canada - ??

You have been identified as a contact person for your specific agency.

Included in this email are the following documents:

- Environmental Management Plan for the water lot
- K'omoks aquaculture tenure
- April 30, 2021 letter from KFN

You are invited to attend a Tri-Partite virtual meeting with K'omoks First Nation June 24 1:00 – 3:00 (PDT) to discuss this area of concern.

Rhonda Morris, District Manager, South Island Natural Resource District (Ministry of Forests, Lands, Natural Resources and Rural Development) has agreed to chair the Tri-Partite meeting.

In preparation for the June 24 meeting I would like to propose a virtual pre-meeting to discuss the tenure, the Baynes Sound area and an opportunity for a round table to understand the various agencies' roles with water concerns in Baynes Sound.

I have identified possible dates and times:

June 16, 8:00 – 10:00

June 17, 8:00-10:00

June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00

June 21, 10:30-12:00

June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio

Authorizations Specialist

South Island Natural Resource District

4885 Cherry Creek Road

Port Alberni, BC V9Y 8E9

NEW 250-736-6843

RE: Information - Canadian Shellfish Sanitation Program (CSSP)

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Sent: June 4, 2021 11:34:01 AM PDT
Attachments: Request for Tri-partite meeting regarding Baynes Sound, image001.gif

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

Good morning Annette,

Thank you for this email, as well as your more recent request for a tripartite meeting with the K'omoks First Nation on June 24th from 1:00-3:00 PM. Transport Canada will attend.

I'll review your pre-meeting dates and will get back to you early next week with some availabilities for Transport Canada.

After speaking with Claire (copied) I did reach out to my contacts at ECCC to provide additional details on this issue, but have yet to hear back from them. If you're OK with it, I'd like to propose that I send your more recent email (attached) to ECCC with BC's request for ECCC, CFIA and HC participation at this meeting. Would you be OK with that? I'm hoping that will help bring some relevant folks from ECCC, CFIA and /or HC to the table.

Kind regards,

Thanks,

Pete

Peter Thompson

Indigenous Relations Advisor
Transport Canada / Pacific Region / Government of Canada
Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone
Transports Canada / Région du Pacifique / Gouvernement du Canada
Peter.Thompson@tc.gc.ca / Tél: 604-349-5124 / ATS: 1-888-675-6863



Gouvernement
du Canada

Government
of Canada

Canada

From: Bailey, Annette FLNR:EX [<mailto:Annette.Bailey@gov.bc.ca>]
Sent: Thursday, June 03, 2021 3:57 PM
To: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Subject: FW: Information - Canadian Shellfish Sanitation Program (CSSP)

Hi Peter

I received your contact information from Claire Backus.

As she may have indicated to you, I am in the process of making contacts to attend a Tri-Partite meeting with K'omoks First Nation.

As indicated below, Claire has asked me to provide more information to you about K'omoks aquaculture tenure in Baynes Sound. This specific aquaculture tenure is next to a tenure that is changing purpose from Industrial log handling to Industrial general with the purpose of removing derelict vessels from the water to their private upland. K'omoks has

expressed concerns about the water quality in Baynes Sound and is looking for assurances that the tenure will not affect their aquaculture tenure and have requested this Tri-Partite meeting.

K'omoks has requested the attendance of the following;

FLNRORD (aquaculture specialist)
Ministry of Environment
Transport Canada
Department of Fisheries and Oceans Canada
Environment Canada and Climate Change
Canadian Food Inspection Agency
Health Canada

I have noted you as a contact from Transport Canada and I will be sending out an information package and potential meeting times early next week.

I am wondering if you know of any contacts at CSSP, Canada Food Agency, ECCP and Health Canada that I can reach out to and discuss the purpose and attendance at the Tri-Partite meeting?

Thanks for any help you can provide

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

From: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Sent: May 25, 2021 1:47 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>
Subject: FW: Information - Canadian Shellfish Sanitation Program (CSSP)

Good afternoon Annette,

I had a good chat with Peter Thompson at Transport Canada on Friday about Deep Water Recovery and K'omoks' aquaculture interests. He used to work with ECCC, so he's very familiar with these types of activities as well as the various agencies involved. He has offered to connect us with his previous manager at ECCC's Shellfish Water Classification Program about this file to support their participation in our upcoming meeting.

Peter has provided an outline of the Canadian Shellfish Sanitation Program (CSSP) below. Based on my conversation with Peter, it's my understanding that Health Canada plays a minor role in CSSP, only getting involved when circumstances are beyond ECCC's scope: ECCC looks at water quality and the potential for E.coli; Health Canada would get involved if there was potential for heavy metals or chemicals (which might be our situation given Deep Water Recovery's proposed activities).

Two questions came out of my discussion with Peter:

- Peter would like to know what kinds activities K'omoks is conducting at their tenure: Do they have lines in the water? Do they have a shellfish processing facility? If they have a processing facility, it's a slightly different focus than if they only have lines in the water.
- I'm also wondering whether we could ask K'omoks whether they have preferred contacts at each agency to attend this meeting. It's likely K'omoks' contacts would be familiar with KFN's interests and activities.

Thanks,

Claire Backus | Advisor, Indigenous Relations
West Coast Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Sent: May 21, 2021 4:34 PM
To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Information - Canadian Shellfish Sanitation Program (CSSP)

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

Hi Claire,

Good to talk with you this afternoon.

Below is some information on the CSSP and the roles that the various federal departments/agencies play in its implementation:

<https://inspection.canada.ca/preventive-controls/fish/cssp/eng/1563470078092/1563470123546>

Canadian Shellfish Sanitation Program (CSSP)

The Canadian Shellfish Sanitation Program (CSSP) is a federal food safety program jointly administered by the Canadian Food Inspection Agency (CFIA), Environment and Climate Change Canada (ECCC) and Fisheries and Oceans Canada (DFO). The goal of the program is to minimize the health risks associated with the consumption of contaminated bivalve molluscan shellfish such as mussels, oysters and clams.

Under the CSSP, the Government of Canada implements controls to verify that only shellfish that meet food safety and quality standards reach domestic and international markets.

Roles and responsibilities

Canadian Food Inspection Agency

maintains a biotoxin surveillance program in shellfish harvest areas

recommends to Fisheries and Oceans Canada the closure and reopening of shellfish harvest areas based on Canadian marine biotoxin or microbiological standards

licenses persons or food businesses who are:

manufacturing, processing, treating, preserving, grading, packaging and labelling shellfish for the purpose of interprovincial trade or exporting/importing shellfish

verifies the compliance of licence holders to the regulatory requirements for shellfish sanitation and takes enforcement action such as suspending or cancelling licences in cases of continued unacceptable operating and sanitation conditions

Environment and Climate Change Canada:

identifies safe shellfish harvest areas in Canada, which includes ongoing water quality monitoring of fecal contamination in the marine environment, in accordance with the CSSP manual criteria

conducts comprehensive sanitary and bacteriological water quality surveys in shellfish harvest areas in Canada

identifies and/or assesses key sources of sanitary point and non-point pollution that would impact shellfish harvest areas

recommends classification of shellfish harvest areas based on the results and analyses of these activities

recommends to Fisheries and Oceans Canada the closure and reopening of shellfish harvest areas based on Canadian marine water quality standards

Fisheries and Oceans Canada:

opens and closes shellfish harvest areas, and monitors harvest activities within these areas

notifies the public of shellfish harvest area closures

Health Canada:

establishes policies, regulations and standards related to the safety and nutritional quality of food

conducts health risk assessments in order to inform and protect Canadians from the health risks associated with food

From: Backus, Claire FLNR:EX [<mailto:Claire.Backus@gov.bc.ca>]

Sent: Thursday, May 20, 2021 9:24 AM

To: Thompson, Peter <Peter.Thompson@tc.gc.ca>; Greville, Ryan <ryan.greville@tc.gc.ca>

Subject: RE: Transport Canada Contacts - K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning Peter and Ryan,

Thank you very much for confirming TC representatives. We're looking at scheduling a meeting in June. Do you have any preferred dates/times?

Thank you also for suggesting someone from ECCC's Shellfish Water Classification Program. Do you have a contact there I could connect with?

I'm also wondering if you can point me in the right direction with respect to the Canadian Food Inspection Agency and Health Canada. I'm not familiar with their mandates, and I'm not sure whether their participation would be appropriate or valuable. Do you have any experience working with either of these agencies on aquaculture-related topics?

Thanks again,

Claire Backus | Advisor, Indigenous Relations

West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

2080 Labieux Rd, Nanaimo BC, V9T 6J9

Tel: (250) 739-8186

Email: Claire.Backus@gov.bc.ca

Pronouns: she/her

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>

Sent: May 19, 2021 5:25 PM

To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Cc: Greville, Ryan <ryan.greville@tc.gc.ca>

Subject: Transport Canada Contacts - K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

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

Hi Claire,

With respect to contacts for Transport Canada (TC), please feel free to follow-up with these TC representatives:

- Ryan Greville – Regional Manager (Pacific) – Navigation Waters Protection Program – Ryan.Greville@tc.gc.ca
- Peter Thompson – Indigenous Relations Advisor (Pacific) – Indigenous Relations Directorate – Peter.Thompson@tc.gc.ca

Due to the K'omoks Nation's shellfish aquaculture concerns, might I also suggest that someone from Environment and Climate Change Canada's (ECCC) Shellfish Water Classification Program be invited to this meeting.

Kind regards,

Peter Thompson

Indigenous Relations Advisor

Transport Canada / Pacific Region / Government of Canada

Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone

Transports Canada / Région du Pacifique / Gouvernement du Canada

Peter.Thompson@tc.gc.ca / Tél: 604-349-5124 / ATS: 1-888-675-6863



Gouvernement
du Canada

Government
of Canada

Canada

From: Backus, Claire FLNR:EX [<mailto:Claire.Backus@gov.bc.ca>]

Sent: Monday, May 17, 2021 9:21 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Apologies, all. My email was sent before it was complete! Trying again:

The applicant (Union Bay Industries Ltd. dba Deep Bay Recovery) holds a foreshore industrial lease in Baynes Sound that is currently classified for log handling. The lease is adjacent to their private, upland parcel. Deep Bay Recovery wants to operate a marine vessel decommissioning facility on their private upland parcel and have applied to change the purpose of their lease from log handling to Industrial General in order to use the foreshore area to facilitate the transit of vessels from the marine area to their upland facility. Vessels would be secured in the foreshore area while being readied for haul-out and then would be transferred to the upland portion. For clarity, the scope of FLNRORD's decision is focused on the foreshore use; activities on the upland are on private land and are outside of our jurisdiction.

The lease is adjacent to K'omoks' aquaculture tenure, and (as per Sarah's email below) K'omoks have raised concerns regarding potential impacts to their aquaculture interests, FSC allocations, and possibly heritage sites. They've also requested meetings with various provincial and federal agencies. I've attached the correspondence we've received. K'omoks have met with the applicant, and the applicant has submitted a more robust environmental management plan (also attached), but K'omoks does not feel that their concerns are being addressed.

We would like to look into organizing a tri-partite meeting with K'omoks, FLNRORD (and perhaps MoE), DFO, and Transport Canada to see if we can address K'omoks' concerns. Any guidance on the appropriate representatives to attend the meeting would be appreciated.

Please feel free to call anytime to discuss in more detail.

Thanks,

Claire Backus | Advisor, Indigenous Relations

West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

2080 Labieux Rd, Nanaimo BC, V9T 6J9

Tel: (250) 739-8186

Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Backus, Claire FLNR:EX

Sent: May 17, 2021 9:05 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning all,

Thank you to Sarah and Nasrin for getting this group together.

I'm providing some additional information on this application in response to Peter's request, and I'm happy further discuss any questions.

The applicant (Union Bay Industries Ltd. dba Deep Bay Recovery) holds an industrial lease in Baynes Sound that is currently classified for log handling. The lease is adjacent to their private, upland parcel. Deep Bay Recovery wants to operate a marine vessel decommissioning facility on their private upland parcel and have applied to change the purpose of their lease from log handling to Industrial General in order to use the foreshore

Claire Backus | Advisor, Indigenous Relations

West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

2080 Labieux Rd, Nanaimo BC, V9T 6J9

Tel: (250) 739-8186

Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>

Sent: May 14, 2021 3:09 PM

To: 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Thanks Peter. Claire will be in contact.

Sarah Cavanagh

Negotiator

Ministry of Indigenous Relations and Reconciliation

250-218-5551

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>

Sent: May 14, 2021 2:54 PM

To: 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

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

Hi Nasrin,

Thanks for reaching out.

Sarah, please feel free to contact me directly (email or phone). I'd be grateful for some additional background information related to this industrial foreshore lease application in Baynes Sound.

Kind regards,

Pete

Peter Thompson
Indigenous Relations Advisor
Transport Canada / Pacific Region / Government of Canada
Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone
Transports Canada / Région du Pacifique / Gouvernement du Canada
Peter.Thompson@tc.gc.ca / Tél: 604-349-5124 / ATS: 1-888-675-6863



Gouvernement
du Canada

Government
of Canada

Canada

From: Himani, Nasrin (AADNC/AANDC) [<mailto:nasrin.himani@canada.ca>]
Sent: Friday, May 14, 2021 11:57 AM
To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Sarah,

I am including colleagues from DFO and Transport on this email who I hope can be involved or direct the request to someone who can.

Angela, Chad, Theona, and Pete: as you'll see from the thread below, K'omoks First Nation has expressed concerns regarding an industrial foreshore lease application in Baynes Sound and its environmental impact, particularly on aquaculture, FSC allocations, and possibly heritage sites. They are frustrated by the lack of coordination between the federal and provincial governments.

BC is planning to hold a tripartite discussion on the application and is looking for contacts at DFO and TC who can participate in the conversation, as your depts. would have some involvement.

I'll leave it to you to follow up further with BC and/or direct this request to the appropriate contacts in your respective depts.

Thanks,
Nasrin

From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>
Sent: Wednesday, May 12, 2021 12:38 PM
To: Himani, Nasrin (AADNC/AANDC) <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: FW: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Both,

Would you be able to track down individuals from DFO and Transport Canada who can participate in a call regarding the foreshore lease application in Baynes Sound. It came up at our meeting last week in the context of the EA discussion. The applicant wants to de-commission vessels upland. Richard Hardy mentioned that KFN was concerned with potential oil leaks and its impact on Baynes Sound.

Thank you,

Sarah

From: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>

Sent: May 12, 2021 8:21 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning Sarah,

Quick follow-up question: Do you have any federal contacts at the treaty table and whom we could contact to get this going?

Claire Backus | Advisor, Indigenous Relations

West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

2080 Labieux Rd, Nanaimo BC, V9T 6J9

Tel: (250) 739-8186

Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Backus, Claire FLNR:EX

Sent: May 11, 2021 11:44 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Great, thanks for the update, Sarah.

We are planning to host a tri-partite discussion on the application, inviting DFO and Transport Canada as they have some interaction with the decision at hand. K'omoks has requested the participation of agencies who don't have any jurisdiction in the decision (e.g., Health Canada), but we're trying to focus the discussion. We'll see how it goes!

Thanks again,

Claire Backus | Advisor, Indigenous Relations

West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

2080 Labieux Rd, Nanaimo BC, V9T 6J9

Tel: (250) 739-8186

Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>

Sent: May 10, 2021 1:38 PM

To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Claire,

s.16

I think it is a good idea to meet with KFN with DFO and Transport Canada.

s.16

If you 'd like to discuss further let me know.

Sarah

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: June 4, 2021 12:12:21 PM PDT
Attachments: RE: DFO contact

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

Thanks Annette, I will check with Todd one last time, but as I mentioned in my email, Aquaculture Management does not have any jurisdiction or comment on this upland application. Aquaculture Management will only be engaged should we be notified by the CSSP partners that there is a change to water classification at that location. I do not think anyone from DFO Aquaculture will be attending any of the meetings. Have you engaged with our DFO, Fish and Fish Habitat Protection Program? They may be a better person to speak to these requests.

<https://www.dfo-mpo.gc.ca/pnw-ppe/ffhpp-ppph-eng.html> or **Email:** ReferralsPacific@dfo-mpo.gc.ca

Melinda

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 4, 2021 11:03 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: FW: Request for Tri-partite meeting regarding Baynes Sound

Hi

Unfortunately, I was unable to attach all the documents indicated to your email. I have two documents that I hope provides enough information.

Annette

From: Bailey, Annette FLNR:EX
Sent: June 4, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Peter.Thompson@tc.gc.ca' <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Request for Tri-partite meeting regarding Baynes Sound

Good morning

Recently I have been working on a land tenure file (0021050) at Union Bay in Baynes Sound. As you know, Baynes Sound is significant for shellfish culture as well as commercial fishing, recreation and tourism. The Sound is surrounded by residential and commercial uplands. The Baynes Sound Coastal Plan for Shellfish Aquaculture produced in December 2002 indicates this juxtaposition of different activities and values along with shellfish aquaculture has resulted in major coastal resource use conflicts.

K'omoks First Nation (KFN) have raised concerns about the potential effects of file 0021050 in Baynes Sound and more specifically the proximity to their aquaculture tenure (1411103).

Initial letter dated November 4th, 2020 from KFN includes the Tri-Partite request:

In closing, K'omoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

A further letter was received from KFN April 30, 2021 and is attached to this email.

Through the consultation process and as indicated in letters from KFN, a Tri-Partite meeting has been requested with the following government agencies:

FLNRORD, SINRD - Rhonda Morris, District Manager
FLNRORD – Indigenous Relations – Claire Backus
FLNRORD (aquaculture specialist) – Nichole Prichard/Jordan Wagner
MIRR – Sarah Cavanagh
Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley
Transport Canada, Regional Manager – Ryan Grenville
Transport Canada, Indigenous Relations – Peter Thompson
Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??
Canadian Food Inspection Agency - ??
Health Canada - ??

You have been identified as a contact person for your specific agency.

Included in this email are the following documents:

- Environmental Management Plan for the water lot
- K'omoks aquaculture tenure
- April 30, 2021 letter from KFN

You are invited to attend a Tri-Partite virtual meeting with K'omoks First Nation June 24 1:00 – 3:00 (PDT) to discuss this area of concern.

Rhonda Morris, District Manager, South Island Natural Resource District (Ministry of Forests, Lands, Natural Resources and Rural Development) has agreed to chair the Tri-Partite meeting.

In preparation for the June 24 meeting I would like to propose a virtual pre-meeting to discuss the tenure, the Baynes Sound area and an opportunity for a round table to understand the various agencies' roles with water concerns in Baynes Sound.

I have identified possible dates and times:

June 16, 8:00 – 10:00
June 17, 8:00-10:00
June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00
June 21, 10:30-12:00
June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 4, 2021 1:20:34 PM PDT

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

Yes that would not be us. If it was anyone at DFO it would be FHHP.

Thanks:

Todd Johansson
Senior Aquaculture Management Coordinator
(W) 250-902-2683
(M) 250-949-0838

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: June 4, 2021 12:12 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

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<https://www.dfo-mpo.gc.ca/pnw-ppe/ffhpp-ppph-eng.html> or **Email:** ReferralsPacific@dfo-mpo.gc.ca

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Sent: June 4, 2021 11:03 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
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'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Peter.Thompson@tc.gc.ca' <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>

Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>

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Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??

Canadian Food Inspection Agency - ??

Health Canada - ??

You have been identified as a contact person for your specific agency.

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Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Greville, Ryan <ryan.greville@tc.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Wurz, Jennifer <Jennifer.Wurz@tc.gc.ca>, Thompson, Peter <Peter.Thompson@tc.gc.ca>, Ferguson, Elizabeth <beth.ferguson@tc.gc.ca>
Sent: June 4, 2021 2:30:01 PM PDT

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For the pre-session, I am only available on the 18th from 9-10, 1-3 or the 21st. The 21st would be the preferred date.

Ryan

From: Bailey, Annette FLNR:EX [mailto:Annette.Bailey@gov.bc.ca]
Sent: Friday, June 04, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; Greville, Ryan <ryan.greville@tc.gc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
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Transport Canada, Regional Manager – Ryan Grenville

Transport Canada, Indigenous Relations – Peter Thompson
Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??
Canadian Food Inspection Agency - ??
Health Canada - ??

You have been identified as a contact person for your specific agency.
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If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
To: Greville, Ryan <ryan.greville@tc.gc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Wurz, Jennifer <Jennifer.Wurz@tc.gc.ca>, Ferguson, Elizabeth <beth.ferguson@tc.gc.ca>
Sent: June 4, 2021 4:14:12 PM PDT

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

Hi Annette,

To coordinate with my colleague Ryan Greville, I can make myself available for those same noted **dates/times shown below**.

Thank you for organizing.

Pete

From: Greville, Ryan
Sent: Friday, June 04, 2021 2:30 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Wurz, Jennifer <Jennifer.Wurz@tc.gc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>; Ferguson, Elizabeth <beth.ferguson@tc.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

For the pre-session, I am only available on the **18th** from 9-10, **1-3** or the **21st** (10:30-12:00). The **21st** would be the preferred date.

Ryan

From: Bailey, Annette FLNR:EX [<mailto:Annette.Bailey@gov.bc.ca>]
Sent: Friday, June 04, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; Greville, Ryan <ryan.greville@tc.gc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Request for Tri-partite meeting regarding Baynes Sound

Good morning

Recently I have been working on a land tenure file (0021050) at Union Bay in Baynes Sound. As you know, Baynes Sound is significant for shellfish culture as well as commercial fishing, recreation and tourism. The Sound is surrounded by residential and commercial uplands. The Baynes Sound Coastal Plan for Shellfish Aquaculture produced in December 2002 indicates this juxtaposition of different activities and values along with shellfish aquaculture has resulted in major coastal resource use conflicts.

K'omoks First Nation (KFN) have raised concerns about the potential effects of file 0021050 in Baynes Sound and more specifically the proximity to their aquaculture tenure (1411103).

Initial letter dated November 4th, 2020 from KFN includes the Tri-Partite request:

In closing, K'omoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

A further letter was received from KFN April 30, 2021 and is attached to this email.

Through the consultation process and as indicated in letters from KFN, a Tri-Partite meeting has been requested with the following government agencies:

FLNRORD, SINRD - Rhonda Morris, District Manager
FLNRORD – Indigenous Relations – Claire Backus
FLNRORD (aquaculture specialist) – Nichole Prichard/Jordan Wagner
MIRR – Sarah Cavanagh
Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley
Transport Canada, Regional Manager – Ryan Grenville
Transport Canada, Indigenous Relations – Peter Thompson
Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??
Canadian Food Inspection Agency - ??
Health Canada - ??

You have been identified as a contact person for your specific agency.

Included in this email are the following documents:

- Environmental Management Plan for the water lot
- K'omoks aquaculture tenure
- April 30, 2021 letter from KFN

You are invited to attend a Tri-Partite virtual meeting with K'omoks First Nation June 24 1:00 – 3:00 (PDT) to discuss this area of concern.

Rhonda Morris, District Manager, South Island Natural Resource District (Ministry of Forests, Lands, Natural Resources and Rural Development) has agreed to chair the Tri-Partite meeting.

In preparation for the June 24 meeting I would like to propose a virtual pre-meeting to discuss the tenure, the Baynes Sound area and an opportunity for a round table to understand the various agencies' roles with water concerns in Baynes Sound.

I have identified possible dates and times:

June 16, 8:00 – 10:00
June 17, 8:00-10:00
June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00
June 21, 10:30-12:00
June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio

Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

RE: Information - Canadian Shellfish Sanitation Program (CSSP)

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 4, 2021 4:15:41 PM PDT
Attachments: image001.gif

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

Thanks Annette,

That email has been shared with ECCC.

Have a good weekend!

Pete

From: Bailey, Annette FLNR:EX [mailto:Annette.Bailey@gov.bc.ca]
Sent: Friday, June 04, 2021 12:45 PM
To: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Subject: RE: Information - Canadian Shellfish Sanitation Program (CSSP)

Hi Peter

Yes, please share the email with any contacts you may have.

Thanks

Annette

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Sent: June 4, 2021 11:34 AM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: RE: Information - Canadian Shellfish Sanitation Program (CSSP)

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

Good morning Annette,

Thank you for this email, as well as your more recent request for a tripartite meeting with the K'omoks First Nation on June 24th from 1:00-3:00 PM. Transport Canada will attend.

I'll review your pre-meeting dates and will get back to you early next week with some availabilities for Transport Canada.

After speaking with Claire (copied) I did reach out to my contacts at ECCC to provide additional details on this issue, but have yet to hear back from them. If you're OK with it, I'd like to propose that I send your more recent email (attached) to ECCC with BC's request for ECCC, CFIA and HC participation at this meeting. Would you be OK with that? I'm hoping that will help bring some relevant folks from ECCC, CFIA and /or HC to the table.

Kind regards,

Thanks,

Pete

Peter Thompson

Indigenous Relations Advisor

Transport Canada / Pacific Region / Government of Canada

Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone

Transports Canada / Région du Pacifique / Gouvernement du Canada

Peter.Thompson@tc.gc.ca / Tél: 604-349-5124 / ATS: 1-888-675-6863



Gouvernement
du Canada

Government
of Canada

Canada

From: Bailey, Annette FLNR:EX [<mailto:Annette.Bailey@gov.bc.ca>]

Sent: Thursday, June 03, 2021 3:57 PM

To: Thompson, Peter <Peter.Thompson@tc.gc.ca>

Subject: FW: Information - Canadian Shellfish Sanitation Program (CSSP)

Hi Peter

I received your contact information from Claire Backus.

As she may have indicated to you, I am in the process of making contacts to attend a Tri-Partite meeting with K'omoks First Nation.

As indicated below, Claire has asked me to provide more information to you about K'omoks aquaculture tenure in Baynes Sound. This specific aquaculture tenure is next to a tenure that is changing purpose from Industrial log handling to Industrial general with the purpose of removing derelict vessels from the water to their private upland. K'omoks has expressed concerns about the water quality in Baynes Sound and is looking for assurances that the tenure will not affect their aquaculture tenure and have requested this Tri-Partite meeting.

