

Arrow Pass – Betty Cove

Arrow Pass – Betty Cove- Established 1989

- NWPA File #2205 and (8200-T2205.5?) – LWBC File #1404681 – MAL #000466 – 13.8 ha
- Site is located at the first available anchorage and safe haven in Arrow Pass for vessels entering or departing between Queen Charlotte Strait and the Broughton Archipelago.
- *Environmental Protection Notice Only in North Island Gazette? - Feb 28, 1996
- *Amendments for expansion and licence renewal June 28, 2000 (partial)
There is some confusion in my documentation as to whether the information that is given here is for the entire farm renewal or the dock lease portion, since they all bear the same LWBC file number.

Commercial Aquaculture Management Plan Application for the site states that:

- there are no boat havens or anchorages near the location. (not true)
 - admits to being within 1km of existing federal, provincial or regional park.
 - admits to being inside limits of shellfish beds.
 - Navigable Waters site inspection report claims that the largest vessel using the nearby waterway is 40ft and the largest vessel capable of being on the waterway is 50 ft+ (not true)
 - Navigational and Coastal Resource Use Information (Nov, 2000) claims that only log tows use the waterway year round and rates all other traffic (Commercial Fishing, Sport Fishing and Pleasure Craft) as light and seasonal. (not true)
 - The above document claims that the site is not used for anchorage. (not true)
 - The above document also claims that it is not near an area used by recreational boaters for passage, moorage or shore access. (not true)
 - The above document claims that the channel in the vicinity of the site is not exposed to strong winds and rough sea conditions. (not true)
 - The above document claims that it is not near an area used for commercial or sport fishing.
- The lessee claims riparian rights due to a small upland lease above the dock area in Betty Cove. The site of the farm itself is more towards Sedgely Cove, Bonwick Island, where the foreshore is Crown Land, owned by the people of BC.
 - Improperly lit and marked, with unmarked buoys extending about .25 mile into the waterway. See June 29, 2005 letter re site markings.
 - Environmental Protection registered an objection (their file #4253-55/T2-1) that the dock site will impinge on commercial shellfish.
 - As of Jan/2005, requests for advertising for dock site had not been done in local papers. (no requirement for coastwise advertising) See Notes to File Jan,2005 and letter from Stolt Sea farms on Sept 23,2002
 - Dock application not sent for navigation referrals, yet waterway use indicated as “medium impact” on navigation.
 - Official coordinates that are given for feedlot are taken from a point 126 39’30”, 50 42’30”, which is plotted below. This appears to be on land?
 - Feedlot is not in charted location either.

