



# **Finfish Aquaculture Application Package**

**November 2005**







## **Contents**

Program Overview .....	3
Requirements Checklist .....	5
Application Form .....	7
Application Form Guide .....	9
Application Fees .....	13
Sample Site Map.....	15

# Finfish Aquaculture

## Application Documents

The following documents should be reviewed prior to submitting your application:

- [Aquaculture Policy](#)  (569kb)
- Complete Application Package  (844kb) which includes:
  - Requirements Checklist  (132kb)
  - Application Form  (228kb) ([Word](#), 206kb)
  - Application Form Guide  (205kb)
  - Application Fees
- [Sample Letter of Agency](#)  (109kb)
- Sample Site Maps

## Finfish Aquaculture: What Options are Available?

Aquaculture is now the fourth largest agribusiness industry, based on farm-gate value, in British Columbia. Only dairy, floriculture & nursery, and poultry produce more income province-wide.

Our farm production of salmon is the fourth largest in the world after Norway, Chile, and the United Kingdom.

Finfish aquaculture initiatives provide opportunities for many local communities and First Nations to diversify their economies, create new employment opportunities and achieve community socio-economic goals.

## Who May Apply?

To develop aquaculture production on Crown land, individuals must seek authorization, even if they own the adjacent property (upland).

The Province of British Columbia provides tenures for the cultivation of finfish in both freshwater and marine aquatic Crown land by application and through public competition.

At present, applications will be accepted under the following conditions:

- where a current salmon farm tenure holder has been notified by the province that their current tenure requires relocation due to environmental, social or economic reasons; or
- for new tenures.


If you or your company meet the above criteria then you may apply, provided you also meet the following basic application criteria:

- Canadian citizens or permanent residents who are at least 19 years of age; or
- registered partnerships or corporations that are registered in the Province of British Columbia or incorporated under the laws of Canada.

## What Tenures are Available?

The Finfish program provides two types of aquatic land tenures for the cultivation of finfish in fresh and salt waters: lease or licence of occupation:

- A five-year licence of occupation is issued initially until the site is determined by the province to be viable. At this time, a 20-year licence or 30-year lease will be offered.
- Annual rent is set at 7.5% of land value for a licence and 8% of land value for a lease.
- Land value is based on five zones with values ranging between \$324 per hectare to \$563 per hectare. Minimum annual rent is \$500. There is a rental discount of 60% for new farms during the first three years of tenure to encourage new development. This discount does not apply to the relocation of a tenure.

For more details on the concepts governing the aquaculture program, see the [Aquaculture Policy](#)  (569kb).


## What Special Requirements Must be Met?



- A management plan for aquaculture must be submitted with each application for a licence of occupation or lease.
- The applicant may be required to advertise a finfish application in a newspaper serving the area in which the Crown land is located and in the B.C. Gazette.
- Applicants for licence or lease must notify, in writing, all landowners and tenure holders within 1 kilometre in either direction and, as a guideline, 300 metres inland of the proposed site of their intent to apply for Crown land use for aquaculture.
- The upland owner's consent is required for foreshore tenures where the planned improvements may affect access of the upland owner to deep water along his/her property line.
- A program of environmental monitoring is required for a licence of occupation or lease. The monitoring must be conducted according to the specified regulations of the *Environmental Management Act* and will be monitored by the Ministry of Environment.
- For licence or lease applications there will be specific siting criteria. For details, please refer to the appropriate management plan.
- Leasees or licensees must maintain minimum \$1 million of public liability insurance during the term of the tenure arrangement.

## How is Aquatic Crown Land Protected?

The province's environment is protected by assessing potential environmental impacts of every application for Crown land.

## Download Documents

The most common reason for delay is submission of an incomplete application, which is then returned to the applicant. To ensure an application is processed as quickly as possible, be sure to complete all the required documents identified in the Requirements Checklist  (132kb) and submit the required [Application Fee](#).

- Marine Finfish Aquaculture Management Plan 
- joint DFO/AFF Ad Package  (192kb)

If your application is accepted, you will be notified if [Advertising](#)  (147kb) is required. Please wait for confirmation before advertising.