K'omoks has requested the attendance of the following;

FLNRORD (aquaculture specialist)
Ministry of Environment
Transport Canada
Department of Fisheries and Oceans Canada
Environment Canada and Climate Change
Canadian Food Inspection Agency
Health Canada

I have noted you as a contact from Transport Canada and I will be sending out an information package and potential meeting times early next week.

I am wondering if you know of any contacts at CSSP, Canada Food Agency, ECCP and Health Canada that I can reach out to and discuss the purpose and attendance at the Tri-Partite meeting?

Thanks for any help you can provide

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW [250-736-6843](tel:250-736-6843)

From: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Sent: May 25, 2021 1:47 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>
Subject: FW: Information - Canadian Shellfish Sanitation Program (CSSP)

Good afternoon Annette,

I had a good chat with Peter Thompson at Transport Canada on Friday about Deep Water Recovery and K'omoks' aquaculture interests. He used to work with ECCC, so he's very familiar with these types of activities as well as the various agencies involved. He has offered to connect us with his previous manager at ECCC's Shellfish Water Classification Program about this file to support their participation in our upcoming meeting.

Peter has provided an outline of the Canadian Shellfish Sanitation Program (CSSP) below. Based on my conversation with Peter, it's my understanding that Health Canada plays a minor role in CSSP, only getting involved when circumstances are beyond ECCC's scope: ECCC looks at water quality and the potential for E.coli; Health Canada would get involved if there was potential for heavy metals or chemicals (which might be our situation given Deep Water Recovery's proposed activities).

Two questions came out of my discussion with Peter:

- Peter would like to know what kinds activities K'omoks is conducting at their tenure: Do they have lines in the water? Do they have a shellfish processing facility? If they have a processing facility, it's a slightly different focus than if they only have lines in the water.
- I'm also wondering whether we could ask K'omoks whether they have preferred contacts at each agency to attend this meeting. It's likely K'omoks' contacts would be familiar with KFN's interests and activities.

Thanks,

Claire Backus | Advisor, Indigenous Relations
West Coast Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca
Pronouns: she/her

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Sent: May 21, 2021 4:34 PM
To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Information - Canadian Shellfish Sanitation Program (CSSP)

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

Hi Claire,

Good to talk with you this afternoon.

Below is some information on the CSSP and the roles that the various federal departments/agencies play in its implementation:

<https://inspection.canada.ca/preventive-controls/fish/cssp/eng/1563470078092/1563470123546>

Canadian Shellfish Sanitation Program (CSSP)

The Canadian Shellfish Sanitation Program (CSSP) is a federal food safety program jointly administered by the Canadian Food Inspection Agency (CFIA), Environment and Climate Change Canada (ECCC) and Fisheries and Oceans Canada (DFO). The goal of the program is to minimize the health risks associated with the consumption of contaminated bivalve molluscan shellfish such as mussels, oysters and clams.

Under the CSSP, the Government of Canada implements controls to verify that only shellfish that meet food safety and quality standards reach domestic and international markets.

Roles and responsibilities

Canadian Food Inspection Agency

maintains a biotoxin surveillance program in shellfish harvest areas

recommends to Fisheries and Oceans Canada the closure and reopening of shellfish harvest areas based on Canadian marine biotoxin or microbiological standards

licenses persons or food businesses who are:

manufacturing, processing, treating, preserving, grading, packaging and labelling shellfish for the purpose of interprovincial trade or exporting/importing shellfish

verifies the compliance of licence holders to the regulatory requirements for shellfish sanitation and takes enforcement action such as suspending or cancelling licences in cases of continued unacceptable operating and sanitation conditions

Environment and Climate Change Canada:

identifies safe shellfish harvest areas in Canada, which includes ongoing water quality monitoring of fecal contamination in the marine environment, in accordance with the CSSP manual criteria

conducts comprehensive sanitary and bacteriological water quality surveys in shellfish harvest areas in Canada

identifies and/or assesses key sources of sanitary point and non-point pollution that would impact shellfish harvest areas

recommends classification of shellfish harvest areas based on the results and analyses of these activities

recommends to Fisheries and Oceans Canada the closure and reopening of shellfish harvest areas based on Canadian marine water quality standards

Fisheries and Oceans Canada:

opens and closes shellfish harvest areas, and monitors harvest activities within these areas

notifies the public of shellfish harvest area closures

Health Canada:

establishes policies, regulations and standards related to the safety and nutritional quality of food

conducts health risk assessments in order to inform and protect Canadians from the health risks associated with food

From: Backus, Claire FLNR:EX [<mailto:Claire.Backus@gov.bc.ca>]

Sent: Thursday, May 20, 2021 9:24 AM

To: Thompson, Peter <Peter.Thompson@tc.gc.ca>; Greville, Ryan <ryan.greville@tc.gc.ca>

Subject: RE: Transport Canada Contacts - K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning Peter and Ryan,

Thank you very much for confirming TC representatives. We're looking at scheduling a meeting in June. Do you have any preferred dates/times?

Thank you also for suggesting someone from ECCC's Shellfish Water Classification Program. Do you have a contact there I could connect with?

I'm also wondering if you can point me in the right direction with respect to the Canadian Food Inspection Agency and Health Canada. I'm not familiar with their mandates, and I'm not sure whether their participation would be

appropriate or valuable. Do you have any experience working with either of these agencies on aquaculture-related topics?

Thanks again,

Claire Backus | Advisor, Indigenous Relations
West Coast Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca
Pronouns: she/her

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Sent: May 19, 2021 5:25 PM
To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>
Cc: Greville, Ryan <ryan.greville@tc.gc.ca>
Subject: Transport Canada Contacts - K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

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

Hi Claire,

With respect to contacts for Transport Canada (TC), please feel free to follow-up with these TC representatives:

- Ryan Greville – Regional Manager (Pacific) – Navigation Waters Protection Program – Ryan.Greville@tc.gc.ca
- Peter Thompson – Indigenous Relations Advisor (Pacific) – Indigenous Relations Directorate – Peter.Thompson@tc.gc.ca

Due to the K'omoks Nation's shellfish aquaculture concerns, might I also suggest that someone from Environment and Climate Change Canada's (ECCC) Shellfish Water Classification Program be invited to this meeting.

Kind regards,

Peter Thompson

Indigenous Relations Advisor
Transport Canada / Pacific Region / Government of Canada
Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone
Transports Canada / Région du Pacifique / Gouvernement du Canada
Peter.Thompson@tc.gc.ca / Tél: 604-349-5124 / ATS: 1-888-675-6863



Canada

From: Backus, Claire FLNR:EX [<mailto:Claire.Backus@gov.bc.ca>]
Sent: Monday, May 17, 2021 9:21 AM
To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Apologies, all. My email was sent before it was complete! Trying again:

The applicant (Union Bay Industries Ltd. dba Deep Bay Recovery) holds a foreshore industrial lease in Baynes Sound that is currently classified for log handling. The lease is adjacent to their private, upland parcel. Deep Bay Recovery wants to operate a marine vessel decommissioning facility on their private upland parcel and have applied to change the purpose of their lease from log handling to Industrial General in order to use the foreshore area to facilitate the transit of vessels from the marine area to their upland facility. Vessels would be secured in the foreshore area while being readied for haul-out and then would be transferred to the upland portion. For clarity, the scope of FLNRORD's decision is focused on the foreshore use; activities on the upland are on private land and are outside of our jurisdiction.

The lease is adjacent to K'omoks' aquaculture tenure, and (as per Sarah's email below) K'omoks have raised concerns regarding potential impacts to their aquaculture interests, FSC allocations, and possibly heritage sites. They've also requested meetings with various provincial and federal agencies. I've attached the correspondence we've received. K'omoks have met with the applicant, and the applicant has submitted a more robust environmental management plan (also attached), but K'omoks does not feel that their concerns are being addressed.

We would like to look into organizing a tri-partite meeting with K'omoks, FLNRORD (and perhaps MoE), DFO, and Transport Canada to see if we can address K'omoks' concerns. Any guidance on the appropriate representatives to attend the meeting would be appreciated.

Please feel free to call anytime to discuss in more detail.

Thanks,

Claire Backus | Advisor, Indigenous Relations
West Coast Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Backus, Claire FLNR:EX

Sent: May 17, 2021 9:05 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>

Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning all,

Thank you to Sarah and Nasrin for getting this group together.

I'm providing some additional information on this application in response to Peter's request, and I'm happy further discuss any questions.

The applicant (Union Bay Industries Ltd. dba Deep Bay Recovery) holds an industrial lease in Baynes Sound that is currently classified for log handling. The lease is adjacent to their private, upland parcel. Deep Bay Recovery wants to operate a marine vessel decommissioning facility on their private upland parcel and have applied to change the purpose of their lease from log handling to Industrial General in order to use the foreshore

Claire Backus | Advisor, Indigenous Relations
West Coast Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>

Sent: May 14, 2021 3:09 PM

To: 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Thanks Peter. Claire will be in contact.

Sarah Cavanagh
Negotiator
Ministry of Indigenous Relations and Reconciliation
250-218-5551

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Sent: May 14, 2021 2:54 PM
To: 'Himani, Nasrin (AADNC/AANDC)' <nasrin.himani@canada.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

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

Hi Nasrin,

Thanks for reaching out.

Sarah, please feel free to contact me directly (email or phone). I'd be grateful for some additional background information related to this industrial foreshore lease application in Baynes Sound.

Kind regards,

Pete

Peter Thompson
Indigenous Relations Advisor
Transport Canada / Pacific Region / Government of Canada
Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone
Transports Canada / Région du Pacifique / Gouvernement du Canada
Peter.Thompson@tc.gc.ca / Tél: 604-349-5124 / ATS: 1-888-675-6863



From: Himani, Nasrin (AADNC/AANDC) [<mailto:nasrin.himani@canada.ca>]
Sent: Friday, May 14, 2021 11:57 AM

To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>; Stadel, Angela <Angela.Stadel@dfo-mpo.gc.ca>; Rudiak, Chad <Chad.Rudiak@dfo-mpo.gc.ca>; Russow, Theona <Theona.Russow@dfo-mpo.gc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Sarah,

I am including colleagues from DFO and Transport on this email who I hope can be involved or direct the request to someone who can.

Angela, Chad, Theona, and Pete: as you'll see from the thread below, K'omoks First Nation has expressed concerns regarding an industrial foreshore lease application in Baynes Sound and its environmental impact, particularly on aquaculture, FSC allocations, and possibly heritage sites. They are frustrated by the lack of coordination between the federal and provincial governments.

BC is planning to hold a tripartite discussion on the application and is looking for contacts at DFO and TC who can participate in the conversation, as your depts. would have some involvement.

I'll leave it to you to follow up further with BC and/or direct this request to the appropriate contacts in your respective depts.

Thanks,
Nasrin

From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>
Sent: Wednesday, May 12, 2021 12:38 PM
To: Himani, Nasrin (AADNC/AANDC) <nasrin.himani@canada.ca>; Blackburn, Michael (AADNC/AANDC) <michael.blackburn@canada.ca>
Cc: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: FW: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Both,

Would you be able to track down individuals from DFO and Transport Canada who can participate in a call regarding the foreshore lease application in Baynes Sound. It came up at our meeting last week in the context of the EA discussion. The applicant wants to de-commission vessels upland. Richard Hardy mentioned that KFN was concerned with potential oil leaks and its impact on Baynes Sound.

Thank you,
Sarah

From: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Sent: May 12, 2021 8:21 AM
To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Good morning Sarah,

Quick follow-up question: Do you have any federal contacts at the treaty table and whom we could contact to get this going?

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Backus, Claire FLNR:EX
Sent: May 11, 2021 11:44 AM
To: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Great, thanks for the update, Sarah.

We are planning to host a tri-partite discussion on the application, inviting DFO and Transport Canada as they have some interaction with the decision at hand. K'omoks has requesting the participation of agencies who don't have any jurisdiction in the decision (e.g., Health Canada), but we're trying to focus the discussion. We'll see how it goes!

Thanks again,

Claire Backus | Advisor, Indigenous Relations
West Coast Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>
Sent: May 10, 2021 1:38 PM
To: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Cole, Kim IRR:EX <Kim.Cole@gov.bc.ca>
Subject: RE: K'omoks concerns re Industrial Foreshore Lease Application in Baynes Sound

Hi Claire,

s.16

I think it is a good idea to meet with KFN with DFO and Transport Canada.
s.16

If you 'd like to discuss further let me know.

Sarah

FW: Request for Tri-partite meeting regarding Baynes Sound

From: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>
To: Mayser, Rudi E FLNR:EX <Rudi.Mayser@gov.bc.ca>
Cc: Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 7, 2021 8:31:02 AM PDT
Attachments: Deep Water Recovery EMP March 2021.pdf, 2018-08-01 End 1411103.pdf, 19-821 KMX Response.pdf, 2003-07-30 Ten Doc 1411103.pdf, 2019-11-27 Management Plan for Tenure Replacement Form.pdf

Hello Rudi

Since I am no longer the Section Head for aquaculture, I wanted you to be aware of the K'omoks request for a meeting. I see Jordan was included in this email, but not sure if her schedule will permit given her other pressing work commitments.

Sincerely,
Nichole

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 4, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Peter.Thompson@tc.gc.ca' <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Request for Tri-partite meeting regarding Baynes Sound

Good morning

Recently I have been working on a land tenure file (0021050) at Union Bay in Baynes Sound. As you know, Baynes Sound is significant for shellfish culture as well as commercial fishing, recreation and tourism. The Sound is surrounded by residential and commercial uplands. The Baynes Sound Coastal Plan for Shellfish Aquaculture produced in December 2002 indicates this juxtaposition of different activities and values along with shellfish aquaculture has resulted in major coastal resource use conflicts.

K'omoks First Nation (KFN) have raised concerns about the potential effects of file 0021050 in Baynes Sound and more specifically the proximity to their aquaculture tenure (1411103).

Initial letter dated November 4th, 2020 from KFN includes the Tri-Partite request:

In closing, K'omoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

A further letter was received from KFN April 30, 2021 and is attached to this email.

Through the consultation process and as indicated in letters from KFN, a Tri-Partite meeting has been requested with the following government agencies:

FLNRORD, SINRD - Rhonda Morris, District Manager
FLNRORD – Indigenous Relations – Claire Backus
FLNRORD (aquaculture specialist) – Nichole Prichard/Jordan Wagner
MIRR – Sarah Cavanagh
Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley

Transport Canada, Regional Manager – Ryan Grenville
Transport Canada, Indigenous Relations – Peter Thompson
Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??
Canadian Food Inspection Agency - ??
Health Canada - ??

You have been identified as a contact person for your specific agency.

Included in this email are the following documents:

- Environmental Management Plan for the water lot
- K'omoks aquaculture tenure
- April 30, 2021 letter from KFN

You are invited to attend a Tri-Partite virtual meeting with K'omoks First Nation June 24 1:00 – 3:00 (PDT) to discuss this area of concern.

Rhonda Morris, District Manager, South Island Natural Resource District (Ministry of Forests, Lands, Natural Resources and Rural Development) has agreed to chair the Tri-Partite meeting.

In preparation for the June 24 meeting I would like to propose a virtual pre-meeting to discuss the tenure, the Baynes Sound area and an opportunity for a round table to understand the various agencies' roles with water concerns in Baynes Sound.

I have identified possible dates and times:

June 16, 8:00 – 10:00

June 17, 8:00-10:00

June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00

June 21, 10:30-12:00

June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW [250-736-6843](tel:250-736-6843)



Ministry of Forests, Lands and
Natural Resource Operations
and Rural Development

ENDORSEMENTS

Licence: 109849
Endorsement No.: 4

File No.: 1411103
Date: July 19, 2018

Article 3 - Fees, Clause 3.1, fees have been changed to \$1.00 prepaid for the licence term, retroactive to July 30, 2016.


Authorized Representative



Licence. No.: 109849

File No.: 1411103

Disposition No.: 832234

THIS AGREEMENT is dated for reference the 16 day, Nov, 2004.

BETWEEN:

COMOX INDIAN BAND
3320 Comox Road
Courtenay, BC V9N 3P8

OF THE FIRST PART

(herein the "Assignor")

AND:

PENTLATCH SEAFOODS LTD.
3320 Comox Road
Courtenay, BC V9N 3P8

OF THE SECOND PART

(herein the "Assignee")

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

OF THE THIRD PART

(herein the "Province")

WITNESS THAT WHEREAS:

The Assignor and the Province entered into a license agreement dated July 30, 2003 (herein called the "Document") over those lands more particularly known and described as:

That part of Block A, District Lot 198, Nanaimo District, containing 1.853 hectares more or less.

NOW THEREFORE THIS AGREEMENT WITNESSETH that for good and valuable consideration paid by the Assignee to the Assignor and by the Assignee and the Assignor to the Province, the receipt and sufficiency of which is hereby acknowledged by both the Assignor and the Province, the parties agree as follows:

ARTICLE I - ASSIGNMENT

- 1.1 The Assignor assigns all of his right, title, interest and estate in and to the Document to the Assignee.

ARTICLE II - ASSUMPTION

- 2.1 The Assignee covenants with the Province to assume and be bound by all the terms, conditions, covenants, obligations and agreements contained in the Document.

ARTICLE III - CONSENT

- 3.1 The Province consents to the execution and delivery of this agreement and the Assignment.
- 3.2 The Province releases and discharges the Assignor from all the terms, conditions, covenants, obligations and agreements contained in the Document.

ARTICLE IV - WARRANTIES AND REPRESENTATIONS

- 4.1 The Assignee warrants and represents to the Province, with the intent that the Province will rely thereon, that the Assignee:
- (a) is a corporation duly formed under laws of the Province of British Columbia and has filed all necessary documents under such laws and has complied with all requirements of the *Business Corporations Act*;
 - (b) has the power, capacity and authority to enter into this agreement and to carry out its obligations contemplated herein, all of which have been duly and validly authorized by all necessary proceedings; and

- (c) is in good standing with respect to the filing of returns in the Office of the Registrar of Companies of British Columbia.

4.2 The Assignee acknowledges to the Province and to the Assignor that:

- (a) the Assignee has inspected the land, and the improvements (if any) situate thereon, which are the subject of the Document and is fully aware of the condition of that land, and the improvements (if any) situate thereon, and accepts same in its current state;
- (b) the Assignee has reviewed and inspected all municipal and regional by-laws, regulations and policies concerning the use and development of the land which is the subject of the Document; and
- (c) there are no representations, warranties, collateral agreements or conditions affecting this agreement or the land, and the improvements (if any) situate thereon, which are the subject of the Document except as expressed herein and that this agreement constitutes the entire agreement.

ARTICLE V - NOTICE

- 5.1 The address of the Assignee for the service of notices or documents under the Document shall be the address specified for the Assignee on the first page of this agreement.

ARTICLE VI - MISCELLANEOUS

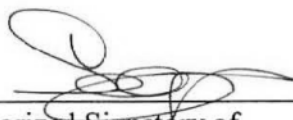
- 6.1 This agreement shall enure to the benefit of the parties hereto and their respective successors and permitted assigns.
- 6.2 The parties to this agreement confirm that the terms of the Document remain and continue in full force and effect.
- 6.3 This agreement may not be assigned by the Assignee except in accordance with the provisions of the Document.
- 6.4 This agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia.
- 6.5 In this agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and corporation as the case may be.
- 6.6 The captions and headings contained in this agreement are for convenience only and are not to

be construed as defining or in anyway limiting the scope or intent of the provisions hereof.

- 6.7 Where there is a reference to an enactment of the Province of British Columbia in this agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and, unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.
- 6.8 If any section of this agreement or any part of a section is found to be illegal or unenforceable, that part or section as the case may be, shall be considered separate and severable and the remaining parts shall be enforceable to the fullest extent permitted by law.
- 6.9 All schedules attached to this agreement form an integral part of this agreement.

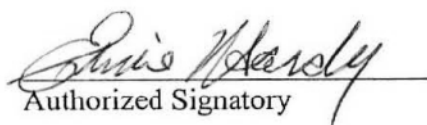
IN WITNESS WHEREOF the Assignor and Assignee have executed this agreement, and the Province has consented thereto, the day and year first above written.

SIGNED on behalf of **HER MAJESTY
THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA** by
Land and Water British Columbia Inc.,
authorized representative of the
minister responsible for the *Land Act*



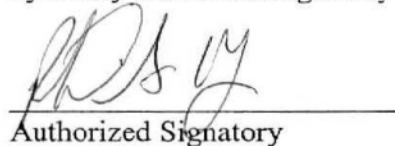
Authorized Signatory of
Land and Water British Columbia Inc.

SIGNED on behalf of Comox Indian Band
by a duly authorized signatory



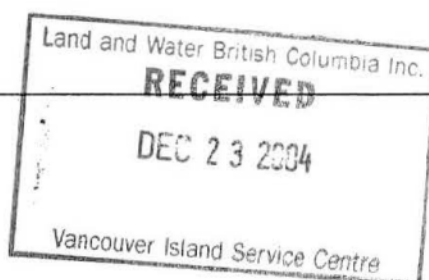
Authorized Signatory

SIGNED on behalf of Pentlatch Seafoods Ltd.
by a duly authorized signatory



Authorized Signatory

ASSIGNMENT/ASSUMPTION



Page 4 of 4



Licence No.:

133849

File No.: 1411103

Disposition No.: 832234

THIS AGREEMENT is dated for reference July 30, 2003 and is made under the *Land Act*.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

(the "Province")

AND:

COMOX INDIAN BAND
3320 Comox Road
Courtenay, BC V9N 3P8

(the "Licensee")

The parties agree as follows:

ARTICLE 1 - INTERPRETATION

1.1 In this Agreement,

"Agreement" means this licence of occupation;

"Commencement Date" means July 30, 2003;

"disposition" has the meaning given to it in the *Land Act* and includes a licence of occupation;

"Fees" means the fees set out in Article 3;

"Improvements" includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the Land, and attached to it or intended to become a part of it, and also includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching of, in, on or under the Land;

“Land” means that part or those parts of the following described land shown outlined by bold line on the schedule attached to this Agreement entitled “Legal Description Schedule”:

that part of Block A, District Lot 198, Nanaimo District, containing 1.853 hectares more or less,

except for those parts of the land that, on the Commencement Date, consist of highways (as defined in the *Highway Act*);

“Management Plan” means the most recent management plan prepared by you in a form acceptable to us, signed and dated by the parties, and held on file by us;

“Realty Taxes” means all taxes, rates, levies, duties, charges and assessments levied or charged, at any time, by any competent governmental authority which relate to the Land, the Improvements or both of them and which you are liable to pay;

“Security” means the security referred to in section 6.1 or 6.2, as replaced or supplemented in accordance with section 6.5;

“Term” means the period of time set out in section 2.2;

“we”, “us” or “our” refers to the Province alone and never refers to the combination of the Province and the Licensee: that combination is referred to as **“the parties”**; and

“you” or “your” refers to the Licensee.

1.2 In this Agreement, “person” includes a corporation, firm or association and wherever the singular or masculine form is used in this Agreement it will be construed as the plural or feminine or neuter form, as the case may be, and vice versa where the context or parties require.

1.3 The captions and headings contained in this Agreement are for convenience only and do not define or in any way limit the scope or intent of this Agreement.

1.4 This Agreement will be interpreted according to the laws of the Province of British Columbia.

1.5 Where there is a reference to an enactment of the Province of British Columbia or of Canada in this Agreement, that reference will include a reference to every amendment to it, every regulation made under it and any subsequent enactment of like effect and, unless otherwise indicated, all enactments referred to in this Agreement are enactments of the Province of British Columbia.

1.6 If any section of this Agreement, or any part of a section, is found to be illegal or

unenforceable, that section or part of a section, as the case may be, will be considered separate and severable and the remainder of this Agreement will not be affected and this Agreement will be enforceable to the fullest extent permitted by law.

- 1.7 Each schedule to this Agreement is an integral part of this Agreement as if set out at length in the body of this Agreement.
- 1.8 This Agreement constitutes the entire agreement between the parties and no understanding or agreement, oral or otherwise, exists between the parties with respect to the subject matter of this Agreement except as expressly set out in this Agreement and this Agreement may not be modified except by subsequent agreement in writing between the parties.
- 1.9 Each party will, upon the request of the other, do or cause to be done all lawful acts necessary for the performance of the provisions of this Agreement.
- 1.10 All provisions of this Agreement in our favour and all of our rights and remedies, either at law or in equity, will survive the termination of this Agreement.
- 1.11 Time is of the essence of this Agreement.
- 1.12 Wherever this Agreement provides that an action may be taken, a consent or approval must be obtained or a determination must be made, then you or we, as the case may be, will act reasonably in taking such action, deciding whether to provide such consent or approval or making such determination; but where this Agreement states that you or we have sole discretion to take an action, provide a consent or approval or make a determination, there will be no requirement to show reasonableness or to act reasonably in taking that action, providing that consent or approval or making that determination.

ARTICLE 2 - GRANT AND TERM

- 2.1 On the terms and conditions set out in this Agreement, we grant you a licence of occupation of the Land for marine invertebrates aquaculture purposes, as set out in the Management Plan, and you acknowledge this licence of occupation does not grant you exclusive use and occupancy of the Land.
- 2.2 The term of this Agreement commences on the Commencement Date and terminates on the 20th anniversary of that date, or such earlier date provided for in this Agreement.

ARTICLE 3 - FEES

- 3.1 You will pay to us:

- (a) for the first year of the Term, Fees of \$600.00, payable in advance on the Commencement Date; and
- (b) for each year during the remainder of the Term, the Fees either determined by us under section 3.2 or established under section 3.3, payable in advance on each anniversary of the Commencement Date.