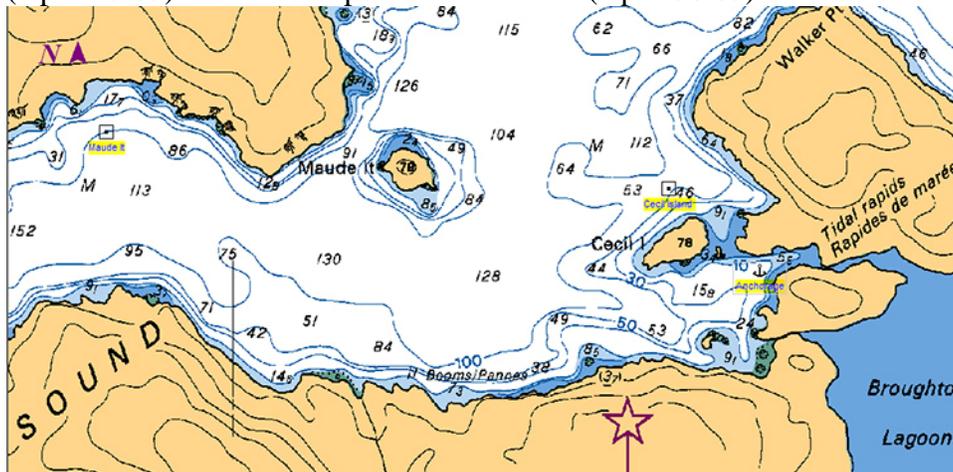


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- I am assuming that the renewal was approved in 2002. Since Licences of Occupation for aquaculture are only valid for five years, I believe that the licence is expired? Is the farm still operating without legal permission to use BC land?
- Located in a “Red Zone”, as identified by local residents and fishermen in the Coastal Resource Interest Study done at Alert Bay in 1989.
- The above site information was chosen primarily because the information was available to me and I have local knowledge of the area. It is accurate to the best of my knowledge. It is without prejudice or malice towards any individual farm workers. I sympathize with their need for employment, and hope that the existing workers can be assisted towards jobs of better value to BC.
- I maintain that the processes and procedures used in these applications were inaccurate, negligent and incomplete, at best, and outright illegal as they stand.
- The Licence of Occupation should be withdrawn for this site and the cove returned to the people of BC. That would be the best use of this anchorage.
- Current photos of site (2010) are available on request.

Cecil Island – Greenway Sound

Cecil Island – Greenway Sound – Established 1989?

- Navigable Waters file # 8200-T-5949 LWBC file # 1405181 Licence # 109550-MAL# 000819 – 59.5ha
- Greenway Sound is entirely within a Rockfish Conservation Area and is a protected environment.
<http://www.pac.dfo-mpo.gc.ca/fm-gp/rec/restricted-restraint/rca-ac-s-eng.htm>
- This is one of two finfish farms that are sited in Greenway Sound, both within 2 nautical miles of each other.
- Commercial Finfish Aquaculture is not permitted in Rockfish Conservation Areas.
- I have been advised by Billy Proctor of Gilford Island that the Cecil Island site is a herring spawning location.
- Replacement Management Plan (amended) for Marine Tenures of February 28, 2003 states that the site is not within one kilometer of a herring spawning area. (not true)
- The above document claims to be an appropriate distance from areas of “sensitive fish habitat”. (not true)
- The above document claims more than one kilometer from a marine protected area. (not true)
- I also have a historic copy of the Commercial Aquaculture Management Plan, before amendments, that answered the above questions opposite to the existing document.
- Local advertising only in the Port Hardy Gazette (Aug 29/01) and the Campbell River North Island Gazette (Aug 29/01)
- Local advertising for expansion only in the Campbell River Courier Islander (April 13/03) and the Campbell River Mirror (April 30/03).



- The Licence of Occupation was approved in Feb of 2003, commencing from Aug 15, 2002 and valid for five years, I believe that the licence is now expired and has been for some time? Is the farm still operating without legal permission to use BC land?
- Nothing found in my documents to indicate questions regarding navigation, anchorages or boat havens were asked of the applicant, but the site eliminates the

safe haven off of Cecil Island and impacts the nearby anchorage for Broughton Lagoon.

- One person, Al Fairhurst (sp?), from the BCCYC (BC Council of Yacht Clubs) appears to have signed off on all of the referrals regarding any small vessel concerns for navigation. One person from one small group has spoken for all BC mariners without so much as a consultation with the public?
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Gorge Harbour small

Shellfish “farming” may have a long standing history on Cortes Island, but from a sustainability and loss of marine riparian rights point of view, it is not necessarily a history to be proud of. <http://www.cortesshellfish.ca/features.php?article=58>

<http://www.cortesshellfish.ca/features.php?article=59>

Oyster “farmers” originally had to obtain a commercial “fishing” license to harvest oysters from public tidal beaches. When the native species of oysters were not commercially viable, imported species were introduced. They quickly took hold, but the “harvesters” were too successful for their own sustainability, shipping oysters by the semi-truckload and developing markets beyond the ability of the resource to perpetuate itself. Nobody seemed to notice.

The demand had increased and supply had diminished when the Province gained the rights to the land under the water in the 70’s and began to view the water as merely an extension of the land, with all of the historic public water rights ignored. The oyster “harvesters” formed a co-op and obtained leases in almost all of the harbours of Cortes Island and many other nearby islands. This was done mainly as a protectionist movement, meant to keep all others away from “their” product. In one fell swoop they were granted the exclusive rights to many of the public tidal beaches in the entire area. The water below the higher high water mark is owned by all Canadians. Those who objected were over ruled in favour of commercial activity. The “harvesters” became “farmers” in the eyes of the government. A small handful of people made a lot of money. In addition, the co-op asked for, and received, a three year moratorium on any further leases, excluding all others. Nobody seemed to notice.

