



January 16, 2013

Victoria File: 26250-20/14618  
SITE 14618

EKISTICS Town Planning  
1925 Main Street  
Vancouver, BC V5T 3C1  
**Attention: Paul Fenske**

**VIA FAX ONLY: 250-390-7511**  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2  
**Attention: Lainya Rowett**

Dear Paul Fenske and Lainya Rowett:

**Re: Release Request – Zoning Application**  
**Schooner Cove Development, Nanoose Bay**  
**PIDs: 028-022-998, 001-760-068, 028-023-391**

This letter is to acknowledge receipt of the proponent's request for release of the above-referenced zoning application. According to our records, there is an outstanding requirement for a preliminary site investigation for the subject site as outlined in our site profile decision letter dated December 5, 2012.

Based on the information provided by the applicant, the ministry is prepared to provide the necessary release so that the Regional District of Nanaimo may proceed with approval of the zoning application. To that end, please accept this letter as notice pursuant to the *Local Government Act* (section 946.2(2)(b)) that the Regional District of Nanaimo may approve the zoning application under this section because the Director does not require site investigation prior to approval of the zoning application. This decision is for the limited purpose of the zoning application.

Please note that the requirement for a site investigation is not extinguished by this release and this outstanding requirement will suspend the approval of future applications for the site identified in section 40 of the *Environmental Management Act* (the Act) until:

- the proponent has applied for, and obtained one of the following contaminated sites legal instruments, as applicable: a Determination that the site is not a contaminated site, a Voluntary

Remediation Agreement, an Approval in Principle of a remediation plan or a Certificate of Compliance confirming the satisfactory remediation of the site. A copy of the legal instrument must be provided to the approving authority; or

- the approving authority has received notice from the ministry that it may approve a specific application because a) in the opinion of the Director, the site would not present a significant threat or risk if the specified application were approved; b) the Director has received and accepted a Notification of Independent Remediation with respect to the site; or c) the Director has indicated that a site investigation is not required prior to the approval of the specified application.

For more information regarding the freeze and release provisions of the site profile process, refer to Fact Sheet 37, "[Site Profile Freeze and Release Provisions](#)" and Administrative Guidance 6, "[Site Profile Decisions and Requesting Release Where Local Government Approvals are Required](#)" available on the Land Remediation Section Website at <http://www.env.gov.bc.ca/epd/remediation/>.

Please be advised of the following:

- The absence of a requirement to undertake a site investigation does not necessarily mean that the site is not a contaminated site. It is recommended that the proponent retain a qualified environmental consultant to identify and characterize any soil and/or groundwater of suspect environmental quality encountered during any subsurface work at the subject site;
- Those persons undertaking site investigations and remediation at contaminated sites in British Columbia are required to do so in accordance with the requirements of the Act and its regulations. The ministry considers these persons responsible for identifying and addressing any human health or environmental impacts associated with the contamination; and
- Penalties for noncompliance with the contaminated sites requirements of the Act and Regulation are provided in section 120(17) of the Act.

Decisions of a Director may be appealed under part 8 of the Act.

Please contact the undersigned at 604 582-5246 if you have any questions about this letter.

Yours truly,



Kelli Larsen  
for Director, *Environmental Management Act*

kll