3.2 We will, not later than 15 days before each anniversary of the Commencement Date during the Term, give written notice to you specifying in our sole discretion the Fees payable by you under subsection 3.1(b) for the subsequent year of the Term and we will establish such Fees in accordance with our policies applicable to your use of the Land under this Agreement.

3.3 If we do not give notice to you under section 3.2, the Fees payable by you under section 3.1(b) for the year for which notice was not given will be the same as the Fees payable by you for the preceding year of the Term.

ARTICLE 4 - COVENANTS

4.1 You must

- (a) pay, when due,
 - (i) the Fees to us at the address set out in Article 10,
 - (ii) the Realty Taxes, and
 - (iii) all charges for electricity, gas, water and other utilities supplied to the Land for use by you or on your behalf or with your permission;
- (b) deliver to us, immediately upon demand, receipts or other evidence of the payment of Realty Taxes and all other money required to be paid by you under this Agreement;
- (c) observe, abide by and comply with
 - (i) all applicable laws, bylaws, orders, directions, ordinances and regulations of any competent governmental authority in any way affecting your use and occupation of the Land and the Improvements, and
 - (ii) the provisions of this Agreement;
- (d) in respect of the use of the Land by you or by anyone you permit to use the Land, keep the Land and the Improvements in a safe, clean and sanitary condition satisfactory to us,

and at our written request, make the Land and the Improvements safe, clean and sanitary;

- (e) not commit any wilful or voluntary waste, spoil or destruction on the Land or do anything on the Land that may be or become a nuisance or annoyance to an owner or occupier of land in the vicinity of the Land;
- (f) use and occupy the Land only in accordance with and for the purposes set out in the Management Plan;
- (g) not construct, place, anchor, secure or affix any Improvement in, on, to or into the Land except as permitted in the Management Plan and, despite the Management Plan, you will not construct, place, anchor, secure or affix anything on or to the Land that may interfere with the riparian right of access of any person over the Land without first obtaining from that person a statutory right of way, in registrable form and in our favour, by which that person allows us to curtail his or her riparian right of access over the Land;
- (h) pay all accounts and expenses as they become due for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, except for money that you are required to hold back under the *Builders Lien Act*;
- (i) if any claim of lien over the Land is made under the *Builders Lien Act* for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, immediately take all steps necessary to have the lien discharged, unless the claim of lien is being contested in good faith by you and you have taken the steps necessary to ensure that the claim of lien will not subject the Land or any interest of yours under this Agreement to sale or forfeiture;
- (j) not cut or remove timber on or from the Land without
 - (i) our prior written consent, and
 - (ii) being granted the right under the *Forest Act* to harvest Crown timber on the Land;
- (k) upon receipt of written notice from us place markers on the Land in accordance with the provisions of the *Navigable Waters Protection Act*, to our satisfaction;
- (l) dispose of raw sewage and refuse only in accordance with the requirements and regulations of appropriate federal and provincial agencies;
- (m) store bulk hazardous petroleum products and other toxic substances in accordance with the provisions of the *Waste Management Act*;

- (n) not use construction materials containing toxic substances;
- (o) not without prior written consent from us
 - (i) deposit on the Land, or any part of it, any earth, fill or other material for the purpose of filling in or raising the level of the Land;
- (p) at our request and at your expense, have a British Columbia Land Surveyor conduct a survey of the Land within 3 months;
- (q) permit us, or our authorized representatives, to enter on the Land at any time to inspect the Land and the Improvements;
- (r) indemnify and save us and our servants, employees and agents harmless against all claims, actions, causes of action, losses, damages, costs and liabilities, including fees of solicitors and other professional advisors, arising out of
 - (i) your breach, violation or nonperformance of a provision of this Agreement, and
 - (ii) any personal injury, bodily injury (including death) or property damage occurring or happening on or off the Land by virtue of your entry upon, use or occupation of the Land,and the amount of all such losses, damages, costs and liabilities will be payable to us immediately upon demand; and
- (s) on the termination of this Agreement,
 - (i) peaceably quit and deliver to us possession of the Land and, subject to paragraphs (ii), (iii) and (iv), the Improvements in a safe, clean and sanitary condition,
 - (ii) within 90 days, remove from the Land any Improvement you want to remove, if the Improvement was placed on or made to the Land by you and you are not in default of this Agreement,
 - (iii) not remove any Improvement from the Land if you are in default of this Agreement, unless we direct or permit you to do so under paragraph (iv),
 - (iv) remove from the Land any Improvement that we, in writing, direct or permit you to remove, other than any Improvement permitted to be placed on or made to the Land under another disposition, and

- (v) restore the surface of the Land as nearly as may reasonably be possible to the same condition as it was on the Commencement Date, to our satisfaction, but if you are not directed or permitted to remove an Improvement under paragraph (iv), this paragraph will not apply to that part of the surface of the Land on which that Improvement is located,

and all of your right, interest and estate in the Land will be absolutely forfeited to us, and to the extent necessary, this covenant will survive the termination of this Agreement.

- 4.2 You will not permit any person to do anything you are restricted from doing under this Article.

ARTICLE 5 - LIMITATIONS

- 5.1 You agree with us that

- (a) we are under no obligation to provide access or services to the Land or to maintain or improve existing access roads;
- (b) this Agreement is subject to
 - (i) all subsisting dispositions and subsisting grants to or rights of any person made or acquired under the *Coal Act*, *Forest Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act*, *Wildlife Act* or *Water Act*, or any extension or renewal of the same, whether or not you have actual notice of them, and
 - (ii) the exceptions and reservations of interests, rights, privileges and titles referred to in section 50 of the *Land Act*;
- (c) without limiting subsection 4.1(r), you must indemnify and save us and our servants, employees and agents harmless from and against all claims, actions, causes of action, losses, damages, costs and liabilities, including fees of solicitors and other professional advisors, arising out of any conflict between your rights under this Agreement and the rights of any person under a disposition or under a subsisting grant to or right of any person made or acquired under the *Coal Act*, *Forest Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act*, *Wildlife Act* or *Water Act* (or any prior or subsequent enactment of the Province of British Columbia of like effect), or any extension or renewal of the same, whether or not you have actual notice of them, and the amount of all such losses, damages, costs and liabilities will be payable to us immediately upon demand;
- (d) you release us from all claims, actions, causes of action, suits, debts and demands that you now have or may at any time in the future have against us arising out of any

conflict between your rights under this Agreement and the rights of any person under a disposition or under a subsisting grant to or right made or acquired under the enactments referred to in subsection (c), and you acknowledge that this Agreement and your rights under this Agreement are subject to those grants and rights referred to in subsection (c) whether or not you have actual notice of them.

- (c) we may make other dispositions of or over the Land;
- (f) you will make no claim for compensation, in damages or otherwise, in respect of a disposition made under subsection (e), where such disposition does not materially affect the exercise of your rights under this Agreement;
- (g) subject to subsection (f), all of your costs and expenses, direct or indirect, that arise out of any lawful interference with your rights under this Agreement as a result of the exercise or operation of the interests, rights, privileges and titles reserved to us in subsections (b) and (e) will be borne solely by you;
- (h) you will not commence or maintain proceedings under section 65 of the *Land Act* in respect of any lawful interference with your rights under this Agreement that arises as a result of the exercise or operation of the interests, rights, privileges and titles described in subsections (b) and (e);
- (i) you will not dredge or displace beach materials on the Land without our prior written consent;
- (j) you will not interrupt or divert the movement of water or of beach materials by water along the shoreline without our prior written consent;
- (k) you will not remove or permit the removal of any Improvement from the Land except as expressly permitted or required under this Agreement;
- (l) any interest you may have in the Improvements ceases to exist and becomes our property upon the termination of this Agreement, except where an Improvement may be removed under paragraph 4.1(s)(ii), (iii) or (iv) in which case any interest you may have in that Improvement ceases to exist and becomes our property if the Improvement is not removed from the Land within the time period set out in paragraph 4.1(s)(ii) or the time period provided for in the direction or permission given under paragraph 4.1(s)(iii); and
- (m) if, after the termination of this Agreement, we permit you to remain in possession of the Land and we accept money from you in respect of such possession, a tenancy from year to year will not be created by implication of law and you will be deemed to be a monthly occupier only subject to all of the provisions of this Agreement, except as to duration, in the absence of a written agreement to the contrary.

ARTICLE 6 - SECURITY AND INSURANCE

- 6.1 On the Commencement Date, you will deliver to us security in the amount of \$1,000.00 which will
- (a) guarantee the performance of your obligations under this Agreement;
 - (b) be in the form required by us; and
 - (c) remain in effect until we certify, in writing, that you have fully performed your obligations under this Agreement.
- 6.2 Despite section 6.1, your obligations under that section are suspended for so long as you maintain in good standing other security acceptable to us to guarantee the performance of your obligations under this Agreement and all other dispositions held by you.
- 6.3 We may use the Security for the payment of any costs and expenses incurred by us to perform any of your obligations under this Agreement that are not performed by you or to pay any overdue Fees and, if such event occurs, you will, within 30 days of that event, deliver further Security to us in an amount equal to the amount drawn down by us.
- 6.4 After we certify, in writing, that you have fully performed your obligations under this Agreement, we will return to you the Security maintained under section 6.1, less all amounts drawn down by us under section 6.3.
- 6.5 You acknowledge that we may, from time to time, notify you to
- (a) change the form or amount of the Security; and
 - (b) provide and maintain another form of Security in replacement of or in addition to the Security posted by you under this Agreement;
- and you will, within 60 days of receiving such notice, deliver to us written confirmation that the change has been made or the replacement or additional form of Security has been provided by you.
- 6.6 You must
- (a) without limiting your obligations or liabilities under this Agreement, at your expense, effect and keep in force during the Term Comprehensive/Commercial General Liability insurance protecting us as an additional insured in an amount of not less than \$1,000,000.00 inclusive per occurrence insuring against liability for personal injury, bodily injury (including death) or property damage, and claims for liability assumed

under contract, arising from all accidents or occurrences on the Land or the Improvements;

- (b) on the Commencement Date and immediately upon demand, deliver to us a completed "Province of British Columbia Certificate of Insurance" for all insurance required to be maintained by you under this Agreement;
- (c) ensure that all insurance required to be maintained by you under this Agreement is
 - (i) placed with insurers licensed in British Columbia,
 - (ii) primary and does not require the sharing of any loss by any insurer that insures us, and
 - (iii) endorsed to provide us with 30 days' advance written notice of cancellation or material change; and
- (d) deliver to us, immediately upon demand, certified copies of all policies of insurance required to be maintained by you under this Agreement.

6.7 You acknowledge that we may, from time to time, notify you to

- (a) change the amount of insurance set out in subsection 6.6(a); and
- (b) provide and maintain another type or types of insurance in replacement of or in addition to the insurance previously required to be maintained by you under this Agreement;

and you will, within 60 days of receiving such notice, cause the amounts and types to be changed and deliver to us a completed "Province of British Columbia Certificate of Insurance" for all insurance then required to be maintained by you under this Agreement.

ARTICLE 7 - ASSIGNMENT

- 7.1 You must not sublicense, assign, mortgage or transfer this Agreement, or permit any person to use or occupy the Land, without our prior written consent, which consent we may withhold in our sole discretion.
- 7.2 For the purpose of section 7.1, if you are a corporation, a change in control (as that term is defined in subsection 1(4) of the *Company Act*) will be deemed to be a transfer of this Agreement.
- 7.3 Section 7.2 does not apply to a corporation if the shares of the corporation which carry votes for the election of the directors of the corporation trade on a stock exchange located in Canada.

- 7.4 Prior to considering a request for our consent under section 7.1, we may require you to meet certain conditions, including without limitation, that you submit to us a “site profile”, “preliminary site investigation” or “detailed site investigation” (as those terms are defined in the *Waste Management Act*) for the Land or other similar type of investigation of the Land.

ARTICLE 8 - TERMINATION

8.1 You agree with us that

- (a) if you
 - (i) default in the payment of any money payable by you under this Agreement, or
 - (ii) fail to observe, abide by and comply with the provisions of this Agreement (other than the payment of any money payable by you under this Agreement),and your default or failure continues for 60 days after we give written notice of the default or failure to you,
- (b) if, in our opinion, you fail to make diligent use of the Land for the purposes set out in this Agreement, and your failure continues for 60 days after we give written notice of the failure to you;
- (c) if you
 - (i) become insolvent or make an assignment for the general benefit of your creditors,
 - (ii) commit an act which entitles a person to take action under the *Bankruptcy and Insolvency Act* (Canada) or a bankruptcy petition is filed or presented against you or you consent to the filing of the petition or a decree is entered by a court of competent jurisdiction adjudging you bankrupt under any law relating to bankruptcy or insolvency, or
 - (iii) voluntarily enter into an arrangement with your creditors;
- (d) if you are a corporation,
 - (i) a receiver or receiver-manager is appointed to administer or carry on your business, or
 - (ii) an order is made, a resolution passed or a petition filed for your liquidation or

winding up;

- (e) if you are a society, you convert into a company in accordance with the *Society Act* without our prior written consent;
- (f) if this Agreement is taken in execution or attachment by any person; or
- (g) if we require the Land for our own use or, in our opinion, it is in the public interest to cancel this Agreement and we have given you 90 days' written notice of such requirement or opinion;

this Agreement will, at our option and with or without entry, terminate and your right to use and occupy the Land will cease.

8.2 If the condition complained of (other than the payment of any money payable by you under this Agreement) reasonably requires more time to cure than 60 days, you will be deemed to have complied with the remedying of it if you commence remedying or curing the condition within 60 days and diligently complete the same.

8.3 You agree with us that

- (a) you will make no claim for compensation, in damages or otherwise, upon the lawful termination of this Agreement under section 8.1; and
- (b) our remedies under this Article are in addition to those available to us under the *Land Act*.

ARTICLE 9 - DISPUTE RESOLUTION

9.1 If any dispute arises under this Agreement, the parties will attempt to resolve the dispute within 60 days of the dispute arising (or within such other time period agreed to by the parties) and, subject to applicable laws, provide candid and timely disclosure to each other of all relevant facts, information and documents to facilitate those efforts.

9.2 Subject to section 9.5, if a dispute under this Agreement cannot be resolved under section 9.1, we or you may refer the dispute to arbitration conducted by a sole arbitrator appointed pursuant to the *Commercial Arbitration Act*.

9.3 The cost of the arbitration referred to in section 9.2 will be shared equally by the parties and the arbitration will be governed by the laws of the Province of British Columbia.

9.4 The arbitration will be conducted at our offices (or the offices of our authorized representative) in Nanaimo, British Columbia, and if we or our authorized representative have no office in Nanaimo, British Columbia, then our offices (or the offices of our authorized representative)

that are closest to Nanaimo, British Columbia.

- 9.5 A dispute under this Agreement in respect of a matter within our sole discretion cannot, unless we agree, be referred to arbitration as set out in section 9.2.

ARTICLE 10 - NOTICE

- 10.1 Any notice required to be given by either party to the other will be deemed to be given if mailed by prepaid registered mail in Canada or delivered to the address of the other as follows:

to us

Land and Water British Columbia Inc.
Suite 501 345 Wallace Street
Nanaimo, BC V9R 5B6;

to you

Comox Indian Band
3320 Comox Road
Courtenay, BC V9N 3P8;

or at such other address as a party may, from time to time, direct in writing, and any such notice will be deemed to have been received if delivered, on the day of delivery, and if mailed, 7 days after the time of mailing, except in the case of mail interruption in which case actual receipt is required.

- 10.2 In order to expedite the delivery of any notice required to be given by either party to the other, a concurrent facsimile copy of any notice will, where possible, be provided to the other party but nothing in this section, and specifically the lack of delivery of a facsimile copy of any notice, will affect the deemed delivery provided in section 10.1.
- 10.3 The delivery of all money payable to us under this Agreement will be effected by hand, courier or prepaid regular mail to the address specified above, or by any other payment procedure agreed to by the parties, such deliveries to be effective on actual receipt.

ARTICLE 11 - MISCELLANEOUS

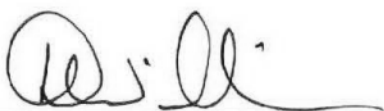
- 11.1 No provision of this Agreement will be considered to have been waived unless the waiver is in writing, and a waiver of a breach of a provision of this Agreement will not be construed as or

constitute a waiver of any further or other breach of the same or any other provision of this Agreement, and a consent or approval to any act requiring consent or approval will not waive or render unnecessary the requirement to obtain consent or approval to any subsequent same or similar act.

- 11.2 No remedy conferred upon or reserved to us under this Agreement is exclusive of any other remedy in this Agreement or provided by law, but that remedy will be in addition to all other remedies in this Agreement or then existing at law, in equity or by statute.
- 11.3 The grant of a sublicense, assignment or transfer of this Agreement does not release you from your obligation to observe and perform all the provisions of this Agreement on your part to be observed and performed unless we specifically release you from such obligation in our consent to the sublicense, assignment or transfer of this Agreement.
- 11.4 This Agreement extends to, is binding upon and enures to the benefit of the parties, their heirs, executors, administrators, successors and permitted assigns.
- 11.5 If, due to a strike, lockout, labour dispute, act of God, inability to obtain labour or materials, law, ordinance, rule, regulation or order of a competent governmental authority, enemy or hostile action, civil commotion, fire or other casualty or any condition or cause beyond your reasonable control, other than normal weather conditions, you are delayed in performing any of your obligations under this Agreement, the time for the performance of that obligation will be extended by a period of time equal to the period of time of the delay so long as
- (a) you give notice to us within 30 days of the commencement of the delay setting forth the nature of the delay and an estimated time frame for the performance of your obligation; and
 - (b) you diligently attempt to remove the delay.
- 11.6 You agree with us that
- (a) we are under no obligation, express or implied, to provide financial assistance or to contribute toward the cost of servicing, creating or developing the Land or the Improvements and you are solely responsible for all costs and expenses associated with your use of the Land and the Improvements for the purposes set out in this Agreement; and
 - (b) nothing in this Agreement constitutes you as our agent, joint venturer or partner or gives you any authority or power to bind us in any way.
- 11.7 This Agreement does not override or affect any powers, privileges or immunities to which you are entitled under any enactment of the Province of British Columbia.

The parties have executed this Agreement as of the date of reference of this Agreement.

SIGNED on behalf of **HER MAJESTY
THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA** by
Land and Water British Columbia Inc.,
authorized representative of the
minister responsible for the *Land Act*



Authorized Signatory of
Land and Water British Columbia Inc.

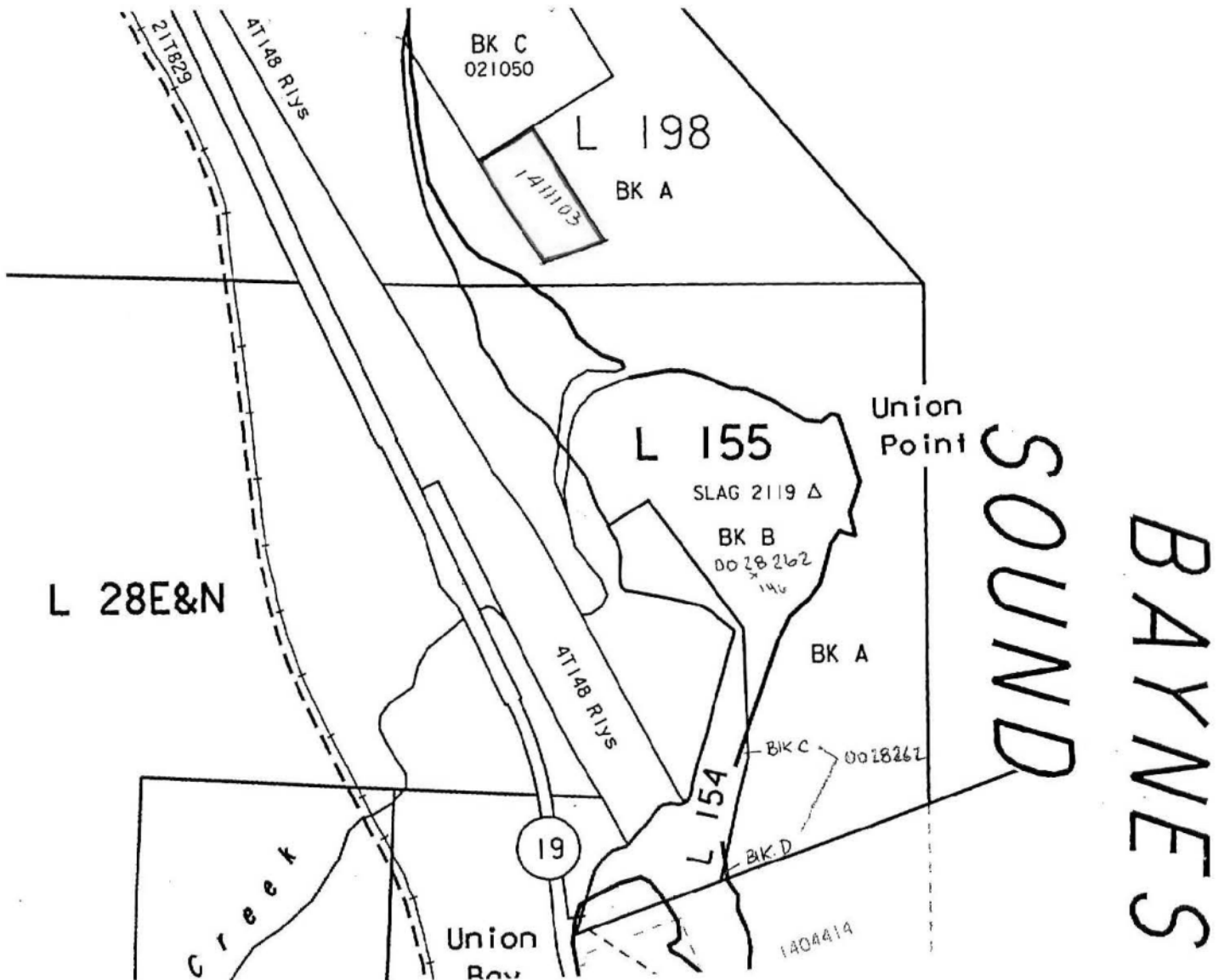
SIGNED on behalf of Comox Indian Band
by a duly authorized signatory



Authorized Signatory

LEGAL DESCRIPTION SCHEDULE

That part of Block A, District Lot 198, Nanaimo District, shown outlined on sketch below, containing 1.853 hectares more or less.





Ministry of
Sustainable Resource
Management

ENDORSEMENTS

License No.: 109849

File No.: 1411103

Endorsement No.: 1

Date: December 24, 2004

License assigned unto Pentlatch Seafoods Ltd by agreement dated December 16, 2004.

Authorized Representative



Ministry of
Agriculture and Lands

ENDORSEMENTS

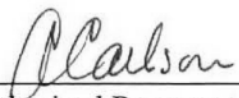
Licence No.: 109849

File No.: 1411103

Endorsement No.: 2

Date: March 5, 2007

Article 6— Security and Insurance, Clause 6.1, amount changed to \$20,000.00.



Authorized Representative

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: June 7, 2021 8:37:56 AM PDT

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

Sorry I do not. Melinda might though

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Monday, June 7, 2021 8:21 AM
To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Hi Todd

Do you have a contact name at FHHP?

Thanks
Annette

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: June 4, 2021 1:21 PM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

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Yes that would not be us. If it was anyone at DFO it would be FHHP.

Thanks:

Todd Johansson
Senior Aquaculture Management Coordinator
(W) 250-902-2683
(M) 250-949-0838

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: June 4, 2021 12:12 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
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Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Thanks Annette, I will check with Todd one last time, but as I mentioned in my email, Aquaculture Management does not have any jurisdiction or comment on this upland application. Aquaculture Management will only be engaged should we be notified by the CSSP partners that there is a change to water classification at that location. I do not think anyone from DFO Aquaculture will be attending any of the meetings. Have you engaged with our DFO, Fish and Fish Habitat Protection Program? They may be a better person to speak to these requests.

Melinda

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 4, 2021 11:03 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: FW: Request for Tri-partite meeting regarding Baynes Sound

Hi

Unfortunately, I was unable to attach all the documents indicated to your email. I have two documents that I hope provides enough information.

Annette

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Sent: June 4, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Peter.Thompson@tc.gc.ca' <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Request for Tri-partite meeting regarding Baynes Sound

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In closing, K'omoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

A further letter was received from KFN April 30, 2021 and is attached to this email.

Through the consultation process and as indicated in letters from KFN, a Tri-Partite meeting has been requested with the following government agencies:

FLNRORD, SINRD - Rhonda Morris, District Manager
FLNRORD – Indigenous Relations – Claire Backus
FLNRORD (aquaculture specialist) – Nichole Prichard/Jordan Wagner
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Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley
Transport Canada, Regional Manager – Ryan Grenville
Transport Canada, Indigenous Relations – Peter Thompson

Environment Canada and Climate Change - ??

Canadian Food Inspection Agency - ??

Health Canada - ??

You have been identified as a contact person for your specific agency.

Included in this email are the following documents:

- Environmental Management Plan for the water lot
- K'omoks aquaculture tenure
- April 30, 2021 letter from KFN

You are invited to attend a Tri-Partite virtual meeting with K'omoks First Nation June 24 1:00 – 3:00 (PDT) to discuss this area of concern.

Rhonda Morris, District Manager, South Island Natural Resource District (Ministry of Forests, Lands, Natural Resources and Rural Development) has agreed to chair the Tri-Partite meeting.

In preparation for the June 24 meeting I would like to propose a virtual pre-meeting to discuss the tenure, the Baynes Sound area and an opportunity for a round table to understand the various agencies' roles with water concerns in Baynes Sound.