Please use the management plan outlines and the checklists to correctly complete and include all the required documents for the application.



## REQUIREMENTS CHECKLIST

### FINFISH - NEW APPLICATION

The following requirements are part of the application and must be provided.  
Incomplete applications will be returned to the applicant.

#### I HAVE SUBMITTED THE FOLLOWING:

- An Application Fee, as indicated in the [Land Tenure Purpose and Application Fees](#) (effective June 1, 2003), in the form of a cheque or money order made payable to **Minister of Finance** which must be attached to the application package. GST Registration number is R107864738.
- A completed Application for Crown Land form that identifies the application area.
- A Certificate of Incorporation (if applicable).
- Marine Finfish Aquaculture Management Plan
- A copy of the State of Title Certificate of the requested property (if applicable).
- Photos showing the nature of the Crown Land in the area, as described in the Management Plan.
- If you have engaged an agent to act on your behalf, a letter authorizing the person to do so.

## NOTIFICATION CHECKLIST FINFISH - NEW APPLICATION

**IF MY APPLICATION IS ACCEPTED I UNDERSTAND THAT I MAY BE  
REQUIRED TO SUBMIT THE FOLLOWING:**

- An annual rental payment.
- Insurance.
- Security.
- Proof of Advertising in the form of newspaper cut sheets or newspaper clippings.
- Confirmation that a Staking Notice has been posted on the Crown land application site as per Staking Instructions.
- An Archeological Overview Assessment or other studies to determine if First Nations Rights or Title issues exist in the area of application.
- A bond for timber cruise or sale.
- A Letter of Upland Owner's Consent (to Riparian Rights Infringement) if applicable.

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**NAME OF APPLICANT**

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**DATE SIGNED**

\*\* Additional information may be required depending on the consultations that will occur as a result of your application. However, provided the above information is completed as the instructions and examples note, your application will begin to be processed, based on our turn around time of 140 days.

As noted above, any application that is incomplete will not be processed until the above required information is completed and accepted by the Regional Office.



# Applying for a Crown Land Tenure

Updated September 2005

THIS PAGE MUST BE COMPLETED FOR ALL APPLICATIONS.

PLEASE READ THE **APPLICATION FORM GUIDE** WHEN COMPLETING THIS APPLICATION.

## PART 1. NAME(S) AND MAILING ADDRESS

Client Name <input type="checkbox"/> <b>OR</b> Company Name <input type="checkbox"/> <b>OR</b> Society Name <input type="checkbox"/>		For applications made by more than one individual: <input type="checkbox"/> Joint Tenants; or, <input type="checkbox"/> Tenants in Common
		Your File Number (if applicable):
Contact Name of Agent (if applicable):		
Letter of Agency attached (see Form Guide for additional information): Yes <input type="checkbox"/> No <input type="checkbox"/>		
BC Incorp. No., BC Registered No. or Society No.:	GST Registration Number:	
Age: 19 or over Yes <input type="checkbox"/> No <input type="checkbox"/>	Canadian Citizen or Permanent Resident Yes <input type="checkbox"/> No <input type="checkbox"/>	
Mailing Address		Postal Code:
E-mail Address		
Home Phone (    )	Business Phone (    )	Fax Number (    )

Applicant /Agent's Signature(s)	Date
<p>Please Enclose Appropriate fees (see Fee Schedule <a href="http://www.agf.gov.bc.ca/clad/leg_policies/fees.html">http://www.agf.gov.bc.ca/clad/leg_policies/fees.html</a>)</p> <p><b>NOTE:</b> Make cheque or money order payable to <b>the Minister of Finance.</b></p>	

**PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS**

FOR OFFICE USE ONLY	
	Land File Number:
	Disposition ID:
	Client No.:
	Company Search (Date):
	Postal Check (Date):
	Fees Received:

# Applying for a Crown Land Tenure

## PART 2. LOCATION, AREA AND PURPOSE

General Location of Crown land	Area in Hectares: _____ or length (km/m): _____ width (km/m): _____
Land Use Purpose:	<b>Type of Tenure</b> <input type="checkbox"/> Investigative permit <input type="checkbox"/> Temporary permit <input type="checkbox"/> License <input type="checkbox"/> Lease <input type="checkbox"/> Statutory right-of-way <input type="checkbox"/> Purchase <input type="checkbox"/> Waterpower land tenure
Period of Occupation Required _____	
Do you hold another Crown land tenure?    Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, state Type and Tenure Number: _____	

## PART 3. LEGAL OR BOUNDARY DESCRIPTION

For **surveyed** land, give legal description. For **unsurveyed** land, see the Application Guidebook for instructions to describe unsurveyed Crown land and provide a description of boundaries.

