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## SOUTHERN GULF ISLANDS HARBOUR COMMISSION

Notice of a meeting on **Friday, January 26, 2018** at 9 am  
 Saanich Peninsula Health Unit, 2170 Mt. Newton X Road, Saanichton, BC

D. Hargreaves, Pender Island  
 D. Maude, Mayne Island  
 J. Hall, Piers Island

L. Peck, Saturna Island  
 D. Howe, SGI EA Director  
 B. Mabberley, Galiano Island

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### AGENDA

1. Election of Chair and Vice-Chair
2. Approval of the Agenda
3. Adoption of the Minutes of the Meeting held October 27, 2017
4. Chair's Remarks
5. Presentations/Delegations
  - a. Allen Slade, AMIB
6. 2018 Operating and Capital Budget Report #SGIHC 2018-01 (report and budget document attached)
7. Lyall Harbour Dock Transfer, Saturna Island (attachments)
  - a. Transfer Agreement
  - b. Confirmation Letter – Amended transfer closing date & DFO retention of OIC
  - c. Site Plan
  - d. Federal Grant of Land – Lot
8. SGI Harbours Commission Bylaw and appointments (verbal report and attachment)
  - a. Proposed commission bylaw amendment – South Pender Island representative
  - b. B. Mabberley – CRD Board appointment to Commission for 2018/2019
  - c. Maximum term length discussion
9. Proposed Seaspan Terminal expansion (verbal report and attachments)
10. Port Authority governance model discussion
11. Wharfinger Agreement – RFP (verbal update)
12. Dock Operations Reports (attached)
13. Correspondence
  - a. Dean Mackay – request for letter of support
14. New Business
15. Motion to Close the Meeting (legal)
 

*That the Southern Gulf Islands Harbours Commission close the meeting in accordance with the Community Charter, Part 4, Division 3, 90(1)(g) litigation or potential litigation affecting the municipality.*
16. Adjournment



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**Minutes of a Meeting of the Southern Gulf Islands Harbour Commission  
Held October 27, 2017 at the Saanich Peninsula Health Unit, Mt. Newton X Road,  
Victoria, BC**

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- PRESENT:** Commission: Ben Maberley, Galiano Island; David Maude, Mayne Island; John Hall, Piers Is.; Dave Hargreaves, N. Pender Island; D. Howe, Regional Director  
Staff: Ted Robbins, General Manager, Integrated Water Services; Dan Robson, Manager, Saanich Peninsula and Gulf Islands Operations; Dale Puskas, Manager, Capital Works; M. Brown (recorder);
- ABSENT:** L. Peck, Saturna Island; Robert Fenton, S. Pender Island; Peter Binner, Dock Operations Coordinator
- PUBLIC:** 2

The meeting was called to order at 9:00 am.

**1. APPROVAL OF AGENDA**

**MOVED** by, **SECONDED** by, Director Howe that the agenda be approved with the addition of discussion on Lyall Harbour under new business.

CARRIED

**2. ADOPTION OF MINUTES**

**MOVED** by David Maude, **SECONDED** by, Dave Hargreaves that the minutes of the September 22, 2017 meeting be adopted.

CARRIED

**3. CHAIR'S REMARKS**

The Chair reported that a meeting with BC Ferries representatives had taken place at Miners Bay on October 26, 2017.

**4. PRESENTATIONS/DELEGATIONS**

John Manning on behalf of BC Ambulance Service, skipper for medivac services in the Gulf Islands, expressed concerns regarding the Swartz Bay dock. He noted the slippery condition of the dock, especially in winter, as well as the bumpiness of the planking. It was requested that if the planking were to be replaced that it be made smooth as they are not allowed to give any pain medication to their patients. He also noted the big fenders along the float which keeps the boat too far out and that use of rub stripping is too firm.

Discussion ensued and it was suggested that roofing material be used as a non-slip surface on the dock and at the loading zone. Dan Robson agreed to investigate both the fender situation and non-slip surface material for Swartz Bay.

**MOVED** by Ben Maberley, **SECONDED** by David Maude that all the dock facilities be provided with non-skid roofing shingles.

CARRIED

**MOVED** by Dave Hargreaves, **SECONDED** by John Hall, that the SGIHC requests staff to investigate concrete surfacing options at dock facilities.

CARRIED

## 5. CORRESPONDENCE

A copy of an email regarding lack of moorage space at Port Browning for transient boaters was provided for the commissioners' review and discussion. It was noted that the property is being sold and the issues of parking and of right-of-way access to the dock were discussed.

Dave Hargreaves offered to discuss with Peter and Claude and report back on the issue of the need for a loading zone and transient moorage space at Port Browning.

## 6. 2017 SOUTHERN GULF ISLANDS HARBOURS CAPITAL PROJECTS – RECOMMENDATION TO AWARD (REPORT #SGIHC 2017-06)

Dale Puskas reviewed the staff report. It was noted that the results of the Montague/Fernwood dock vote would be forwarded to Salt Spring Island and that \$47,000 was designated for work at the Montague Harbour dock.

**MOVED** by Director Howe, **SECONDED** by Dave Hargreaves that the Southern Gulf Islands Harbours Commission approve award of 2017-307 2017 Dock Infrastructure Improvements for Fernwood Dock, Salt Spring Island and Montague Harbour, Galiano Island to Heavy Metal Marine for \$150, 226.65.

CARRIED

Commission members discussed the two options for Piers Island, including a possible "T" on the extension. It was noted that consideration would need to be given to the area of the water lease and additional stress on the end of the float.

**MOVED** by David Maude, **SECONDED** by John Hall that the Southern Gulf Islands Harbours Commission approve award of 2017-305 2017 Dock Infrastructure Improvements for Piers island to Pacific industrial Marine for \$78,748.95 and, further, directs staff to finalize option 1 design and amend the contract accordingly.

CARRIED

Ted Robbins reports on a meeting with BC Ferries at Miners Bay to discuss possible changes to the arrangement and size of a larger and more substantial float. BC Ferries is to summarize their recommendations in a forthcoming email which the CRD would review.

The removal of the fuel lines at Miners Bay was discussed and it was suggested that a price be obtained for that work along with contacting the owner for a contribution for that removal in order that the work be done while a contractor is on site.

**MOVED** by David Maude, **SECONDED** by Director Howe, that the Southern Gulf Islands Harbours Commission approve award of 2017-306 2017 Dock Infrastructure Improvements for Miners Bay to Heavy Metal Marine for \$78,310.58 and, further, directs staff to amend the contract accordingly, up to the approved capital projects budget for Miners Bay of \$220,889.

CARRIED

## 7. STURDIES BAY WHARFINGER RFP UPDATE

Dan Robson reported that no submissions had been received for the position. Tying the Sturdies Bay position in with another wharfinger's position is to be considered. In the meantime, the Chair agreed to help with the care of Sturdies Bay dock facility.

## 8. MINERS BAY DOCK – CRD/BC FERRIES UPDATE

This item was dealt with in #6.

## 9. DOCK OPERATIONS REPORTS

Peter Binner was not present for the review. Dan Robson gave a quick overview and noted that loading zones and pressure washing are the two common concerns. In the future dock reports will be provided every two months. It was questioned if acute items in the dock report could be yellow-lined.

It was recommended that the roofing shingle placement on the docks be done immediately to mitigate slippery winter conditions. It was reported that some of the pilings at Sturdies Bay need shimming and that one piling is swaying. Dan agreed to contact Georgeson Tug.

The Horton Bay dock situation was discussed and it was noted that the CRD does only minor maintenance there as the dock still belongs to the DFO.

## 10. NEW BUSINESS

### Lyall Harbour

The issue of the gas dock was discussed and it was reported that the owners of the facility are not willing to spend money on the facility without a long-term lease. The issues of DFO divesture and upland owner's consent are still outstanding.

### Next Meeting

It was reported that Skype meetings could be held by the SGIHC but a place would need to be provided where the Chair was present and the public could attend.

The next SGIHC meeting will be held in January, 2018.

## 11. ADJOURNMENT

**MOVED** by Director Howe, **SECONDED** by David Maude that the meeting adjourn, 11:05 am.

CARRIED



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**REPORT TO SOUTHERN GULF ISLANDS HARBOUR COMMISSION  
 MEETING OF FRIDAY, JANUARY 26, 2018**

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**SUBJECT    2018 OPERATING AND CAPITAL BUDGET**

**ISSUE**

To present the 2018 operating and capital budget. In accordance with Bylaw No. 2972, the Commission's approval of the annual budget is required.

**BACKGROUND**

The Capital Regional District (CRD) is required by legislation under the Local Government Act (LGA) to prepare an annual Operating and Capital budget and a five year Financial Plan. CRD staff have prepared the budget and financial plan shown in Appendix A to this report for the Southern Gulf Islands Harbour Service.

The Operating Budget includes the regular annual costs to operate the service. The Capital Expenditure Plan shows the anticipated expenditures for capital additions. These may include purchases of new assets or infrastructure, upgrades or improvements to existing assets or asset review and study work potentially leading to future capital improvements.

In preparing the Operating Budget, CRD staff took into account:

1. Actual expenditures incurred between 2015 and 2017
2. Anticipated changes in level of service (if any)
3. Maximum allowable tax requisition
4. Annual Cost per taxpayer

Factors taken into consideration in the preparation of the Capital Expenditure Plan included:

1. Available funds on hand
2. Projects already in progress
3. Condition of existing assets and infrastructure
4. Regulatory, environmental, and health and safety factors

The proposed Operating and Capital budget for the Service will be presented to the Electoral Area Services Committee in the winter of 2018. Adjustments for surpluses or deficits from 2017 may be made in February 2018. The CRD Board will give final approval to the budget and financial plan in March 2018.

The Financial Plan for the years 2019 – 2022 may be subject to change in future years.

## **BUDGET OVERVIEW**

### ***2017 Operating Expense and Revenue Budget***

It is anticipated that the 2017 operating expenses for the Harbours management and dock operations will be approximately \$44,250 under budget primarily as a result of lower repair and maintenance costs. The lower repair costs are partially the result of recently completed capital improvements.

It is anticipated that the 2017 operating revenue, which includes moorage and licensing fees, will be approximately \$20,150 over budget. The higher revenue is primarily the result of receiving higher moorage fees from Montague and Port Browning dock facilities.

This results in a projected 2017 budget surplus of approximately \$64,400. CRD staff recommend that the budgeted transfer to the Capital Reserve Fund be increased to balance the 2017 budget.

### ***2018 Operating Expense and Revenue Budget***

The 2018 Harbours management and dock operating expense budget has been increased by 2.2% and 2.6% respectively over the 2017 budget to account for inflation and Wharfinger compensation increase due to higher moorage revenue projections for some of the dock facilities.

Funding or revenue for the service is through the collection of moorage and licensing fees and through a parcel tax requisition. Users of the service pay the dock facility fees and all properties within the service area pay the parcel tax. The 2018 moorage and licensing revenue has been increased by 14.5% and the parcel tax has increased by 1.0%.

### ***Municipal Finance Authority (MFA) Debt***

There are no debt servicing costs for this service in 2018. However, the 2018-2022 capital plan has been drafted on the basis that a loan, approximately in the amount of \$1,327,000, will be required to fund the capital program. It is proposed to proceed with a loan authorization public approval process in the Fall. MFA debt servicing costs will accrue in future years if a loan is undertaken.

### ***Capital Reserve Fund***

The capital reserve fund is to be used to pay for capital expenditures that are not funded by other sources such as grants, operating budget or debt.