I have identified possible dates and times:

June 16, 8:00 – 10:00

June 17, 8:00-10:00

June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00

June 21, 10:30-12:00

June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 7, 2021 8:47:22 AM PDT

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

Hi Annette, sorry because of the questions of impact in the application, I did not know which person in FFHPP may be assigned the file. Here is the general email again which if you send them the initial meeting request and application documents. They can then review and determine if they are a good fit, who should attend the trilateral meeting with K'omoks.

FFHPP General Email: ReferralsPacific@dfo-mpo.gc.ca

Melinda

Melinda Scott

Senior Aquaculture Management Coordinator / Coordinatrice sénior - Gestion de l'aquaculture Fisheries Management / Direction des pêches

Fisheries and Oceans Canada / Pêches et Océans Canada

1965 Island Diesel Way Nanaimo BC V9S 5W8

Government of Canada / Gouvernement du Canada

Telephone / Téléphone 250-754-0399 (Note: this is my office number and is not checked often. My cell does not work at home. Please email or MS Teams for faster responses).

Facsimile / Télécopieur 250-754-0391

melinda.scott@dfo-mpo.gc.ca

www.pac.dfo-mpo.gc.ca

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: June 7, 2021 8:38 AM
To: 'Bailey, Annette FLNR:EX' <Annette.Bailey@gov.bc.ca>
Cc: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

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Thanks
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(M) 250-949-0838

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<https://www.dfo-mpo.gc.ca/pnw-ppe/ffhpp-ppph-eng.html> or **Email:** ReferralsPacific@dfo-mpo.gc.ca

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Sent: June 4, 2021 11:03 AM
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Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
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MIRR – Sarah Cavanagh
Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley
Transport Canada, Regional Manager – Ryan Grenville
Transport Canada, Indigenous Relations – Peter Thompson
Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??
Canadian Food Inspection Agency - ??
Health Canada - ??

You have been identified as a contact person for your specific agency.
Included in this email are the following documents:

- Environmental Management Plan for the water lot
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- April 30, 2021 letter from KFN

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Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

FW: Request for Tri-partite meeting regarding Baynes Sound

From: Bailey, Annette FLNR:EX
To: ReferralsPacific@dfo-mpo.gc.ca
Sent: June 7, 2021 9:27:22 AM PDT
Attachments: 19-821 KMX Response.pdf, Deep Water Recovery EMP March 2021.pdf
Hi

I received this address as a contact for FFHPP by way of Melinda Scott. She has indicated that this is a general email address however, this email and request would be reviewed to determine who would be the best person to attend the Tripartite meeting with K'omoks.

Thank you for your help in forwarding to the appropriate person.

Annette

From: Bailey, Annette FLNR:EX
Sent: June 4, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Peter.Thompson@tc.gc.ca' <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
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June 17, 8:00-10:00

June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00

June 21, 10:30-12:00

June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

Page 084 of 173

Withheld pursuant to/removed as

s.16

Automatic reply: Request for Tri-partite meeting regarding Baynes Sound

From: PAC FPP / PPP PAC (DFO/MPO) <DFO.PACFPP-PPPPAC.MPO@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 7, 2021 9:27:30 AM PDT

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

Thank you for contacting the Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada. You may be aware of recent changes to the *Fisheries Act* as a result of the passage of Bill C-68, *An Act to amend the Fisheries Act and other Acts in consequence*. The coming into force date of the fish and fish habitat protection provisions of the modernized *Fisheries Act* was August 28th, 2019. We will be reviewing your submission based on the amended legislation.

If submitting a Request for Review form, ensure that the updated form is used. Submitting pre-coming into force Request for Review forms will no longer be accepted, and may result in a requirement to re-submit a Request for Review form.

Due to COVID-19 we have limited access to our mail box. Please do not mail a hard copy of your submission to any of our offices at this time unless you are unable to submit a digital version. If a hard copy is required in order to complete our review we will specifically request it.

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

Jennifer Wurz will be attending on my behalf, but will attend the pre-meeting.

I have forwarded her the invite ; please include her on all future correspondence.

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

Jennifer Wurz will be attending on my behalf, but will attend the pre-meeting.

I have forwarded her the invite ; please include her on all future correspondence.

Your meeting was forwarded

Bergen, Kate M ENV:EX<mailto:Kate.Bergen@gov.bc.ca> has forwarded your meeting request to additional recipients.

Meeting

Tri-partite meeting with K'omoks First Nation

Meeting Time

Thursday, June 24, 2021 1:00 PM-3:00 PM.

Recipients

Beruldsen, Josie ENV:EX<mailto:Josie.Beruldsen@gov.bc.ca>

All times listed are in the following time zone: (UTC-08:00) Pacific Time (US & Canada)

Sent by Microsoft Exchange Server

Hi Annette,

I have been moved to another project, but have forwarded this request to my supervisor, Josie Beruldsen, to determine who the best contact is from ENV.

Thanks,

Kate

RE: Request for assistance about a land file and First Nation concerns

From: Doll, Andrea ENV:EX <Andrea.Doll@gov.bc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 7, 2021 12:10:54 PM PDT

Hi Annette,

Thank you for your patience while I connected with my colleagues on your referral. We are working with the K'omoks on sewage discharges to Baynes Sound so I wanted to ask around, however it appears that work is not related to your question.

Our department does not typically take referrals from other agencies, as we are not resourced to do so. From what I understand, there is no waste discharge associated with the water lot application.

Proponents are responsible for understanding and complying with their requirements under the *Environmental Management Act*. [Waste discharge authorizations](#) are required for activities prescribed in the Waste Discharge Regulation. Should there be a waste discharge associated with a non-prescribed activity, dischargers must not cause pollution and should ensure they implement appropriate due diligence in this regard. [Spill management regulations](#) may apply, including for spill preparedness, response, recover, contingency planning and reporting.

I hope this helpful.

Best regards,

Andrea Doll, MASc, PAg
Section Head, Authorizations – South
Ministry of Environment and Climate Change Strategy
2080 Labieux Rd Nanaimo BC V9T 6J9
250 739-8202

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: May 21, 2021 3:49 PM
To: Doll, Andrea ENV:EX <Andrea.Doll@gov.bc.ca>
Subject: RE: Request for assistance about a land file and First Nation concerns

Hi Andrea

The request for water quality is for Baynes Sound in general. K'omoks has aquaculture in the Sound and wants assurances that there will be no effects on their Aquaculture tenure due to the water lot.

I do not believe there was any authorizations under the Environmental Management Act related to the log yard. I will have to visit the office and check the paper file. I do not recall seeing anything.

I have attached the EMP plan from the applicant for their land tenure if that helps.

Thanks
Annette

From: Doll, Andrea ENV:EX <Andrea.Doll@gov.bc.ca>
Sent: May 21, 2021 3:40 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: Request for assistance about a land file and First Nation concerns

Hi Annette,

Can you please clarify if the request is for water quality information related to the logging yard, or Baynes Sound in general? Also, do you know if there were any authorizations under the Environmental Management Act related to the log yard? This will help determine who to pass your questions to.

Thank you,
Andrea

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: May 21, 2021 1:03 PM
To: Doll, Andrea ENV:EX <Andrea.Doll@gov.bc.ca>
Subject: Request for assistance about a land file and First Nation concerns

Hi Andrea

I am hoping you can help me or point me in the right direction.

I work on land tenure files and we currently have an application for a water lot file in Union Bay for the removal of derelict vessels to the privately owned upland. The water lot tenure was previously a log dump (Industrial) and the applicant wants to change the purpose to Industrial General. All decommissioning of vessels will occur on the upland. The water lot is strictly for storage of vessels and barges and the removal to the upland. In consultation with K'omoks First Nation they have requested a Tri-Partite meeting with various Government agencies both Federal and Provincial to discuss water quality in the surrounding water – Baynes Sound.

I am trying to locate a contact person in MoE who would be handling a request/information about the Environmental aspects of Baynes Sound and who would be willing to provide us guidance and/or attend meetings with First Nation.

Did you know who would be a good contact or what area of MoE I should be looking?

Thanks for any help you can provide.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

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

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>
Sent: June 8, 2021 4:34:38 PM PDT
Attachments: image001.jpg
Hi Annette,

I plan to attend. I am also including Keisha Disher, one of our team's Land Officers that is currently working in the Baynes Sound area (cc'd) and will forward her the invite. As for the pre-meeting, only one date works for me:

June 21, 10:30-12:00

If that is prohibitive let me know where the majority is available and I can either try to shuffle things around, or perhaps Keisha can attend on my behalf. My initial thought is it is debateable whether any agency will be able to confirm "absolutely no impacts to KFN's aquaculture facility", but hopefully with the larger group you've identified we will be able to speak to what sort of impacts could occur if a spill or contamination results from the activities associated with 0021050. Competing interests resulting in water quality issues and closures for the aquaculture industry in Baynes Sound is topical (and always contentious!).

Also FYI, Nichole Prichard has moved on to another role and the aquaculture group is currently operating without a Section Head. As such, Rudi Mayser has been made aware of the request as well.

Warmest,



Jordan Wagner
Senior Land Officer, Aquaculture
Ministry of Forests, Lands, Natural Resource
Operations, and Rural Development
142-2080 Labieux Road | Nanaimo, BC V9T 6J9
Tel: 250-739-8191 | Fax: 250-751-7224

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 4, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Peter.Thompson@tc.gc.ca' <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Request for Tri-partite meeting regarding Baynes Sound

Good morning

Recently I have been working on a land tenure file (0021050) at Union Bay in Baynes Sound. As you know, Baynes Sound is significant for shellfish culture as well as commercial fishing, recreation and tourism. The Sound is surrounded by residential and commercial uplands. The Baynes Sound Coastal Plan for Shellfish Aquaculture produced in December 2002 indicates this juxtaposition of different activities and values along with shellfish aquaculture has resulted in major coastal resource use conflicts.

K'omoks First Nation (KFN) have raised concerns about the potential effects of file 0021050 in Baynes Sound and more specifically the proximity to their aquaculture tenure (1411103).

Initial letter dated November 4th, 2020 from KFN includes the Tri-Partite request:

In closing, K'omoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

A further letter was received from KFN April 30, 2021 and is attached to this email.

Through the consultation process and as indicated in letters from KFN, a Tri-Partite meeting has been requested with the following government agencies:

FLNRORD, SINRD - Rhonda Morris, District Manager
FLNRORD – Indigenous Relations – Claire Backus
FLNRORD (aquaculture specialist) – Nichole Prichard/Jordan Wagner
MIRR – Sarah Cavanagh
Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley
Transport Canada, Regional Manager – Ryan Grenville
Transport Canada, Indigenous Relations – Peter Thompson
Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??
Canadian Food Inspection Agency - ??
Health Canada - ??

You have been identified as a contact person for your specific agency.
Included in this email are the following documents:

- Environmental Management Plan for the water lot
- K'omoks aquaculture tenure
- April 30, 2021 letter from KFN

You are invited to attend a Tri-Partite virtual meeting with K'omoks First Nation June 24 1:00 – 3:00 (PDT) to discuss this area of concern.

Rhonda Morris, District Manager, South Island Natural Resource District (Ministry of Forests, Lands, Natural Resources and Rural Development) has agreed to chair the Tri-Partite meeting.

In preparation for the June 24 meeting I would like to propose a virtual pre-meeting to discuss the tenure, the Baynes Sound area and an opportunity for a round table to understand the various agencies' roles with water concerns in Baynes Sound.

I have identified possible dates and times:

June 16, 8:00 – 10:00
June 17, 8:00-10:00
June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00
June 21, 10:30-12:00
June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio
Authorizations Specialist

South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Bailey, Annette FLNR:EX
To: Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>
Sent: June 9, 2021 9:29:43 AM PDT
Attachments: Deep Water Recovery EMP March 2021.pdf, 2020-11-04 KFN Letter re BC Land File Number 0021050.docx, 2019-11-27 Management Plan for Tenure Replacement Form.pdf

Hi Holly

Thank you for the email.

I have attached information about the project as requested.

I have included you name on my email list for the Tri-Partite meeting.

Thanks
Annette

From: Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>
Sent: June 7, 2021 8:56 AM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>; PAC FPP / PPP PAC (DFO/MPO) <DFO.PACFPP-PPPPAC.MPO@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

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

Hi Annette,

My Aquaculture colleagues are correct, if you have future questions about an application before DFO's Fish and Fish Habitat Protection Program, you are welcome to email the details to the email address they provided (copied herein). On that note, we would be happy to look into this to determine if the Program is currently reviewing, or has received the file; however, we require additional information on the nature of the application (what are the works? Project name, etc.) and the client (applicant, Qualified Environmental Professional), etc. in order to search our database.

Thank-you.

Holly Pulvermacher

Section Head – Regional Coordination
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
Cell: 250-619-3479
E: holly.pulvermacher@dfo-mpo.gc.ca

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: Monday, June 7, 2021 8:47 AM
To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>; 'Bailey, Annette FLNR:EX' <Annette.Bailey@gov.bc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Hi Annette, sorry because of the questions of impact in the application, I did not know which person in FFHPP may be assigned the file. Here is the general email again which if you send them the initial meeting request and application documents. They can then review and determine if they are a good fit, who should attend the trilateral meeting with K'omoks.

FFHPP General Email: ReferralsPacific@dfo-mpo.gc.ca

Melinda

Melinda Scott

**Senior Aquaculture Management Coordinator | Coordinatrice sénior - Gestion de l'aquaculture Fisheries Management
/ Direction des pêches**

Fisheries and Oceans Canada | Pêches et Océans Canada

1965 Island Diesel Way Nanaimo BC V9S 5W8

Government of Canada | Gouvernement du Canada

Telephone | Téléphone 250-754-0399 (Note: this is my office number and is not checked often. My cell does not work at home. Please email or MS Teams for faster responses).

Facsimile | Télécopieur 250-754-0391

melinda.scott@dfo-mpo.gc.ca

www.pac.dfo-mpo.gc.ca

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: June 7, 2021 8:38 AM
To: 'Bailey, Annette FLNR:EX' <Annette.Bailey@gov.bc.ca>
Cc: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Sorry I do not. Melinda might though

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Monday, June 7, 2021 8:21 AM
To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Hi Todd

Do you have a contact name at FHHP?

Thanks
Annette

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: June 4, 2021 1:21 PM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

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

Yes that would not be us. If it was anyone at DFO it would be FHHP.

Thanks:

Todd Johansson
Senior Aquaculture Management Coordinator
(W) 250-902-2683
(M) 250-949-0838

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: June 4, 2021 12:12 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>

Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Thanks Annette, I will check with Todd one last time, but as I mentioned in my email, Aquaculture Management does not have any jurisdiction or comment on this upland application. Aquaculture Management will only be engaged should we be notified by the CSSP partners that there is a change to water classification at that location. I do not think anyone from DFO Aquaculture will be attending any of the meetings. Have you engaged with our DFO, Fish and Fish Habitat Protection Program? They may be a better person to speak to these requests.

<https://www.dfo-mpo.gc.ca/pnw-ppe/ffhpp-ppph-eng.html> or **Email:** ReferralsPacific@dfo-mpo.gc.ca

Melinda

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 4, 2021 11:03 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: FW: Request for Tri-partite meeting regarding Baynes Sound

Hi

Unfortunately, I was unable to attach all the documents indicated to your email. I have two documents that I hope provides enough information.

Annette

From: Bailey, Annette FLNR:EX
Sent: June 4, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Peter.Thompson@tc.gc.ca' <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Request for Tri-partite meeting regarding Baynes Sound

Good morning

Recently I have been working on a land tenure file (0021050) at Union Bay in Baynes Sound. As you know, Baynes Sound is significant for shellfish culture as well as commercial fishing, recreation and tourism. The Sound is surrounded by residential and commercial uplands. The Baynes Sound Coastal Plan for Shellfish Aquaculture produced in December 2002 indicates this juxtaposition of different activities and values along with shellfish aquaculture has resulted in major coastal resource use conflicts.

K'omoks First Nation (KFN) have raised concerns about the potential effects of file 0021050 in Baynes Sound and more specifically the proximity to their aquaculture tenure (1411103).

Initial letter dated November 4th, 2020 from KFN includes the Tri-Partite request:

In closing, K'omoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

A further letter was received from KFN April 30, 2021 and is attached to this email.

Through the consultation process and as indicated in letters from KFN, a Tri-Partite meeting has been requested with the following government agencies:

FLNRORD, SINRD - Rhonda Morris, District Manager
FLNRORD – Indigenous Relations – Claire Backus
FLNRORD (aquaculture specialist) – Nichole Prichard/Jordan Wagner
MIRR – Sarah Cavanagh
Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley
Transport Canada, Regional Manager – Ryan Grenville
Transport Canada, Indigenous Relations – Peter Thompson
Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??
Canadian Food Inspection Agency - ??
Health Canada - ??

You have been identified as a contact person for your specific agency.
Included in this email are the following documents:

- Environmental Management Plan for the water lot
- K'omoks aquaculture tenure
- April 30, 2021 letter from KFN

You are invited to attend a Tri-Partite virtual meeting with K'omoks First Nation June 24 1:00 – 3:00 (PDT) to discuss this area of concern.

Rhonda Morris, District Manager, South Island Natural Resource District (Ministry of Forests, Lands, Natural Resources and Rural Development) has agreed to chair the Tri-Partite meeting.

In preparation for the June 24 meeting I would like to propose a virtual pre-meeting to discuss the tenure, the Baynes Sound area and an opportunity for a round table to understand the various agencies' roles with water concerns in Baynes Sound.

I have identified possible dates and times:

June 16, 8:00 – 10:00
June 17, 8:00-10:00
June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00
June 21, 10:30-12:00
June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW [250-736-6843](tel:250-736-6843)



K'ómoks First Nation

3330 Cemex Rd., Courtenay BC, V9N 3P8 | Ph : 250.339.4545 | F: 250.339.7053 | E: reception@komoks.ca

November 4th, 2020

Annette Bailey, Authorizations Specialist
Ministry of Forest Lands and Natural Resources Operations
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC
V9Y 8E9

Re: BC Land File Number 0021050 for a Change in purpose from Industrial Log Handling to Industrial General at or near the Union Bay Log Sort

Dear Annette,

Thank you for meeting with us via teleconference on October 27, 2020 to discuss the above noted BC Land File Number 0021050. As was expressed by K'ómoks, we do have grave concerns about the water quality in and around our aquaculture facility BC Land File Number 1411103, and it being impacted by the forecasted activities of the applicant (Deep Water Recovery).

Based upon our conversation with yourself and the applicant, we are concerned about the impacts of the possible storage of derelict vessels being brought into the close proximity of our shellfish tenure, as well as fin fish aquaculture barges from other DFO Statistical Areas.

Other indications from Deep Water Recovery are for plans to deconstruct vessels and barges with cutting torches and grinders, on land, with no requirement for closed containment. The concern from K'ómoks would be that surface water may force metal fragments and other deleterious substances into the marine waters, which could potentially impact water quality in and around our aquaculture facility.

As well, it has been brought to attention that dredging activities may occur on the adjacent ocean floor, whereby long-term settled coal slag may be disrupted, with the potential to release arsenic into the marine waters.

In closing, K'ómoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from

all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

Respectfully,

A handwritten signature in black ink, appearing to be 'N. Rempel', written in a cursive style.

Hegus (Chief) Nicole Rempel

RE: Request for Tri-partite meeting regarding Baynes Sound

From: Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 9, 2021 12:44:04 PM PDT

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

Hi Annette,

I have circulated the information to our Referrals Coordinator and Marine Watershed Operations Units to determine if the file is under review by the Department. If there is no review being undertaken, DFO is unlikely to have representation at the meeting at this time. It appears from the proposed works that the impacts to fish and fish habitat may be limited but I expect groups may have concerns with water quality. Regulation of water quality contaminants, other than sediment, fall under the purview of Environment Canada or the Province of BC.

I'll let you know the results of my internal enquiries shortly.

Regards,

Holly Pulvermacher

Section Head – Regional Coordination
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
Cell: 250-619-3479
E: holly.pulvermacher@dfo-mpo.gc.ca

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Wednesday, June 9, 2021 9:30 AM
To: Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Hi Holly

Thank you for the email.

I have attached information about the project as requested.

I have included you name on my email list for the Tri-Partite meeting.

Thanks
Annette

From: Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>
Sent: June 7, 2021 8:56 AM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>; PAC FPP / PPP PAC (DFO/MPO) <DFO.PACFPP-PPPPAC.MPO@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

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

Hi Annette,

My Aquaculture colleagues are correct, if you have future questions about an application before DFO's Fish and Fish Habitat Protection Program, you are welcome to email the details to the email address they provided (copied herein). On that note, we would be happy to look into this to determine if the Program is currently reviewing, or has received the file; however, we require additional information on the nature of the application (what are the works? Project name, etc.) and the client (applicant, Qualified Environmental Professional), etc. in order to search our database.

Thank-you.

Holly Pulvermacher

Section Head – Regional Coordination
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
Cell: 250-619-3479
E: holly.pulvermacher@dfo-mpo.gc.ca

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: Monday, June 7, 2021 8:47 AM
To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>; 'Bailey, Annette FLNR:EX' <Annette.Bailey@gov.bc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Hi Annette, sorry because of the questions of impact in the application, I did not know which person in FFHPP may be assigned the file. Here is the general email again which if you send them the initial meeting request and application documents. They can then review and determine if they are a good fit, who should attend the trilateral meeting with K'omoks.

FFHPP General Email: ReferralsPacific@dfo-mpo.gc.ca

Melinda

Melinda Scott

Senior Aquaculture Management Coordinator / Coordinatrice sénior - Gestion de l'aquaculture Fisheries Management / Direction des pêches
Fisheries and Oceans Canada / Pêches et Océans Canada
1965 Island Diesel Way Nanaimo BC V9S 5W8
Government of Canada / Gouvernement du Canada
Telephone / Téléphone 250-754-0399 (Note: this is my office number and is not checked often. My cell does not work at home. Please email or MS Teams for faster responses).
Facsimile / Télécopieur 250-754-0391
melinda.scott@dfo-mpo.gc.ca
www.pac.dfo-mpo.gc.ca

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: June 7, 2021 8:38 AM
To: 'Bailey, Annette FLNR:EX' <Annette.Bailey@gov.bc.ca>
Cc: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Sorry I do not. Melinda might though

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Monday, June 7, 2021 8:21 AM
To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Hi Todd

Do you have a contact name at FHHP?

Thanks
Annette

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: June 4, 2021 1:21 PM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

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

Yes that would not be us. If it was anyone at DFO it would be FHHP.

Thanks:

Todd Johansson
Senior Aquaculture Management Coordinator
(W) 250-902-2683
(M) 250-949-0838

From: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Sent: June 4, 2021 12:12 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: RE: Request for Tri-partite meeting regarding Baynes Sound

Thanks Annette, I will check with Todd one last time, but as I mentioned in my email, Aquaculture Management does not have any jurisdiction or comment on this upland application. Aquaculture Management will only be engaged should we be notified by the CSSP partners that there is a change to water classification at that location. I do not think anyone from DFO Aquaculture will be attending any of the meetings. Have you engaged with our DFO, Fish and Fish Habitat Protection Program? They may be a better person to speak to these requests.

<https://www.dfo-mpo.gc.ca/pnw-ppe/ffhpp-ppph-eng.html> or **Email:** ReferralsPacific@dfo-mpo.gc.ca

Melinda

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 4, 2021 11:03 AM
To: Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>; Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: FW: Request for Tri-partite meeting regarding Baynes Sound

Hi

Unfortunately, I was unable to attach all the documents indicated to your email. I have two documents that I hope provides enough information.

Annette

From: Bailey, Annette FLNR:EX
Sent: June 4, 2021 10:59 AM
To: Prichard, Nichole D FLNR:EX <Nichole.Prichard@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Bergen,

Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Peter.Thompson@tc.gc.ca' <Peter.Thompson@tc.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Scott, Melinda <Melinda.Scott@dfo-mpo.gc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Subject: Request for Tri-partite meeting regarding Baynes Sound

Good morning

Recently I have been working on a land tenure file (0021050) at Union Bay in Baynes Sound. As you know, Baynes Sound is significant for shellfish culture as well as commercial fishing, recreation and tourism. The Sound is surrounded by residential and commercial uplands. The Baynes Sound Coastal Plan for Shellfish Aquaculture produced in December 2002 indicates this juxtaposition of different activities and values along with shellfish aquaculture has resulted in major coastal resource use conflicts.

K'omoks First Nation (KFN) have raised concerns about the potential effects of file 0021050 in Baynes Sound and more specifically the proximity to their aquaculture tenure (1411103).

Initial letter dated November 4th, 2020 from KFN includes the Tri-Partite request:

In closing, K'omoks is requesting for you to facilitate a Zoom meeting with the following Provincial and Federal government agencies: Forest Lands and Natural Resource Operations (aquaculture specialist), Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, Environment Canada, Canadian Food Inspection Agency and Health Canada. At the end of the day we want confirmation from all of the above noted agencies that they are cognizant of the activities that will be undertaken at the above noted facility and that there will be absolutely no impacts to KFN's aquaculture facility, BC Land File Number 1411103.

A further letter was received from KFN April 30, 2021 and is attached to this email.

Through the consultation process and as indicated in letters from KFN, a Tri-Partite meeting has been requested with the following government agencies:

FLNRORD, SINRD - Rhonda Morris, District Manager
FLNRORD – Indigenous Relations – Claire Backus
FLNRORD (aquaculture specialist) – Nichole Prichard/Jordan Wagner
MIRR – Sarah Cavanagh
Ministry of Environment – Shelley Metcalfe, Kate Bergen, Margaret Crowley
Transport Canada, Regional Manager – Ryan Grenville
Transport Canada, Indigenous Relations – Peter Thompson
Department of Fisheries and Oceans Canada – Melinda Scott, Todd Johansson

Environment Canada and Climate Change - ??

Canadian Food Inspection Agency - ??

Health Canada - ??

You have been identified as a contact person for your specific agency.