**NOTE:** Please refer to the Requirements Checklist for the specific program (e.g., Aggregates) for additional information that must be submitted with this application.

The information you provide will be subject to the Freedom of Information and Protection of Privacy Act. If you have any questions regarding the treatment of your personal information, please contact the Manager, Privacy, Information Access and Records Management.

In addition, the submission of this form does not in any manner convey any rights to use or occupy Crown land.





## Application Form Guide for a Crown Land Tenure

Updated September 2005

This Guide is designed to assist you in completing the application form. The order of the information contained in the Guide corresponds with the order of requested information in the Application Form.

Occupation and use of Crown land under the **Land Act** require submission of an application and issuance of a tenure. Crown land includes areas covered by water (e.g., a foreshore tenure is required for dock supports, anchors for moorage of floating structures, etc.).

Crown land applications involving beneficial use of surface water, require both an application for land tenure under the **Land Act** and a water licence under the **Water Act** (e.g., waterpower projects, commercial developments and/or camps utilizing surface water, etc.).

An Application Fee is required when submitting an application for Crown land. If paying by cheque or money order, make payable to **Minister of Finance**. Please refer to the **Land Tenure Purpose and Application Fees** (effective June 1, 2003) at [http://www.agf.gov.bc.ca/clad/leg\\_policies/fees.html](http://www.agf.gov.bc.ca/clad/leg_policies/fees.html).

Please be aware that compliance with all stated application requirements does not guarantee that a land tenure will be issued.

### IF YOUR APPLICATION IS INCOMPLETE IT WILL BE RETURNED.

#### PART 1. NAME(S) AND MAILING ADDRESS

**Joint Tenants** (Land tenure): If more than one applicant for a land tenure, check if joint tenancy. In a joint tenancy situation, when one of the tenants expires, his/her interest in the land passes to the surviving joint tenant(s).

**Tenants in Common** (Land tenure): If more than one applicant for a land tenure, check if tenants in common. In a tenancy in common situation, when one of the tenants expires, his/her interest in the land passes to his/her estate.

**Company Name or Society Name:** If registering an application in a name other than an individual (e.g., **ABC Society** or **ABC Company Limited**) indicate if a Company Name or a Society Name.

**Letter of Agency attached:** If an Agent (individual or group designated as a representative of the applicant) is applying for a Crown land tenure on behalf of the applicant, a Letter of Agency must be attached.

**BC Incorp. No., BC Registered No. or Society No.:** Company must be incorporated in BC or registered as an Extraprovincial Company. Information on becoming an Extraprovincial Company can be obtained from the BC Ministry of Finance.

Registered societies should submit the society number as well as the following:

- A certified copy of the Constitution and Bylaws indicating your organization has formed a non-profit organization and is entitled to hold land.
- The Constitution and Bylaws must state that on winding-up and dissolution of the society, after all debts have been paid or provision for payment has been made, the assets remaining shall be paid, transferred, or delivered to the Minister of Finance.
- A copy of the latest annual report of your organization including the financial statement and the report of the directors to the members.
- Written confirmation that the organization passed a resolution endorsing the application and stating that all land applied for is required for the intended use.
- Documentation indicating the organization is exempt from payment of property tax, pursuant to the **Taxation (Rural Area) Act** and the **Municipal Act** by virtue of the fact that the activities are of demonstrable benefit to all members of the community.
- The appropriate documentation showing that the organization is exempt from payment of income tax, pursuant to the federal **Income Tax Act**, by virtue of the fact that no income is payable to or available for the personal benefit of any proprietor, member or shareholder. Revenue Canada Rulings Directorate (613) 957-8953 is the department that would make the ruling as to whether or not the organization is deemed to be a non-profit organization pursuant to the **Income Tax Act**. This department will also determine whether or not the organization is tax exempt.