When the beach resource was finally over-fished, in an attempt to sustain the markets that had been established, the “harvesters” began moving out from the tidal beaches into harbour waters. The Provincial government was committed to the aquaculture industry and now granted them further leases in the deeper waters of the harbours. Flimsy, vulnerable and dangerous hazards, rafts used to “grow” oysters and other shellfish began appearing in our waters. They now owned the exclusive rights to both large areas of public tidal beaches and exclusive use of many anchorages. Marine safety and public rights of navigation were compromised. Nobody seemed to notice.

The co-op disbanded, but the ownership of the leases remained. http://www.cortesshellfish.ca/lease_map.php
Some were bought out by those members who could afford it, but the rest defaulted to the wealthiest “farmers”. Profits were very low for small leaseholders. Maintenance of floating equipment was not regulated. Storms often destroyed the flimsy structures, creating hazards to navigation. Many “farms” appear to be just a claim upon public “lands” with no viable commercial business, protecting individual private ownership of tidal zones or harbours. Crown “water” leases which only cost around \$100 per acre per year to rent (50% discount for the first five years) can be sold for \$25,000 or more per acre. The land value is now worth more than the product to many owners. Nobody seems to notice.

Crown Land Use Operational Policy: Aquaculture

7.4 Shellfish Annual Rent

7.4.1 Shellfish Land Value

The land value for shellfish aquaculture will be \$5710/ha as of April 1, 2008. The Shellfish Land Value will be adjusted annually to account for CPI changes.

Phase-in: the current land values for existing shellfish sites are to be doubled each year until the above Shellfish Land Value is attained.

Development Discount

Any new shellfish tenure (does not include any previously tenured areas) will be eligible for reduced pricing during the first 5 years. A developmental discount rate of 50% of the Shellfish Land Value is to be used as of April 1, 2004. The minimum rent of \$600/yr will still apply.

7.4.2 Investigative Permit

\$250 for terms up to one year, or \$500 prepaid for 2 years.

7.4.3 Licence of Occupation

Intensive areas annual rent is calculated as 4% of the Shellfish Land Value.

Extensive areas – annual rent is 4% of one half the Shellfish Land Value (i.e. 50% of intensive area land value).

Minimum rent per tenure is \$600.

7.4.4 Lease

Intensive areas – annual rent is calculated as 5% of the Shellfish Land Value.

Extensive areas – annual rent is 5% of one half the Shellfish Land Value (i.e. 50% of intensive area land value).

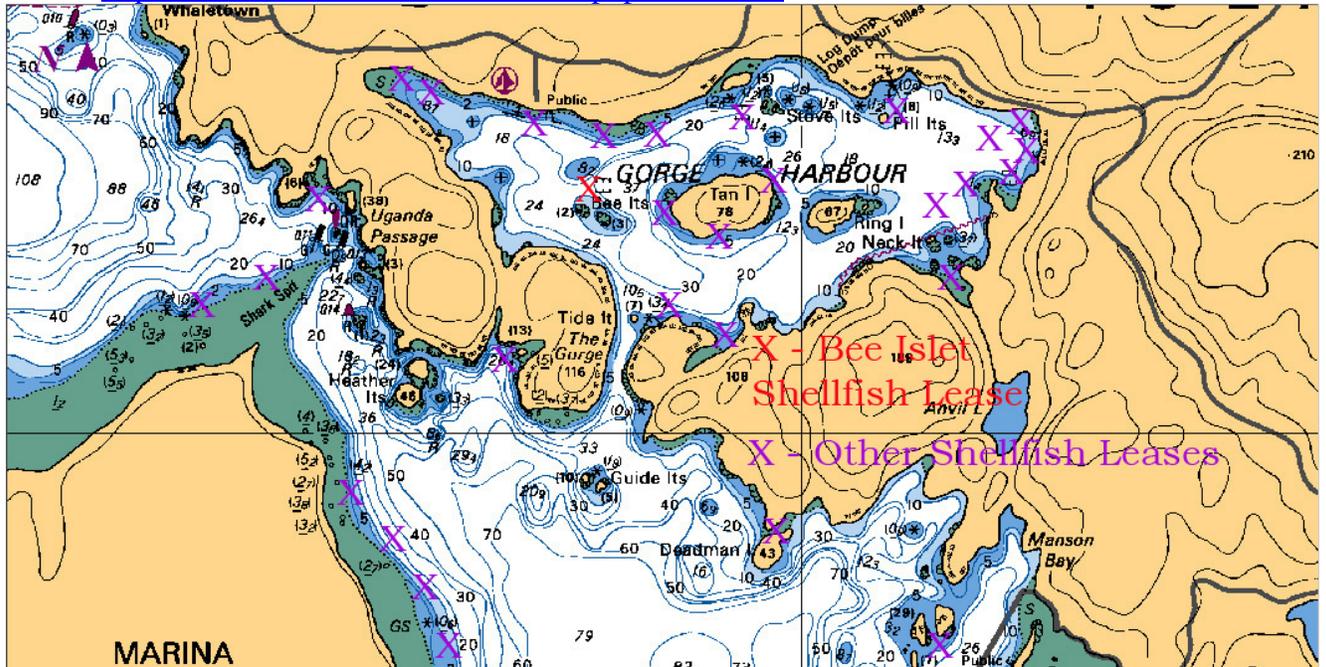
Minimum rent per tenure is \$600.