It is proposed that the annual transfer to the capital reserve fund increase by 6%; from \$143,950 to \$153,120. The balance at the end of 2017 is projected to be approximately \$522,558.

### ***Capital Expenditure Plan***

The 5-year 2018-2022 capital plan includes \$3,144,000 of expenditures to be funded by a combination of capital project funds (capital funds on hand), the service's capital reserve funds, MFA borrowing and Federal/Provincial grants. Of this, \$807,500 is related to funding already allocated and carried forward from 2017, but unspent to date due to instream project work. The Lyall Harbour facility improvement project 18-04 is dependent upon the timing of funds from the

**Southern Gulf Islands Harbour Commission – January 26, 2018**  
**2018 Operating and Capital Budget**

3

federal government resulting from the divestiture of the facility to the CRD. It is anticipated that the funds will be received in the second half of 2018 and as a result the improvement work has been rescheduled to 2019.

*Capital Projects Fund*

As specific capital projects are approved, the funding revenues for them are transferred into a Capital Project Fund. Whenever possible, any funds remaining upon completion of a project are transferred back to the Capital Reserve Fund for use on future capital projects. There is a planned transfer of \$15,907 from the capital projects fund to the Capital Reserve Fund in 2017.

**RECOMMENDATION**

That the Southern Gulf Islands Harbour Commission:

1. Approve the 2018 operating and capital budget as presented, and that the 2017 actual surplus or deficit be balanced on the 2017 transfer to the Capital Reserve Fund;
2. Recommend that the Electoral Area Services Committee recommend that the CRD Board approve the 2018 Operating and Capital Budget and the five year Financial Plan for the Southern Gulf Islands Harbours Service

Submitted by:	Dan Robson, ASc.T, Manager, Saanich Peninsula and Gulf Island Operations
Submitted by:	Dale Puskas, P.Eng. Manager, Capital Projects
Submitted by	Rianna Lachance, BCom, CPA, CA, Senior Manager Financial Services
Concurrence	Ted Robbins, B.Sc., C.Tech., General Manager, Integrated Water Services
Concurrence	Robert Lapham, MCIP, RPP, Chief Administrative Officer

DR/DP/TR:ls

Attachment: 1. 2018 Budget SGI Small Craft Harbours

# **CAPITAL REGIONAL DISTRICT**

## **2018 Budget**

### **SGL Small Craft Harbours**

#### **Commission Review**

Compiled and Presented by CRD Finance

Jan-18

<b>Service:</b> 1.235 SGI Small Craft Harbour Facilities	<b>Committee:</b> Electoral Area Services
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**DEFINITION:**

A local service, established by Bylaw No. 2614, October 6, 1998, in the Southern Gulf Islands Electoral Area to establish, acquire and operate a service of small craft harbour facilities.

**SERVICE DESCRIPTION:**

The SGI Small Craft Harbour Facilities service funds and operates 11 small craft harbour facilities in the Southern Gulf Islands. 9 docks are owned by the CRD and 2 are leased. The docks are located on Mayne, Galiano, North and South Pender, Saturna, Piers and Vancouver Islands. The service was undertaken by the CRD upon the Federal Government of Canada's divestiture of ownership and operation of small craft harbour facilities. The Federal Government provided 1-4m funding of \$1.6million to the CRD for dock rehabilitation. The service is administered by the Southern Gulf Islands Harbour Commission.

**MAXIMUM LEVY:**

Greater of \$112,878 or \$0.10 / \$1,000 of actual assessed value of land and improvements, to a maximum of \$258,570

**COMMISSION:**

Southern Gulf Islands Harbour Commission as established by Bylaw #2972 in 2002.

**FUNDING:**

- Parcel Tax
- Moorage Fees

	2017		BUDGET REQUEST			FUTURE PROJECTIONS				
	BOARD BUDGET	ESTIMATED ACTUAL	CORE BUDGET	2018 ONGOING	2018 ONE-TIME	TOTAL	2019	2020	2021	2022
<b>SGI Small Craft Harbours</b>										
<b>OPERATING COSTS:</b>										
Management Expenditures	12,180	6,000	12,180	-	-	12,180	12,420	12,670	12,820	13,180
Contract for Services	810	2,010	1,020	-	-	1,020	1,040	1,060	1,080	1,100
Supplies, Advertising	6,210	2,000	7,000	-	-	7,000	7,140	7,280	7,420	7,570
Travel and Training	5,420	4,880	5,180	-	-	5,180	5,280	5,390	5,500	5,610
Internal Allocations	12,000	17,000	15,000	-	-	15,000	15,300	15,610	15,920	16,240
Labour Charges	9,510	15,460	8,800	-	-	8,800	8,980	9,160	9,340	9,520
Other Operating Expenses										
<b>Total Management Expenditures</b>	<b>48,130</b>	<b>47,350</b>	<b>49,180</b>	-	-	<b>49,180</b>	<b>50,160</b>	<b>51,170</b>	<b>52,180</b>	<b>53,220</b>
*Percentage Increase over prior year							2.0%	2.0%	2.0%	2.0%
Dock Expenditures	47,870	8,550	48,740	-	-	48,740	49,630	50,520	51,410	52,300
Repairs and Maintenance	40,410	45,650	45,550	-	-	45,550	46,510	47,470	48,430	49,390
Wharfing Compensation and Travel	2,020	-	2,190	-	-	2,190	2,370	2,550	2,730	2,910
Allocations - Operations	28,340	22,990	27,370	-	-	27,370	27,920	28,470	29,020	29,570
Insurance	2,900	2,140	2,960	-	-	2,960	3,020	3,080	3,140	3,200
Electricity	3,750	3,230	3,860	-	-	3,860	3,970	4,080	4,190	4,300
Supplies	3,590	2,850	3,700	-	-	3,700	3,810	3,920	4,030	4,140
Operating - Other										
<b>Total Dock Expenditures</b>	<b>128,880</b>	<b>85,410</b>	<b>132,180</b>	-	-	<b>132,180</b>	<b>134,860</b>	<b>152,390</b>	<b>157,360</b>	<b>160,470</b>
*Percentage Increase over prior year							2.0%	13.0%	3.3%	2.0%
<b>CAPITAL / RESERVES</b>										
Transfer to Capital Reserve Fund	143,950	208,350	153,120	-	-	153,120	147,760	118,700	111,740	79,260
MFA Debt							6,580	39,870	57,220	91,140
<b>TOTAL CAPITAL / RESERVES</b>	<b>143,950</b>	<b>208,350</b>	<b>153,120</b>	-	-	<b>153,120</b>	<b>154,340</b>	<b>158,570</b>	<b>168,960</b>	<b>170,400</b>
<b>TOTAL COSTS</b>	<b>320,960</b>	<b>341,110</b>	<b>334,480</b>	-	-	<b>334,480</b>	<b>339,360</b>	<b>362,130</b>	<b>378,500</b>	<b>384,090</b>
<b>FUNDING SOURCES (REVENUE)</b>										
Revenue- Fees	(76,400)	(92,900)	(87,500)	-	-	(87,500)	(87,500)	(92,500)	(96,500)	(96,500)
Other Income	(2,700)	(6,350)	(2,700)	-	-	(2,700)	(2,700)	(2,700)	(2,700)	(2,700)
<b>TOTAL REVENUE</b>	<b>(79,100)</b>	<b>(99,250)</b>	<b>(90,200)</b>	-	-	<b>(90,200)</b>	<b>(90,200)</b>	<b>(95,200)</b>	<b>(99,200)</b>	<b>(99,200)</b>
<b>REQUISITION - PARCEL TAX</b>	<b>(241,860)</b>	<b>(241,860)</b>	<b>(244,280)</b>	-	-	<b>(244,280)</b>	<b>(249,160)</b>	<b>(266,930)</b>	<b>(279,300)</b>	<b>(284,890)</b>
*Percentage Increase over prior year requisition							2.0%	7.1%	4.6%	2.0%

**Capital Reserve Fund Schedule**

**Reserve Fund: 1.235 SGI Small Craft Harbour Facilities Capital Reserve Fund (Bylaw No. 2719)**

**Capital Reserve Fund Cash Flow**

	2017	Budget				
		2018	2019	2020	2021	2022
<b>Fund:1054 Fund Center: 101467</b>						
<b>Beginning Balance</b>	1,169,984	522,558	428,178	138,938	257,638	369,378
<b>Transfer from Operating</b>	208,350	153,120	147,760	118,700	111,740	79,260
<b>Transfer to Cap Fund</b>	(895,700)	(247,500)	(437,000)	-	-	-
<b>Transfer from Capital (Unspent)</b>	15,907	-	-	-	-	-
<b>Interest Income*</b>	24,017	-	-	-	-	-
<b>Ending Balance \$</b>	<b>522,558</b>	<b>428,178</b>	<b>138,938</b>	<b>257,638</b>	<b>369,378</b>	<b>448,638</b>

\* Interest should be included in determining the estimated ending balance for the current year. Interest in planning years nets against inflation which is not included.

**CAPITAL REGIONAL DISTRICT CAPITAL PLAN**

1.235

Service #:

Service Name:

SGI Small Craft Harbour Facilities

**CAPITAL BUDGET FORM  
2018 & Forecast 2019 to 2022**

**Project No.**

The first two digits represent first year the project was in the capital plan.

**Capital Expenditure Type**

New Construction/ Project: Expenditure for new asset only  
Renewal: Expenditure replaces an existing asset and extends the service ability or enhances technology in delivering that service  
Replacement: Expenditure replaces an existing asset

Proj. No.	Capital Exp. Type	Capital Project Description	Total Project Budget	Asset Class	Funding Source	Carry Forward from 2017	2018	2019	2020	2021	2022	5 - Year Total
16-04	Renewal	Miners Bay	\$15,000	S	Grant	\$15,000	\$0	\$0	\$0	\$0	\$0	\$0
16-10	New	Anson Road Phase 1	\$400,000	S	Res	\$0	\$40,000	\$360,000	\$0	\$0	\$0	\$400,000
17-01	Renewal	Piers Island Upgrade	\$321,700	S	Cap	\$283,700	\$283,700	\$0	\$0	\$0	\$0	\$283,700
17-02	Renewal	Montague Harbour Upgrade	\$100,000	S	Cap	\$65,000	\$65,000	\$0	\$0	\$0	\$0	\$65,000
17-03	Renewal	Alternative Approval Process	\$10,000	S	Res	\$10,000	\$10,000	\$0	\$0	\$0	\$0	\$10,000
17-04	Renewal	Miners Bay	\$467,800	S	Cap	\$433,800	\$433,800	\$0	\$0	\$0	\$0	\$433,800
18-01	Renewal	Inspections	\$82,000	S	Res	\$0	\$82,000	\$0	\$0	\$0	\$0	\$82,000
18-03	Renewal	Port Browning	\$115,500	S	Res	\$0	\$115,500	\$0	\$0	\$0	\$0	\$115,500
18-04	Renewal	Lyall Harbour	\$77,000	S	Res	\$0	\$77,000	\$0	\$0	\$0	\$0	\$77,000
18-04	Renewal	Lyall Harbour	\$350,000	S	Other	\$0	\$0	\$350,000	\$0	\$0	\$0	\$350,000
19-01	New	Anson Road Phase 2	\$90,000	S	Debt	\$0	\$0	\$90,000	\$0	\$0	\$0	\$90,000
19-02	Renewal	Retreat Cove	\$269,000	S	Debt	\$0	\$0	\$269,000	\$0	\$0	\$0	\$269,000
20-01	Renewal	Sturdies Bay	\$143,000	S	Debt	\$0	\$0	\$0	\$143,000	\$0	\$0	\$143,000
21-01	Renewal	Dock Improvements	\$155,000	S	Debt	\$0	\$0	\$0	\$0	\$155,000	\$0	\$155,000
21-02	Renewal	Inspections	\$125,000	S	Debt	\$0	\$0	\$0	\$0	\$125,000	\$0	\$125,000
22-01	Renewal	Dock Improvements	\$545,000	S	Debt	\$0	\$0	\$0	\$0	\$0	\$545,000	\$545,000
<b>Total</b>			<b>3,266,000</b>			<b>807,500</b>	<b>1,030,000</b>	<b>1,146,000</b>	<b>143,000</b>	<b>280,000</b>	<b>545,000</b>	<b>3,144,000</b>