## PART 2. LOCATION, AREA AND PURPOSE

**General Location of Crown land:** Geographic description of the location of Crown land for which application is being requested (i.e. distance from nearest community or significant geographic location such as a lake or mountain; location on a named road; etc.)

**Area in Hectares or km:** Area, in hectares or km, of the Crown land for which application is being requested. If a small area or linear development (i.e. road or powerline) is being applied for, please utilize the length and width description.

**Land use purpose:** Please provide a textual account of the intended use of the land (e.g., Commercial Recreation, Communication Site, Log Handling, etc). Information on each program is available at: [http://www.agf.gov.bc.ca/clad/tenure\\_programs/](http://www.agf.gov.bc.ca/clad/tenure_programs/)

### Type of Tenure:

- **Investigative Permit** provides the tenure holder non-exclusive access to Crown land for conducting investigate work. No buildings or other improvements may be placed on the land.
- **Temporary Permit** provides the tenure holder non-exclusive use of Crown land for temporary land use purposes (including one time events, road construction and other works), where the land use is better addressed through a permit than by a license.

- **License** provides the tenure holder non-exclusive access to Crown land and allows for the construction of improvements consistent with the proposed land use. A license does not require a legal land survey and cannot be registered with the provincial Land Title Office.
- **Lease** provides the tenure holder the exclusive right to use the parcel of Crown land for a specific purpose, including modification of the land and/or construction of improvements. A legal survey is required, at the expense of the applicant. Following survey, the lease may be registered in the provincial Land Title Office.
- **Statutory Right -of- Way** is normally used to authorize linear uses of Crown land, such as cables for telecommunications or utilities. A statutory right- of- way requires a legal survey of the land at the expense of the applicant. Following survey, the statutory right-of-way may be registered in the provincial Land Title Office.
- **Purchase** of Crown land generally applies to persons holding an existing License or Lease, or where application is being made for an extension of holdings. Discussion with the local regional office is recommended prior to applying for purchase.
- **Waterpower land tenures** are specific to water power projects making application as an Alternative Power project. As waterpower projects generally require several land tenures that are tailored to the individual project, a separate checkbox has been provided for these applications. This checkbox does not apply to investigative permits for waterpower projects.

**Period of Occupation required:** Please indicate the length of time you require use of Crown land for the purpose requested.

Your application may be revised as required to reflect the land use and/or Crown land program policy (see: [http://www.agf.gov.bc.ca/clad/leg\\_policies/index.html](http://www.agf.gov.bc.ca/clad/leg_policies/index.html)).

### PART 3. LEGAL OR BOUNDARY DESCRIPTION

**If surveyed, give legal description:** If the land under application is previously surveyed, record the legal description as provided by the local Land Title Office (e.g., Lot 1 of Section 31, Township 12 W6M Kamloops Division of Yale District Plan 18411). A legal description is found in the Certificate of Title (CoT). A copy of the CoT must be attached to the application. A copy of your Registered Survey Plan, if available, will confirm the dimensions of the place of use.

**If unsurveyed:** If the land is unsurveyed, enter description of unsurveyed Crown land and description of boundaries.

#### **Instructions to Describe Unsurveyed Crown Land**

- The point of commencement, for unsurveyed parcels, should be described in terms of an existing survey post (e.g., 18 metres west of the S.E. corner of the parcel) or a readily identifiable geographic feature (e.g., a prominent point of land or intersection of two roads) to enable accurate location of the parcel.