Is this really considered to be a fair return on the value of our waters? A return that justifies losing public access to harbours, anchorages, fishing opportunities and beaches?

Bee Islets

One of the worst examples of shellfish aquaculture and its negative impact to mariners and locals is at Bee Islets in Gorge Harbour, Cortes Island. As you enter the beautiful narrow channel to the harbour at the Gorge you are confronted near the entrance with an ugly assortment of shellfish debris (equipment?) near the entrance and around Bee Islets. This major harbour for Cortes Island has private homes surrounding its periphery. A marine resort tries to attract visiting yachts at a first class marina and resort facility. The harbour is still attractive if you look in the right direction, but the mess cannot be ignored and it is a sad statement of what has happened to Canadian water rights. Nobody seems to care.

<http://www.cortesshellfish.ca/features.php?article=70>



Cortes Island Shellfish Growers controls 33 acres of the anchorage area of Gorge Harbour alone and 41 acres of tidal beaches.

(4)

1996 photos of Bee Islets, Gorge Harbour.
Location 1401835 - Bee Islets Growers Corp. MAL#909



The present Government policy supports individual private aquaculture claims in harbour waters and promises much more lease expansion. This denies the safety of our harbours for mariners and eliminates the riparian fishing and water rights of the people, granting the exclusive use of public waters to the leaseholder. The only ones that seem to be making any money are the larger companies who have gained control of the land and the resource. Further investigation shows that a large percentage of the aquaculture water leases are now owned by foreign companies. This is the ultimate result of most aquaculture “farms” in BC. The profits are being made by large or foreign corporations; the local employment opportunities are minimal. The large companies are looking at importing Mexican seasonal workers because the locals cannot survive on the small income earned. <http://www.cortesshellfish.ca/features.php?article=53>
The rest of us are shut out of the resource and denied access to Canadian waters. Nobody seems to notice.

(5)

Lease #1402199 Entrance to Gorge Harbour Private Individual MAL#185
Photo 1996



There is a misconception in the current government that there is no economic value in protecting public marine rights or the natural ocean resources of B.C. We must make them understand that it is the natural ocean resources that produce billions of dollars to B.C.'s economy by providing a reason to come here. Nature based tourism promises to expand exponentially if we leave it natural. The marine rights of navigation protect the only way to get here. By water. Getting here inspires billions of dollars in tourism and local marine businesses and services. This is commercial traffic and deserves political respect. You are closing off the highway and putting garbage dumps in the middle of the road! It is time to notice. It is time to stop.

Our economic future depends on it.

Sincerely

Barbara Watson, Retired- 350 Ton Masters Certificate
PO Box 2384
Sidney, BC
V8L 3Y3

The information given here was taken from available websites and is correct to the best of my knowledge. This letter is not intended, in any way, as a personal attack on any particular individual. The leases highlighted here were chosen as examples, in general; shown to question the wisdom and legality of these "farms" which occupy public waters. I sympathize and empathize with island residents just trying to make a living, but the water must belong to us all. The safety of mariners and our historic marine rights should take precedence over individual private interests.

Mound Island

Mound Island, Broughton Archipelago

Farm has been re-located.