**Funding Source Codes**  
 Debt = Debenture Debt (new debt only)  
 ERF = Equipment Replacement Fund  
 Grant = Grants (Federal, Provincial)  
 Cap = Capital Funds on Hand  
 Other = Donations / Third Party Funding  
 Res = Reserve Fund  
 STL = Short Term Loans

**Asset Class**  
 L - Land  
 S - Engineering Structure  
 B - Buildings  
 V - Vehicles  
 E - Equipment

Service: 1.235		SGI Small Craft Harbour Facilities	
Proj. No. 16-04	Capital Project Title Miners Bay	Capital Project Description Options analysis for float configuration.	
Asset Class Engineered Structures	Board Priority Area Other	Corporate Priority Area Regional Infrastructure	
<b>Project Rationale</b>	Miners Bay is exposed to Active Pass and subject to frequent ferry wake and other significant weather conditions. These conditions create significant movement to Miners Bay Floats B, C and D. Due to this movement the CRD is required to frequently repair damage to the float system and has received concerns from users with respect to safety. Options for an alternate solution/arrangement for the orientation Miners Bay Facility floats is desired to improve safety and reduce wear and tear.		
Proj. No. 16-10	Capital Project Title Anson Road Phase 1	Capital Project Description Design and construction of a new dock facility on Mayne Island.	
Asset Class Engineered Structures	Board Priority Area Other	Corporate Priority Area Regional Infrastructure	
<b>Project Rationale</b>	Over the past four years Mayne Island has seen a significant increase in active boaters. To provide additional moorage space the Commission approved a capital project to construct a new dock facility, and associated upland improvements, on Mayne Island at Anson Road. The CRD holds a water lease off Anson Road, and access to the new facility will be through a Ministry of Transportation road allowance. The first phase will be constructed in 2017 and include the walkway, ramp, main float and three fingers, providing 460 feet of moorage, and improvements to the highways frontage upland area, including an all-weather gravel road, turn around and vaulted toilet and pump out system.		
Proj. No. 17-01	Capital Project Title Piers Island Upgrade	Capital Project Description Upgrades to the Piers Island Dock Facility to maintain level of service.	
Asset Class Engineered Structures	Board Priority Area Other	Corporate Priority Area Regional Infrastructure	
<b>Project Rationale</b>	This project includes works to maintain the current level of service as recommended in the Moffatt & Nichol Summary Report for Southern Gulf Islands Harbour Commission (SGIHC) Facilities December 11, 2015. Recommended works include improvements to the approach abutment, 3 approach piles, and repairs to the three floats. Moffatt & Nichol are currently assessing the current float configuration to determine if improved float geometry can be achieved with this project.		

**SGI Small Craft Harbour Facilities**

**Service: 1.235**

**Proj. No.** 17-02 **Capital Project Title** Montague Harbour Upgrade **Capital Project Description** Upgrades to the Montague Harbour Facility to maintain level of service.

**Asset Class** Engineered Structures **Board Priority Area** Other **Corporate Priority Area** Regional Infrastructure  
**Project Rationale** This project includes works to maintain the current level of service as recommended in the Moffatt & Nichol Summary Report for Southern Gulf Islands Harbour Commission (SGIHC) Facilities December 11, 2015. Recommended works include improvements to the approach timber decking, repairs to pile shims, various repairs to Float A, Float B, and Float D, and upgrade of the light standards with LED fixtures.

**Proj. No.** 17-03 **Capital Project Title** Alternative Approval Process **Capital Project Description** 0

**Asset Class** Engineered Structures **Board Priority Area** Other **Corporate Priority Area** Regional Infrastructure  
**Project Rationale** Future improvement works require funding in excess of current reserves, moorage revenue and requisitions. Elector assent is required to borrow required funds from the Municipal Finance Authority so that a sustainable level of service is maintained at the 11 dock facilities. Funds are required to carry out an alternative approval process for these additional funds.

**Proj. No.** 17-04 **Capital Project Title** Miners Bay **Capital Project Description** Upgrades to the Miners Bay Dock Facility to maintain level of service.

**Asset Class** Engineered Structures **Board Priority Area** Other **Corporate Priority Area** Regional Infrastructure  
**Project Rationale** This project includes work to maintain the current level of service as recommended in the Moffatt & Nichol Summary Report for Southern Gulf Islands Harbour Commission (SGIHC) Facilities December 11, 2015. Recommended works include repairs and replacement of various approach piles, repairs to Float A, Float B, Float C, and Float D, and upgrade of light standards to include LED fixtures.

<b>Service: 1.235</b>		<b>SG   Small Craft Harbour Facilities</b>	
<b>Proj. No.</b> 18-01	<b>Capital Project Title</b> Inspections	<b>Capital Project Description</b>	Conduct engineering inspections to interim revise the 2015 condition assessments
<b>Asset Class</b> Engineered Structures	<b>Board Priority Area</b> Other	<b>Corporate Priority Area</b> Regional Infrastructure	
<b>Project Rationale</b>	Dock inspection, repair and maintenance is an iterative process that requires periodic review of the facilities and re-evaluation of proposed work plans and residual life estimates. This budget is for a "Top Side" inspection and will be used to re-evaluate the 5 Year capital Program.		
<b>Proj. No.</b> 18-03	<b>Capital Project Title</b> Port/Browning	<b>Capital Project Description</b>	Upgrades to the Port Browning Dock Facility to maintain level of service.
<b>Asset Class</b> Engineered Structures	<b>Board Priority Area</b> Other	<b>Corporate Priority Area</b> Regional Infrastructure	
<b>Project Rationale</b>	This project includes works to maintain the current level of service as recommended in the Moffatt & Nichol Summary Report for Southern Gulf Islands Harbour Commission (SGIHC) Facilities December 11, 2015. Recommended works include improvements to the approach timber decking and bull rail spacer, upgrades to the abutment, repairs to various approach piles, and repair to the gangway.		
<b>Proj. No.</b> 18-04	<b>Capital Project Title</b> Lyall Harbour	<b>Capital Project Description</b>	Upon acquisition of the Lyall Harbour Dock facility from DFO, funds are required to manage upgrades associated with the acquisition
<b>Asset Class</b> Engineered Structures	<b>Board Priority Area</b> Other	<b>Corporate Priority Area</b> Regional Infrastructure	
<b>Project Rationale</b>	DFC Small Craft and Harbours has divested the Lyall Harbour dock facility to the CRD in 2017. As part of the transfer the CRD had consultants Moffatt & Nichol conduct an condition assessment to determine the works required for the dock facility to be of a maintainable level of service. DFO has agreed as part of the agreement to transfer \$350,000 to upgrade the Lyall Harbour facility, an additional \$77,000 is required to carry out the works. Funds are required for staff to manage the upgrades and retain a consultant to detail upgrade designs.		

**SGI Small Craft Harbour Facilities**

**Service: 1.235**

Proj. No. 19-01      Capital Project Title Anson Road Phase 2      Capital Project Description Installation of additional fingers for moorage at the Anson Road facility.

Asset Class Engineered Structures      Board Priority Area Other      Corporate Priority Area Regional Infrastructure

**Project Rationale** *The second phase of the Anson Road Facility will be constructed in 2018 and will include the installation of three additional fingers to achieve the docks ultimate capacity of 720 feet.*

Proj. No. 19-02      Capital Project Title Retreat Cove      Capital Project Description Upgrades to the Retreat Cove Dock Facility to maintain level of service.

Asset Class Engineered Structures      Board Priority Area Other      Corporate Priority Area Regional Infrastructure

**Project Rationale** *This project includes works to maintain the current level of service as recommended in the Moffatt & Nichol Summary Report for Southern Gulf Islands Harbour Commission (SGIHC) Facilities December 11, 2015. Recommended works include repairs to the approach piles, and repairs to the floats.*

Proj. No. 20-01      Capital Project Title Sturdies Bay      Capital Project Description Upgrades to the Sturdies Bay Dock Facility to maintain level of service.

Asset Class Engineered Structures      Board Priority Area Other      Corporate Priority Area Regional Infrastructure

**Project Rationale** *This project includes works to maintain the current level of service as recommended in the Moffatt & Nichol Summary Report for Southern Gulf Islands Harbour Commission (SGIHC) Facilities December 11, 2015. Recommended works include repair of the approach timber hand rails, repair of the float, repair of the beak water, and upgrades of the light standards to include LED fixtures.*

**Service: 1.235 SGI Small Craft Harbour Facilities**

**Proj. No.** 21-01 **Capital Project Title** Dock Improvements **Capital Project Description** 01 Inspections project. Dock improvements outlined from the 18-

**Asset Class** Engineered Structures **Board Priority Area** Other **Corporate Priority Area** Regional Infrastructure

**Project Rationale** *This project will fund currently undefined works to maintain the current level of service as recommended in the Moffatt & Nichol Summary Report for Southern Gulf Islands Harbour Commission (SGIHC) Facilities December 11, 2015. Budgetary values were provide for years 6 through 10 as it can be expected that continued spending will be required to maintain the current level of service. Detailed work assignments will be defined through the 2018 Inspection Project*

**Proj. No.** 21-02 **Capital Project Title** Inspections **Capital Project Description** Detailed inspections including underwater inspection.

