



MEMORANDUM

To: FILE

Date: 91-08-29

File: 1405275

BCGS # or NTS # 926.021
Reserve # 911046

NOTICE OF REPLACEMENT OF NOTATION OF INTEREST

Re: UNSERVEYED CROWN FORESHORE, HAMMOND BAY,
NANAIMO DISTRICT

AUTHORITY: The undersigned has been charged with the administration of Section 12 of the Land Act; and

DECISION: The undersigned considers it advisable to replace Notation of Interest No. 881160 with Notation of Interest No. 911046 over the area identified on the attached map; then

AGENCY AND EFFECTIVE PERIOD: A Notation of Interest 911046 is established over Crown land on the attached map to record the interest of MINISTRY OF AGRICULTURE AND FISHERIES in the area due to its importance for RECREATIONAL SHELLFISH PICKING for a period not to exceed 5 years. Applications for Crown land in the above area are to be referred to MINISTRY OF AGRICULTURE, FISHERIES AND FOOD AND MINISTRY OF ENVIRONMENT for comment and consideration in the adjudication of such applications, effective AUGUST 30, 1991

*Regional Director
Ministry of Crown Lands

Computer Entered SEP 16 1991
91.09.13
Date

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AB

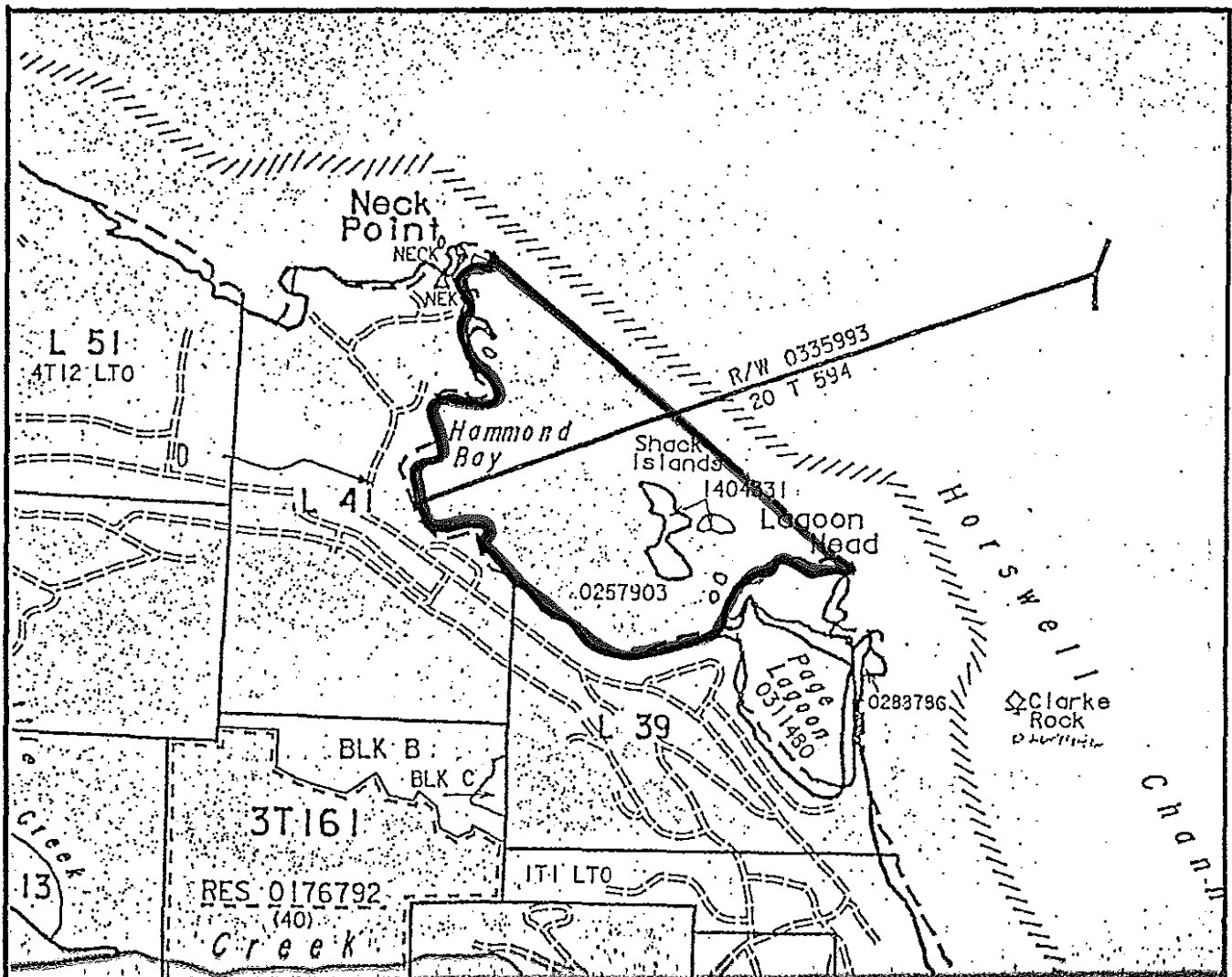
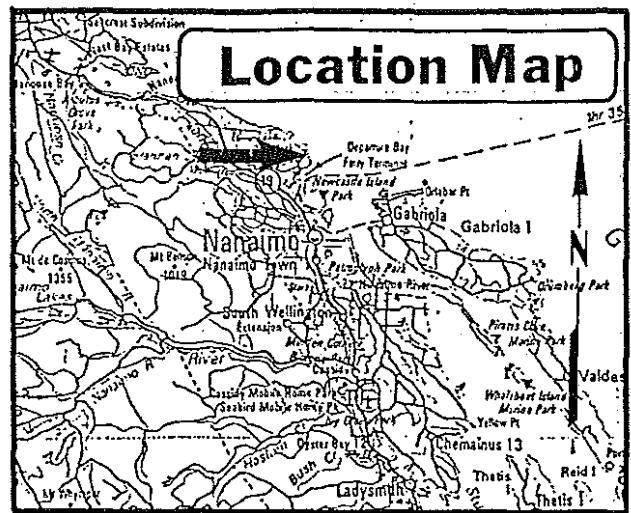
- cc: D. Duffy, Surveyor General Branch
- cc: MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
- cc: MINISTRY OF ENVIRONMENT