Included in this email are the following documents:

- Environmental Management Plan for the water lot
- K'omoks aquaculture tenure
- April 30, 2021 letter from KFN

You are invited to attend a Tri-Partite virtual meeting with K'omoks First Nation June 24 1:00 – 3:00 (PDT) to discuss this area of concern.

Rhonda Morris, District Manager, South Island Natural Resource District (Ministry of Forests, Lands, Natural Resources and Rural Development) has agreed to chair the Tri-Partite meeting.

In preparation for the June 24 meeting I would like to propose a virtual pre-meeting to discuss the tenure, the Baynes Sound area and an opportunity for a round table to understand the various agencies' roles with water concerns in Baynes Sound.

I have identified possible dates and times:

June 16, 8:00 – 10:00
June 17, 8:00-10:00
June 18, 8:00-10:00, 10:00-12:00, 1:00-3:00
June 21, 10:30-12:00
June 22, 10:00-12:00

Please advise what dates and times work best for you no later than June 10th and I will follow-up with an invite.

If you are not the best person to represent your agency, please forward this email to that person with a cc to me and I will track everyone on the mailing list. If you know a contact for the agencies I am missing, please forward that to me as well.

If you have any questions or concerns please feel free to contact me.

Thank you for your assistance with this important meeting.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
NEW 250-736-6843

Union Bay - K'omoks

From: Prsala, James EAO:EX <James.Prsala@gov.bc.ca>
To: Smyth, Danielle EAO:EX <Danielle.Smyth@gov.bc.ca>, Hazelbower, Joshua X EAO:EX <Joshua.Hazelbower@gov.bc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>, Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>, Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>
Sent: June 15, 2021 1:25:00 PM PDT
Attachments: image001.png, image002.png
Hello all,

I had the opportunity to chat with Todd Boychuk (intergov relations, K'omoks) today regarding EAO involvement in the meeting on the 24th. He was aware of the BC EAO's reviewable project triggers, and understood that the issue at hand was not directly relevant to EAO's business. His interest in our participation was really only focused on whether we could bring additional expertise to the table – but ultimately was comfortable with EAO not attending, and understood our rationale.

He didn't see a need in the short term to organize a standalone meeting, as he is familiar with our legislation – he thinks that those discussions will be best had at the Treaty table as we work together on the EA chapter.

Please let me know if you have questions or concerns.

Best,

JAMES PRSALA

Project Assessment Director
Environmental Assessment Office
Government of British Columbia
OFFICE: 778-698-7290
MOBILE: 250-889-4745
 [Twitter.com/BC_EAO](https://twitter.com/BC_EAO)



The EAO respectfully acknowledges that it carries out its work on the traditional territories of Indigenous nations throughout British Columbia.

This e-mail is confidential and is intended only for the person(s) to whom it is addressed. Any distribution, copying, or other use by anyone else is strictly prohibited. If you received this e-mail in error, please destroy this e-mail and contact me directly.

RE: Agenda for Pre-meet June 21 - 10:30-11:30

From: Doll, Andrea ENV:EX <Andrea.Doll@gov.bc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Caunce, Cassandra ENV:EX <Cassandra.Caunce@gov.bc.ca>, Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>
Sent: June 18, 2021 4:56:51 PM PDT

Hi Annette, as I previously indicated, Regional Operations Branch of ENV is not engaging on this referral. Should you have any specific questions related to waste discharge authorizations, please do let us know.

Thank you,
Andrea

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 18, 2021 3:43 PM
To: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Mayser, Rudi E FLNR:EX <Rudi.Mayser@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; Beruldsen, Josie ENV:EX <Josie.Beruldsen@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'jennifer.wurz@tc.gc.ca' <jennifer.wurz@tc.gc.ca>; 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; 'Pulvermacher, Holly' <Holly.Pulvermacher@dfo-mpo.gc.ca>; Doll, Andrea ENV:EX <Andrea.Doll@gov.bc.ca>
Subject: Agenda for Pre-meet June 21 - 10:30-11:30

Hi

Please find attached an agenda for our meeting Monday June 21. Just a reminder, the Monday meeting is in preparation for the Tri-Partite meeting with K'omoks on Thursday.

Let me know if you have any questions or concerns.

See you Monday

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

RE: Agenda for Pre-meet June 21 - 10:30-11:30

From: Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Harper, Vince <Vince.Harper@dfo-mpo.gc.ca>
Sent: June 21, 2021 10:08:39 AM PDT
Attachments: 2021-06-21 Agenda for PreMeet.docx

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Hi Annette,

Apologies on the delayed response but I have received confirmation from the responsible Watershed Unit that they do not currently have an application. The information as distributed does not provide sufficient information to determine the value of the marine habitat or if marine fish and fish habitat will be adversely affected by the proposed activities. I am aware that concerns were raised regarding water quality impacts from land-based and marine-based activities but these would fall under the jurisdiction of the Province (waste management) or Environment and Climate Change Canada (Fisheries Act s.36(s)). As such, the Fish and Fish Habitat Protection Program does not currently foresee a regulatory role in reviewing this project.

As a result, the Fish and Fish Habitat Protection Program will not be participating in the tri-partite meeting preparations today but we will be reaching out to the applicant to determine if they intend to submit an application for review. Should the Program receive an application or sufficient information to determine that there will be adverse impacts to fish and fish habitat for which we have a regulatory role, we would be in a position to participate in future meetings.

Sorry for the short notice. If you have any further questions, please feel free to reach out to myself or Vince Harper, Section Head for Coastal Watershed Operations.

Holly Pulvermacher

Section Head – Regional Coordination
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
Cell: 250-619-3479
E: holly.pulvermacher@dfo-mpo.gc.ca

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>

Sent: Friday, June 18, 2021 3:43 PM

To: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Mayser, Rudi E FLNR:EX <Rudi.Mayser@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Metcalfe, Shelley ENV:EX <Shelley.Metcalfe@gov.bc.ca>; Crowley, Margaret L ENV:EX <Margaret.Crowley@gov.bc.ca>; Beruldsen, Josie ENV:EX <Josie.Beruldsen@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'jennifer.wurz@tc.gc.ca' <jennifer.wurz@tc.gc.ca>; 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>; Doll, Andrea ENV:EX <Andrea.Doll@gov.bc.ca>

Subject: Agenda for Pre-meet June 21 - 10:30-11:30

Hi

Please find attached an agenda for our meeting Monday June 21. Just a reminder, the Monday meeting is in preparation for the Tri-Partite meeting with K'omoks on Thursday.

Let me know if you have any questions or concerns.

See you Monday

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

**Agenda for Pre-meeting for Tripartite Meeting - June 21, 2021
(10:30 - 11:30)**

Agenda

1. Welcome and Introductions - All ...10mins
2. Why we are Here - Annette, Rhonda ...15mins
Summary of application and map of area
Environmental Plan
Consultation and concerns
3. Jurisdictional Responsibilities - Roundtable ...20mins
FLNRORD Indigenous Relations
FLNRORD Aquaculture
MIRR
MoE
Transport Canada
ECCC
DFO, FFHPP
Others
Any concerns
4. Planning for meeting with K'omoks - Annette ...10mins
Who is coming? - speakers list
Agenda for June 24th
5. Final comments - All ...5mins
Thank you

FW: Referral for amendment to Purpose for land file 0021050 - Union Bay

From: Bailey, Annette FLNR:EX
To: ryan.greville@tc.gc.ca
Sent: June 22, 2021 10:50:30 AM PDT
Attachments: 0021050 Schedule A Map.pdf, Deep Water Recovery EMP March 2021.pdf, 2019-11-27 Management Plan for Tenure Replacement Form.pdf
File was too large the first time.

From: Bailey, Annette FLNR:EX
Sent: June 22, 2021 10:31 AM
To: 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>
Subject: Referral for amendment to Purpose for land file 0021050 - Union Bay

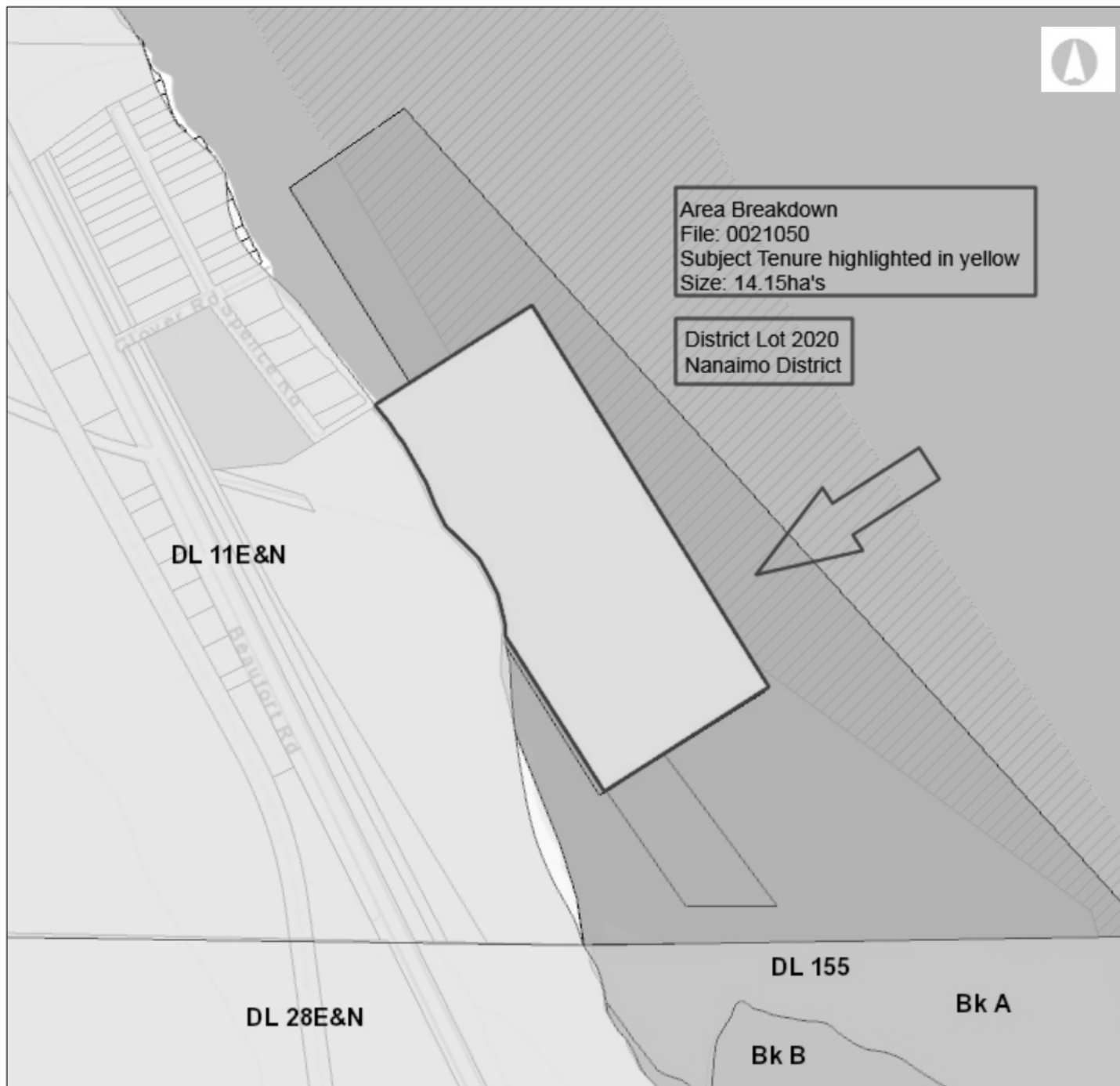
Hi

As discussed yesterday at our meeting I have attached the information that has been received for the water lot 0021050 in Union Bay.

Please provide any comments or concerns by July 12th.

Thank you

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843



0021050

Legend

- Land Act Survey Parcels - T Descriptions
- ☐ Land Act Survey Parcels - T
- ☒ Land Act Subdivision Parcel Filled
- ☐ Land Act Primary Parcels - T Filled
- ☒ License Applications - Tanta
- ☒ Lease Tenures - Tantalus - C
- ☐ Reserve and Notation Applc Outlined
- ☒ Reserve and Notation Applc Colour Filled
- ☐ Reserve and Notation Tenur Outlined
- ☐ Integrated Coastal Ecbria

0 0.15 0.30 km



1: 7,500

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Datum: NAD83

Projection: NAD_1983_BC_Environment_Albers

Key Map of British Columbia



March 5, 2021

1.0 INTRODUCTION

Castor Consultants Ltd. has been retained by Deep Water Recovery Ltd. (DWRL) to generate a site-specific Environmental Management Plan for their location at 5804 Island Highway South, Union Bay, B.C. to protect the local marine environment and in recognition of the importance and economic value of the aquaculture business in Baynes Sound.

DWRL is very much aware of the shellfish recreational values and the importance of the aquaculture businesses operating in Baynes Sound as indicated on the BC Shellfish Growers Association and Aboriginal Aquaculture Association web sites (www.bcsqa.ca and www.aboriginal.aquaculture.com). Although greater focus is concentrated on oysters utilizing long line, raft culture (trays), and beach harvesting methods, scallops, mussels, and clams are also a significant revenue stream employing similar farming methods to oysters. It is also recognized that geo-duck is harvested in Baynes Sound from the ocean floor in both intertidal and subtidal areas.

DWRL is engaged in the protection and regeneration of native plant life along its shoreline which is almost a kilometer in length on the southern side of the industrial zone.

DWRL has taken measures to ensure that the management practices of its operation focus strongly on Responsible Environmental Custodianship. DWRL has initiated procedures for non-emergency vessels and barges, requiring the removal of all hydrocarbons from these vessels prior to their arrival at the site. Although DWRL's operations are primarily on the upland side, precautionary measures have been set in place such as Oil Boom Containment Curtains (see photographs attached), and 24-hour onsite personnel.

As a precautionary measure, DWRL requires all incoming vessels and barges to be surveyed for both safe passage from their departure point and also to ensure that there is no environmental risk upon their arrival in Union Bay. The survey is required to identify hydrocarbons or other deleterious substances and in the case of barges or vessels that are involved in the finfish aquaculture industry, the survey is needed to ensure that there are no biological contaminants that may be harmful to the aquaculture in Baynes Sound.

In addition to aquaculture, the current and future tourism development and infrastructure is also an ongoing concern that DWRL is following closely as the company has been approached by both local government and local marine tourism operators for the haul-out and maintenance of Whale Watching & Wildlife Adventure Tours watercraft. Given its close proximity to Denman & Hornby Islands and the 780-acre development site adjacent to DWRL, environmental stewardship will be critical to the future development of Baynes Sound.

It is the intent of DWRL, its affiliates, consultants, suppliers, and subcontractors to take all reasonable and practicable steps in order to prevent the discharge of deleterious material into the environment or to cause any harm to fish or fish habitat.

For background, DWRL's facility provides a vessel decommissioning service for the marine industry on the coast. The service decommissions derelict vessels or those at the end of their serviceable life. It is an essential service in that it enables the safe disposal and recycling of vessels that might otherwise release deleterious substances into the marine environment, or become hazards to other vessels in navigable waters. DWRL, through its contract arrangements with clients (e.g. Seaspan), conforms to the international quality management standards ISO9001 and ISO9002, which basically encourage risk-based thinking in their on-site practices.

2.0 RESPONSIBILITIES

2.1 Site Manager – Mark Jurisich

Phone: s.22

- a) Responsible for the implementation of a site Environmental Management Plan.
- b) Responsible for the delegation of authority necessary to carry out the elements of that plan.

2.2 Environmental Monitor – Rob Waters, Castor Consultants Ltd. Phone: s.22

The Site Manager is responsible for assignment of an environmental monitor. Regular and arbitrary monitoring is to be conducted at the discretion of the monitor. The frequency of the discretionary visits will be reasonable and appropriate. On-site visits will be made during procedural changes, during new activities, prior to cleanout from any sumps, during periods of heavy rainfall, and on any other occasions deemed appropriate. Call-out procedures will be established during work activities; however, the monitor will be ‘on-call’ as required.

Environmental monitoring reports will be issued to DWRL following each site visit, and to any other agency DWRL identifies as having requested such reports. Additional reports will be issued in the event of unusual situations and/or emergencies.

2.3 Spill Response Coordinator – Mark Jurisich

Phone: s.22

- a) Responsible to identify all Federal, Provincial, Municipal and Owner requirements relating to spill prevention, control and remediation.
- b) Responsible to produce and periodically update a potentially hazardous materials inventory upon which site specific procedures will be based.
- c) Responsible for documentation and co-ordination of notifications and reports pertaining to spills.
- d) Responsible to initiate, oversee and direct activities relating to the prevention and recovery of any accidental release of hazardous materials into the environment
- e) Responsible to co-ordinate training of spill response teams.
- f) Responsible to liaise and co-ordinate communications and activities with other general and subcontractors, regulators and owner representatives during containment and remedial operations.

2.4 Site Supervisors

- a) Responsible to conduct their work in a manner which will reduce the likelihood of environmental spills.
- b) Responsible to assist the Spill Response Coordinator in the control and remediation of any accidental spills.
- c) Responsible to communicate environmental requirements as well as the elements of spill prevention, control and remediation to their crews through weekly Tool Box meetings or special meetings.

2.5 Employees

- a) Responsible to conduct their work in a manner that achieves the required environmental protection and which will reduce the likelihood of accidental spills.
- b) Responsible to assist in spill containment and remediation as directed.

3.0 PROCEDURES

3.1 Materials and Information Inventories

- a) DWRL Spill Response Coordinator will cause an inventory to be taken of all materials which if inadvertently released could be hazardous to the environment.
- b) This inventory will identify the types of products, their quantities as well as storage and use conditions as outlined in the Material Safety Data Sheet (MSDS).
- c) The inventory will be current, will be updated monthly (or more frequently if necessary), and will be posted and made available to the Owner or any agency upon request.
- d) The Spills Response Coordinator will retain a personal file of MSDS sheets for material on site.
- e) The MSDS sheets will be retained at a known location on site and be accessible for review in accordance with the Workplace Hazardous Materials Information System (WHMIS) legislation.
- f) Emergency Spill Kits - The Spill Kits will be deployed as appropriate to the site work areas and be well marked and kept in close proximity to working machinery. A 45-gallon drum or equivalent container capable of storing wasted (i.e. oiled or concrete) materials will be included with each kit. In addition, smaller Spill Kits and sorbent pads will be kept on each major piece of equipment for emergency first response use. Devices capable of blocking flows to culverts or storm drains will be kept adjacent to culverts or storm drains that have potential to receive contaminated water during construction activities.

3.2 Site Plan

- a) At this time, fueling and servicing requirements for the site will be done via small fuel totes and / or at the refueling station supplied with spill control materials.
- b) Equipment Repairs - Hydraulic oil spills will be locally contained using Spill Kits. In the event of larger oil spills, the Spill Response Coordinator will be notified in accordance with Section 2.4 and 8.0. Primarily equipment repairs will be made on site, with the provision to move equipment off site if necessary. Oil and fuel spills will be contained with sorbent pads and this material will be disposed of in accordance with regulatory requirements.

4.0 STORM WATER DRAINAGE CONTROL PLAN

The purpose of the Storm Water Drainage Plan is to control runoff from the site and to prevent materials including metal cuttings, welding residue and any other substances from being released into the marine environment or any fish-bearing watercourse.

All storm water and runoff water from the work area will flow to and be collected in the existing sumps located down slope from the work areas; one sump is in the NE corner of the site and a second is located near the site centre just south of the existing groyne. The paved work area has been built to handle heavy equipment and graded to facilitate runoff control to the sumps, all of which were purpose built for the dryland log sort and as such work for the current purpose as well.

Routine monitoring and pumping out of the sumps is planned on a regular basis based on sediment buildup. A record of pump outs will be maintained. Water quality testing for parameters associated with the operation may be conducted at the direction of the Environmental Monitor. If results exceed the specified criteria, consideration will be given to the source and appropriate steps will be taken to rectify the situation. During these situations testing will be conducted until the problem is resolved.

5.0 METHODOLOGY

Barges/vessels will be positioned and hauled out of the water up the ramp on inflatable rollers by means of large winches set upland. The barges, once out of the water, will be relocated off the ramp onto the paved area for decommissioning.

The vessel owner prior to delivery will have pumped all vessels arriving at the site of bilge water and related hydrocarbon residues. As a precautionary measure barges/vessels will be checked for residues before and after haul-out to ensure suitability before decommissioning to avoid spills. Any residues will be removed and contained in barrels for offsite disposal at an approved waste facility.

Decommissioning the barges/vessels entails cutting the metal, mainly steel and aluminum, structure by means of cutting torches and related specialized metal cutting equipment. Large and smaller pieces of the metal residues will be placed in barrels for shipment. Sweeping the work deck around the barges will collect finer materials generated by these methods. The sumps will contain any fines missed by this housekeeping process.

As noted spill containment kits and associated equipment will be located adjacent each work area and moved as required to be close to the workers for rapid deployment.

On-going Site Maintenance

Site clean up (i.e., shoveling and sweeping, shop-vacuuming) will be an on-going maintenance activity during and after processing of each barge/vessel. The paved deck surface will be kept free of cuttings and associated materials to prevent their entry to storm drains or the adjacent marine environment. Site inspection and clean up will be conducted at the end of the day.

Solid Waste Management Plan

Trash on the site, including related decommissioning waste (filters, rags, etc) will be collected and disposed of in barrels/dumpsters for off site disposal. The site will be cleaned on a regular basis to prevent the accumulation of excessive solid waste not associated with the metal recycling.

Oily rags, oils and other fluids generated during equipment repairs and maintenance will be collected and disposed of in accordance with applicable standards and regulations. Routine equipment repairs and maintenance will be done within the site area, away from tidewater where possible.

Dust Control

In the event that dust becomes a problem on the site, a water spray may be used as a suppressant. Care will be taken to ensure that the amount of water used is insufficient to cause a run-off quality problem. In no event will chemical dust suppressants be used.

6.0 ORIENTATION AND TRAINING

- a) The Site Manager will ensure that each new employee or contractor is properly introduced to and instructed on the policies and procedures established by the site's Environmental Management Plan.
- b) DWRL's hire-on orientation will include a section on safety and environmental awareness and responsibilities. Each employee will be required to complete the environmental orientation before being permitted to go to work.
- c) Environmental issues will be discussed at all safety Tool Box meetings and general safety meetings. In addition, at the start up of all operations that could affect the environment, all affected employees or contractors will be instructed upon specific procedures to protect the surrounding environment.
- d) In the unlikely event of an environmental problem or incident, all employees or contractors will be re-instructed and re-trained as deemed necessary by the site's Environmental Monitor and the Site Manager.
- e) The Site Superintendent will ensure each employee is made aware of the proper use, handling and storage of materials on site which could present a hazard to the environment, as well as the location, use and limitations of spill containment and recovery equipment.

7.0 SPILLS – NOTIFICATION AND RESPONSE

7.1 Internal Notification

- a) All employees on site will be instructed during their initial orientation and subsequently within Tool Box meetings or special meetings to immediately report any and all releases of deleterious materials to the Spill Response Coordinator.
- b) The Spill Response Coordinator will be advised of all reports of spilled materials without delay and will attend the scene in order to assess the situation.

- c) The Spill Response Coordinator will inform the Environmental Monitor of all reports and activities resulting from an accidental release of deleterious material. Where appropriate, the Spill Response Coordinator will liaise with the Environmental Monitor in the development and implementation of spill response.
- d) The Spill Response Coordinator will post an internal and external notification flow chart to be published and posted at the site office.

7.2 External Notification

- a) DWRL's Site Manager will be responsible to either initiate or be aware of all external notifications as outlined in the notification flow chart.
- b) Owner's Representative and Environmental Monitor will be notified immediately.
- c) DWRL's Site Manager will be responsible to notify the Provincial Environment Program and the Department of Fisheries and Oceans (DFO) Radio Room at 604-666-3500 for spills that affect or have potential to affect aquatic resources and if the volume spilled requires mandatory reporting.
- d) The Spill Response Coordinator is advised to contact CANUTEC (0-613-996-6666) as soon as possible after an accident so as to utilize their expertise and ability to link response personnel at the scene with individuals and organizations in a position to offer technical advice and/or on site assistance.
- e) DWRL's Spill Response Coordinator will maintain a log of all external contacts made which will include the date, time, organization contacted, essence of the notice or information transmitted/received, and whenever possible the name and title of individuals receiving or issuing notification or instructions.
- f) DWRL's Spill Response Coordinator will himself or will designate some other competent person to maintain a standby position at the site office in order to monitor spill related communications.

8.0 SPILLS – DISCOVERY AND RESPONSE

8.1 Discovery

- a) Any employee noticing an environmentally hazardous spill of materials is required to immediately notify their supervisor and/or the Spill Response Coordinator.
- b) The person reporting a spill is to attempt to stem the flow if possible by closing valves or by using other available means of containment readily available.

8.2 Response

- a) The Spill Response Coordinator shall immediately proceed to the scene where he will make an initial assessment of:
 - 1. The type of material spilled.
 - 2. The estimated quantity spilled.
 - 3. The total quantity which could potentially be involved.
 - 4. The surface area involved or affected.
 - 5. Specific hazards of an imminent nature which may require emergency response groups or other specialized handling.
 - 6. Criteria for containing the spilled material.
 - 7. Determination of personnel and equipment necessary to initiate remedial action and recovery.
- b) The Spill Response Coordinator will assess the required manpower and equipment requirements in addition to those available on the site.

- c) The Spill Response Coordinator will then directly control all activities relating to the stemming of additional flow or escape, containment and extraction of spilled material and the restoration of the site.
- d) The Spill Response Coordinator will ensure that containment and recovery equipment is available on site in such quantities and character as to sufficiently respond to the most serious potential spill condition identified through the materials inventory.
- e) The Site Manager will functionally liaise with regulatory agencies and Owner representatives on the scene and keep them informed as to the status of the on-going operations.