**Asset Class** Engineered Structures **Board Priority Area** Other **Corporate Priority Area** Regional Infrastructure

**Project Rationale** *Dock inspection, repair and maintenance is an iterative process that requires periodic review of the facilities and re-evaluation of proposed work plans and residual life estimates. This budget is for a "Top Side and Underwater" inspection and will be used to re-evaluate the 5 Year capital Program.*

**Proj. No.** 22-01 **Capital Project Title** Dock Improvements **Capital Project Description** 02 Inspections project. Dock improvements outlined from the 21-

**Asset Class** Engineered Structures **Board Priority Area** Other **Corporate Priority Area** Regional Infrastructure

**Project Rationale** *This project will fund currently undefined works to maintain the current level of service as recommended in the Moffatt & Nichol Summary Report for Southern Gulf Islands Harbour Commission (SGIHC) Facilities December 11, 2015. Budgetary values were provide for years 6 through 10 as it can be expected that continued spending will be required to maintain the current level of service. Detailed work assignments will be defined through the 2021 Inspection Project.*

SGI Small Craft Harbours

Capital Projects Fund

Year/Project#	Status	Capital Project Description	Total Budget	Expenditure Actuals	Remaining Funds	Funding Source-CRF*	Funding Source-Grant**	Return Surplus to CRF*	Return Surplus to Grant**
2015/CX.103	CLOSED	Dock Engineering Assessment	135,000	(125,893)	9,107	135,000		9,107	
2016/CX.106	OPEN	Dock Infrastructure Engineering Review	531,800	(414,007)	117,793	531,800			
2016/CX.111.2001	CLOSED	Horton Bay Dinghy Float	6,800	0	6,800	6,800		6,800	
2016/CX.111.2002	OPEN	Piers Island Float Configuration Review	10,800	(5,820)	4,980	10,800			
2016/CX.119	OPEN	Ladder Installation Project	45,000	(25,572)	19,428	45,000			
2016/CX.123	OPEN	Miners Bay Float Assess-CWF	15,000	(14,035)	965		15,000		
2017/CX.124	OPEN	Dock Infra Engineering Review 2017	889,900	(107,967)	781,933	889,900			
		Totals	1,634,300	(693,294)	941,006	1,619,300	15,000	15,907	0

\* CRF (Capital Reserve Fund)

\*\* Grant (Community Works Fund)

<b>1.235 SGI Harbours</b>	<b>Levy Statistics</b>
---------------------------	------------------------

<u>Year</u>	<u>Parcel Tax</u>	<u>Parcels</u>	<u>Cost/Parcel</u>
2012	\$271,930	5,889	\$48.60
2013	\$260,470	6,141	\$44.64
2014	\$242,680	6,146	\$41.56
2015	\$240,570	6,163	\$41.08
2016	\$241,860	6,155	\$41.36
2017	\$241,860	6,157	\$41.34
2018	\$244,280	6,157	\$41.76

**AGREEMENT TO TRANSFER LYALL HARBOUR,  
SATURNA ISLAND, BRITISH COLUMBIA**

**THIS AGREEMENT** made in duplicate as of the   //   day of July, 2017.

**BETWEEN:**

**HER MAJESTY THE QUEEN  
IN RIGHT OF CANADA**  
as represented by the  
Minister of Fisheries and Oceans  
200 - 401 Burrard Street  
Vancouver, BC, V6C 3S4

(hereinafter called **Canada**)

**OF THE FIRST PART**

**AND:**

**CAPITAL REGIONAL DISTRICT**  
625 Fisgard Street  
Victoria, BC  
V8W 1R7

(hereinafter called **CRD**)

**OF THE SECOND PART**

**WHEREAS** Canada wishes to divest Herself of the wharf located at Lyall Harbour, Saturna Island, British Columbia and the property the wharf is located on, which are no longer related to its federal core program or mandate;

**AND WHEREAS** CRD has managed the wharf since 2011 and the CRD wishes to take ownership of, operate, maintain and manage the wharf on its own behalf and not on behalf of Canada.

**NOW THEREFORE THIS AGREEMENT WITNESSES** that, in consideration of the mutual covenants and agreements and ten (10) dollars now paid by CRD to Canada herein and subject to the terms and conditions hereinafter set out, the parties agree as follows:

## DEFINITIONS

1.01 In this Agreement:

**“Agreement”** means this Agreement to Transfer, and includes the documents attached as Appendices which form an integral part of this Agreement as fully as if they were set forth in their entirety;

**“District Lot 370”** means District Lot 370, Cowichan District containing 0.87 acres and granted by OIC 341 dated February 19, 1954. It was later amended by OIC 3206 dated October 2, 1973 by relinquishing the Westerly 67.5 feet thereof, Cowichan District for a total area of 0.69 acres more or less;

**“Goods”** means the Wharf, float and anything attached to or upon or associated with these objects that are owned by Canada and located on Lot 1 or District Lot 370, Saturna Island, British Columbia;

**“Lot 1”** means PID 026-119-315 Lot 1 of Part of the Bed of the Sea, Saturna Island, Cowichan District, Plan VIP77774;

**“Lyall Harbour Environmental Reports”** means the following (described in more detail in Schedule “C”):

- a) Phase I Environmental Site Assessment dated March 31, 2007;
- b) Biophysical description of prioritized Small Craft Harbours Report dated March 23, 2010;
- c) Phase II Environmental Site Assessment dated March 31, 2010; and
- d) Phase III Environmental Site Assessment dated May 10, 2012;

**“Transfer Date”** means November 30<sup>th</sup>, 2017

**“Wharf”** means Lyall Harbour Wharf, located on Lot 1 and District Lot 370 and beyond on Saturna Island, British.

## UNDERTAKINGS

### **Sale, Assignment and Transfer of the Wharf**

- 2.01 Canada hereby sells, assigns, and transfers the Goods and all the right, title, interest, property, claim and demand of Canada thereto and therein, to the CRD, to and for its sole and only use forever as of the Transfer Date.
- 2.02 For and in consideration of the promises, covenants and consideration described in this Agreement, Canada agrees to transfer to CRD fee simple title to Lot 1, free and clear of all

liens, charges and encumbrances. This transfer will be done pursuant to a federal Instrument of Grant in the form attached as Schedule "B" to this Agreement.

- 2.03 The Parties agree that the transfer of title to Lot 1 shall take place on the Transfer Date.
- 2.04 The Parties agree that there shall be no adjustments to and including the Transfer Date with respect to taxes, utilities, rents, or any other items normally adjusted between a vendor and purchaser on the transfer of similar property.
- 2.05 Immediately after the Transfer Date, Canada will send a duly executed Transfer of Administration and Control to the Province of British Columbia in the form attached as Schedule "A", and concurrently therewith will provide a copy of the executed Transfer of Administration and Control to the CRD.

#### **Management of the Wharf**

- 2.06 The CRD undertakes to manage and maintain the Wharf, generally in the fashion it has managed and maintained the Wharf for the last six (6) years, including continued public access to all facilities, for a minimum of ten (10) years from the Transfer Date.

#### **Payments towards Refurbishing and Repairing the Wharf**

- 2.07 Canada shall pay to CRD three hundred and fifty thousand dollars (\$350,000) on January 15, 2018, in order for CRD to undertake the repairs and works described in the Moffatt and Nichol Report on Costs Estimate dated May 26<sup>th</sup>, 2017. CRD agrees to use these funds only for repair, maintenance and administrative costs, such as CRD staff time, design and consultation directly related to repairs and maintenance of the Wharf. CRD agrees to hold these funds in a separate account specified for this purpose.

### **CONDITIONS PRECEDENT**

- 3.01 The obligations of the CRD under this Agreement are subject to the CRD obtaining upland consent for the Wharf from the upland owners in a form satisfactory to the CRD, on or before the Transfer Date.

### **REPRESENTATIONS AND WARRANTIES**

#### **Representations and Warranties of Canada**

- 4.01 Canada represents and warrants to the CRD that as of the above date Canada is not aware of any suits, actions, litigation, arbitration proceedings or governmental proceedings, including appeals and applications for review, in progress, pending or threatened against or involving Canada which might adversely affect Lot 1 or the Goods or the capacity or

power of Canada to execute and deliver this Agreement or which might adversely affect the financial position of the CRD.

### **Representations and Warranties of CRD**

- 4.02 The CRD represents and warrants that as of the date of this Agreement and the Transfer Date:
- (a) it is a Regional District whose head office is located in Victoria, which has been duly incorporated and organized and is validly existing under the laws of British Columbia;
  - (b) it is duly qualified, licensed or registered to carry on business in the Province of British Columbia;
  - (c) it has all necessary corporate power, authority and capacity to enter into this Agreement and to perform its obligations herein.

### **Acknowledgments**

- 4.03 The parties acknowledge that Canada has delivered and CRD is in receipt of the Lyall Harbour Environmental Reports.
- 4.04 The parties acknowledge and agree that neither party has made nor shall make any other representations and warranties with respect to this Agreement except the representations and warranties expressly made in this Agreement or in any other agreement expressly referred to in this Agreement.
- 4.05 The parties further acknowledge that neither party has relied on nor shall rely on any information provided by the other party in connection with this Agreement other than the Lyall Harbour Documents and the warranties and representations expressly made in this Agreement or in any other agreement expressly referred to in this Agreement.

## **GENERAL PROVISIONS**

### **No Partnership, Joint Venture or Agency**

- 5.01 Canada and CRD expressly disclaim any intention to create a partnership, joint venture or agency, and nothing in this Agreement shall create a partnership, joint venture or agency between the parties. Neither party shall hold itself out as agent for the other party and neither party have any authority to act for or to assume any obligations or responsibility on behalf of the other party.

**Entire Agreement**

- 5.02 This Agreement sets forth the entire agreement between the parties concerning the Wharf. The parties agree that each has:
- (a) not been induced to enter into this Agreement by any representations not set forth in this Agreement;
  - (b) it has conducted its own due diligence examinations in order to satisfy itself of the full, true and plain disclosure of the facts.

**Stacking of Financial Assistance**

- 5.03 CRD declares that at the time of executing this Agreement, the payment of three hundred and fifty thousand dollars described above is the only federal funding it has applied for, received, or expects to receive for the repair expenses described above.

**Assignment**

- 5.04 Neither party shall assign this Agreement nor any of the party's rights, duties or obligations hereunder without the prior written consent of the other party.

**Governing Law**

- 5.05 This Agreement is to be interpreted in accordance with the laws in force in the Province of British Columbia, subject always to any paramount or applicable federal laws. Nothing in this Agreement is intended to or is construed as limiting, waiving or derogating from any federal Crown prerogative.

**Construed Covenants**

- 5.06 All of the provisions and each agreement or obligation of this Agreement, even though not expressed as a covenant, are construed as covenants and agreements as though the words importing such covenants and agreements were used.

**Rights or Remedies**

- 5.07 Nothing expressed or implied in this Agreement is intended to or is construed to confer on or give any Person, other than the parties hereto and their respective successors and permitted assigns, any rights or remedies under or by reason of this Agreement.

**Time of Essence**

- 5.08 Time is of the essence of this Agreement.

**Severability**

- 5.09 If, for any reason, any provision of this Agreement, other than any provision which is of fundamental importance to the arrangement between the parties, is to any extent held or rendered invalid or unenforceable, then the particular provision shall be deemed to be independent of and severed from the remainder of this Agreement and all the other provisions of this Agreement shall nevertheless continue in full force and effect.

**Notice**

- 5.10 All notices or other communications necessary for the purpose of this Agreement shall be in writing and delivered personally or by courier, or sent by registered mail or by prepaid post or by facsimile, addressed:

- (a) in the case of Canada to:

Department of Fisheries and Oceans, Pacific Region  
200-401 Burrard Street  
Vancouver, BC  
V6C 3S4

Attention: Robin Richardson, Manager  
Harbour Development

Telephone: 604-666-9923

or to such other address or addressed to such other Person as Canada may, from time to time, designate in writing to the CRD; and

- (b) in the case of the CRD, to:

Capital Regional District  
Headquarters & Board Room Location:  
625 Fisgard Street  
Victoria, BC V8W 1R7

Attention: Ted Robbins, General Manager  
Integrated Water Services

Telephone: 250-474-9606

or to such other address or addressed to such other Person as CRD may, from time to time, designate in writing to Canada.