attachments

Notation of Interest

(FILE: 1405275)

(Area: 65 ha.±)



Issue:

LWBC is reviewing options to resolve the long standing trespass of cabins on the Shack Islands.

Background:

Further to the Communications Note dated June 16, 2004 to Minister Abbott, LWBC staff met with Pat Murphy, Land Agent with City of Nanaimo on June 23rd to review options on resolving trespass. In 1991, the City recommended to LWBC to keep the status quo of ignoring the trespass.

Option 1 - Status Quo – Allow unauthorized cabin use to continue

Pros:

Follows earlier direction of City
Local and provincial resources expended on this issue are minimized
Cabin owners continue to enjoy benefits of prime waterfront recreational property in Nanaimo City at minimal costs to themselves

Cons:

Possible public health hazards with sewage disposal into Hammond Bay and Pipers Lagoon, a popular public recreation area.
Recreational users of Hammond Bay and Pipers Lagoon Park are prevented from full use of Shack Islands. The cabins give the impression of private ownership of the islands and exclude the recreating public.
Little public benefit as no rent or taxes are paid by cabin owners for this use
Contrary to OIC Island Reserve for public recreation over these islands that prevents LWBC from accepting any applications to use these crown lands.

Option 2 – Legalize

Pros:

Cabin owners able to legitimize their historic use of islands
Land rent estimated at about \$10,000 per year (\$500/cabin/year x 20 cabins)

Cons:

Continues to displace public use of islands
Contrary to OIC Island Reserve so OIC would have to be amended setting a precedent
Unauthorized trespass is sanctioned and will anger general public against squatters
Existing buildings contrary to current building codes and health standards

Provincial and municipal resources expended to inform public and cabin owners of this decision and administrate

Option 3 – Add to Pipers Lagoon Municipal Park

Pros:

Popular park expanded to improve public recreation
Unauthorized trespass in the face of the public removed
Public health hazard removed

Cons:

Cabin owners will be angry over their removal
Part of Nanaimo's heritage will end
Provincial and municipal resources expended to inform public and cabin owners of this decision and administer

Recommendations:

Option 1 (Status Quo) is the easiest to follow if there is no political will at provincial or municipal levels to take on a potentially volatile issue. The gains are short term and trespass issue will continue. Option 2 (Legalize) and Option 3 (Remove Cabins) will polarize Nanaimo community. Nanaimo Council needs to approve and lead process.

Recommend we go with Option 3 to expand municipal park for the best long term gains for the public. We need to seek first our executive's support then Nanaimo Council support for follow through

File 1404331
June 28, 2004

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUE NOTE**

Land and Water British Columbia Inc.