9.0 SPILLS – DISPOSAL

- a) The disposal of spilled material and/or contaminated soil is governed under provincial legislation. The Site Manager shall maintain a copy of those requirements on site for reference.
- b) The Spill Response Coordinator and Site Manager shall determine if the local disposal areas are available and registered for those materials which could be spilled during the course of operations.
- c) The Spill Response Coordinator shall establish a listing of available outside contractors with sufficient capability, capacity and disposal permits to accommodate any anticipated need.

10.0 SPILLS – DOCUMENTATION

- a) The Spill Response Coordinator or his designate will be responsible to attend the scene in order to collect samples of any spilled materials or contaminated soils as well as to photograph and measure the affected area.
- b) The Site Manager will cause a full report to be written within seven (7) days of the completion of remedial activities. All spills and remedial measures will be reported and documented. Reporting will include but not be limited to:
 - The reporting person's name and telephone number.
 - The name and telephone number of the person who caused the spill.
 - The location and time of the spill.
 - The type and quantity of the substance spilled.
 - The cause and effect of the spill.
 - Details of action taken or proposed.
 - A description of the spill location and of the area surrounding the spill.
 - The details of further action contemplated or required.
 - The names of agencies on the scene.
 - The names of other persons or agencies advised concerning the spill.
 - The chronological sequence of events including internal and external notifications.
 - An analysis of the events leading up to the spill and a critique of the internal response and handling of the incident.
- c) The Site Manager will provide the Owner with a copy of the report within ten (10) days of completion of remedial activities.

Deep Water Recovery Environmental Management Plan

CONTACTS

CANUTEC (CALL COLLECT; SPILL ADVISE) 0-613-996-6666

SPILL CLEAN UP SERVICES:

BURRARD CLEAN

EMERGENCY 604-294-9116
NON-EMERGENCY 604-294-6001

ENVIRONMENT CANADA – ENVIRONMENTAL PROTECTION

EMERGENCY 24 HOURS 1-604-666-6100

PROVINCIAL EMERGENCY PROGRAM (VICTORIA 24 HOURS)

1-800-663-3456

COAST GUARD

PARKSVILLE

1-800-567-5111
250-480-2600

MINISTRY OF ENVIRONMENT

MINISTRY OF ENVIRONMENT (General)

WILDLIFE (Emergency)

250-952-5848
1-800-663-9453

FISHERIES (DFO)

DFO RADIO ROOM CONTACT

1-800-465-4336
604-666-3500

DWRL:

Mark Jurisich

Site Manager
Site Superintendent
Environmental, Health & Safety
Co-ordinator

s.22

Rob Waters

Environmental Monitor

Office: 250-245-0225
s.22

LOCAL PORT AUTHORITY:

Comox Harbour Authority

250-339-6041

Prepared by



Rob Waters, R.P.Bio.

March 5, 2021

Management Plan for Tenure Replacement

File Number:	
Lands Representative	Name: Contact Info:
Location of Tenure:	Union Bay, BC
Tenure Holder	Union Bay Industries Ltd.
Purpose of Tenure: The <i>Purpose Statement</i> , often in the "Grant and Term" Section.	To facilitate upland activity
Area of the Tenure	
Tenure Type	Industrial General

You must fill out this document to support the review of your tenure replacement application. If information is received or is inadequate, your application review may be delayed or disallowed. If you have questions, please contact your Lands Representative or Front Counter BC.

Tenure replacement application name	Union Bay Industries Ltd.
Address	5545 Island Hwy S, Union Bay, BC V0R 3B0
Phone	1-619-823-5925
Email	mark@deepwaterrecovery.com

If you are planning changes to the original tenure with respect to the purpose, tenure type, or area, please contact your Lands Representative or Front Counter BC

Project Overview

1. Describe continued need for the tenure? What is the requested replacement term for this tenure?

The need for the tenure is to support the upland activities of the company's operation. The requested replacement term should represent the current contractual term, which we believe is for 25 years of which 24 years still remain.

Management Plan for Tenure Replacement

2. Describe your current and or proposed activities on the site.

Current Site map and photos must be attached.

Please indicate in the box that you have included ☒

Include additional information for this tenure.

Please see attached "Project Overview" document.

3. Has there been a change or are there plans to change the tenure purpose?

No ☐ Yes ☒

If yes, please describe

Change from Log Handling to Industrial General.

4. Are you requesting a change to the tenure footprint?

No ☒ Yes ☐

If yes, please describe

5. What infrastructure currently exists on this tenure?

Example: roadway, buildings, wharf, cooling station for vehicles, etc.

Dolphins as can be seen in attached aerial photographs. (Exhibit A)

6. Are you planning new construction beyond basic maintenance on this tenure?

No ☒ Yes ☐

If yes, please describe

Management Plan for Tenure Replacement

7. Please list other tenures or private property / leases / agreements you hold, related to this tenure.

Examples: Are you the upland owner, roadway tenure may have a road permit, crown lease, other users, license to cut, maintenance agreement, industrial use license, utility right-of way, notice of work or other agreement.

May include other authorization under associated *Land Act*, *Forest Act*, *Water Sustainability Act*, *Mineral Act*, *Mines Act* and local government by-laws/zoning agreements.

Upland owner.

8. Have there been any changes for access to this site?

No

Maintenance and Inspections

9. Describe the existing site conditions and maintenance plans for the land and improvements, including schedule:

Not applicable.

10. Is there a water crossing or bridge within your tenure area? If yes, please provide most recent inspection report. (photos)

No

11. Are you planning maintenance around a stream or waterway?

Working around a waterway may require an authorization, contact FrontCounter BC.

Management Plan for Tenure Replacement

Yes, regular maintenance of marine moorings.

12. Have other inspections been done for this tenure?

Example: archaeological, geotechnical, biological or wildlife including riparian (fish) and bird, or other.

Yes, Fisheries.

Waste

13. What wastes do you create within the tenure and how are they disposed? Are there waste permits or other special use permits associated with your tenure? Please provide details.

No waste will be generated within the tenure. The dismantling process takes place on the upland site

Example: wood, waste, sewage, grey water, air emissions, camp waste/ garbage, biological, etc.

First Nations Consideration

The Province of British Columbia is legally obligated to consult and, where appropriate, accommodate First Nations on decisions that could impact treaty rights or Aboriginal rights and title ("Aboriginal Interests"). Provincial decision makers are responsible for ensuring adequate and appropriate consultations and accommodations.

For more information please review the information available on the Ministry of Forests, Lands, Natural Resource Operations and Rural Development website: 'Consulting First Nations'.

Specifically, proponents are advised to review: "Guide to involving Proponents When consulting First Nations" (<http://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations>).

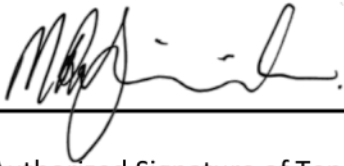
Describe any contact you may have had, including the name of the First Nation(s) and representatives contacted. If no Previous contact has occurred, consult Land Representative first about your role in consultation.

We have had no contact with First Nations at this time.

Safety Plan

A safety plan that meets the Occupational Health and Safety (OHS) criteria set out by WorkSafe BC may be requested.

As per WorkSafe regulations.



Authorized Signature of Tenure Holder

11-27-19

Date

Project Overview

2. Deep Water Recovery's principle business is the dismantling and recycling of decommissioned and/or derelict vessels and barges. As we have only recently purchased the site, we have not yet begun activities.

The purpose of the tenure is to facilitate the upland activities which in essence is the core of the company's business. The purpose of the tenure is to facilitate the transit of vessels or barges from the water to the land. Once the vessel or barge has been transferred to the upland location, then the dismantling process can begin at which time the material (*primarily steel and non-ferrous metals*) will be sent away for recycling and repurpose. For anyone who is curious, the steel is sent to Seattle where it is melted down and processed into rebar which is then used for civil engineering and general construction.

We are proposing to tie a barge (*hereafter referred to as site barge*) at the end of the existing ramp, and this barge will serve the purpose of providing a transit point for those vessels/barges that will be removed from the water. For example: when a tugboat delivers a vessel or barge for recycling, they will need somewhere to release the vessel/barge so as we can physically take possession. Once the vessel/barge has been released to us, it would be secured to the site barge so as it could be readied for haul-out and repurpose.

The purpose of tying these assets to the site barge is to both allow the tugboat to release its cargo, and provide us with a working platform that will allow us to remove any items prior haul-out. These items may include loose pieces of equipment that could be sitting on the deck of a vessel/barge or fixed items that we may remove in order to reduce weight. Once a vessel or barge has been deemed ready for haul-out, we would then prepare the necessary rigging in order to complete the haul-out process and the item would then be transferred to the upland portion of the property where the dismantling would be effected.

Haul-Out Process

When we first identified the site, our objective was to analyze together with two marine biologists, a methodology that would enable us to remove vessels and barges from the water and in doing so having a "zero-impact" process on environment. After having analyzed various methods of vessel retrieval, we concluded that large inflatable airbags being employed with the fortuitous tidal activity (*12-15 foot daily tide change*), would allow us to retrieve these vessels without disturbing the ocean floor. Due to the large surface area of each airbag (*each airbag is six feet in diameter and fifty feet long*) combined with low air pressure (*airbags are inflated between eight and twelve pounds*), we are able to remove vessels with no impact on the environment. (See Exhibit B)

Upland Process

The upland site can be described as an area of approximately 200,000 sq. feet, this area consists of a sealed surface (*asphalt*) and appropriate pendage for water runoff in which case the water is directed into a large catchment drain and water filtration system.

Once the vessel/barge has been transferred to the upland site, the dismantling process can begin. From our experience, we have been able to either recycle or repurpose in excess of 99% of the total sum of all material from any given vessel. The only waste that we must contend with will usually refer to furnishings, such as carpets, cushions for seating, and in some cases mattresses, however we typically donate these items to local community groups such as the boy scouts or similar. Items such as galley (*kitchen*) equipment is typically resold for reutilization to local restaurants and the like, machinery such as winches, cranes, generators are repurposed for local fishermen, school engineering projects and/or local charities.

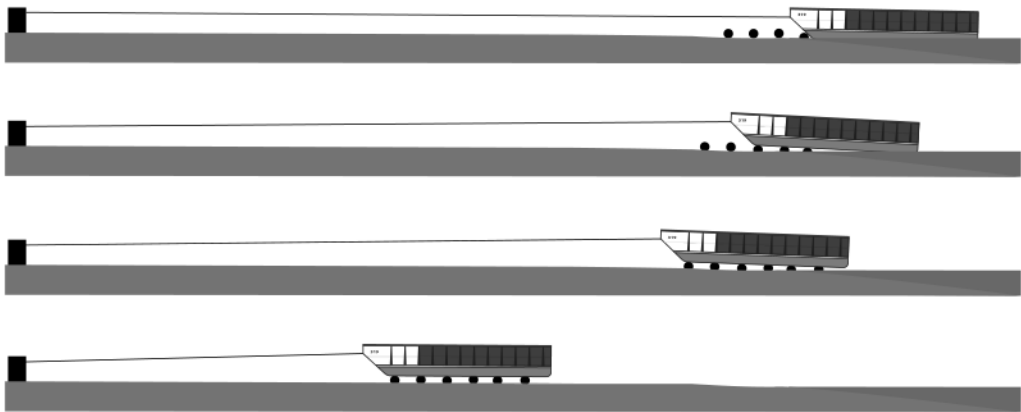
Exhibit A

Arial Photograph with Proposed Use of Tenure.

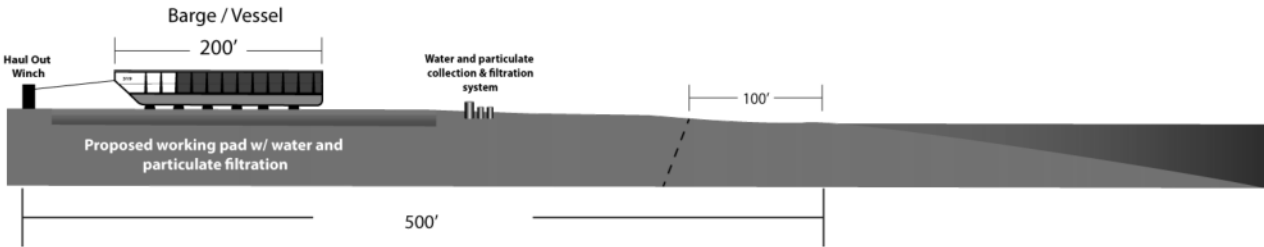


Exhibit B

Artist's Impression of Haul-Out Process



Side View of Purposed Work Area



RE: Tri-partite meeting

From: Bailey, Annette FLNR:EX
To: Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>
Sent: June 22, 2021 1:10:31 PM PDT
Attachments: image001.jpg

Thank you for the information and your comments Jordan. I have removed you from the agenda. That doesn't mean you won't be asked a question....there is always a possibility.

Annette

From: Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>
Sent: June 22, 2021 1:00 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>
Subject: RE: Tri-partite meeting

Hi Annette,

Apologies for not sending this along sooner.

This page is helpful in clarifying the role of the Canadian Shellfish Sanitation Program (CSSP):
<https://inspection.canada.ca/preventive-controls/fish/cssp/eng/1563470078092/1563470123546>

A DFO contact that I believe to be part of the CSSP (or at least her role is related) is Gabrielle Kosmider from DFO (sorry I don't have a phone number):

Gabrielle.Kosmider@dfo-mpo.gc.ca . If she cannot attend Thursday she may be able to provide further context on water quality issues in Baynes Sound and some of the interagency work and industry interaction ongoing. I believe Richard Hardy/K'omoks have been involved in some of those conversations.

As for the guidebook I referenced, below is the link. The information I was referring to is on page 5, with an additional passage about living accommodation/sewage on tenure on page 21. For aquaculture, DFO addresses water quality issues during their application review process and my knowledge beyond what I have already provided is limited. Perhaps hydrocarbons and other potential "derelict vessel" wastes are not a concern for shellfish, but I cannot answer this question.

https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/pacific_shellfish_aquaculture_application_guide.pdf

While I understand the each member of the Canadian Shellfish Sanitation Program has indicated that they do not have a role in reviewing/regulating the application or subsequent tenure under 0021050, they do monitor and regulate water quality and place restrictions on shellfish aquaculture activities in Baynes Sound. I suspect K'omoks is concerned that their aquaculture facility could be subject to prohibitions/closures as a result of water quality impacts relating to the proposed activities under 0021050, as well as concerns with how the local environment will be protected in the event there are accidental spills or waste discharges, etc. If the CSSP, ECCC individually, or Ministry of Environment will not come to the table, then who will come to the table if there are future issues? While it seems as though there are no predicted impacts to water quality or to K'omoks' neighbouring shellfish aquaculture tenure (or more broadly K'omoks' Aboriginal Interests?), beyond the applicant's Environmental Management Plan, what assurance is being provided (i.e. by government)? It appears the Land Act/subsequent tenure document will be the primary regulatory tool available (with potentially TC having a minor role) so South Island may have to speak to this. Is the proponent invited to the meeting? They might be in the best position to speak to some of questions regarding impacts.

In terms of the agenda, I am not identifying a value in our group having a specific section to speak unless it is to clarify that we process applications for aquaculture and have no role in the review, approval, or regulation of the application/tenure under 0021050. While I have indicated I could provide a referral response to be of assistance/clarify my verbal comments internally for South Island, typically these types of industrial uses/replacements are not formally referred to the Aquaculture Group. At the meeting, I would feel uncomfortable giving indication that our group has any oversight or management relating to this application or similar applications in Baynes Sound.

Anyway, apologies for the candid comments – I have been mulling over the above following the premeeting as I want the meeting with K'omoks to go well for you this Thursday! Feel free to follow up with me if you have any questions.

Warmest,



Jordan Wagner
Senior Land Officer, Aquaculture
Ministry of Forests, Lands, Natural Resource
Operations, and Rural Development
142-2080 Labieux Road | Nanaimo, BC V9T 6J9
Tel: 250-739-8191 | Fax: 250-751-7224

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 22, 2021 10:21 AM
To: Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>
Subject: Tri-partite meeting

Hi Jordan

Thank you for attending the Pre-meet for the Tri-partite meeting and sharing your knowledge. I have included you in the agenda for the meeting on Thursday (agenda will be sent shortly).

I wanted to follow-up on a couple of things that were discussed. You indicated you had a contact with the Shellfish Water Classification Program (I wrote down Gabrielle?). We also discussed the 125m distance from aquaculture and the concern with grey and black water but not hydrocarbons. Do you know where I could get further information? Also, you mentioned a harmonized guide book with DFO would it possible to get a link or a copy to this guide book?

Thank you for your help.

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

**Summary and Action Items from Tri-Partite meeting June 24, 2021 (1:00-3:00pm)
regarding Land Act File 0021050 - change of purpose at Union Bay from
Industrial Log handling to Industrial General**

Attendance:

K'omoks First Nation - Richard Hardy, Todd Boychuk,

FLNRORD - Rhonda Morris, Annette Bailey, Clair Backus, Jordan Wagner,
Keisha Disher

MIRR - Sarah Cavanagh

Transport Canada - Peter Thompson, Jennifer Wurz

Regrets:

K'omoks - Chief Nicole Rempel

MOE - unable to attend

DFO - Aquaculture, DFO is only notified if there is a change to water
classification at this location and that is not the case

DFO - Fish and Fish Habitat Protection, the application does not
indicate that fish and fish habitat will be affected. The concerns raised
regarding water quality impacts from land-based and marine-based activities
fall under waste management of Environment and Climate Change Canada. The
FFHP does not currently foresee a regulatory role in reviewing this project

Canada Food Inspection Agency - no response to request

Health Canada - no response to request

Environmental Assessment Office - Application at hand is not directly
relevant to EAO's business. EAO has spoken to Todd previously about
involvement

Objective of meeting:

Objective of the meeting was for various government agencies (Provincial and
Federal) to meet with K'omoks First Nation to discuss water quality in Baynes
Sound and provide assurance that K'omoks aquaculture facilities would not be
adversely affected by the current application.

Meeting Summary:

Annette presented summary of application and EMP, namely the steps the
applicant has taken to ensure vessels are free of hydrocarbons and
deleterious substances prior to being towed to Baynes sound and removed from
the water. The applicant has indicated the purchase of spill response
material not only for the Union bay operation but for any spill that may
occur in the vicinity.

Richard and Todd raised several questions and concerns with Deep Water
Recovery's (DWR) application regarding potential impacts to water quality in
Bayne Sound and to its adjacent aquaculture tenure. They highlighted the

economic importance and interconnectedness of its aquaculture tenure to the Nation's larger business interests of Salish Sea Foods, generating significant employment and revenue for its community. Richard said that the Nation is not opposed to the application but wants to ensure that all safeguards are put in place and that DWR has a strong environmental plan and that any information gaps and requirements are addressed now, so nothing falls through the cracks.

Below are the specific questions/concerns they raised:

- The Environmental Management Plan (EMP) submitted as part of application doesn't appear as robust as the Nation's EMP for its adjacent aquaculture tenure. Would like to see the EMP strengthened and to be as robust as possible. See #1-f and #4-a
- Is there an environmental bond in place in case a spill happens to ensure DWR pays for the necessary remediation? See #1-d and #2-a
- What agency is responsible for monitoring water quality and is there baseline data or can it be collected so the future changes to water quality can be detected over time and addressed. See #2-a
- Concerned about DWR dredging and disturbing the foreshore under this license which could negatively impact water quality and possible, archaeological sites that are not yet known. See #1-h
- What happens in the unlikely event of a spill? How will any negative impacts to aquaculture and surrounding areas be addressed? See #2-a
- Will K'omoks be compensated if a spill results in its aquaculture tenure being shut down? See #1-c and #1-e
- How to ensure that DWR does not introduce invasive species into Bayne Sound when transporting vessels? See #1-g
- Who is responsible for monitoring hydrocarbons? See #1-c

Jennifer Wurz gave a short summary about vessel transport and responsibilities. The safety of vessel transport is by the Coast Guard. Abandoned vessels is Coast Guard under DFO. The question was raised if there is an MOU between DFO and Transport Canada. Jennifer also spoke briefly about the Ocean Protection Plan. See #2-a and #3-a

Action items:

1)Annette

- a) Contact Coast Guard - Matt Walker 250-661-3484 for invitation to next meeting
- b) Connect to Coast Guard and/or MoE to request information about hydrocarbon spills
- c) Review Spill Response Requirements
- d) Review DWR's current Security and Insurance amounts and determine if they need to be increased given the proposed change to the tenure to vessel storage and transport.
Review - what these funds can be used for and share information at next meeting
- e) Investigate if/how third parties are compensated if a spill happens and causes damage to nearby businesses (e.g. Komok's aquaculture lease).
- f) Review other vessel storage EMP plans and compare to current EMP to determine if/where it needs to be strengthened.

- g) Request DWR add to its mgmt. plan the requirement to keep records of vessel inspections and make available to the province upon request.
- h) Stipulate in writing to DWR that if their application is approved, that it does not permit them to dredge or disturb the foreshore. DWR would need to make separate application for this work and K'omoks nation would be consulted prior to decision.
- i) Send Referrals of DWR's application to Transport Canada and Aquaculture for review and comment- **completed**
- j) Send referral of DWR's application to Coast Guard for review and comment
- k) Set up meeting with Transport Canada, DFO, and Coast Guard and K'omoks, send potential dates to all parties

2) Ryan Greville or Jennifer Wurz-

- a) Presentation for next meeting re: Ocean Protection Plan (what/if anything is being done in Baynes Sound regarding water quality monitoring and is there federal funding under the Plan that could be used for this purpose?)

3) Jennifer Wurz

- a) Respond to Todd's questions regarding MOU between DFO and Transport Canada regarding safety of vessel transport

4) Todd Boychuk

- a) Provide copy of Komok's Environmental Plan from shellfish tenure 1411103 as an example for review
- b) Provide DFO contact (name and contact information) to Annette so she can invite DFO representative to next meeting

Summary and Action Items from Tripartite mtg June 24, 2021

From: Bailey, Annette FLNR:EX
To: richard.hardy@komoks.ca, Todd Boychuk <todd.boychuk@komoks.ca>, Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>, Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>, Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>, Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>, Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>, Thompson, Peter <Peter.Thompson@tc.gc.ca>, jennifer.wurz@tc.gc.ca, ryan.greville@tc.gc.ca
Sent: July 5, 2021 4:19:37 PM PDT
Attachments: Summary and Action Items from June 24 2021.docx
Hi

Thank you again for attending the Tri-Partite meeting on June 24, 2021

I have attached a draft summary of the meeting including Action Items. Please review the draft and let me know if there are any changes or additions.

Please complete your action items and send an update to me and/or be ready for a presentation at the next meeting.

I would like to start planning for the next Tri-partite meeting and will be reaching out again to DFO (Todd to provide contact information) and also Coast Guard.

I have listed some available dates and times, please let me know what works for you and I will follow-up with a meeting request.

Friday July 16, 10-12 or 1-3

Monday July 19, 10-12

Tuesday July 20, 2-3:30

Wednesday July 21, 10-12

Thursday July 22, 10-12

If you have any questions or concerns please feel free to contact me.

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

FW: Referral for amendment to Purpose for land file 0021050 - Union Bay

From: Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>
Sent: July 9, 2021 8:48:02 AM PDT
Attachments: Deep Water Recovery EMP March 2021.pdf, 2019-11-27 C1573 Siteplan with Purposed Work Site Email Closeup Final.pdf, 0021050 Schedule A Map.pdf, image001.jpg, 0021050 Schedule A Map.pdf, 2019-11-27 Management Plan for Tenure Replacement Form.pdf

Hi Annette,

s.22

I have not had a chance to respond formally to this referral. I followed up previously with the information I felt was relevant and Keisha has provided information on K'omoks' tenure. Considering that, I am wondering if there is any outstanding questions or specific insight that you are hoping to obtain from the aquaculture group regarding this application that I could provide relatively quickly (like today!)?

s.22



Jordan Wagner
Senior Land Officer, Aquaculture
Ministry of Forests, Lands, Natural Resource
Operations, and Rural Development
142-2080 Labieux Road | Nanaimo, BC V9T 6J9
Tel: 250-739-8191 | Fax: 250-751-7224

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: June 22, 2021 10:31 AM
To: 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>
Subject: Referral for amendment to Purpose for land file 0021050 - Union Bay

Hi

As discussed yesterday at our meeting I have attached the information that has been received for the water lot 0021050 in Union Bay.

Please provide any comments or concerns by July 12th.

Thank you

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843



**RE: EXTERNAL: RE: EXTERNAL: Summary and Action Items from Tripartite mtg
June 24, 2021**

From: Todd Boychuk <todd.boychuk@komoks.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: July 15, 2021 10:47:47 AM PDT
Attachments: image001.png, image002.png

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

Hello Annette,

Todd Johansson, Senior Aquaculture Management Coordinator, DFO would be a DFO contact that could speak to aquaculture. K'ómoks would appreciate his attendance.

Todd.Johansson@dfo-mpo.gc.ca

From ECCC another contact would be A/RD Regional Director EED, Jake McRae jake.mcrae@canada.ca. In the case of deleterious substances entering a marine environment EED would enforce Section 36(3) of the Fisheries Act. From a risk perspective it would be interesting to hear EED thoughts regarding the risk of dragging de-commissioned/derelect vessels from the marine environment onto land or salvage operations.

I just wanted to note in the meeting summary Jennifer Wurz was to bring to the table the MOU between TC and ECCC not DFO.

Best Regards
Todd

Todd Boychuk
Director Intergovernmental Relations
K'ómoks First Nation
3330 Comox Road
Courtenay, BC V9N 3P8
Phone: 250-339-4545 Fax: 250-339-7053



K'ómoks First Nation

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: July 13, 2021 1:25 PM
To: Todd Boychuk <todd.boychuk@komoks.ca>
Subject: EXTERNAL: RE: EXTERNAL: Summary and Action Items from Tripartite mtg June 24, 2021

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Todd

Thank you for the information.