- 5.11 Any notice or communication is considered to have been received:



**SCHEDULE "A"****CANADA****TRANSFER OF ADMINISTRATION AND CONTROL  
OF FEDERAL REAL PROPERTY TO A PROVINCE  
(PARCEL – IN PERPETUITY)****WHEREAS:**

- A. British Columbia Order in Council No. 341 dated 19<sup>th</sup> day of February, 1954, reserved and set apart for the Department of Public Works, Canada, the land described in that Order in Council, surveyed as Lot 370, Cowichan District, containing 0.87 acres; and later amended by British Columbia Order in Council No. 3206 dated 2<sup>nd</sup> day of October, 1973 by relinquishing a 0.18 acre portion of the Land. The total area of land is 0.69 acres, more or less, to be used by Canada as a public wharf ("Lyll Harbour") for as long as required for such purpose.
- B. Federal Order in Council P.C. 1954-30/501 dated 8<sup>th</sup> day of April, 1954 granted the authority to the Department of Public Works and Government Services to acquire the administration and control of the water lot.
- C. Federal Order in Council No. 746 dated 4<sup>th</sup> day of March, 1982, transferred program responsibility for harbour facilities from the Department of Public Works and Government Services to the Department of Transport.
- D. By Order in Council P.C. 1995-527, dated March 28, 1995, and by a subsequent Transfer and Acceptance of Administration between the Minister of Transport and the Minister of Fisheries and Oceans, dated April 17, 1997, all federal real property which was under the administration of the Minister of Transport and which, prior to April 1, 1995, was used for the purposes of the Department of Transport and more specifically for Canadian Coast Guard purposes is now under the administration of the Minister of Fisheries and Oceans. This included Lyll Harbour.
- E. The federal real property hereinafter described is no longer required for the purpose set out in B.C. OIC no. 341 dated the 19<sup>th</sup> day of February, 1954, by Her Majesty the Queen in Right of Canada.
- F. The within transfer of administration and control is satisfactory to the Minister of Justice.



**SCHEDULE "B"****CANADA****INSTRUMENT OF GRANT**

THIS INSTRUMENT  
HAS  
THE SAME FORCE AND EFFECT  
AS IF IT WERE  
LETTERS PATENT

(Section 5(7), *Federal Real Property and Federal Immovables Act*)

**ELIZABETH THE SECOND**, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, **QUEEN**, Head of the Commonwealth, Defender of the Faith.

**TO ALL TO WHOM** these Presents shall come,

GREETING:

**WHEREAS** the lands hereinafter described are vested in Us in right of Canada and are under the administration of the Minister of Fisheries and Oceans.

**AND WHEREAS** authority has been given for the grant of the said lands in fee simple to the **CAPITAL REGIONAL DISTRICT**, a regional district incorporated under the laws of the Province of British Columbia, hereinafter called the grantee, at or for the price or sum of \$1.00 and other good and valuable consideration.

**NOW KNOW YE** that We do by these Presents grant, convey and assure unto the grantee, its successors and assigns, **ALL AND SINGULAR** the lands situate on Saturna Island, British Columbia and described as:

Parcel Identifier: 026-119-315  
LOT 1 OF PART OF THE BED OF THE SEA, SATURNA ISLAND,  
COWICHAN DISTRICT, PLAN VIP77774

**TO HAVE AND TO HOLD** the said lands unto the grantee, its successors and assigns, forever.

**IN WITNESS WHEREOF** these Presents have been signed and countersigned under the *Federal Real Property and Federal Immovables Act* of Canada.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Clark, Barrister & Solicitor  
FOR THE MINISTER OF JUSTICE

\_\_\_\_\_  
XXX Signature

Regional Director, Small Craft Harbours  
Department of Fisheries and Oceans

FOR THE MINISTER OF FISHERIES AND  
OCEANS

**SCHEDULE "C"****Lyll Harbour Environmental Reports****Biophysical Descriptions of Small Craft Harbours in B.C.**

Dated: March 23, 2010

Prepared by Coastal & Ocean Resources Inc.

214 9865 W. Saanich Rd., Sidney, BC V8L 5Y8

[www.coastalandoceans.com](http://www.coastalandoceans.com)

**Phase 1 Environmental Site Assessment**

Fisheries and Oceans Canada Class C Small

Craft Harbour (Category 7) PS 03645

Lyll Harbour, Saturna Island, BC

Dated: March 31, 2007

Prepared by Seacor Environmental Inc.

6-40 Cadillac Avenue

Victoria, BC V8Z1T2

[www.seacorcanada.com](http://www.seacorcanada.com)

**Phase II Environmental Site Assessment Lyll Harbour (Saturna Island)**

PS06345 End of East Point Road, West Side of Saturna Island

Dated: March 31, 2010

Prepared by Keystone Environmental Ltd.

320-4400 Dominion Street

Burnaby BC V5G 4G3

Phone 604-430-0671

**Phase III Environmental Site Assessment Lyll Harbour (Saturna Island) Small Craft Harbour**

PS06345 End of East Point Road, West Side of Saturna Island

Dated: May 10, 2012

Prepared by Keystone Environmental Ltd.

320-4400 Dominion Street

Burnaby BC V5G 4G3

Phone 604-430-0671



Department of Justice  
Canada

Ministère de la Justice  
Canada

Department of Justice  
900 - 840 Howe Street  
Vancouver, British Columbia  
V6Z 2S9

Telephone: (604) 775-7499  
Facsimile: (604) 666-7713

December 14, 2017

By email

Capital Regional District  
Headquarters & Board Room Location  
625 Fisgard Street  
Victoria, BC  
V8W 1R7

**Attention: Robert Lapham**

Dear Robert:

**Re: Confirmation of December 15<sup>th</sup> Transfer Date and DFO retention of OIC for District Lot 370 regarding the July 2017 DFO and CRD Agreement to Transfer the Wharf at Lyall Harbour**  
**Our File: 8698127**

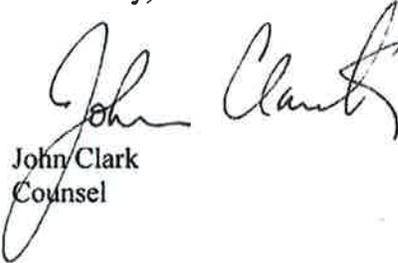
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I am writing further to our conversations among DFO, the Harbour Commission and Stephen Henderson and Ted Robbins of CRD, and the lawyers for CRD and DFO. Given the continuing Statutory Right of Way negotiations with the upland owners I confirm both DFO and CRD agree to the following regarding the above July 2017 Agreement to Transfer the Wharf at Lyall Harbour (the "Agreement"):

1. The closing date, as recently amended, continues to be December 15<sup>th</sup>, 2017;
2. Section 2.05 of the Agreement is amended by deleting the word "Immediately" from the opening phrase "Immediately after the Transfer Date, Canada will send a duly executed Transfer of Administration and Control to the Province of British Columbia...". Instead Canada will maintain the OIC for District Lot 370, and will cancel it after a statutory right of way is filed in the Land Title Office as described below in paragraph 3, and will provide the same forms and notices to both the Province of BC and CRD at that time as contemplated in section 2.05 of the Agreement;
3. Canada will continue to work with the upland property owner immediately adjacent to the Wharf and use reasonable efforts to obtain a form of riparian consent for the Wharf operations that is capable of registration in the Land Title Office. Canada will continue to be responsible for all matters related to the upland riparian consent or arising from the lack of such consent until a statutory right of way confirming the consent is filed in the Land Title Office.

Please confirm your agreement by signing this letter below in the space indicated and emailing it back to us. If you have any questions please call,

Yours truly,



John Clark  
Counsel

CRD confirms its agreement to the above



Per: Robert Lapham

/sr

c: client

Robert Lapham, RPP, MCIP  
Chief Administrative Officer  
Capital Regional District



## VICTORIA LAND TITLE OFFICE

LAND TITLE ACT BRITISH COLUMBIA Dec-15-2017 11:09:06.001  
 FORM 17 FEE SIMPLE  
 LAND TITLE AND SURVEY AUTHORITY

CA6515585

PAGE 1 OF 3 PAGES

- Your electronic signature is a representation by you that:
  - you are a subscriber; and
  - you have incorporated your electronic signature into
    - this electronic application, and
    - the imaged copy of each supporting document attached to this electronic application, and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.

<b>Georgena Marie Watmough LEM55T</b>	Digitally signed by Georgena Marie Watmough LEM55T Date: 2017.12.15 10:21:56 -08'00'
---	--

- Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
  - the supporting document is identified in the imaged copy of it attached to this electronic application;
  - the original of the supporting document is in your possession; and
  - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.

Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

## 1. APPLICANT: (Name, address, phone number of applicant, applicant's solicitor or agent)

**STEWART McDANNOLD STUART**  
**BARRISTERS & SOLICITORS**  
 2nd FLOOR - 837 BURDETT AVENUE  
 VICTORIA BC V8W 1B3

Tel.: 250 380-7744 Fax.: 250 380-3008  
 File No.: 111 1778 MW-rmd  
 Instrument of Grant

Document Fees: \$71.58

STC Fees: \$14.31

Deduct LTSA Fees? Yes 

## 2a. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[legal description]

**026-119-315**

**LOT 1 OF PART OF THE BED OF THE SEA, SATURNA ISLAND, COWICHAN  
 DISTRICT, PLAN VIP77774**

STC? YES 

## 2b. MARKET VALUE: \$ 92,900.00

## 3. NATURE OF INTEREST: Fee Simple

**FEDERAL GRANT OF LAND**

ADDITIONAL INFORMATION:

Attached hereto in support of this application is a copy of the executed Instrument of Grant.

## 4. PERSON ENTITLED TO BE REGISTERED AS OWNER: (including occupation(s), postal address(es) and postal code(s))

**CAPITAL REGIONAL DISTRICT**

625 FISGARD STREET

VICTORIA

BRITISH COLUMBIA

V8W 1R7

CANADA

CANADA  
INSTRUMENT OF GRANT

THIS INSTRUMENT  
HAS  
THE SAME FORCE AND EFFECT  
AS IF IT WERE  
LETTERS PATENT

(Section 5(7), *Federal Real Property and Federal Immovables Act*)

**ELIZABETH THE SECOND**, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, QUEEN, Head of the Commonwealth, Defender of the Faith.

**TO ALL TO WHOM** these Presents shall come,

GREETING:

**WHEREAS** the lands hereinafter described are vested in Us in right of Canada and are under the administration of the Minister of Fisheries and Oceans.

**AND WHEREAS** authority has been given for the grant of the said lands in fee simple to the **CAPITAL REGIONAL DISTRICT**, a regional district incorporated under the laws of the Province of British Columbia, hereinafter called the grantee, at or for the price or sum of \$10.00 and other good and valuable consideration.

**NOW KNOW YE** that We do by these Presents grant, convey and assure unto the grantee, its successors and assigns, ALL AND SINGULAR the lands situate on Saturna Island, British Columbia and legally described as:

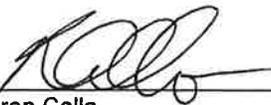
Parcel Identifier: 026-119-315  
LOT 1 OF PART OF THE BED OF THE SEA, SATURNA ISLAND,  
COWICHAN DISTRICT, PLAN VIP77774

**TO HAVE AND TO HOLD** the said lands unto the grantee, its successors and assigns, forever.

**IN WITNESS WHEREOF** these Presents have been signed and countersigned under the *Federal Real Property and Federal Immovables Act* of Canada.

DATED this 14 day of December, 2017.