- Boundary lines of the area must be, as much as possible, astronomically true north, south, east and west so that a rectangular lot is formed.
- Where the topographic features of the area do not allow for rectangular boundary lines running true north, south, east and west, then boundaries will be permitted in other directions as long as they do not interfere with the orderly survey of other surrounding land.
- The side lines of small parcels fronting on lakes, rivers, tidal waters and on certain surveyed highways shall, where possible, be parallel to each other and perpendicular to the general trend of the features on which the small parcel fronts.
- The sidelines for unsurveyed foreshore shall, as a general rule, be laid out at right angles to the general trend of the shore. This may be varied to suit special conditions, but encroachment on the foreshore fronting adjoining lands shall be avoided. The outside or waterward boundary shall be a straight line or series of straight lines joining the outer ends of the side boundaries. On narrow bodies of water the outside boundary shall not normally extend beyond the near edge of the navigable channel.

1 hectare = 2.471 acres

1 metre = 3.281 feet

100 metres x 100 metres = 10000 square metres or 1 hectare

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**LAND TENURE PURPOSE AND APPLICATION FEES**  
(effective June 1, 2003)

**APPLICATION FEES ARE DUE WHEN THE APPLICATION IS SUBMITTED**  
(Note: Items indicated with \* are billed at a later date)  
(GST included where applicable)

(Updated July 2006)

**APPLICATION FEES**

**AGRICULTURE**

Application fee (\$250.00 + GST) ..... \$265.00

**AIRPORT**

\*Application fee.....\$50.00/hr + GST of staff time  
..... minimum fee \$25.00 + GST

**ALPINE SKIING**

Type 1 minor operation (\$1,000.00 + GST)..... \$1,060.00  
\*Type 2 major operation ..... \$50.00/hr + GST of staff time  
..... minimum fee \$25.00 + GST

**AQUACULTURE (Shellfish and Finfish)**

Application fee (\$4,925.00 + GST) ..... \$5,220.50

**COMMERCIAL RECREATION**

Non-mechanized uses (\$250.00 + GST) ..... \$265.00  
Mechanized uses (\$3,300.00 + GST) ..... \$3,498.00

**COMMUNICATION SITE**

Application fee (\$1,000.00 + GST) ..... \$1,060.00

**FEDERAL RESERVES/TRANSFERS**

Application fee (\$3,300.00 + GST) ..... \$3,498.00

**FERRY TERMINALS**

Other than general commercial or general industrial use  
\*Application fee.....\$50.00/hr + GST of staff time  
..... minimum fee \$25.00 + GST

**FILM PRODUCTION**

Application fee (\$500.00 + GST) ..... \$530.00

**GENERAL COMMERCIAL**

Excluding film production, marinas, golf courses  
Application fee (\$250.00 + GST) ..... \$265.00

**GENERAL INDUSTRIAL**

Excludes log handling, quarrying, energy and mining  
Application fee (\$500.00 + GST) ..... \$530.00

**GOLF COURSE**

Application fee (\$3,300.00 + GST) ..... \$3,498.00

**GRAZING**

Application fee (\$250.00 + GST) ..... \$265.00

**HEAD LEASES**

\*Application fee.....\$50.00/hr + GST of staff time  
..... minimum fee \$25.00 + GST

**INSTITUTIONAL AND COMMUNITY**

Application fee (\$250.00 + GST) ..... \$265.00

**INVESTIGATIVE PERMITS**

Application fee (\$500.00 + GST) ..... \$530.00

**LOG HANDLING**

Application fee (\$1,000.00 + GST) ..... \$1,060.00

**MARINA**

Application fee (\$500.00 + GST) ..... \$530.00

**MINING**

Excludes alternative power projects  
Application fee (\$500.00 + GST) ..... \$530.00

**OIL AND GAS**

Excludes alternative power projects  
Application fee (\$500.00 + GST) ..... \$530.00

**PRIVATE MOORAGE**

Application fee (\$250.00 + GST) ..... \$265.00

**PUBLIC AND PRIVATE UTILITIES**

Linear utilities less than 25 km long  
Application fee (\$1,000.00 + GST) ..... \$1,060.00

Linear utilities 25 km or longer  
\*Application fee.....\$50.00/hr + GST of staff time  
..... minimum fee \$25.00 + GST

**QUARRYING (Aggregates)**

Application fee (\$1,000.00 + GST) ..... \$1,060.00

**RESIDENTIAL**

Application fee (\$250.00 + GST) ..... \$265.00

**TRANSPORTATION/ROADWAYS**

Public use, excluding ferry terminals and airports  
Application fee (\$250.00 + GST) ..... \$265.00