As noted in the minutes you indicated you would be providing a contact person at DFO, I believe you indicated "Chad". Do you have that information? Also, do you have a contact person at EC as you indicate below.

I am hoping you are available at the time below. I will send a meeting invite.

Wednesday July 28 1:00 -3:00

I look forward to the contact names and meeting again the week of July.

Thanks
Annette

From: Todd Boychuk <todd.boychuk@komoks.ca>
Sent: July 13, 2021 12:15 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Richard Hardy <richard.hardy@komoks.ca>
Subject: RE: EXTERNAL: Summary and Action Items from Tripartite mtg June 24, 2021

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

Hello Annette,

Regarding the objective of the meeting could we get the following changed to reflect K'ómoks concerns as noted below:

Objective of the meeting was for various government agencies (Provincial and Federal) to meet with K'ómoks First Nation to discuss water quality in Baynes Sound and provide assurance that K'ómoks aquaculture facilities, and the marine environment within K'ómoks Traditional Territory would not be adversely affected by the current application.

I also just wanted to note that DFO FFHP in regrets stated that EC is the lead, as we believe, regarding water quality impact from land-based activities and as such should be part of the next meeting.

Best Regards

Todd

Todd Boychuk
Director Intergovernmental Relations
K'ómoks First Nation
3330 Comox Road
Courtenay, BC V9N 3P8
Phone: 250-339-4545 Fax: 250-339-7053



From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: July 5, 2021 4:20 PM
To: Richard Hardy <richard.hardy@komoks.ca>; Todd Boychuk <todd.boychuk@komoks.ca>; Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Wagner, Jordan FLNR:EX

<Jordan.Wagner@gov.bc.ca>; Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; 'jennifer.wurz@tc.gc.ca' <jennifer.wurz@tc.gc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>

Subject: EXTERNAL: Summary and Action Items from Tripartite mtg June 24, 2021

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi

Thank you again for attending the Tri-Partite meeting on June 24, 2021

I have attached a draft summary of the meeting including Action Items. Please review the draft and let me know if there are any changes or additions.

Please complete your action items and send an update to me and/or be ready for a presentation at the next meeting.

I would like to start planning for the next Tri-partite meeting and will be reaching out again to DFO (Todd to provide contact information) and also Coast Guard.

I have listed some available dates and times, please let me know what works for you and I will follow-up with a meeting request.

Friday July 16, 10-12 or 1-3

Monday July 19, 10-12

Tuesday July 20, 2-3:30

Wednesday July 21, 10-12

Thursday July 22, 10-12

If you have any questions or concerns please feel free to contact me.

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

RE: Tri-partite meeting with K'omoks First Nation

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Kosmider, Gabrielle <Gabrielle.Kosmider@dfo-mpo.gc.ca>
Sent: July 16, 2021 9:15:39 AM PDT

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

Annette: I'm not sure I was invited. Anyways if you are talking water quality it might be best to Have someone from the CSSP team there and also someone from ECC. I CC'd Gabrielle on this email so she can provide some input.

Thanks:

Todd Johansson

Senior Aquaculture Management Coordinator
Fisheries and Oceans Canada, Pacific Region
(w) 250-902-2683
(c) 250-949-0838

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Friday, July 16, 2021 9:08 AM
To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: Tri-partite meeting with K'omoks First Nation

Hi Todd

We have held our first Tri-Partite meeting with K'omoks First Nation. We shared your regrets for not attending the meeting.

K'omoks First Nation has requested a second meeting to discuss water quality in Baynes Sound and the marine environment within K'omoks Traditional Territory.

K'omoks First Nation has specifically requested your presence at this meeting as you are able to speak to aquaculture.

The next meeting is planned for July 28 1:00-3:00pm. I will be following this email with a meeting invite. If you are unable to attend please indicate who will be attending in your absence.

Thank you

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

RE: Tripartite meeting with K'omoks First Nation

From: McRae, Jake (ECCC) <Jake.McRae@ec.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>, Lee, Chris (ECCC) <Chris.Lee@ec.gc.ca>
Cc: Abrecinos, Rosalie (ECCC) <Rosalie.Abrecinos@ec.gc.ca>
Sent: July 16, 2021 10:14:31 AM PDT

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

Hi Annette,

I am available to attend this meeting on July 28th.

Regards,

Jake McRae
Acting Regional Director, Enforcement Branch
Environment and Climate Change Canada / Government of Canada
jake.mcrae@canada.ca / Tel: 236-427-6123 / Cell: 604-209-3087

Directeur Régional Intérimaire, Direction générale de l'application de la loi
Environnement et Changement Climatique Canada / Gouvernement du Canada
jake.mcrae@canada.ca / Tél. : 236-427-6123 / Cell : 604-209-3087

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: July 16, 2021 9:16 AM
To: McRae, Jake (ECCC) <Jake.McRae@ec.gc.ca>; Lee, Chris (ECCC) <Chris.Lee@ec.gc.ca>
Subject: Tripartite meeting with K'omoks First Nation

Hi

As you may be aware, K'omoks First Nation has requested a Tripartite meeting to discuss water quality in Baynes sound and the marine environment within K'omoks Traditional Territory.

K'omoks First Nation has specifically requested your presence at this meeting as you are able to speak to specific concerns that have been raised.

The next meeting is planned for July 28 1:00-3:00pm. I will be following this email with a meeting invite. If you are unable to attend please indicate who will be attending in your absence.

If you require further information feel free to contact me.

Thank you

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

RE: Tri-Partite meeting with K'omoks First Nation - Union Bay - 2

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>, jake.mcrae@canada.ca, chris.lee@canada.ca
Sent: July 16, 2021 10:52:34 AM PDT

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

s.22

Thanks:

Todd Johansson

Senior Aquaculture Management Coordinator
Fisheries and Oceans Canada, Pacific Region
(w) 250-902-2683
(c) 250-949-0838

-----Original Appointment-----

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Friday, July 16, 2021 10:47 AM
To: 'jake.mcrae@canada.ca'; 'chris.lee@canada.ca'; Johansson, Todd
Subject: Tri-Partite meeting with K'omoks First Nation - Union Bay - 2
When: Wednesday, July 28, 2021 1:00 PM-3:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

Agenda to follow

Microsoft Teams meeting

Join on your computer or mobile app

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[Learn More](#) | [Meeting options](#)

RE: Tri-Partite meeting with K'omoks First Nation - Union Bay - 2

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: July 16, 2021 2:18:12 PM PDT

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

I don't think anyone will be joining from Aquaculture. What is the direct link to aquaculture licences ? It sounds like ECCC will be joining.

Thanks:

Todd Johansson

Senior Aquaculture Management Coordinator
Fisheries and Oceans Canada, Pacific Region
(w) 250-902-2683
(c) 250-949-0838

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Friday, July 16, 2021 10:57 AM
To: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Subject: RE: Tri-Partite meeting with K'omoks First Nation - Union Bay - 2

Thanks Todd

Who will be attending in your absence?

Annette

From: Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>
Sent: July 16, 2021 10:53 AM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>; 'jake.mcrae@canada.ca' <jake.mcrae@canada.ca>; 'chris.lee@canada.ca' <chris.lee@canada.ca>
Subject: RE: Tri-Partite meeting with K'omoks First Nation - Union Bay - 2

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

s.22

Thanks:

Todd Johansson

Senior Aquaculture Management Coordinator
Fisheries and Oceans Canada, Pacific Region
(w) 250-902-2683
(c) 250-949-0838

-----Original Appointment-----

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Friday, July 16, 2021 10:47 AM
To: 'jake.mcrae@canada.ca'; 'chris.lee@canada.ca'; Johansson, Todd
Subject: Tri-Partite meeting with K'omoks First Nation - Union Bay - 2

When: Wednesday, July 28, 2021 1:00 PM-3:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

Agenda to follow

Microsoft Teams meeting

Join on your computer or mobile app
[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

RE: Tripartite meeting with K'omoks First Nation

From: Bailey, Annette FLNR:EX
To: Cameron,Ross (ECCC) <ross.cameron@ec.gc.ca>
Sent: July 16, 2021 2:57:13 PM PDT
Attachments: Summary and Action Items from June 24 2021.docx
Thank you for the email.

Yes, the meeting is related to the email Chris forwarded to you.

I have attached a draft of the last meeting minutes. They should provide a good summary.

If you have any further questions please feel free to contact me.

I will forward the meeting invite to you.

Thank you
Annette

From: Cameron,Ross (ECCC) <ross.cameron@ec.gc.ca>
Sent: July 16, 2021 2:42 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: D'Souza,Roshni (ECCC) <Roshni.DSouza@ec.gc.ca>; Todd.Johansson@dfo-mpo.gc.ca; Abrecinos,Rosalie (ECCC) <Rosalie.Abrecinos@ec.gc.ca>; McRae,Jake (ECCC) <Jake.McRae@ec.gc.ca>; Raymond,Chris (ECCC) <Chris.Raymond@ec.gc.ca>; XT:LaRusic, Adam Environment Canada EAO:IN <Adam.LaRusic@ec.gc.ca>; Lee,Chris (ECCC) <Chris.Lee@ec.gc.ca>
Subject: FW: Tripartite meeting with K'omoks First Nation

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

Hello Ms. Bailey

I am filling in for Chris Lee at ECCC ^{s.22}

A couple of questions for you:

Is your meeting request related to the email Chris forwarded me from Todd Boychuk of K'ómoks First Nation (attached)?

In any event, I believe all of us at ECCC would benefit from some more information about the scope of this meeting, the issue(s) involved, and desired outcomes, as well as who is participating.

If this is the same discussion, I note that Todd Johansson from DFO has indicated he is not available for the meeting that you scheduled. Would it be worthwhile to postpone this meeting until he can participate with us, and in so doing, allow us to get more information on the issues at play?

Thank you
Regards,
Ross Cameron
(he, him, il, lui)

Senior Advisor, Analysis, Relationships and Indigenous Affairs
Environment and Climate Change Canada / Government of Canada
ross.cameron@ec.gc.ca / Cell. : 613-302-8133

Conseiller principal, Analyse, Relations et Affaires Autochtones
Environnement et changement climatique Canada / Gouvernement du Canada

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: July 16, 2021 9:16 AM
To: McRae,Jake (ECCC) <Jake.McRae@ec.gc.ca>; Lee,Chris (ECCC) <Chris.Lee@ec.gc.ca>
Subject: Tripartite meeting with K'omoks First Nation

Hi

As you may be aware, K'omoks First Nation has requested a Tripartite meeting to discuss water quality in Baynes sound and the marine environment within K'omoks Traditional Territory.

K'omoks First Nation has specifically requested your presence at this meeting as you are able to speak to specific concerns that have been raised.

The next meeting is planned for July 28 1:00-3:00pm. I will be following this email with a meeting invite. If you are unable to attend please indicate who will be attending in your absence.

If you require further information feel free to contact me.

Thank you

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

RE: Agenda for Tri-Partite meeting Wednesday July 28

From: Bailey, Annette FLNR:EX
To: Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>
Sent: July 27, 2021 9:13:01 AM PDT
Attachments: Summary and Action Items from June 24 2021.docx
Hi Elysha

Thank you for the email. I am glad you will be attending the meeting.

I have attached the summary from our last meeting on June 24.

Annette

From: Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>
Sent: July 27, 2021 8:57 AM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: RE: Agenda for Tri-Partite meeting Wednesday July 28

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

Good morning Annette,

Are you able to please send me the minutes from the previous meeting by chance so I can be prepared and anything else that will be helpful?

Thanks kindly
Elysha

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Tuesday, July 27, 2021 8:42 AM
To: 'Todd Boychuk' <todd.boychuk@komoks.ca>; 'nicole.rempel@komoks.ca' <nicole.rempel@komoks.ca>; 'richard.hardy@komoks.ca' <richard.hardy@komoks.ca>; Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>; 'jennifer.wurz@tc.gc.ca' <jennifer.wurz@tc.gc.ca>; 'jake.mcrae@canada.ca' <jake.mcrae@canada.ca>; 'chris.lee@canada.ca' <chris.lee@canada.ca>; Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>; 'Cameron,Ross (ECCC)' <ross.cameron@ec.gc.ca>; Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>
Cc: McRae,Jake (ECCC) <Jake.McRae@ec.gc.ca>; 'charlene everson@komoks.ca' <charlene everson@komoks.ca>
Subject: Agenda for Tri-Partite meeting Wednesday July 28

Hi

Here is the agenda for the meeting tomorrow.
Looking forward to seeing you there.

Thanks.

Tri-Partite meeting with K'omoks – Union Bay 2 Agenda for July 28,2021 Meeting

1. Welcome
2. Introductions
 - Confirmed to attend
 - Charlene Everson – K'omoks First Nation
 - Todd Boychuk – K'omoks First Nation
 - Richard Hardy – K'omoks First Nation

Rhonda Morris FLNRORD
Annette Bailey FLNRORD
Claire Backus FLNRORD
Keisha Disher - FLNRORD - Aquaculture
Jennifer Wurz - Transport Canada
Peter Thompson - Transport Canada
Jake Mcrae - ECCC
Elysha Gordon - DFO

3. Unable to attend

Matt Walker - Coast Guard - unable to confirm attendance

4. Summary of minutes from last meeting

5. Action Items from June 24 meeting

6. Action items:

A) Annette

- a) Contact Coast Guard - Matt Walker 250-661-3484 for invitation to next meeting - Have tried on several occasions to contact Matt Walker
- b) Connect to Coast Guard and/or MoE to request information about hydrocarbon spills - in progress
- c) Review Spill Response Requirements -
- d) Review DWR's current Security and Insurance amounts and determine if they need to be increased given the proposed change to the tenure to vessel storage and transport. - in progress
- Review - what these funds can be used for and share information at next meeting - **completed** - will be discussing at meeting
- e) Investigate if/how third parties are compensated if a spill happens and causes damage to nearby businesses (e.g. Komok's aquaculture lease). - have reached out to South Coast to gather information
- f) Review other vessel storage EMP plans and compare to current EMP to determine if/where it needs to be strengthened. - in progress
- g) Request DWR add to its mgmt. plan the requirement to keep records of vessel inspections and make available to the province upon request- **completed** DWR has indicated this can be done
- h) Stipulate in writing to DWR that if their application is approved, that it does not permit them to dredge or disturb the foreshore. DWR would need to make separate application for this work and K'omoks nation would be consulted prior to decision - **completed** this will be included if application is approved, have discussed with DWR
- i) Send Referrals of DWR's application to Transport Canada and Aquaculture for review and comment- **completed**
- j) Send referral of DWR's application to Coast Guard for review and comment - awaiting contact person
- k) Set up meeting with Transport Canada, DFO, and Coast Guard and K'omoks, send potential dates to all parties -**completed** July 28, 2021

B) Ryan Greville or Jennifer Wurz-

- a) Presentation for next meeting re: Ocean Protection Plan (what/if anything is being done in Baynes Sound regarding water quality monitoring and is there federal funding under the Plan that could be used for this purpose?)

C) Jennifer Wurz

- a) Respond to Todd's questions regarding MOU between ECCC and Transport Canada regarding safety of vessel transport

D) Todd Boychuk

- a) Provide copy of Komok's Environmental Plan from shellfish tenure 1411103 as an example for review - has been requested
- b) Provide DFO contact (name and contact information) to Annette so she can invite DFO representative to next meeting - **completed**

7. Proponent Engagement

8. Wrap-up

4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

**Summary and Action Items from Tri-Partite meeting June 24,2021(1:00-3:00pm)
regarding Land Act File 0021050 - change of purpose at Union Bay from
Industrial Log handling to Industrial General**

Attendance:

K'omoks First Nation - Richard Hardy, Todd Boychuk,

FLNRORD - Rhonda Morris, Annette Bailey, Clair Backus, Jordan Wagner,
Keisha Disher

MIRR - Sarah Cavanagh

Transport Canada - Peter Thompson, Jennifer Wurz

Regrets:

K'omoks - Chief Nicole Rempel

MOE - unable to attend

DFO - Aquaculture, DFO is only notified if there is a change to water
classification at this location and that is not the case

DFO - Fish and Fish Habitat Protection, the application does not
indicate that fish and fish habitat will be affected. The concerns raised
regarding water quality impacts from land-based and marine-base activities
fall under waste management of Environment and Climate Change Canada. The
FFHP does not currently foresee a regulatory role in reviewing this project

Canada Food Inspection Agency - no response to request

Health Canada - no response to request

Environmental Assessment Office - Application at hand is not directly
relevant to EAO's business. EAO has spoken to Todd previously about
involvement

Objective of meeting:

Objective of the meeting was for various government agencies (Provincial and
Federal) to meet with K'omoks First Nation to discuss water quality in Baynes
Sound and provide assurance that K'omoks aquaculture facilities, and the
marine environment within K'omoks Traditional Territory would not be
adversely affected by the current application.

Meeting Summary:

Annette presented summary of application and EMP, namely the steps the
applicant has taken to ensure vessels are free of hydrocarbons and
deleterious substances prior to being towed to Baynes sound and removed from
the water. The applicant has indicated the purchase of spill response
material not only for the Union bay operation but for any spill that may
occur in the vicinity.

Richard and Todd raised several questions and concerns with Deep Water
Recovery's (DWR) application regarding potential impacts to water quality in

Bayne Sound and to its adjacent aquaculture tenure. They highlighted the economic importance and interconnectedness of its aquaculture tenure to the Nation's larger business interests of Salish Sea Foods, generating significant employment and revenue for its community. Richard said that the Nation is not opposed to the application but wants to ensure that all safeguards are put in place and that DWR has a strong environmental plan and that any information gaps and requirements are addressed now, so nothing falls through the cracks.

Below are the specific questions/concerns they raised:

- The Environmental Management Plan (EMP) submitted as part of application doesn't appear as robust as the Nation's EMP for its adjacent aquaculture tenure. Would like to see the EMP strengthened and to be as robust as possible. See #1-f and #4-a
- Is there an environmental bond in place in case a spill happens to ensure DWR pays for the necessary remediation? See #1-d and #2-a
- What agency is responsible for monitoring water quality and is there baseline data or can it be collected so the future changes to water quality can be detected over time and addressed. See #2-a
- Concerned about DWR dredging and disturbing the foreshore under this license which could negatively impact water quality and possible, archaeological sites that are not yet known. See #1-h
- What happens in the unlikely event of a spill? How will any negative impacts to aquaculture and surrounding areas be addressed? See #2-a
- Will K'omoks be compensated if a spill results in its aquaculture tenure being shut down? See #1-c and #1-e
- How to ensure that DWR does not introduce invasive species into Bayne Sound when transporting vessels? See #1-g
- Who is responsible for monitoring hydrocarbons? See #1-c

Jennifer Wurz gave a short summary about vessel transport and responsibilities. The safety of vessel transport is by the Coast Guard. Abandoned vessels is Coast Guard under DFO. The question was raised if there is an MOU between DFO and Transport Canada. Jennifer also spoke briefly about the Ocean Protection Plan. See #2-a and #3-a

Action items:

1)Annette

- a) Contact Coast Guard - Matt Walker 250-661-3484 for invitation to next meeting
- b) Connect to Coast Guard and/or MoE to request information about hydrocarbon spills
- c) Review Spill Response Requirements
- d) Review DWR's current Security and Insurance amounts and determine if they need to be increased given the proposed change to the tenure to vessel storage and transport.
Review - what these funds can be used for and share information at next meeting
- e) Investigate if/how third parties are compensated if a spill happens and causes damage to nearby businesses (e.g. Komok's aquaculture lease).
- f) Review other vessel storage EMP plans and compare to current EMP to determine if/where it needs to be strengthened.

- g) Request DWR add to its mgmt. plan the requirement to keep records of vessel inspections and make available to the province upon request.
- h) Stipulate in writing to DWR that if their application is approved, that it does not permit them to dredge or disturb the foreshore. DWR would need to make separate application for this work and K'omoks nation would be consulted prior to decision.
- i) Send Referrals of DWR's application to Transport Canada and Aquaculture for review and comment- **completed**
- j) Send referral of DWR's application to Coast Guard for review and comment
- k) Set up meeting with Transport Canada, DFO, and Coast Guard and K'omoks, send potential dates to all parties

2) Ryan Greville or Jennifer Wurz-

- a) Presentation for next meeting re: Ocean Protection Plan (what/if anything is being done in Baynes Sound regarding water quality monitoring and is there federal funding under the Plan that could be used for this purpose?)

3) Jennifer Wurz

- a) Respond to Todd's questions regarding MOU between ECCC and Transport Canada regarding safety of vessel transport

4) Todd Boychuk

- a) Provide copy of Komok's Environmental Plan from shellfish tenure 1411103 as an example for review
- b) Provide DFO contact (name and contact information) to Annette so she can invite DFO representative to next meeting

28 July - 13:00 Meeting

From: Raymond,Chris (ECCC) <Chris.Raymond@ec.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: July 28, 2021 1:15:05 PM PDT

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

Annette,

Below is my contact information as requested.

Chris Raymond B.Sc.

Senior Environmental Emergencies Officer,
Preparedness and Response,
National Environmental Emergency Centre (NEEC).
Environmental Protection Operations Directorate,
Environmental Protection Branch
Environment and Climate Change Canada
201-401 Burrard Street, Vancouver. BC V6C 3S5
Office Tel 236-427-6059 s.16
E-mail Chris.Raymond@ec.gc.ca

Chris Raymond B.Sc.

Agent Principal, Préparation et Intervention,
Centre National des Urgences Environnementales (CNUE).
201-401 Burrard Street, Vancouver, BC V6C 3S5
Direction des Activités de Protection de l'Environnement,
Environnement et Changements Climatiques Canada
Bureau Tel 236-427-6231 s.16
E-mail Chris.Raymond@ec.gc.ca

Meeting contact

From: Dight, Roberta <roberta.dight@tc.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: July 28, 2021 1:15:22 PM PDT

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

Hi Annette,

I won't be a regular attendee at these meetings so please don't add me to the long-term dist list. Ryan Greville can remain on it. I'm just here for this one in his place.

Roberta Dight

Navigation Protection Officer
Navigation Protection Program
Transport Canada / Government of Canada
NPPAC-PPNPAC@tc.gc.ca / Tel: 604-318-0371 / TTY: 1-888-675-6863

Agente de protection de la navigation
Programme de protection de la navigation
Transports Canada / Gouvernement du Canada
NPPAC-PPNPAC@tc.gc.ca / Tel: 604-318-0371 / TTY: 1-888-675-6863

<http://www.tc.gc.ca/eng/programs-621.html>

RE: Summary and Action Items from Tripartite mtg June 24, 2021

From: Wurz, Jennifer <Jennifer.Wurz@tc.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>
Sent: July 28, 2021 3:38:35 PM PDT
Attachments: Summary and Action Items from June 24 2021.docx

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

Hello,

The references I have for you to follow up with regarding questions on the vessels, pollution or projects in Baynes sound as part of the Ocean Protection Plan (among other questions), are listed below:

Jeff Brady at CCG Emergency Response
604-816-7432
Jeff.brady@dfo-mpo.gc.ca

Daniel Reid at OPP, Regional Environmental Response Program
250-217-6294
Daniel.reid@tc.gc.ca

Andy Allan, Manager of Marine Safety and Security
604-314-7961
Andy.allan@tc.gc.ca

The MOU that Transport Canada and ECCC has is for pollution, which the Marine Safety program at Transport Canada oversees under their mandate so please refer to that department for any follow up then what was provided at the meeting.

I've amended the items from the initial meeting as I don't want to misconstrue any information and I appreciate you providing the opportunity to correct them.

Feel free to reach out should you require anything else.

Kind regards,

Jennifer

Navigation Protection Officer
Navigation Protection Program
Transport Canada / Government of Canada
NPPAC-PPNPAC@tc.gc.ca / Tel: 236-334-1735 / TTY: 1-888-675-6863

Agente de protection de la navigation
Programme de protection de la navigation
Transports Canada / Gouvernement du Canada
NPPAC-PPNPAC@tc.gc.ca / Tel: 236-334-1735 / TTY: 1-888-675-6863

<http://www.tc.gc.ca/eng/programs-621.html>

From: Bailey, Annette FLNR:EX [mailto:Annette.Bailey@gov.bc.ca]

Sent: Monday, July 05, 2021 4:20 PM

To: 'richard.hardy@komoks.ca' <richard.hardy@komoks.ca>; 'Todd Boychuk' <todd.boychuk@komoks.ca>; Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Wagner, Jordan FLNR:EX <Jordan.Wagner@gov.bc.ca>; Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Thompson, Peter <Peter.Thompson@tc.gc.ca>; Wurz, Jennifer <Jennifer.Wurz@tc.gc.ca>; Greville, Ryan <ryan.greville@tc.gc.ca>

Subject: Summary and Action Items from Tripartite mtg June 24, 2021

Hi

Thank you again for attending the Tri-Partite meeting on June 24, 2021

I have attached a draft summary of the meeting including Action Items. Please review the draft and let me know if there are any changes or additions.

Please complete your action items and send an update to me and/or be ready for a presentation at the next meeting.

I would like to start planning for the next Tri-partite meeting and will be reaching out again to DFO (Todd to provide contact information) and also Coast Guard.

I have listed some available dates and times, please let me know what works for you and I will follow-up with a meeting request.

Friday July 16, 10-12 or 1-3

Monday July 19, 10-12

Tuesday July 20, 2-3:30

Wednesday July 21, 10-12

Thursday July 22, 10-12

If you have any questions or concerns please feel free to contact me.