  
John Clark, Barrister & Solicitor  
FOR THE MINISTER OF JUSTICE

  
Karen Calla  
Regional Director  
Small Craft Harbours - Pacific Region,  
Fisheries and Oceans Canada  
FOR THE MINISTER OF FISHERIES AND  
OCEANS

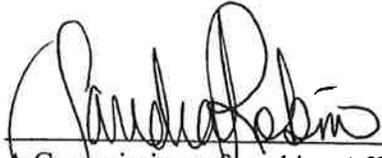
**AFFIDAVIT OF WITNESS**

*(Instrument of Grant - Federal Real Property and Federal Immovables Act)*

I, ROBIN RICHARDSON, of the City of Vancouver, British Columbia, MAKE OATH AND SAY:

- 1. I was present and saw the annexed Instrument of Grant duly signed on behalf of the Minister of Fisheries and Oceans, the party to it, by Karen Calla, Regional Director, Small Craft Harbours – Pacific Region, Fisheries and Oceans Canada, the signatory thereto, for the purposes named therein.
- 2. The Instrument of Grant was signed at Vancouver, British Columbia.
- 3. I know the said signatory who is 19 years old or more.
- 4. I am 16 years old or more.

Sworn before me at Vancouver, )  
 British Columbia, this 13<sup>th</sup> day of )  
 December, 2017. )

  
 \_\_\_\_\_ )  
 A Commissioner for taking Affidavits )  
 within the Province of British Columbia )

**Sandra Emma Robin**  
 Commissioner for Taking  
 Affidavits for British Columbia  
 #900 – 840 Howe Street  
 Vancouver, BC V6Z 2S9  
 Expiration Date: February 29, 2020

  
 \_\_\_\_\_ )  
 Name: Robin Richardson )  
 Title: Manager, Program Operations )  
 Small Craft Harbours )  
 Department of Fisheries and Oceans )

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2972

.....

**A BYLAW FOR THE CONTINUATION OF A HARBOUR COMMISSION FOR THE SOUTHERN GULF ISLANDS ELECTORAL AREA**

.....

WHEREAS the Regional Board of the Capital Regional District has, by Order in Council 0100 dated the 24th day of January 1997 been granted the additional power to establish, acquire and operate a service of small craft harbour facilities;

AND WHEREAS the Regional Board may, by bylaw, establish a harbour commission and in such bylaw delegate to the Commission any or all of the administrative powers of the Regional Board relating thereto including:

- o Harbours hereafter acquired by the Capital Regional District
- o Establishing, acquiring and operating small craft harbour facilities to serve the residents of the Southern Gulf Islands Electoral area hereafter undertaken by the Capital Regional District as a service of the said Regional District;

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

Appointment

1. A harbour commission established by Capital Regional District Bylaw No. 2651 is hereby continued and known as the "Southern Gulf Islands Harbour Commission, and shall consist of seven (7) members:
  - (a) the Director representing the Electoral Area of Southern Gulf Islands;
  - (b) six (6) other individuals: one each from Galliano Island, Mayne Island, Saturna Island, North Pender Island, South Pender Island and Piers Island, all of whom shall be appointed by resolution of the Regional Board.

Recommendations for all appointments shall be made to the Electoral Area Director who will then make a recommendation to the Regional Board. The Director will be guided by the recommendations from the Commission but is not bound by them.

2. The terms of office of those members of the Commission other than the Director representing Southern Gulf Islands shall be for a two-year period as follows:
  - (a) Three of the appointees shall hold office from the date of appointment until the 1<sup>st</sup> day of October 2002;
  - (b) Three of the appointees shall hold office from the date of appointment until the 1<sup>st</sup> day of October 2003;

CRD Bylaw No. 2972

- 2 -

3. The Regional Board shall appoint individuals to act as members of the Commission as provided above, and appoint or re-appoint members to the Commission to fill the term of office of those members whose terms expire as of 1<sup>st</sup> October in each year.
4. No appointee may serve more than three (3) consecutive terms. At the request of the Electoral Area Director, under unique circumstances, the Regional Board may extend the aforementioned terms.

#### Procedure

5. In the event of the death, resignation, or disqualification of a member of the Commission, the Regional Board shall appoint a successor for the remainder of the term.
6. In voting on the Commission all members shall have one vote each.
7. The Commission shall each year elect by secret ballot a Chair from amongst its members, annually in October.
8. The Commission shall each year elect a Vice-Chair, Secretary and Treasurer from amongst its members, annually in October.
9. A quorum of the commission is a majority of the members.
10. The rules of procedure for the Commission shall not be inconsistent with those of the Regional District.

#### Duties

11. The Regional Board hereby delegates to the Commission all of the administrative powers of the Regional Board with respect to the planning, acquisition, development, restructure maintenance and operation of said harbours to serve the residents of the Southern Gulf Islands.

#### Budget

12. Upon its establishment and in September of each and every year the Commission shall prepare an annual budget which shall include estimates of the cost of planning, acquisition, development, maintenance and operation of the harbours, together with any estimates of expected revenues, and shall submit such expenditure and revenue estimates for the approval of the Regional Board and for inclusion in the Regional Board's provisional and annual budgets.

#### Repeal

13. Bylaw No. 2651 cited as "Outer Gulf Islands Harbour Commission Bylaw No. 1, 1998", and any amendments thereto, are repealed upon adoption of this bylaw.

CRD Bylaw No. 2972

- 3 -

Citation

14. This bylaw may be cited as "Southern Gulf Islands Harbour Commission Bylaw, 2002".

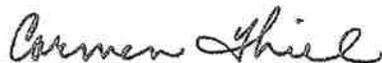
READ A FIRST TIME THIS      27<sup>th</sup>    day of      March      2002

READ A SECOND TIME THIS    27<sup>th</sup>    day of      March      2002

READ A THIRD TIME THIS      27<sup>th</sup>    day of      March      2002

ADOPTED THIS      27<sup>th</sup>    day of      March      2002

  
\_\_\_\_\_  
CHAIR

  
\_\_\_\_\_  
SECRETARY



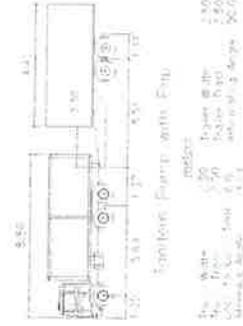


004-787-87  
 LOT 6  
 Plan VIP12588  
 VACANT  
 LOT 5  
 Plan VIP12588

SCALE: 1:500  
 DRAWN BY: DGS  
 DATE: 2017-10-24  
 DRAWING No: 17022-CPL1

CONCEPT PARKING LAYOUT 1a  
 DUMP TRUCK WITH PUP (REVERSE ONTO RAMP FROM STREET)

**PROPOSED PIERS ISLAND LOT**  
 -FULLY ENCLOSED WITH NEW FENCING.  
 -GRAVEL PARKING LOT WITH GRAVEL GRID FOR HIGH TRAFFIC AREAS.  
 -CONDUIT INSTALLATION FOR PARKING LOT LIGHTING, ELECTRIC VEHICLE CHARGING, AND SECURITY.



- SEASPAN EXPANSION
- PIERS ISLAND EXPANSION
- DISTRICT OF NORTH SAANICH EXPANSION

CONTOUR INTERVAL = 0.5m

THIS DRAWING SHALL NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF MCEI HANNEY CONSULTING SERVICES LTD.

**McElhanney**  
 McElhanney Consulting Services Ltd.  
 1000 1000 ST  
 VICTORIA, BC V8W 2A7  
 TEL: 250.363.2222  
 FAX: 250.363.2223



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: 10-Dec-2017

DOCK FACILITY: **Sturdies Bay, Galiano Island**

INSPECTOR: **Peter Binner**

WHARFINGER: **Wharfinger**

<b>APPROACH</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	No approach
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	This area requires pressure washing and the railings require painting, the wood is mostly bare. The lighting here is on 24/7 and requires an electrician to resolve this problem. A bag of salt was supplied and generally this area is in good condition.
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The gangway is in good condition but the float requires pressure washing. It is very slippery and there is only a small area of roofing shingle laid down for a non skid surface. As noted before, there is an issue with the broken and loose bolts along the middle area of the bull rails on both sides of the dock. I would recommend that this problem be investigated as soon as possible, bigger problems will only develop if this is not dealt with. There is also a section of the bull rail that has been recently split at the bolt, it appears that a boat may have crashed into it. This requires replacement.
	Repair/work completion date:

<b>OTHER INSPECTIONS</b>					
<input checked="" type="checkbox"/>	Lighting	on 24/7	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	up to date	<input type="checkbox"/>	Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>  The float is the main concern here, the problem with the structure of the float flexing in the middle needs to be resolved. The float also requires pressure washing as it is slippery outside of the small area with the non skid shingles. The lighting requires attention so that the light is not on all the time.
---



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: **12-Dec-2017**

DOCK FACILITY: **Piers Island**

INSPECTOR: **Peter Binner**

WHARFINGER: **Claude Kennedy**

<b>APPROACH</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The approach is in good condition but requires paint on the railings. A grate at the transition of the land and the approach is needed and Mike Smart has said he could build this.
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	There is no wharf head.
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	The gangway is in good condition. There are some areas where the expanded metal non-skid has lifted and requires re-fastening. The loading zone requires new paint on the bull rails and new signage.
	Repair/work completion date:

<b>OTHER INSPECTIONS</b>					
<input type="checkbox"/>	Lighting	no lighting	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	up to date	<input type="checkbox"/>	Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>  The railings on the approach require painting along with the repainting of the loading zone area. New signs for the loading zone are also required. Re-fastening of the non skid on the float is needed.
--



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: **10-Dec-2017**

DOCK FACILITY: **Montague Harbour, Galiano**

INSPECTOR: **Peter Binner**

WHARFINGER: **Erik Meden**

<b>APPROACH</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	This small area requires pressure washing and the railings along with the notice board require painting. The broken fire extinguisher housing was replaced and a bag of salt was supplied. The overhead light requires a good cleaning of the lens, it is full of dead bugs. A new "slippery when wet" sign is required as the old one has had the lettering removed.
	Repair/work completion date: 10-Dec-2017

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	No wharf head
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The gangway is in good condition and the floats are also in good condition. The floats could be pressure washed at some point but there are roofing shingles laid down as a non skid path so this is not urgent but would help with the general deterioration of the wood.
	Repair/work completion date:

OTHER INSPECTIONS					
<input checked="" type="checkbox"/>	Lighting	one lamp requires cleaning	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	2 X up to date	<input type="checkbox"/>	Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>
This dock is generally good condition, no serious issues. The small approach area requires cleaning up with a pressure wash and painting of the railings. As noted previously, the notice board need to be secured to the railing in a better manner, there is more movement with this than there should be.



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: **09-Jan-2018**

DOCK FACILITY: **Lyll Harbour, Saturna Island**

INSPECTOR: **Peter Binner**

WHARFINGER: **Ryan Dentry**

<b>APPROACH</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	No Approach
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	The Wharfhead is in good condition and the one item that is required is the replacement of the Aluminum capping on one of the pilings. The Notice board is in good order
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The gangway is in good condition with one small issue, the expanded metal at the top of the transition plate requires a screw bolt with washers to hold the middle area down, this is a possible tripping hazard. The floats require pressure washing and Larry Peck and Ryan Dentry are working on a way of doing this and will submit an estimate when they figure this out. The gas float has been cleaned up and no longer has the electrical extension cords attached to it. There is an abandoned dinghy that could require removal if the owner cannot be found. there has been an attempt to fine the owner but no one has any knowledge of that so far. The Sea Plane landing area requires better non-skid material on the rails and the deck boards. The recommended material is rubber conveyor belt according to the Pilots.
	Repair/work completion date:

<b>OTHER INSPECTIONS</b>				
<input checked="" type="checkbox"/>	Lighting	good	<input checked="" type="checkbox"/> Life Rings / Heaving Lines	good X 2
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	up to date	<input checked="" type="checkbox"/> Unpaid Moorage	abandoned dinghy

<b>COMMENTS / INSTRUCTIONS:</b>
The floats require pressure washing and the Float Plane landing area requires better non-skid material on the decking and on the bull rails. There was some mention of extending the Loading zone area for the winter months but there is a rather wide flat stern crab boat tied to the dock that creates a wall exactly where the yellow paint on the rail ends. I discussed moving the crab boat to Ryan Dentry as this will give more access to the loading zone. Having the crab boat in that exact location is problematic for anyone trying to access that space and there are no other boats with permanent moorage on this side of the float so space is available.