Date: June 16, 2004

Minister Responsible: George Abbott

CABINS IN TRESSPASS ON SHACK ISLAND

KEY FACTS REGARDING THE ISSUE:

There are approximately 20 unauthorized cabins on the Shack Islands, Crown land located in Hammond Bay adjacent to Pipers Lagoon Park in the City of Nanaimo. The cabins were originally built by Japanese fishermen prior to World War II. During the war, the Japanese occupants were removed to internment camps and the cabins were occupied by some Nanaimo residents. The cabins have been used for seasonal recreational purposes over the past 60 years by those now claiming to be the owners.

There are no existing tenures for use of this Crown land. The islands are part of an Order in Council Reserve (#0186760) which precludes LWBC from issuing tenures on small islands.

There are no municipal services on the islands and the cabins do not comply with local building codes or bylaws (which in many cases the cabins predated). The islands are small, low lying rock mounds with very shallow soils which prevents the establishment of septic tanks and sewage disposal fields. Some of the cabins are built on stilts and sit partly over water at high tide and at extremely low tides can be accessed by land from the adjacent park. There are no known native concerns regarding the area.

This is a high profile issue that has been raised previously and is well known in the Nanaimo office. During a review of our Use Recreation and Enjoyment of the Public (UREP) in the early 1990s, the corporation attempted to resolve this situation but was not able to obtain the support of the local government. This is in spite of the fact that the islands are a recreation reserve and adjoin a municipal park to which they would be a logical addition. The islands are highly visible from Nanaimo and would afford excellent public recreation opportunities for picnicking, hiking or a rest/refuge spot for fishermen and boaters.

The issue has been raised again by a reporter for the Nanaimo Daily News who called LWBC wanting to know why the corporation has allowed this flagrant trespass on Crown land to continue for so long.

We can expect a story on the situation in the Nanaimo Daily News shortly.

ADVICE AND RECOMMENDED RESPONSE:

- **THE CABINS ON SHACK ISLANDS NEAR NANAIMO ARE CLEARLY IN TRESPASS. IT IS A SITUATION WITH A LONG HISTORY THAT THE PROVINCIAL AND LOCAL GOVERNMENTS TO THIS POINT HAVE BEEN UNABLE TO RESOLVE.**
- **LWBC, THE CROWN CORPORATION THAT MANAGES CROWN LAND IN BC, IS REVIEWING THE ISSUE.**

Communications Contact: Lynne Kailan
Program Area Contact: Doug Berry

(250) 356-9215
(250) 741-5661

B.C. Environment, Lands and Parks - Information Issue

Issue: Shack Islands

The are approximately 20 unauthorized cabins on the Shack Islands, located in Hammond Bay near Nanaimo. The public is aware of the unauthorized use and has asked the Ministry to take action.

Background/Facts:

The Shack Islands have been reserved for the use, recreation and enjoyment of the public for decades. Apart from the cabins, use has been in the form of picnicking, hiking and as a rest or refuge spot for fishermen and boaters.

Many of the cabins predate the recreation reserve are all without tenure and some are over 60 years old and have existed without complaints from the City of Nanaimo to us or the occupants.

Most of the cabins are used for seasonal recreational purposes by those claiming to be the owners, while some are abandoned. There are no municipal services and the cabins do not appear to comply with local building codes or bylaws which, in many instances, the cabins would predate.

There is considerable local history involved, although a check with the archaeological and heritage conservation branch did not reveal items of provincial concern. Similarly, there are no known native concerns.

Biophysically, the islands are small, low lying rock mounds with very shallow soils and minimum ground cover consisting of grass, moss and scrub oak. These conditions preclude the establishment of septic tanks and sewage disposal fields.

Consultation with the City of Nanaimo has resulted in their advice to maintain the status quo in spite of the fact that the islands are a recreation reserve and adjoin a municipal park to which they would be a logical addition.

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There is both public sentiment in favour of keeping these cabins as well as public pressure to have the cabins completely removed. The islands and cabins are highly visible from Nanaimo, and afford excellent public recreation opportunities.

Public pressure has made this a high profile matter and any contact with the cabin owners or the City will result in media coverage, therefore, the Ministry should know the public attitudes and expectations regarding the future use of these islands and the cabins.

Discussion/Analysis:

The Ministry has no program budget or mandate to maintain recreation reserves within Municipal areas. The use of Shack Islands for private cabin sites is in conflict with existing reserves for recreation and O.I.C. #467, March 11, 1982.