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

**Summary and Action Items from Tri-Partite meeting June 24,2021(1:00-3:00pm)
regarding Land Act File 0021050 - change of purpose at Union Bay from
Industrial Log handling to Industrial General**

Attendance:

K'omoks First Nation - Richard Hardy, Todd Boychuk,

FLNRORD - Rhonda Morris, Annette Bailey, Clair Backus, Jordan Wagner,
Keisha Disher

MIRR - Sarah Cavanagh

Transport Canada - Peter Thompson, Jennifer Wurz

Regrets:

K'omoks - Chief Nicole Rempel

MOE - unable to attend

DFO - Aquaculture, DFO is only notified if there is a change to water
classification at this location and that is not the case

DFO - Fish and Fish Habitat Protection, the application does not
indicate that fish and fish habitat will be affected. The concerns raised
regarding water quality impacts from land-based and marine-base activities
fall under waste management of Environment and Climate Change Canada. The
FFHP does not currently foresee a regulatory role in reviewing this project

Canada Food Inspection Agency - no response to request

Health Canada - no response to request

Environmental Assessment Office - Application at hand is not directly
relevant to EAO's business. EAO has spoken to Todd previously about
involvement

Objective of meeting:

Objective of the meeting was for various government agencies (Provincial and
Federal) to meet with K'omoks First Nation to discuss water quality in Baynes
Sound and provide assurance that K'omoks aquaculture facilities would not be
adversely affected by the current application.

Meeting Summary:

Annette presented summary of application and EMP, namely the steps the
applicant has taken to ensure vessels are free of hydrocarbons and
deleterious substances prior to being towed to Baynes sound and removed from
the water. The applicant has indicated the purchase of spill response
material not only for the Union bay operation but for any spill that may
occur in the vicinity.

Richard and Todd raised several questions and concerns with Deep Water
Recovery's (DWR) application regarding potential impacts to water quality in
Bayne Sound and to its adjacent aquaculture tenure. They highlighted the

economic importance and interconnectedness of its aquaculture tenure to the Nation's larger business interests of Salish Sea Foods, generating significant employment and revenue for its community. Richard said that the Nation is not opposed to the application but wants to ensure that all safeguards are put in place and that DWR has a strong environmental plan and that any information gaps and requirements are addressed now, so nothing falls through the cracks.

Below are the specific questions/concerns they raised:

- The Environmental Management Plan (EMP) submitted as part of application doesn't appear as robust as the Nation's EMP for its adjacent aquaculture tenure. Would like to see the EMP strengthened and to be as robust as possible. See #1-f and #4-a
- Is there an environmental bond in place in case a spill happens to ensure DWR pays for the necessary remediation? See #1-d and #2-a
- What agency is responsible for monitoring water quality and is there baseline data or can it be collected so the future changes to water quality can be detected over time and addressed. See #2-a
- Concerned about DWR dredging and disturbing the foreshore under this license which could negatively impact water quality and possible, archaeological sites that are not yet known. See #1-h
- What happens in the unlikely event of a spill? How will any negative impacts to aquaculture and surrounding areas be addressed? See #2-a
- Will K'omoks be compensated if a spill results in its aquaculture tenure being shut down? See #1-c and #1-e
- How to ensure that DWR does not introduce invasive species into Bayne Sound when transporting vessels? See #1-g
- Who is responsible for monitoring hydrocarbons? See #1-c

Jennifer Wurz gave a short summary about vessel transport and responsibilities. The safety of vessel transport is by the Coast Guard. Abandoned vessels is Coast Guard under DFO. The question was raised if there is an MOU between DFO and Transport Canada. Jennifer also spoke briefly about the Ocean Protection Plan. See #2-a and #3-a

Action items:

1) Annette

- a) Contact Coast Guard - Matt Walker 250-661-3484 for invitation to next meeting
- b) Connect to Coast Guard and/or MoE to request information about hydrocarbon spills
- c) Review Spill Response Requirements
- d) Review DWR's current Security and Insurance amounts and determine if they need to be increased given the proposed change to the tenure to vessel storage and transport.
Review - what these funds can be used for and share information at next meeting
- e) Investigate if/how third parties are compensated if a spill happens and causes damage to nearby businesses (e.g. Komok's aquaculture lease).
- f) Review other vessel storage EMP plans and compare to current EMP to determine if/where it needs to be strengthened.

Commented [WJ1]: Marine Safety of Transport Canada administers the Canada Shipping Act, CCG would play a role if there was a pollution event from a vessel.

- g) Request DWR add to its mgmt. plan the requirement to keep records of vessel inspections and make available to the province upon request.
- h) Stipulate in writing to DWR that if their application is approved, that it does not permit them to dredge or disturb the foreshore. DWR would need to make separate application for this work and K'omoks nation would be consulted prior to decision.
- i) Send Referrals of DWR's application to Transport Canada and Aquaculture for review and comment- **completed**
- j) Send referral of DWR's application to Coast Guard for review and comment
- k) Set up meeting with Transport Canada, DFO, and Coast Guard and K'omoks, send potential dates to all parties

2) Ryan Greville or Jennifer Wurz-

- a) Presentation for next meeting re: Ocean Protection Plan (what/if anything is being done in Baynes Sound regarding water quality monitoring and is there federal funding under the Plan that could be used for this purpose?)

Commented [WJ2]: Providing Daniel as contact from OPP

Water

3) Jennifer Wurz

- a) Respond to Todd's questions regarding MOU between DFO and Transport Canada regarding safety of vessel transport

Commented [WJ3]: Jake McRae spoke to this

4) Todd Boychuk

- a) Provide copy of Komok's Environmental Plan from shellfish tenure 1411103 as an example for review
- b) Provide DFO contact (name and contact information) to Annette so she can invite DFO representative to next meeting

Draft minutes and action items fom July 27 Tri-Partite meeting

From: Bailey, Annette FLNR:EX
To: Todd Boychuk <todd.boychuk@komoks.ca>, nicole.rempel@komoks.ca, richard.hardy@komoks.ca, Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>, Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>, Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>, Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>, ryan.greville@tc.gc.ca, Thompson, Peter <Peter.Thompson@tc.gc.ca>, Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>, jennifer.wurz@tc.gc.ca, jake.mcrae@canada.ca, chris.lee@canada.ca, Johansson, Todd <Todd.Johansson@dfo-mpo.gc.ca>, Cameron,Ross (ECCC) <ross.cameron@ec.gc.ca>, Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>
Cc: Charlene Everson <charlene.everson@komoks.ca>, McRae,Jake (ECCC) <Jake.McRae@ec.gc.ca>, Dight, Roberta <roberta.dight@tc.gc.ca>, Raymond,Chris (ECCC) <Chris.Raymond@ec.gc.ca>
Sent: August 16, 2021 9:36:33 AM PDT
Attachments: Summary and Action Items from July 27, 2021.docx
Hi

Find attached draft minutes and action items from July 27 Tri-Partite Meeting.

Please review and update any items I may have missed. All action items should be complete and sent to me no later than August 30, 2021. I will include the updated information in a further email in early September.

Thank you

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

Action Items from Tri-Partite meeting July 27, 2021 (1:00-3:00pm) regarding Land Act File 0021050 - change of purpose at Union Bay from Industrial Log handling to Industrial General

Attendance:

K'omoks First Nation - Richard Hardy, Todd Boychuk, Kat Frank, Emily Shopland, Charlene Everson

FLNRORD - Rhonda Morris, Annette Bailey, Claire Backus,

Transport Canada - Roberta Dight, Jennifer Wurz

ECCC - Jake McRae, Ross Cameron

DFO - Elysha Gordon

Regrets:

Transport Canada - Peter Thompson - unable to attend

Objective of meeting:

This was the second Tri-Partite meeting whose objective of the meeting was for various government agencies (Provincial and Federal) to meet with K'omoks First Nation to discuss water quality in Baynes Sound and provide assurance that K'omoks aquaculture facilities, and the marine environment within K'omoks Traditional Territory would not be adversely affected by the current application.

Meeting Summary:

Introduction of new attendees, their role and Government organization.
Reviewed Action Items from June 24 Meeting.

Action items:

1) All

a) All attendees not on original meeting list are requested to submit their contact information to Annette - Received from Chris Raymond and Roberta Dight, **still required Ross Cameron**

2) Annette

- a) Investigate if/how third parties are compensated if a spill happens and causes damage to nearby businesses (e.g. Komok's aquaculture lease). - have reached out to South Coast to gather information, **ongoing**
- b) Request EMP's from South Coast that are similar to Deepwater Recovery - have reached out to South coast to gather information, **ongoing**
- c) Send 0021050 EMP to Richard Hardy - **completed**
- d) Send referral to Elysha Gordon - **completed**
- e) Send new footprint proposal to K'omoks - **completed**

3) Jennifer Wurz-

- a) Ocean Protection Plan - contact person in Daniel Reid - Jennifer will provide contact information - **completed**
- b) Will provide list of projects that are/were approved under Ocean Protection Plan - contact person provided, **completed**

4) Todd Boychuk

- a) Provide documents that K'omoks submitted for Aquaculture application to Provincial and Federal agencies - **in progress**

5) Elysha Gordon

- a) Will follow-up with DFO - Fish Protection Program to find Deepwater Recovery submission on DFO website - **in progress**

Please ensure all action items and changes to the agenda are completed by August 30, 2021 and sent to Annette.
A follow-up email will be sent early September with all information from Action Items.

Thank you

RE: Draft minutes and action items fom July 27 Tri-Partite meeting

From: Raymond,Chris (ECCC) <Chris.Raymond@ec.gc.ca>
To: Cameron,Ross (ECCC) <ross.cameron@ec.gc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: August 16, 2021 2:02:58 PM PDT

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

Yes I attended, thanks Ross.

In the discussion we talked about background or benchmarking – a way to determine the current state of the environment against the risk of what the new activity may bring. It would have to be specific to the new risk (ie specific chemicals etc)

From: Cameron,Ross (ECCC) <ross.cameron@ec.gc.ca>
Sent: August 16, 2021 12:38 PM
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Cc: Raymond,Chris (ECCC) <Chris.Raymond@ec.gc.ca>
Subject: FW: Draft minutes and action items fom July 27 Tri-Partite meeting

Hi Annette

I believe Chris also attended from ECCC.

Chris: happy to have your review of the attached as well.

Thank you
Regards,
Ross Cameron
(he, him, il, lui)

Senior Advisor, Analysis, Relationships and Indigenous Affairs
Environment and Climate Change Canada / Government of Canada
ross.cameron@ec.gc.ca / Cell. : 613-302-8133

Conseiller principal, Analyse, Relations et Affaires Autochtones
Environnement et changement climatique Canada / Gouvernement du Canada
ross.cameron@ec.gc.ca / Tél. cell. :613-302-8133

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: August 16, 2021 12:37 PM
To: 'Todd Boychuk' <todd.boychuk@komoks.ca>; 'nicole.rempel@komoks.ca' <nicole.rempel@komoks.ca>; 'richard.hardy@komoks.ca' <richard.hardy@komoks.ca>; Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>; Bergen, Kate M ENV:EX <Kate.Bergen@gov.bc.ca>; 'ryan.greville@tc.gc.ca' <ryan.greville@tc.gc.ca>; 'Thompson, Peter' <Peter.Thompson@tc.gc.ca>; Disher, Keisha FLNR:EX <Keisha.Disher@gov.bc.ca>; 'jennifer.wurz@tc.gc.ca' <jennifer.wurz@tc.gc.ca>; McRae,Jake (ECCC) <Jake.McRae@ec.gc.ca>; Lee,Chris (ECCC) <Chris.Lee@ec.gc.ca>; 'Johansson, Todd' <Todd.Johansson@dfo-mpo.gc.ca>; Cameron,Ross (ECCC) <ross.cameron@ec.gc.ca>; 'Gordon, Elysha' <Elysha.Gordon@dfo-mpo.gc.ca>
Cc: Charlene Everson <charlene.everson@komoks.ca>; McRae,Jake (ECCC) <Jake.McRae@ec.gc.ca>; Dight, Roberta <roberta.dight@tc.gc.ca>; Raymond,Chris (ECCC) <Chris.Raymond@ec.gc.ca>
Subject: Draft minutes and action items fom July 27 Tri-Partite meeting

Hi

Find attached draft minutes and action items from July 27 Tri-Partite Meeting.

Please review and update any items I may have missed. All action items should be complete and sent to me no later than August 30, 2021. I will include the updated information in a further email in early September.

Thank you

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

FW: Requested referral from Deepwater Recovery - 0021050

From: Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: August 24, 2021 2:06:12 PM PDT
Attachments: Deep Water Recovery EMP March 2021.pdf, 2019-11-27 Management Plan for Tenure Replacement Form.pdf

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

Hi Annette please see the response I have received from our Fish and Fish Habitat Protection Program. So it looks like the only way we can get our FPP program to look at the proposal is if the proponent sends it directly to them and because they did the self-assessment I am thinking they probably won't find it necessary.

Thanks kindly
Elysha

From: Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>
Sent: Tuesday, August 24, 2021 1:07 PM
To: Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>
Cc: Tedros, Shaharazade <Shaharazade.Tedros@dfo-mpo.gc.ca>; Haley, Charlotte <Charlotte.Haley@dfo-mpo.gc.ca>; Harper, Vince <Vince.Harper@dfo-mpo.gc.ca>
Subject: FW: Requested referral from Deepwater Recovery - 0021050
Importance: High

Hi Elysha,

Thanks for forwarding this. FFHPPs Coastal Watershed Unit (Vince Harpers Section) and Regional Coordination (my Section) have been contacted by various parties in relation to the works outlined in the attached documents. FFHPP has not received an application from the proponent and information that has been referred to the program by other parties (BC, Indigenous Groups) is insufficient to allow us to conduct a thorough review of the potential impacts to fish and fish habitat. That said, we have taken a look at what has been provided and my recollection is that my section also requested the proponent confirm whether they intended to seek a review by FFHPP, which they did not.

Thus far, the information indicates a re-development of a previously impacted site ('anticipated to be' low habitat quality). Impacts to fish habitat appear to be limited to potential shading and possibly intermittent acoustic disturbance while operational. We are aware that concerns have been raised in relation to the potential for contaminants to enter fish-bearing waters. The administration of the pollution prevention provisions of the *Fisheries Act* falls to Environment and Climate Change Canada. The Province of BC would also have a role in regulating industrial waste and appropriate disposal. As a result, FFHPP would not engage in a review of a project for the purposes of assessing and regulating pollution.

FFHPP was invited to the recent stakeholder meetings but declined based on the above. While the current regulatory scheme does not promote self-assessment as it did prior to the recent FA changes in 2019, proponents carrying out works, undertakings or activities in or near fish habitat are not mandated to seek a review, they are simply prohibited from causing a harmful alteration, disruption or destruction or death of fish without an Authorization from DFO.

While the Program is not currently anticipating an application or reaching out for an application, we welcome any additional information that may point to the proposal being higher risk to fish habitat. It is not uncommon that developments evolve through the design and implementation phase. FFHPP has strongly recommended proponents seek a review where available information indicates there is a high risk of contravening the *Fisheries Act* prohibitions. Where appropriate, we have taken measures to advise them of the likelihood of their works resulting in contravention and monitored or referred the project to C&P as required. So, we do appreciate other Programs making us aware.

I have copied Vince Harper, who oversees regulatory review of marine projects to see if he has anything further to add or if I have misspoke (please feel free to correct me, as always).

Regards,

Holly Pulvermacher

Section Head – Regional Coordination
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
Cell: 250-619-3479
E: holly.pulvermacher@dfo-mpo.gc.ca

From: Tedros, Shaharazade <Shaharazade.Tedros@dfo-mpo.gc.ca>
Sent: Tuesday, August 24, 2021 11:02 AM
To: Pulvermacher, Holly <Holly.Pulvermacher@dfo-mpo.gc.ca>
Cc: Haley, Charlotte <Charlotte.Haley@dfo-mpo.gc.ca>
Subject: FW: Requested referral from Deepwater Recovery - 0021050
Importance: High

Hi Holly,

Please see attachments and Elysha's email below. Please let me know if referrals needs to action anything.

Thank you,

Shaharazade Tedros (she/her)
A/Referrals and Client Services Coordinator
Regional Coordination
Fish & Fish Habitat Protection Program
Ecosystems Management Branch
Fisheries and Oceans Canada....><(((0>0

Telephone: (250)571-5435
E-mail: shaharazade.tedros@dfo-mpo.gc.ca

From: Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>
Sent: Monday, August 23, 2021 12:55 PM
To: Haley, Charlotte <Charlotte.Haley@dfo-mpo.gc.ca>; FPP.PAC.Enquiries / Renseignements.PPP.PAC (DFO/MPO) <XPAC.EnquiriesPacific@dfo-mpo.gc.ca>
Subject: FW: Requested referral from Deepwater Recovery - 0021050
Importance: High

Hi Charlotte and crew,

I hope you are well and enjoying your summer. I am not sure who to send this to in FPP so I thought I would start with you. I recently attending a meeting around this project and it was brought to my attention that they did a self-review but I think it needs an in-depth review. Are you able to please stick handle this for me and let me know if a further review can be done?

Thanks so much
Elysha

From: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: Tuesday, August 3, 2021 5:03 PM
To: Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>
Subject: Requested referral from Deepwater Recovery - 0021050

Hi Elysha

As requested at the recent Tri-Partite meeting with K'omoks First Nation, I have attached the Management Plan and EMP submitted by Deepwater recovery.

If you have any questions or concerns please feel free to contact me.

Thanks

Annette Bailey, RPBio
Senior Project Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-736-6843

FW: Request for Input - K'omoks concerns - Industrial Foreshore Lease Application in Baynes Sound

From: Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
To: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Sent: October 4, 2021 7:49:15 AM PDT
Attachments: image001.gif

Good morning Annette,

I'm forwarding this email chain for our file records. I haven't heard much on this file in a while. Where are things at?

Thanks,

Claire Backus | Senior Advisor, Indigenous Relations
West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca
Pronouns: she/her

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.

From: Himani, Nasrin <Nasrin.Himani@rcaanc-cirnac.gc.ca>
Sent: September 29, 2021 5:07 PM
To: Ferguson, Elizabeth <beth.ferguson@tc.gc.ca>; Blackburn, Michael <Michael.Blackburn@rcaanc-cirnac.gc.ca>; Backus, Claire FLNR:EX <Claire.Backus@gov.bc.ca>
Cc: Greville, Ryan <ryan.greville@tc.gc.ca>; Cavanagh, Sarah IRR:EX <Sarah.Cavanagh@gov.bc.ca>
Subject: RE: Request for Input - K'omoks concerns - Industrial Foreshore Lease Application in Baynes Sound

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

Hi Beth,

I am adding Claire Backus from BC to this email, as she and Pete were previously in touch about this matter and it looks like Pete committed to following up with ECCC about whether they could participate in discussions.

Claire, based on the below it looks like the request is outside the scope of the CSSP program in ECCC. I'll leave it to you to follow up further but let us know if we can assist in making any other connections with the federal departments.

Nasrin

Nasrin Himani
A/Negotiator
Treaties and Aboriginal Government – Negotiations West
Crown-Indigenous Relations and Northern Affairs Canada
Nasrin.Himani@rcaanc-cirnac.gc.ca (NEW)
604-362-5646

From: Ferguson, Elizabeth <beth.ferguson@tc.gc.ca>
Sent: Tuesday, September 28, 2021 11:53 AM
To: Himani, Nasrin <Nasrin.Himani@rcaanc-cirnac.gc.ca>; Blackburn, Michael <Michael.Blackburn@rcaanc-cirnac.gc.ca>
Cc: Greville, Ryan <ryan.greville@tc.gc.ca>
Subject: FW: Request for Input - K'omoks concerns - Industrial Foreshore Lease Application in Baynes Sound

Hi Nasrin and Michael:

I wanted to pass this on to you in case there are any follow ups required to the response from the Canadian Food Inspection Agency. Pete was leading this work before leaving from CCG and I am not sure if there are any more steps required for TC.

Please let me know if you can have any questions.

Beth

From: Andre Youssef [mailto:andre.youssef@inspection.gc.ca]

Sent: Monday, September 27, 2021 12:44 PM

To: Thompson, Peter <Peter.Thompson@tc.gc.ca>

Cc: Graca, Elizabeth (EC) <elizabeth.graca@canada.ca>; Rogers, Juanita <Juanita.Rogers@dfo-mpo.gc.ca>; Kosmider, Gabrielle <Gabrielle.Kosmider@dfo-mpo.gc.ca>; Pechter, Beth <Beth.Pechter@dfo-mpo.gc.ca>; Plummer, Greg <Greg.Plummer@dfo-mpo.gc.ca>; Gordon, Elysha <Elysha.Gordon@dfo-mpo.gc.ca>; Linda Lee <linda.lee@inspection.gc.ca>; Ferguson, Elizabeth <beth.ferguson@tc.gc.ca>; Greville, Ryan <ryan.greville@tc.gc.ca>

Subject: RE: Request for Input - K'omoks concerns - Industrial Foreshore Lease Application in Baynes Sound

Dear Peter Thompson,

Thank you for your enquiry below sent to Elizabeth Graca at Environment and Climate Change Canada (ECCC). I am responding on her behalf, via the Pacific Region Interdepartmental Shellfish Committee (PRISC).

Please note that your request is currently out of scope of the Canadian Shellfish Sanitation Program (CSSP) and we are unable to respond to the concerns about potential for future impact. If at some point you are able to provide the PRISC with pertinent data to assess a potential impact, then we would be happy to revisit this request.

As a bit of background, the CSSP is designed to provide reasonable assurance that bivalve molluscan shellfish are safe for consumption as food by controlling the harvesting of all shellfish within the tidal waters of Canada. The CSSP is a shared responsibility of ECCC, Fisheries and Oceans Canada (DFO), and the Canadian Food Inspection Agency (CFIA). These three federal departments make up the PRISC, which has been established as the interdepartmental committee to manage and co-ordinate the delivery of the CSSP in British Columbia.

The scope of the PRISC includes all matters related to the delivery of the CSSP in British Columbia, as outlined in the CSSP Manual of Operations: <https://inspection.canada.ca/food-safety-for-industry/food-specific-requirements-and-guidance/fish/canadian-shellfish-sanitation-program/eng/1527251566006/1527251566942>

Please do not hesitate to contact us if you have any questions or concerns.

Best Regards,

André M Youssef
PRISC Secretariat

Operations Specialist for Western Area, Operations Branch
Canadian Food Inspection Agency / Government of Canada
andre.youssef@inspection.gc.ca / Tel: 236-334-4692

Spécialiste des opérations- Ouest, Direction générale des Opérations
Agence canadienne d'inspection des aliments / Gouvernement du Canada
andre.youssef@inspection.gc.ca / Tél.: 236-334-4692

From: Thompson, Peter <Peter.Thompson@tc.gc.ca>

Sent: May 26, 2021 9:24 AM

To: Graca, Elizabeth (EC) <elizabeth.graca@canada.ca>

Cc: Ferguson, Elizabeth <beth.ferguson@tc.gc.ca>; Greville, Ryan <ryan.greville@tc.gc.ca>

Subject: Request for Potential ECCC Input - K'omoks concerns - Industrial Foreshore Lease Application in Baynes Sound

Hi Liz,

Really nice to talk with you late last week.

As I was mentioning, the Province of BC (**Claire Backus – Indigenous Relations Advisor – contact email below**) is looking to convene a tri-partite meeting sometime in June (date TBD) between the K'omoks First Nation, BC and implicated federal departments from to discuss the following:

- The applicant (Union Bay Industries Ltd. - Deep Bay Recovery) holds a foreshore industrial lease (file number 0021050 - the polygon to the north in map attachment) in Baynes Sound that is currently classified for **Log Handling**.
- The applicant would like to change the purpose of their lease from **Log Handling** to **Industrial General** in order to use the foreshore area to facilitate the transit of vessels from the marine area to their upland facility (for decommissioning). Vessels would be secured in the foreshore area while being readied for haul-out and then would be transferred to the upland portion.
- The lease is adjacent to K'omoks' aquaculture tenure (file number 1411103 – the polygon to the south in attachment). K'omoks have raised concerns regarding potential impacts to their aquaculture interests, FSC allocations, and possibly heritage sites. They've also requested meetings with various provincial and federal agencies.
- K'omoks have met with the applicant, and the applicant has submitted a more robust environmental management plan, but K'omoks does not feel that their concerns are being addressed.
- In addition to the map, some background information is also attached.

Please let me know if you think the issue noted above warrants someone from ECCC being at this future tri-partite meeting, or alternately, please contact Claire Backus directly. Currently TC and DFO have been invited to attend.

Don't hesitate to let me know if you have any questions.

Kind regards,

Pete

Peter Thompson
Indigenous Relations Advisor
Transport Canada / Pacific Region / Government of Canada
Peter.Thompson@tc.gc.ca / Tel: 604-349-5124 / TTY: 1-888-675-6863

Conseillère relations autochtone
Transports Canada / Région du Pacifique / Gouvernement du Canada
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From: Backus, Claire FLNR:EX [<mailto:Claire.Backus@gov.bc.ca>]
Sent: Tuesday, May 25, 2021 1:33 PM
To: Thompson, Peter <Peter.Thompson@tc.gc.ca>
Subject: RE: Information - Canadian Shellfish Sanitation Program (CSSP)

Good afternoon Peter,

Thank you for chatting on Friday and for all of this information, it's very helpful!

Attached is a rough map of the application area. The lease in question is file number 0021050 (the polygon to the north). The proponent is proposing to use the ramp that you can see extending in to the marine environment. K'omoks' aquaculture lease is file number 1411103 just below it. I'll see if I can find additional information about their use within the tenure boundary.

I'm also looking into what kind of "facility" K'omoks is operating, whether it's just lines in the water or whether they also have a processing facility.

I very much appreciate you passing this information on to ECCC so that we can determine who would be best to attend the meeting with K'omoks.

Thanks again,

Claire Backus | Advisor, Indigenous Relations
West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250) 739-8186
Email: Claire.Backus@gov.bc.ca
Pronouns: she/her

I gratefully acknowledge that I live and work on the territory of Snuneymuxw First Nation.