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: **10-Dec-2017**

DOCK FACILITY: **Horton Bay, Mayne Island**

INSPECTOR: **Peter Binner**

WHARFINGER: **Richard Jarco**

<b>APPROACH</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	The approach requires pressure washing and painting of the railings. There is a metal mesh laid down on the planking but it is not the best kind and can be slippery. Many of the wooden planking and bull rails have considerable rot. A bag of salt was supplied.
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	No wharfhead
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The gangway requires pressure washing and painting. Some of the wooden boards may need to be replaced but until they are cleaned it will be hard to tell what is required. A transition plate could be added to the end of the gangway, this may be the only dock without one. All of the 3 floats are very low in the water and these also are in need of pressure washing. The loading zone railing requires painting.
	Repair/work completion date:

<b>OTHER INSPECTIONS</b>					
<input checked="" type="checkbox"/>	Lighting	good	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	3 are here, one 10 lb ( up to date) & 2 larger with no inspection tag	<input type="checkbox"/>	Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>  This dock has been neglected for far too long and requires serious attention.
--



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: 10-Dec-2017

DOCK FACILITY: Miners Bay, Mayne Island

INSPECTOR: Peter Binner

WHARFINGER: Neil Jensen

<b>APPROACH</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	The approach is in good condition generally. Recent pressure washing and paint has made a noticeable improvement. There are 3 lamp standards on this section and they all seem to be operating as they should, as reported by the Wharfinger and an electrician that was called in to look into a report that they were not working. The notice board is good and a bag of salt was supplied.
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	Nothing new to report here. Too bad we can't charge the Sea Gulls for stooping & pooping in this area, they are the only ones that are getting good use out of this part of the structure!
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The gangway to "A" float is in good condition and the float is good except for wear and tear along the bull rails. There is only one boat tied at this float now. The gangway to "B" float is holding up fairly well, there is a small issue with a piece of wood that was added to the end of the metal roller rail that can likely be removed as it is getting ground up by the transition plate. The transition plate between "B" & "C" floats is wearing and all the floats on this side require pressure washing. The expanded metal grating that was breaking up and becoming a tripping hazard was repaired and should be safe for awhile. The landing area for the float plane requires yellow paint on the bull rails.
	Repair/work completion date: 10-Dec-2017

OTHER INSPECTIONS					
<input checked="" type="checkbox"/>	Lighting	one light on the wharf head is on 24/7 the others appear to be working properly	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	both are good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	both are up to date	<input type="checkbox"/>	Unpaid Moorage	N/A

<p><b>COMMENTS / INSTRUCTIONS:</b></p> <p>Generally things are in reasonable condition at this location, the usual problems seem to be holding their own at the moment.                  The 3 floats serviced by the East gangway require pressure washing and yellow paint is required for the float plane landing area.                  Signage for the loading &amp; Ambulance zone is required and (or another) should include "no vessel is to be left unattended", 2 are needed here and the Wharfinger is requesting a warning sign that states: NO RAFTING IS ALLOWED ( possibly 4, used on all floats ).</p>
---



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: **09-Dec-2017**

DOCK FACILITY: **Hope Bay, Pender Island**

INSPECTOR: **Peter Binner**

WHARFINGER: **Peter Binner**

<b>APPROACH</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The Approach requires pressure washing and the railings need painting. This area is very slippery in the winter and experiences a reasonable amount of public foot traffic. There are a number of deck boards that have deep rot in them and could be replaced in the near future, potential tripping hazard as the holes get larger and deeper.
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	This area also requires pressure washing and the railings need to be painted. No other issues in this area.
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The Gangway is in good order. There are a few rub boards that require replacement, otherwise things are in good condition.
	Repair/work completion date:

<b>OTHER INSPECTIONS</b>					
<input checked="" type="checkbox"/>	Lighting	good	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	up to date	<input type="checkbox"/>	Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>
Pressure washing the approach and wharf head are the main concern here, painting the railings can happen in the Spring or summer.



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: **09-Dec-2017**

DOCK FACILITY: **Port Washington, Pender Island**

INSPECTOR: **Peter Binner**

WHARFINGER: **Rod MacLean**

<b>APPROACH</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The approach is in good condition but the railings require painting.
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	The wharf head is also in good condition and the notice board and signage are all in order.
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	Gangway to float "A" requires painting along with the float plane landing sign at the end of the float. There are broken and loose bolts on the bull rails that require attention to determine what has been damaged in the middle area of this float. I would recommend an inspection before the issue develops further. The loading zone rails were repainted and Aluminum skid rails installed for the gangway transition plate. The gangway to float "B" requires pressure washing and painting and a new rub board to replace a rotten piece. The electrical wire that is providing power to the overhead light mounted on the pilings is hanging in the water and it would be recommended that this be relocated. There is a pile well brace at the gangway end that requires refastening. At the transition of float "B" & "C", "B" float is considerably low in the water and requires inspection.
	Repair/work completion date: 15-Oct-2017

<b>OTHER INSPECTIONS</b>					
<input checked="" type="checkbox"/>	Lighting	good, a few minor repairs are required	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	up to date	<input type="checkbox"/>	Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>
There are a few electrical issues that require attention and the issue with the loose and broken bull rail bolts ("A" float) requires serious attention.



Southern Gulf Islands Harbours DOCK INSPECTION REPORT

DATE: 10-Dec-2017

DOCK FACILITY: Retreat Cove, Galiano Island

INSPECTOR: Peter Binner

WHARFINGER: Kiyoshi Okuda

<b>APPROACH</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The approach could use a pressure wash but it is better than other facilities and the railings still require painting. This could be done in the Spring or Summer. This area is generally in good condition.
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	The small wharf head and notice board also require pressure washing and painting but things are also in good condition in this area.
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The Gangway and float are in good condition and the float could also be pressure washed but it is not urgent this season. No outstanding issues here. A bag of salt was supplied.
	Repair/work completion date:

OTHER INSPECTIONS					
<input type="checkbox"/>	Lighting	N/A	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	up to date	<input type="checkbox"/>	Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>
This dock is in good condition and could use a pressure wash and the railings require paint as there is bare wood in many areas. I would recommend this work for the up coming spring or summer season.



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: 12-Dec-2017

DOCK FACILITY: Swartz Bay

INSPECTOR: Peter Binner

WHARFINGER: Mike Smart

<b>APPROACH</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	The concrete approach is in good condition and the notice board and signage are in good order.
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	No Wharf Head
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The gangway is in good condition. The 2 ladders on either side and below the gangway have touched the bottom during the recent low tides. On the right side of the gangway, the ladder has been broken off of the dock and is lying on the sea bottom. The ladder on the left side of the gangway has lifted one mounting bolt and slightly bent one of the tubular vertical supports. I recommend retrieving the ladder on the sea bottom and reattaching the ladder but the area that these ladders are mounted, require a more solid area for the lag bolts to screw into. It appears that 3 of the 4 lag screws were positioned to screw into exactly where another wooden beam butted up against another and easily pulled out. The Loading Zone rails require yellow paint and a new sign stating EMERGENCY LANDING.
	Repair/work completion date:

OTHER INSPECTIONS				
<input checked="" type="checkbox"/>	Lighting	GOOD	<input checked="" type="checkbox"/> Life Rings / Heaving Lines	GOOD
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	UP TO DATE	<input type="checkbox"/> Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>
New signage is required and the ladders (2) require modification and re-installation on a more secure bedding is recommended .



**Southern Gulf Islands Harbours DOCK INSPECTION REPORT**

DATE: **09-Dec-2017**

DOCK FACILITY: **Port Browning, Pender Island**

INSPECTOR: **Peter Binner**

WHARFINGER: **Claude Kennedy**

<b>APPROACH</b>	Facility Kiosk Inspection: <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Envelope Supply <input checked="" type="checkbox"/> Notices Posted <input checked="" type="checkbox"/> Rates Posted
	The approach requires pressure washing and the railings require painting. This part of the dock at this location is really suffering from the lack of this maintenance being done for many years. There are a number of deck boards that have areas of deep rot and require replacement along with a number of bull rail risers. The lower portion of the notice board has considerable rot along the top edge of the plywood and requires replacement. This also requires pressure washing and paint. This dock requires a "slippery when wet" sign.
	Repair/work completion date:

<b>WHARF HEAD</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	There is no wharfhead
	Repair/work completion date:

<b>GANGWAY FLOATS</b>	Facility Kiosk Inspection: <input type="checkbox"/> Signage <input type="checkbox"/> Envelope Supply <input type="checkbox"/> Notices Posted <input type="checkbox"/> Rates Posted
	The gangway requires pressure washing and paint. The area underneath the gangway receives hardly any sunlight and should be pressure wash on a yearly basis to prevent excessive rot from occurring. The floats are otherwise in good condition, no issues.
	Repair/work completion date:

<b>OTHER INSPECTIONS</b>					
<input checked="" type="checkbox"/>	Lighting	good	<input checked="" type="checkbox"/>	Life Rings / Heaving Lines	good
<input checked="" type="checkbox"/>	Extinguishers (expiry dates)	up to date	<input type="checkbox"/>	Unpaid Moorage	N/A

<b>COMMENTS / INSTRUCTIONS:</b>
Pressure washing of the approach is highly recommended and there are many areas where the planking, bull rails and risers will need to be replaced.

**Ted Robbins**

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**From:** benmabb <benmabb@telus.net>  
**Sent:** Sunday, November 05, 2017 1:29 PM  
**To:** David Maude  
**Cc:** Dean Mackay; Ted Robbins  
**Subject:** Re: Fw: Letter of Support for Dock at 686 Horton bat Road, Mayne Island.

Thanks Dave  
We will put it on the agenda for the next meeting

Ben

Sent from my Samsung device

----- Original message -----

**From:** David Maude <davemaude@hotmail.com>  
**Date:** 2017-11-05 1:10 PM (GMT-08:00)  
**To:** benmabb <benmabb@telus.net>  
**Cc:** Dean Mackay <dean@commercialgroup.ca>  
**Subject:** Fw: Letter of Support for Dock at 686 Horton bat Road, Mayne Island.

Ben;

Please see below the request from Dean McKay.

I personally don't see a conflict with the proposed Anson Road facility, can this please be brought forward for discussion and action at the next meeting?

Thank you.

David Maude

**From:** Dean Mackay  
**Sent:** Sunday, November 05, 2017 12:52 PM  
**To:** David Maude  
**Subject:** Letter of Support for Dock at 686 Horton bat Road, Mayne Island.

Good morning David.

As we discussed, I am asking you, as our Mayne Island, Southern Gulf Island Harbours Commission representative, to help us obtain approval from FLNRO, for a new dock on our property at 686 Horton Bay Road, Mayne Island.

We have hired Island Marine Services ( Saltspring) to obtain the necessary approvals and permits, as well as build and erect the dock.