Industrial use or private use, excludes ferry terminals  
and airports (\$1,000.00 + GST)..... \$1,060.00

**WATERPOWER**

Application fee (\$3,300.00 + GST) ..... \$3,498.00

**WIND POWER**

Application fees for:

- Investigative Permit (\$500.00 + GST)..... \$530.00
- Up to 5 monitoring towers (\$500 + GST) ..... \$530.00
- Windfarm (\$3,300.00 + GST)..... \$3,498.00

**REPLACEMENT OF TENURE**

50% of application fee or \$212.00 (\$200.00 + GST) whichever is more



## LAND TENURE MISCELLANEOUS FEES (effective June 1, 2003)

(GST included where applicable)

(Updated July 2006)

### LAND TENURE

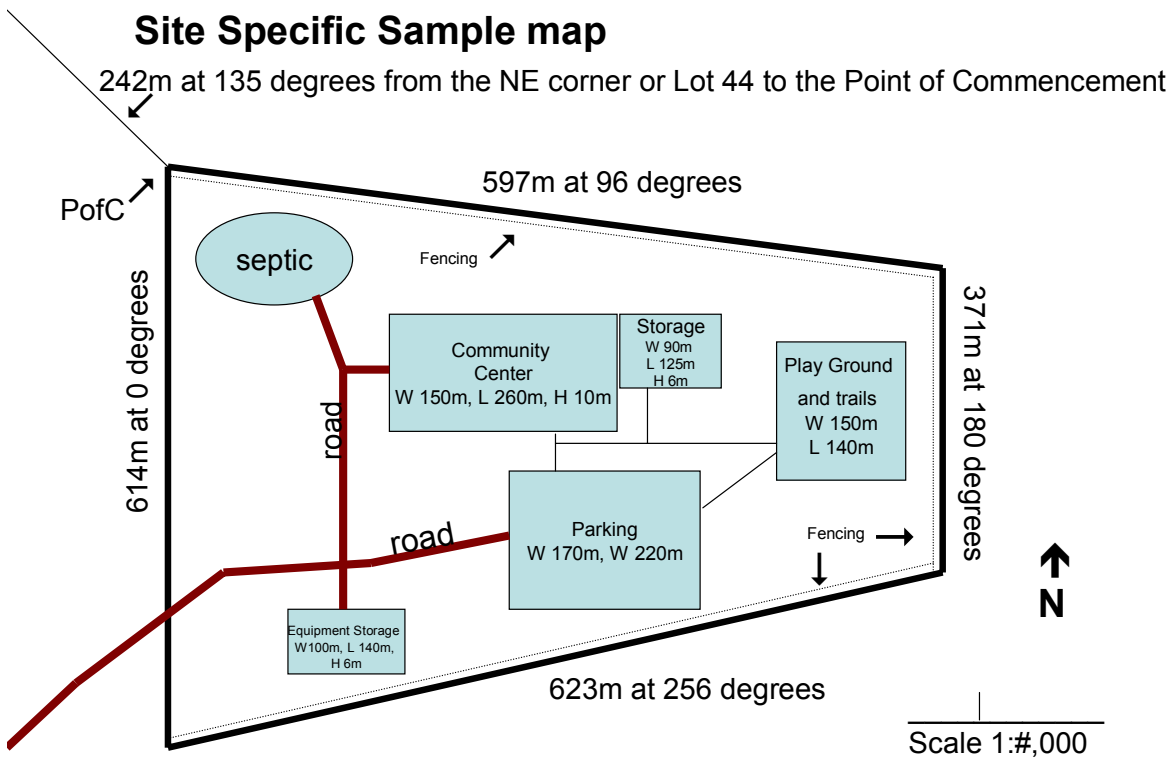
Application for a declaration of intention under section 58 of the <i>Land Act</i> for inclusion of a waterbody or road in a Crown grant subdivision (\$500.00 + GST) .....	\$530.00
Application for replacement of a disposition ..... 50% of application fee + GST or ..... \$212.00 (\$200.00 + GST) whichever is more	
Application for expansion of an aquaculture disposition ..... 50% of application fee + GST	
Application to amend an aquaculture disposition other than a minor amendment (\$500.00 + GST) .....	\$530.00
Application to process minor amendment to a disposition requested by the holder of the disposition (including changes related to insurance, security and bonds, legal description, extension to term of the tenure, and other similar matters) (\$100.00 + GST) .....	\$106.00
Application to process and approve any document evidencing the assignment of interest passing under a disposition, including assignments by way of mortgage, and including consent to sub-tenure. Half-fee for each assignment in batch requests greater than 5 (\$250.00 + GST) .....	\$265.50
Preparation of a certified true copy of any legal document that has been issued pursuant to a disposition .....	\$50.00
Extracting, reviewing, researching or compilation of information from records ..... \$50.00/hr ..... minimum fee \$25.00	
Application to reinstate a cancelled disposition (\$300.00 + GST) ....	\$318.00
Photocopying information from records Less than 20 pages .....	Free
More than 20 pages .....	\$0.25 /single-sided page
..... minimum \$5.25 for 21 pages	
Copying or printing of maps.....	\$10.00/copy