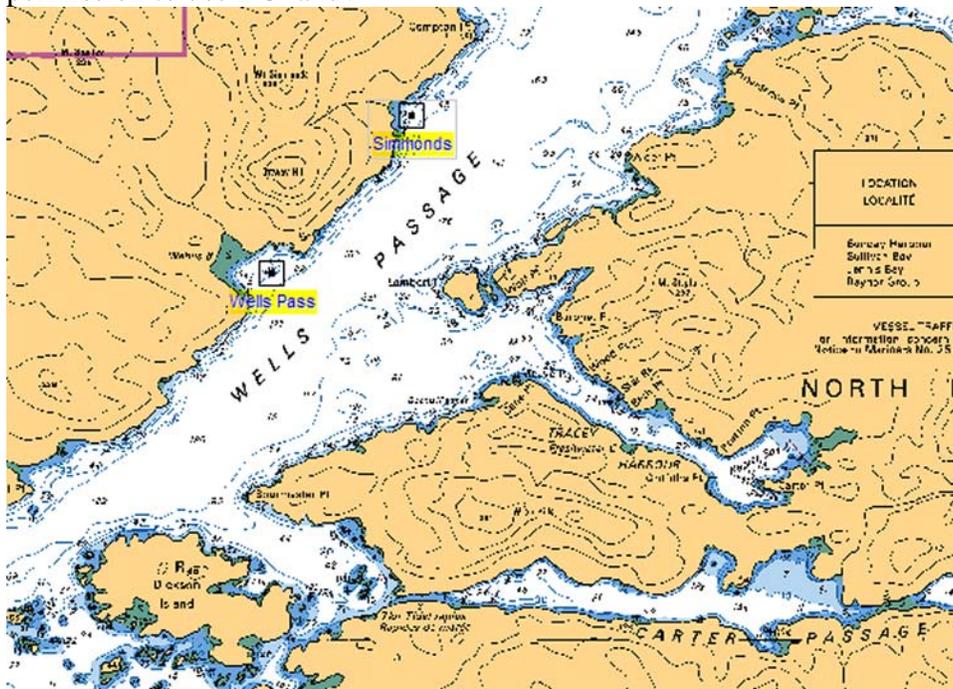
Licence of Occupation expired.

Unlit buoys hold tenure? right at the entrance to the popular anchorage of Mound Island.

Wells Passage – Wehlis Bay

Wells Passage – Wehli Bay – Established 1993

- NWPA File #8200-T-11428.2 - LWBC #1407731 – MAL #001335 – 35.4 ha
- There are two finfish farms in Wells pass, about one nautical mile apart.
- Waterway use is identified as having medium impact on marine navigation, but was still approved.
- The form used by the NWPA to permit the occupation of our waterways is a simplified check form that fails to recognize the importance of small vessel navigation and the safety of mariners.
- The channel of Wells Pass is exposed to Queen Charlotte Strait. This is the first safe haven in the pass.
- Advertising only in the Port Hardy North Island Gazette and the Campbell River North Island Weekender.
- The Licence of Occupation was approved in Aug of 2003, commencing from May 14, 2003 and valid for five years. The documentation that I have on this is from 2003, but the advertising for this does not appear to be until 2004, so some confusion as to the date issued. In either case, I believe that the licence is now expired and has been for some time? Is the farm still operating without legal permission to use BC land?



- The Commercial Aquaculture Management Plan claims that the Wehli Bay site is slightly under the 1km buffer required for salmon bearing streams. (not true) The streams entering Wehli Bay are salmon bearing and the farm is directly at the mouth of those streams.
- The above document claims to be more than 1km from an ecological reserve. While this is technically true, it is only 1.2 nautical miles across the channel to the Rockfish Conservation Area of Dickson Island.

- The above document claims that it is not located in a boat haven or harbour. (not true)
- Item 5 on the site criteria is that the site must not infringe upon the riparian rights of the upland owner without their consent. If the upland is Crown Land, then the owner of the upland is the people of BC, and we have not given our consent to use the land for these purposes.
- One person, Al Fairhurst (sp?), from the BCCYC (BC Council of Yacht Clubs) appears to have signed off on all of the referrals regarding any small vessel concerns for navigation. One person from one small group has spoken for all BC mariners without so much as a consultation with the public?
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