

This notice is placed on behalf of Ministry of Forests, Lands and Natural Resource Operations.

NOTICE OF ESTABLISHMENT of *Land Act* **Section 17 Designated Use Area** on October 15, 2012.

The Ministry of Forests, Lands and Natural Resource Operations in Nanaimo has established a temporary Designated Use Area (DUA) over 13 foreshore areas in Sooke Harbour and Sooke Basin for a term of 5 years.

The purpose of the DUA is to improve water quality and to promote shellfish aquaculture and traditional shellfish harvesting, and to identify and advance management strategies in support of these objectives.

A brief background:

The shallow waters of Sooke Harbour and Sooke Basin support sensitive marine habitat and shellfish resources, however, the waters are closed to direct harvesting of shellfish due to high contamination levels. Shellfish harvested from these waters for commercial purposes must be 'depurated' (cleansed of contaminants) in accordance with the requirements of the Canadian Shellfish Sanitation Program prior to being released to markets to ensure public safety.

In 2003, the Province of BC already established a Designated Use Area (DUA) in Sooke Basin over seven foreshore areas with high shellfish values, with the objective to protect the beaches from further development of docks and other structures not compatible with shellfish aquaculture and shellfish harvesting. The T'sou-ke First Nation subsequently obtained five Land Act licences within the DUA for purposes of shellfish aquaculture.

In response to ongoing concerns about water quality and habitat values the Ministry of Forests, Lands and Natural Resource Operations undertook a marine intertidal inventory of the Harbour and Basin during spring 2012. The inventory identified additional intertidal areas with shellfish resources and sensitive marine habitat worthy of protection.

An ongoing water quality monitoring program by the Ministry of Environment has established that there is a direct link between foreshore development and the deterioration of water quality.

The establishment of this second DUA over 13 additional areas further limits negative impacts from foreshore development and provides a 5-year opportunity for planning and special management guidelines to be developed in cooperation with T'Sou-ke First Nation, local government and stakeholders with the overall objective of protecting water quality and marine habitat for the benefit of the community and the shellfish industry.

SUMMARY OF IMPORTANT POINTS:

- The 13 new areas are shown on the Map (go to the link for the map pdf.)
- The DUA is in effect for a term of 5 years, effective October **15**, 2012.
- Holders of existing Land Act tenures located within a DUA area will be unaffected during the term of their tenure, so long as the structure (typically a dock) is built as authorized by the tenure agreement, is in good condition, and only used for the approved purposes as stated in the tenure agreement. However, the Ministry of Forests, Lands and Natural Resource Operations will not be accepting applications for amendments of the tenure agreement to change the authorized use(s) or to expand the structure or size of the tenured area.
- The ministry will only consider acceptance of new applications if the proposed land uses are compatible with the improvement of water quality and shellfish aquaculture and traditional shellfish harvesting opportunities.
- Persons considering making application within the DUA areas are advised to contact the ministry to determine if the proposed land uses are compatible. It is unlikely that proposals involving activities/structures such as pile driving, placing of fill, private docks, seawalls, piers, floating docks, marinas, boat ramps will be deemed compatible.

More information may be obtained by contacting Mark Harvey, Land Officer, Ministry of Forests, Lands and Natural Resource operations, Suite 142, 2080 Labieux Road, Nanaimo, BC V9T 6J9. Tel: 250-751-7220 mark.harvey@gov.bc.ca