The Ministry is responsible for the management of these islands, knows the municipal attitude towards the subject, but needs to know both user and public attitudes concerning the cabins on the islands prior to initiating action to resolve outstanding issues. Once public attitudes are known, the Vancouver Island region will be in a position to create an action plan and proposed budget for this project.

Contact Person:

H.K. Boas
Vancouver Island Region
Lands Operations Division
356-2725

Date Prepared:

91/12/11

Unsurveyed Islands in Hammond Bay,
(Subject to Survey)

Location Hammond Bay

Nanaimo

Land District

Vancouver

Nanaimo

Assessment District

Lot No	Field Book	P.H.	Surveyed By	Date Surveyed

Plan

Made by

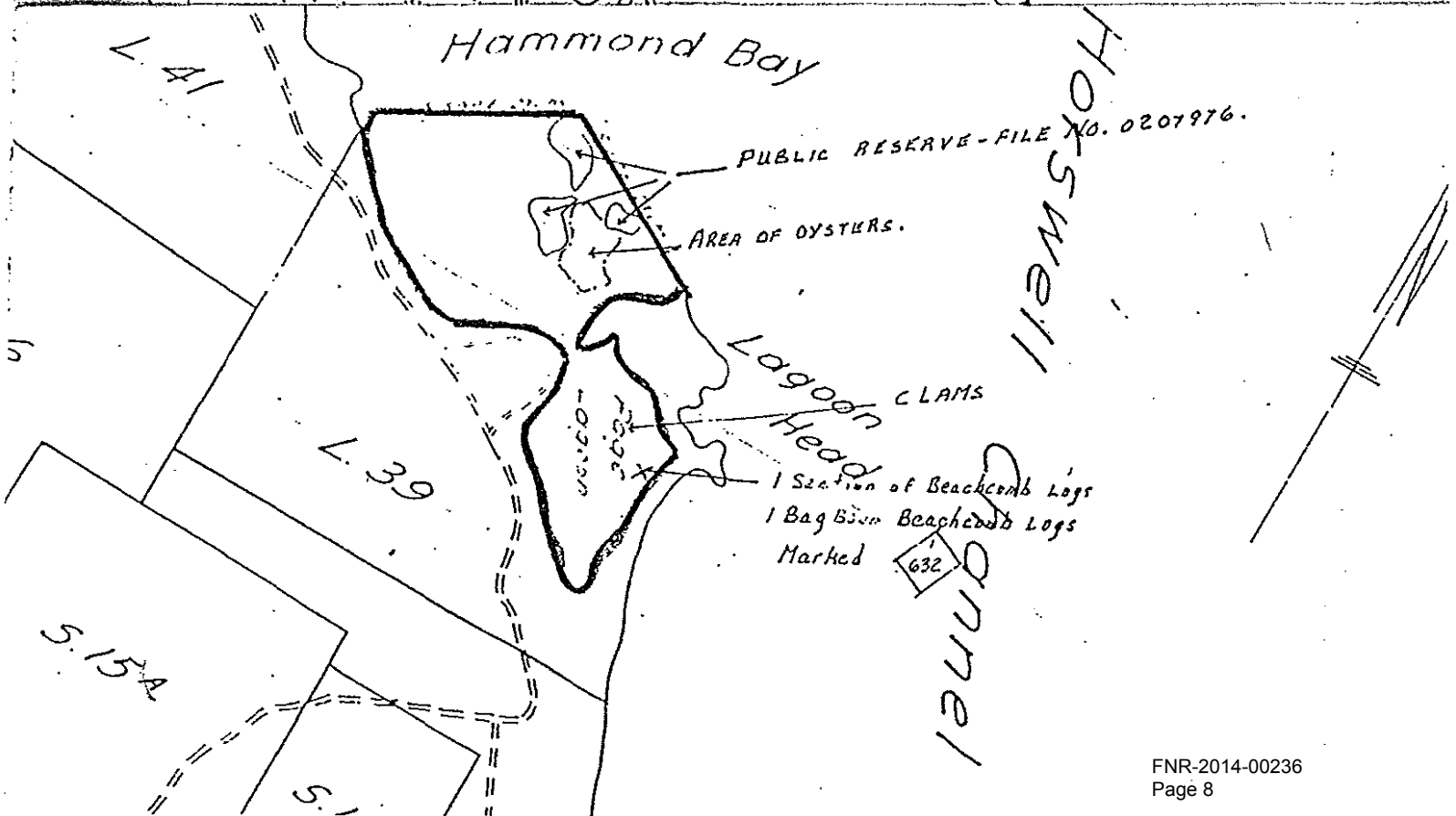
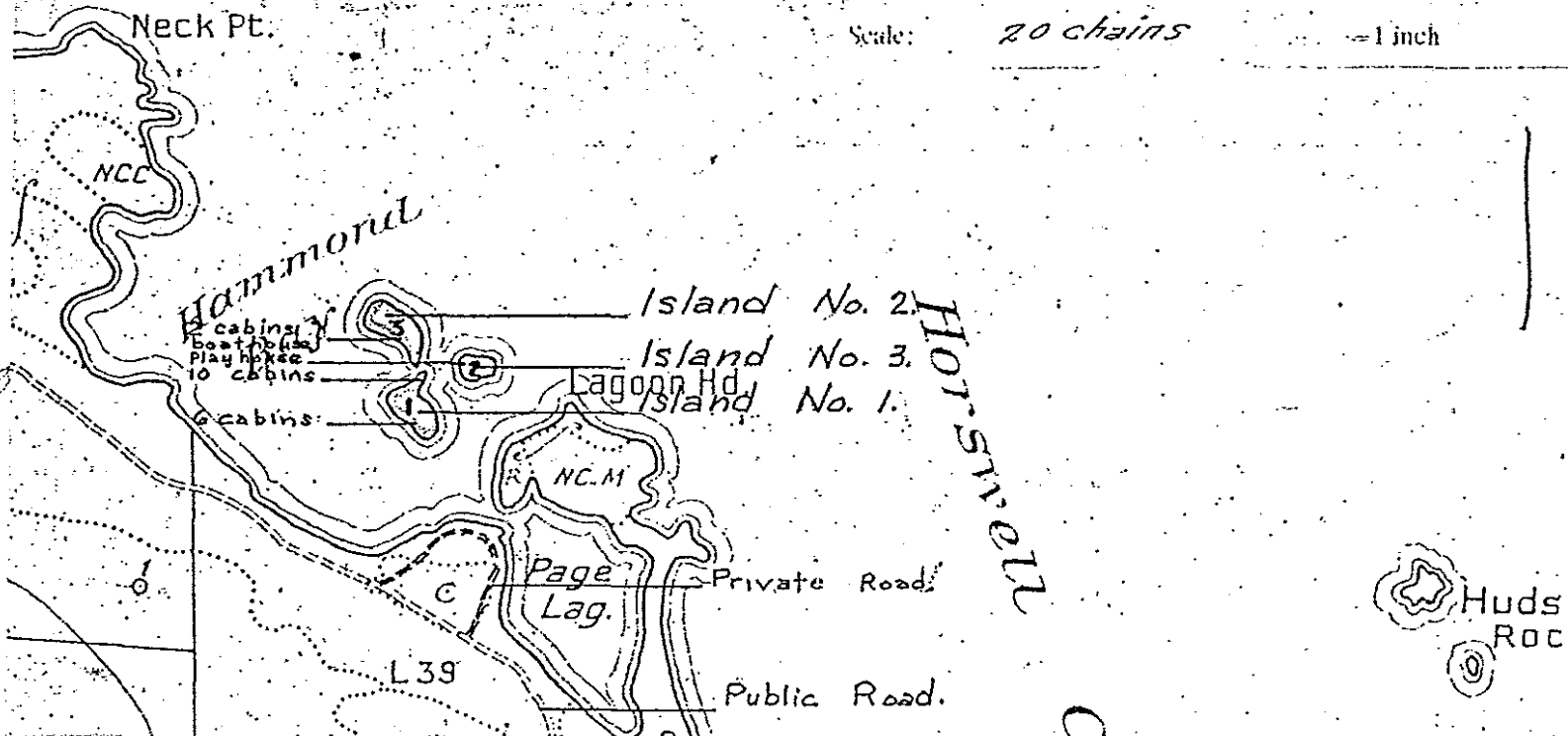
N. Butt

