



July 31, 2007
File: 0280-30
Ref: 152214

MAL Ref: 1883

Henry and Glenda Syrjala
PO Box 258
Sointula, BC V0N 3E0

Dear Mr. and Mrs. Syrjala:

I am writing to advise you of my decision on your application made to operate an aquaculture facility in McBride Bay, Smith Sound. Based on the information and considerations, I have decided to issue you an Aquaculture Licence. My rationale for this decision and the Aquaculture Licence details follow in the body of this letter.

1. Application

The completed management plan and application was received at the Ministry of Agriculture and Lands Courtenay office on July 14, 2006. A formal Aquaculture Licence application and fees were received August 21, 2006.

2. Legislative Authority

Section 14 of the *Fisheries Act* (R.S.B.C. 1996, c. 149) authorizes the Minister responsible for the *Fisheries Act* to issue Aquaculture Licences. Authority for the *Fisheries Act* rests with the Minister of Agriculture and Lands. As I was appointed Minister of Agriculture and Lands by the Lieutenant Governor on June 16, 2005, I have the authority to decide upon your licence application.

3. Policy Guidelines and Other Considerations

In processing and assessing your licence application, I have been guided by the following considerations:

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- The Ministry of Agriculture and Lands' policy document entitled "Land Use Operational Policy - Aquaculture", a copy of which is available at http://www.al.gov.bc.ca/clad/tenure_programs/programs/aquaculture/shellfish/index.html
- Principles of fairness; transparency; efficiency; and accountability.
- Consideration of the public interest, having regard to:
 - protection of public health and safety;
 - protection of the environment; and,
 - sustainable economic development.
- Legal duty to consult with First Nations.
- Mutual Provincial-First Nations interest in developing a new relationship.
- Recent release of the report of the Special Committee on Sustainable Aquaculture (SCSA).

4. Information Considered

In reviewing this application I have considered:

- The application made by the Syrjalas.
- The other documents in the Ministry licensing file Reference Number 1883 that are related to the above-mentioned application and that pertain to the review by the Ministry, including the Aquaculture Development Assessment Report and the Summary of Consultation with the Gwa'sala-'Nakwaxda'xw First Nation regarding the Syrjala shellfish aquaculture application.
- Discussions with professional staff of the Ministry on their review of the merits of the application that took place July 26, 2007.
- Recommendations of the SCSA.

I am satisfied that the officials who conducted the review of the application have done a thorough and complete technical assessment. They have made findings based on this assessment and their expertise. I accept these findings and have taken their recommendations into account in making my decision.

5. Suitability of Proposed Operation

The application proposes a combination deepwater and beach culture, using standard technology, for the culture of Pacific oyster, Japanese scallop, Manila clam, butter clam, and Nuttall's cockle. Staff conducted a comprehensive biological review of the proposal that assessed the technical feasibility of the proposal and the capability of the environment to support the activity. A professional biologist supported approval of the application on November 28, 2006.

6. Land Use and Zoning

I note that staff from the Integrated Land Management Bureau issued a 20-year Licence of Occupation (*Land Act*) for the site March 6, 2007.

The McBride Bay farm site is located within the Central Coast Regional District (CCRD). Staff advise there is no marine land use zoning in place in the CCRD, but that several land use planning documents exist for the British Columbia central coast. I understand the proposal is consistent with the Coastal Zone Strategic Plan of the Central Coast Land and Resource Management Plan. I also note the CCRD responded to the Ministry's referral in support of the application subject to First Nations interests being unaffected.

7. First Nation Consultation

The proposed site lies solely within the traditional territory of the Gwa'sala-'Nakwaxda'xw First Nation. I have reviewed the letters from the Gwa'sala-'Nakwaxda'xw Council dated September 16, 2004 and February 17, 2005, both stating no objections to the proposed aquaculture application. I am satisfied that the Province has met its duty to the Gwa'sala-'Nakwaxda'xw First Nation respecting this application.

8. Public Review by other government agencies and third parties

The application was referred to, or otherwise considered by, a number of organizations. These organizations and a summary of their comments are noted below:

1. Fisheries and Oceans Canada – no concerns from Fish Habitat or Fish Management Divisions.
2. Transport Canada – the *Canadian Environmental Assessment Act (CEAA)* review has now been completed. Transport Canada staff advise that no environmental or First Nations concerns of significance were identified in the *CEAA* review and they expect that a *Navigable Waters Protection Act* approval will be issued.
3. CCRD – approval supported subject to First Nations interests being unaffected.
4. Archeological Studies – no archaeological concerns with this site.
5. BC Timber Sales - support the shellfish proposal.

9. Past or Demonstrable Performance of the Applicant

Staff advise that a review of the Syrjala's past and demonstrable performance has been completed as part of this application process. Based on input and recommendations from

Ministry personnel, I am satisfied that the Syrjalas meet past or demonstrable performance requirements.

10. Economic and Employment Benefits

The Syrjala shellfish farm will be the first commercial shellfish farm on the central coast of British Columbia. Staff indicate that the Syrjalas have a strong relationship with the Gwa'sala-'Nakwaxda'xw First Nation of Smith Sound and will be hiring First Nations people from the area to work on the McBride Bay site. This farm has the potential to provide jobs for aboriginal youth from the Band and assist in revitalizing the economic potential of northern Vancouver Island and Smith Sound.

11. Special Committee on Sustainable Aquaculture

On May 16, 2007, the SCSA submitted its report to the Legislative Assembly. The SCSA's work took 18 months, involved public meetings in 21 communities and 814 written submissions.

The SCSA report makes over 50 recommendations. They are far-reaching, and affect the mandates of four provincial ministries and four federal departments. While these recommendations will require time for government to fully consider and respond, it is already clear that their adoption would require considerable policy and possible legislative changes to implement.

I recognize that the policy environment in British Columbia may change as a result of these recommendations. While the SCSA recommendations may ultimately lead to changes in the policy and legislation governing aquaculture, I will not speculate on possible changes at this time.

I evaluated this application on its technical merits and the current legislative and policy framework. I believe those to be essentially sound and I find nothing in the recommendations that cause me to refuse this application.

12. Decision

Based on the information and considerations described above, I am issuing an Aquaculture Licence under the *Fisheries Act* to operate an aquaculture facility at the McBride Bay site to Henry and Glenda Syrjala. The licence authorizes Henry and Glenda Syrjala to cultivate butter clam, Japanese scallop, Manila clam, Nuttall's cockle, and Pacific oyster to a total maximum annual production 35 metric tonnes as per the Management Plan for the site recommended by Ministry biologists on November 11, 2006, and subject to the standard terms and conditions.

Your licence for the site is enclosed.

Sincerely,

Original Signed By

Pat Bell
Minister

Enclosure

pc: Jim Russell, A/Director
Fisheries and Aquaculture Licensing and Compliance Branch