In an effort to move this project along, I contacted FLNRO to identify any immediate concerns. I received the e-mail from FLNRO copied below.

Subsequent to receiving this e-mail, I had the pleasure of chatting with Mr. Ben Mabberley, Chair of your Southern Gulf Island Harbours Commission, (SGIHC) and asked if your organization would provide a letter of clarification and support to the ministry. These points (below) are better coming from SGIHC than from me directly.

#### **Information that needs clarification with the FLNRO**

1. The proposed public dock at Anson Road has not been built yet, and although it has been in the proposal stage for many years, may never be built. This may be due to objections from local home owners who do not want another public dock on Horton Bay or reallocation of the SGIHC budget for repairs and expansion of Miners Bay and the Government Dock.
2. The proposed public dock on Anson Road is generally for a small number of transient, seasonal, small pleasure craft. Dock space is obtained on a "first come" basis. This makes the Anson Road dock unsuitable for permanent moorage of a large sailboat. No other facilities are available.
3. The dock on the neighbouring property (682 Horton Bay) is private and the owners are not obliged to share.
4. First Nations were consulted prior to us purchasing the property and they expressed they had no interest in this property.

David, If you would be kind enough to forward this request to Mr. Mabberley and follow up at your next SGIHC board meeting, to ensure a letter of support to FLNRO is submitted in a timely manner, hopefully clarifying the points above.

Please copy me, so I can include a copy of SGIHC's support with our permit application.

Thanks

Dean Mackay

604 306 5606 cell

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**COPY OF E-MAIL FROM**

Bonita Wallace Land Officer

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

West Coast Region 142 2080 Labieux Rd

Phone: 250 751-7248

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Hello Dean:

As requested, here is a recap of what we discussed.

The property you are interested in purchasing is a bareland strata property (Lot 686, Horton Bay, Mayne Island, as shown below in the insert on the right). The parent parcel was owned by the current owners of Lot 682, the Hughes' who have an existing private moorage tenure that was issued prior to their subdivision of the property. The bareland strata was approved for the sewage.

Please note that the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (FLNRO) cannot be held accountable for the removal of subjects for pending sales of private Land as this would constitute a decision prior to review of an acceptable application. All Crown land decisions must be unfettered.

What I can tell you is that normally where strata lots are concerned, only one dock facility is to be permitted per strata. In this case, as the bareland strata was approved for the sewage only and there is an existing private moorage facility on Lot 682 we would most likely accept an application that meets our requirements. This being said, before you apply you need to be aware of the following:

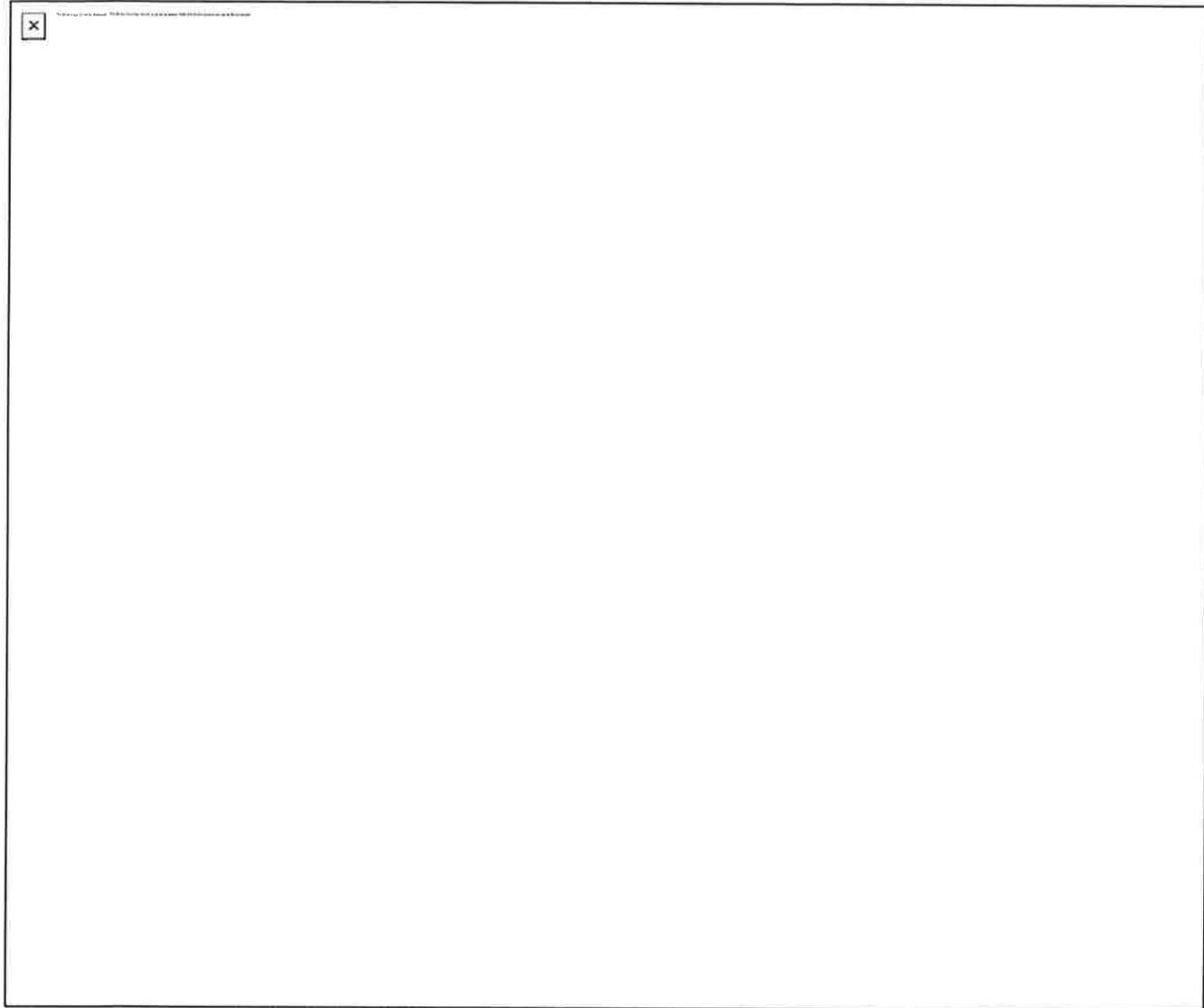
1. FLNRO has a moral and legal requirement to consult with First Nations. This area holds great significance for First Nations and consultation for a foreshore tenure in this area is likely to be long and drawn out.
2. Private moorage facilities are a privilege not a right. Mayne Island has ferry service as well as marinas and community dock facilities.
3. Lot 686 is located directly adjacent to a Community Dock facility – Without adequate justification, this may be reason to disallow an individual application for a private moorage facility.
4. Where possible, it is preferable for neighbours to share facilities.
5. Mayne Island is located within an Application only zone which means that you are not permitted to build under the General Permission Regulations and must apply for a specific permission regardless of the size of your proposed moorage facility.

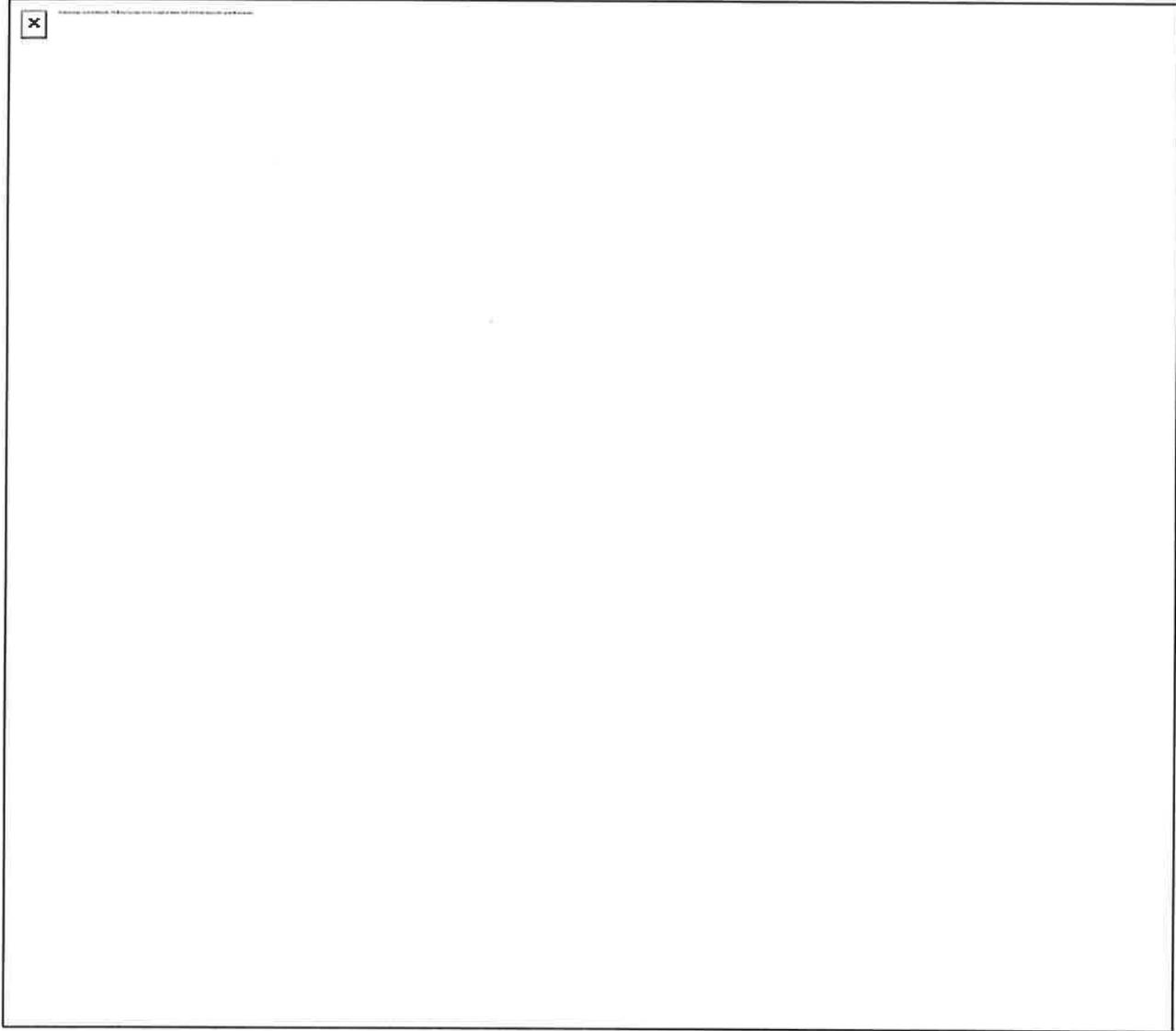
Here is a link to the Crown Land Policy for Specific Permissions:

<http://www2.gov.bc.ca/assets/download/18E2D1457E1743C2BF5C135BFAC0C981>

and the FrontCounter BC website where all applications must be submitted.

<http://www.frontcounterbc.gov.bc.ca/>





As I mentioned in our conversation, if you have additional questions, Mark Harvey, is the Land Officer responsible for this area. It is probably best to make a written request to him via email. Mark's email is included in the cc's of this message.

Bonita Wallace Land Officer **Ministry of Forests, Lands ,**

**Natural Resource Operations**

**and Rural Development** West Coast Region 142 2080 Labieux Rd

Phone: 250 751-7248

Nanaimo BC V9T 6J9

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