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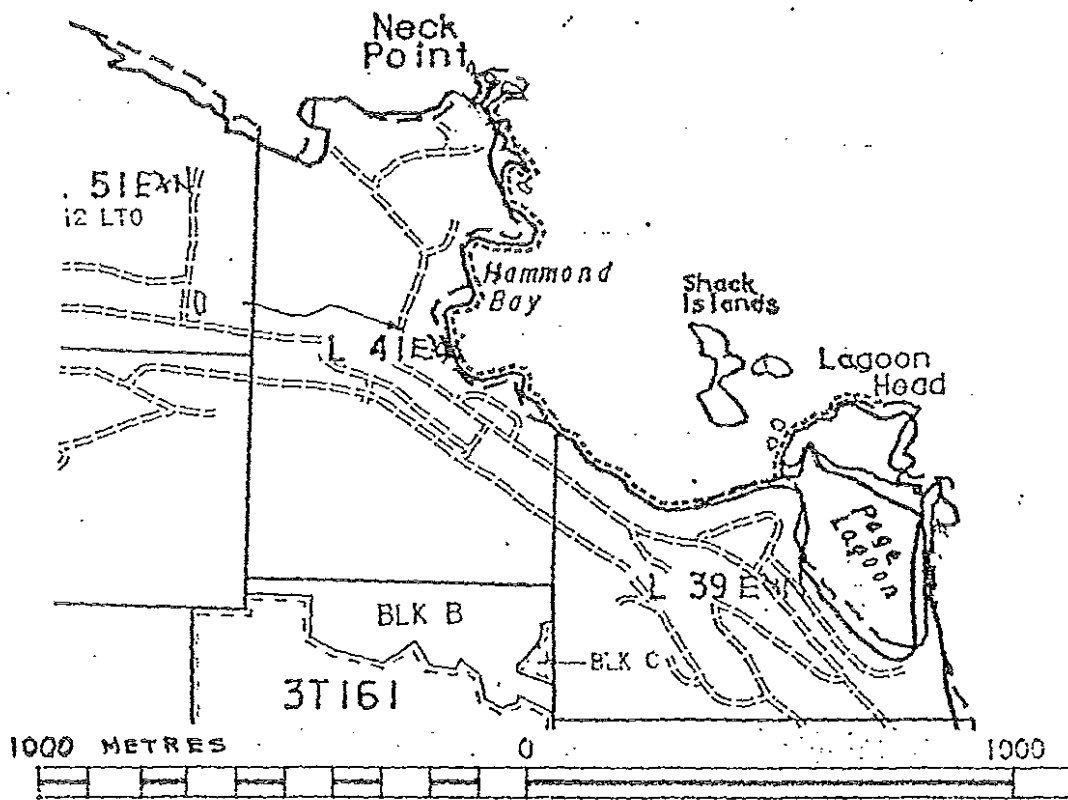
Scale:

20 chains

= 1 inch



CITY OF NANAIMO



R92G-021



Province of
British Columbia

Ministry of
Crown Lands

Vancouver Island Region
31 Yates Street
Victoria
British Columbia
V8V 1X5
Telephone: (604) 387-5011
Fax: (604) 356-1871

YOUR FILE
OUR FILE **1404331**

91.03.13

Mr. James T. Bowden
Deputy City Clerk
City of Nanaimo
455 Wallace Street
Nanaimo, B.C.
V9R 5J6

Dear Mr. Bowden:

Thank you for your letter of February 21, 1991,
advising of City Council's recommendation to maintain the
status quo for the Shack Islands.

We are presently reviewing our options for this
area and will involve the City in our process. If you have
any questions, please contact Mr. Max Nock, Manager,
Land Administration at 356-2705.

Yours truly,

D.C. McColl
Regional Director

DB\mm



CITY OF NANAIMO

VANCOUVER ISLAND • BRITISH COLUMBIA • CANADA

1991-FEB-21

Ministry of Crown Lands
Vancouver Island Region
851 Yates Street
VICTORIA, B.C.
V8V 1X5

ATTENTION: D.C. McCall,
Regional Director

Dear Sir:

Please be advised that your correspondence dated 1991-JAN-29 requesting to be advised whether the City has any future interest or plans for the Shack Island area was considered by the Planning and Environment Committee at its meeting held Monday, 1991-FEB-11. The Committee's recommendation to Council was to advise the Ministry that Council wishes to see the property continue on in its current status, and if any changes are proposed to the status quo, that the City and occupants be notified in advance in order that a joint meeting can be arranged to discuss this issue. At the Council meeting held Monday, 1991-FEB-18, Council endorsed the recommendation of the Planning and Environment Committee.

Please find enclosed a copy of the present zoning for Shack Island, as requested.

Should you have any questions with respect to the above, please do not hesitate to contact the undersigned.

Sincerely,

J. Kemp
clerk James T. Bowden,
DEPUTY CITY CLERK

/jdc

ADCOR/25

Handwritten notes and signatures:
A large handwritten signature is present, with an arrow pointing to the signature area.
Below the signature, it says "March 14".
Other illegible handwritten notes are visible.