## Industrial and Commercial [upland and foreshore], Log Handling, Fin Fish, Marina

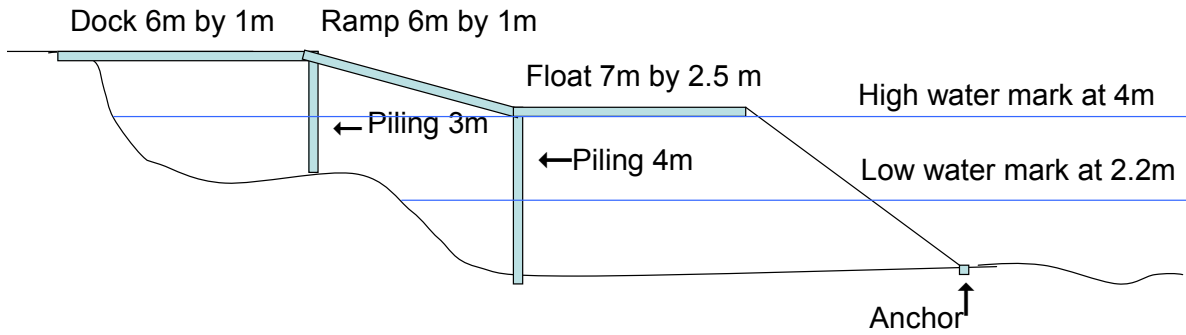
### Mapping Requirements

Provide a **Site Specific map** and **Site General location map** on 8 ½" x 11" or 8 ½" x 14" or 11" x 17" paper only.

Submit a **Site General location map** at 1:20,000 scale as indicated on the sample map. The purpose of this map is to indicate the general location of the site and illustrate the boundary lines. If the application area is a surveyed lot [or crosses or is adjacent to a surveyed lot] provide a 'to scale' copy of the Survey Plan. If the application area is not a surveyed lot, provide the length, in meters, and compass bearing, 0° to 360°, for each line of the application site boundary [label metes and bounds description on the boundary lines on the Site Specific map]. The Point of Commencement (PofC) for the application area must be tied to a known point such as a geographic land feature or a corner pin of a surveyed lot, that must be shown on your map and identifiable on our reference maps. Please contact our office if you would like to purchase a 1:20,000 map sheet of the application site area. A **Site Specific map** [Management Plan] is a detailed version of the **Site General map** showing the boundary lines [noting metes and bounds] at a scale [i.e. 1:5,000 1:10,000 1:2,000 scale] that shows the location of all improvements [i.e. buildings width, length and height, access roads, etc.] within the application area. **Applications with incomplete mapping will be returned as applications can not be processed without this information.** NOTE: a side profile must be provided for any improvements [i.e. docks, stiff-legs, anchor lines, pilings, log booms, floating storage sheds, fish pens] in the water or crossing the foreshore. On the side profile drawing indicate the high and low water mark and provide a profile of the ocean floor underneath the improvements.

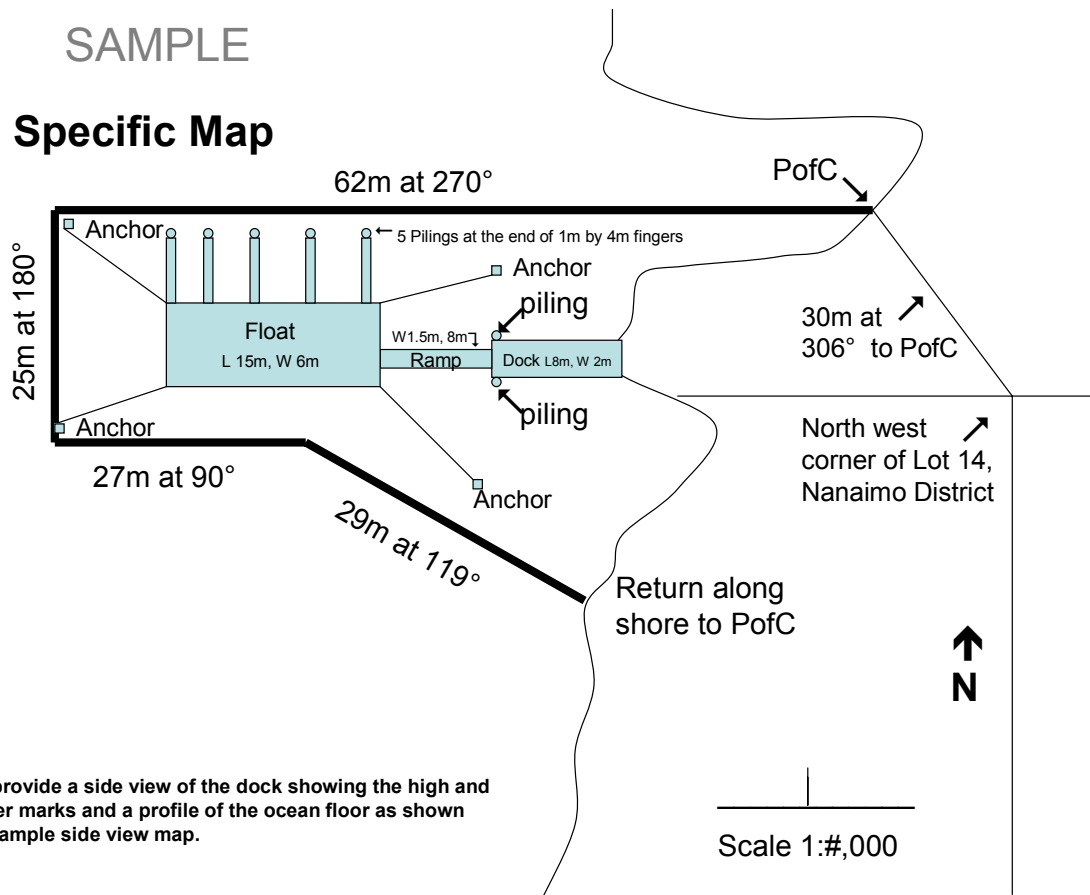


Sample of a side profile of a dock



SAMPLE

**Site Specific Map**



Please provide a side view of the dock showing the high and low water marks and a profile of the ocean floor as shown on the sample side view map.



**UPLAND** Site Metes and Bounds description

Begin at the northwest corner of Lot 44, Nanaimo District then  
go 242m at 135° to the Point of Commencement [PofC] then go:  
597 meters at 96°  
371 meters at 180°  
623 meters at 256°  
614 meters at 0  
Containing 30.04 ha

**FORESHORE** Site Metes and Bounds description

Begin at the northwest corner of Lot 14, Nanaimo District then  
go 30 meters at 306° to the point of commencement [PofC]  
Then go 62 meters at 270°  
Then go 25 meters at 180°  
Then go 27 meters at 90°  
Then go 29 meters at 119°  
then along shoreline returning to point of commencement.  
Containing 0.19 ha